



## Ethical and Legal Issues in Educational Research

### KEYWORDS

research ethics, legal issues, human beings

### SUNMEET KOUR

Research Scholar, Department of Education, University of Kashmir, Srinagar-190006, J&K (India)

### ABSTRACT

*Research contributes to the advancement of knowledge and ultimately, to the betterment of human beings, it is essential that human beings fully participate and cooperate with the researcher but not at the cost of human rights. Researchers on the other hand have a clear responsibility to ensure that they recognise and protect the rights and general well-being of their participants, regardless of the nature of their research. The ethical problems in behavioural researches particularly in the field of Psychology, Education and Sociology are a vital one. The researchers here conduct experiments mostly on human beings who may be embarrassed, frightened, or hurt by the nature of experiment. The present paper intends to examine ethical and legal issues in research that must be considered by the researcher while designing research that will utilize participants that are human beings.*

### Introduction:

Ethics can be defined as set of moral principles and rules of conduct. Application of moral rules and professional codes of conduct to the collection, analysis, reporting and publication of information about research subjects' in particular active acceptance of subjects, right to privacy, confidentiality and informed consent is called as research ethics. According to Collins dictionary, ethical means in accordance with principles of conduct what are considered correct, especially those of a given profession or group. Ethics emerge from value conflicts. Research ethics are codes or guidelines that help reconcile value conflicts. It provides guidelines for the responsible conduct of research and to ensure a high ethical standard. Ethical codes in research stipulate areas of responsibility to participants (subjects, clients, respondents), to colleagues and professional associations, and to sponsoring agencies, the public at large, or society.

### Historical Background:

Research ethics originated from the field of biomedical research, formally beginning with the Nuremberg code. A well-known chapter in the history of research with human subjects opened on 9<sup>th</sup> December 1946, when an American military tribunal opened criminal proceedings against 23 leading German physicians and administrators for their willing participation in war crimes and crimes against humanity. Among the charges were that German physicians conducted medical experiments on thousands of concentration camp prisoners without their consent. Most of the subjects of these experiments died or were permanently crippled as a result. As a direct result of the trial, the Nuremberg Code was established in 1948, stating that "The voluntary consent of the human subject is absolutely essential," making it clear that subjects should give consent and that the benefits of research must outweigh the risks. Although it did not carry the force of law, the Nuremberg Code was the first international document which advocated voluntary participation and informed consent.

Ethics has become a corner stone for conducting effective and meaningful research. As we all know that research contributes to the advancement of knowledge and ultimately, to the betterment of human beings, it is essential that human beings fully participate and cooperate with the researcher but not at the cost of human rights and researchers also have responsibility to ensure that they recognise and protect the rights and general well-being of their participants, regardless of the nature of their research. The ethical problems in behavioural researches particularly in the field of Psychology, Education and Sociology are vital one. The researchers here

conduct experiments mostly on human beings who may be embarrassed, frightened, or hurt by the nature of experiment. To solve such problems some learned agencies like American Psychological Association (APS), The American Society for the Prevention Of cruelty To Animals and The United States Office of Education have developed a code of ethics for research with human beings as well as with animals. One set of guidelines specifically developed to guide research conducted by educational researchers is the AERA (American Educational Research Association, 1991) Guidelines. The AERA is the largest professional association in the field of education, and is also known as the American Educational Research Association. As a professional educators' association, the AERA documents the initiative involved in educating researchers to produce research of high integrity and quality with respect to human research protections. American Psychological Association's Ethical principles and code of conduct focus on: - fidelity, responsibility, justice, respect for people's rights and dignity etc. American sociological Association's Code of Ethics and policies focus on professional competence, scientific responsibility, social responsibility and respect for people's rights.

### Main reasons for need of ethical approval in research:

Ethics approval for research with human participants is needed for the following reasons:

- To protect the rights and welfare of participants and minimise the risk of physical and mental discomfort, harm and/or danger from research procedures.
- To protect the rights of the researcher to carry out any legitimate investigation as well as the reputation of the University for Research conducted and/or sponsored by it.
- To minimise the likelihood of claims of negligence against individual researchers, the University and any collaborating persons or organisations.
- Because Research Funding bodies and refereed journals increasingly require a statement of ethical practices in applications for research funds and/or as a condition for publication.

Ethical issues are present in any kind of research. The research process creates tension between the aims of research to make generalizations for the good of others, and the rights of participants to maintain privacy. Ethics pertains to doing well and avoiding harm. Harm can be prevented or reduced through the application of appropriate ethical principles. Thus, the protection of human subjects or participants in any research study is imperative. Hence, a researcher needs to

adhere to an ethical code of conduct.

### Major ethical and legal issues in educational research:

#### ➤ Seeking Permission from the Authority:

The researcher or the experimenter should seek the permission from the concerned authority before conducting the research for example heads of organizations, parents or guardians etc.

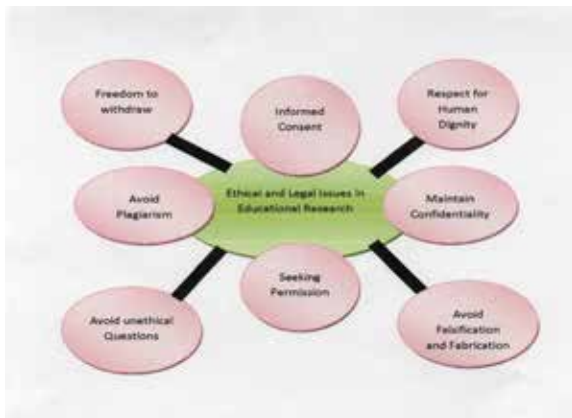
- Approval of research project by academic institution.
- Permission from authority where one is going to conduct research e.g.:- manager of organisation, community leader, head of family and so on.
- The researcher should not make use of hidden cameras, microphones, tape-recorders without the respondent's permission. Similarly, private correspondence should not be used without the respondent's permission.

#### ➤ Informed Consent:

Consent to participate is the fundamental component in research ethics and should, in all circumstances, be valid, voluntary and informed. It is a process in which a participant consents to participate in a research project after being informed of its procedures, risks etc. The subjects should be informed about the purpose of the research. The researchers should explain the procedures to be followed in the research completely to the participants along with the risks and benefits involved. It is unethical to collect information without the knowledge of participant's. While dealing with school children (minors) or mentally challenged student parent's or guardian's consent should be obtained.

#### ➤ Confidentiality and Anonymity:

The researcher should maintain strict confidentiality about the information obtained from the respondents. Sharing information about a respondent with others for purposes other than research is unethical. No information about the personal details of the respondents should be revealed in any of the records, reports without the respondent's permission. Identify the subjects not by their names but by the number assigned.



#### ➤ Freedom to Withdraw or Participate:

Participants must be informed that they are free to withdraw from the experiment at any time without penalty. If you have a strong relationship with the participants you must be extra careful to make sure that they really do feel free to withdraw or participate.

#### ➤ Avoid unethical questions:

The researcher should avoid asking questions about family income, age, marital status and so on. These are unethical questions.

#### ➤ Avoiding Bias:

Bias is deliberate attempt either to hide what you have found

in your study or to highlight something to its true existence. The researcher or experimenter should always try to avoid biased attitude. Don't get emotionally involved with participants. Bias could occur at any point in the research process from the very identification of the research questions, through the research design, to the drawing up of research instrument, to the writing up of and dissemination of work. Bias is to be avoided because it reflects covert distortion of the reality that the researcher is seeking to analyze.

#### ➤ Respect for human dignity

This is the cardinal ethical principle underlying research ethics and is intended to protect the interests and the physical, psychological or cultural integrity of the individual. Respect participants culture especially their moral and legal standards. Researcher should see things from the view point of participants whether he agrees personally or not.

#### ➤ Appropriate Methodology:

It is mandatory on the part of researcher to use appropriate methodology. It is unethical to use inappropriate methodology.

#### ➤ Avoiding Plagiarism:

Plagiarism is a practice of using or copying someone else's idea or work and pretending that you thought of it and created it. It is the presentation of others' ideas as your own. It is still plagiarism even if you do not do it intentionally. It can take many forms:-

- Quoting someone's words but not properly citing the author's information.
- Paraphrasing an idea and not citing the source.
- Using someone's image, audio, video, spreadsheet, etc without proper citation.
- Buying or submitting some else's research paper.
- Using all or parts of a speech found on the Internet without citing.
- Not expose your research to two organisations at the same time.
- Citing a source with fake bibliographic information. Style of referencing is also a legal issue because references give complete information.

#### ➤ Avoiding Falsification and Fabrication:

Falsification of data is the selective alteration of data collected in the conduct of scientific investigation. Falsification also includes the selective omission/deletion/suppression of conflicting data without scientific or statistical justification e.g. altering data to render a modification of the variances in the data. Fabrication is inventing or making up data.eg completing a questionnaire without interviewing participant.

#### ➤ Feedback:

The respondents/subjects/participants should be provided with the reasons for the experimental procedures as well as the findings of the study if they demand so. Feedback is very important both from ethical and practical point of view. Participants have assisted you and you have a responsibility to inform them about results. Feedback is also important in order to seek co-operation on follow-up visits. Care should be taken while disclosing results before participants.

#### ➤ Safety of the research participant:

The primary concern of the investigator should be the safety of the research participant. This is accomplished by carefully considering the risk/benefit ratio, using all available information to make an appropriate assessment and continually monitoring the research as it proceeds. In an experimental research, which may have a temporary or permanent effect on the subjects, the researcher must take all precautions to protect the subjects from mental, psychological, physical harm, danger and stress.

➤ **Some other Ethical considerations:**

- While a researcher may have some obligations to his/her client in case of sponsored research where the sponsoring agency has given him/her financial aid for conducting the research, he/she has obligations to the users, the larger society, the subjects (sample/respondents) and professional colleagues. He/she should not discard data that can lead to unfavourable conclusions and interpretations for the sponsoring agency.
- In order to ensure the subject's inclusion and continuation in the experiment, the researcher should never try to make undue efforts giving favourable treatment after the experiment, more additional marks in a school subject, money and so on.
- The researcher should make his/her data available to peers for scrutiny.
- If the researcher has made some promise to the participants, it must be honoured and fulfilled.
- The researcher should give due credit to all those who helped him/her in the research procedure, tool construction, data collection, data analysis or preparation of the research report.

The ethical codes can guide the researchers and help them in addressing the initial and ongoing issues arising from research in order to meet the goals of the research as well as to maintain the rights of the research participants. Ethical principles are vital for educational researchers because important ethical issues frequently arise in their work. This set of principles is intended to heighten awareness of the ethical issues that these researchers face and to offer them workable guidelines to help resolve these issues. It encourages educational researchers to educate themselves in this area, and to exercise their own good judgment. The difficulties inherent in research can be lessened by awareness and use of well-established ethical principles. Such principles are designed to guide researchers in the planning and conduct of research and are based on a number of central and important ethical principles which reflect the common standards, values and aspirations of the research community. Such principles are essential in order to ensure that conclusions drawn from research are valid and that the integrity of the methodology used in arriving at these conclusions is beyond reproach.

**REFERENCE**

- Batchelor, J.A., & Briggs, C.M. (1994). Subject, project or self? Thoughts on ethical dilemmas for social and medical researchers. *Social Science & Medicine*, 39(7), 949-954. |
- Ramos, M.C. (1989). Some ethical implications of qualitative research. *Research in Nursing & Health*, 12, 57-63. |
- Raudonis, B.M. (1992). Ethical consideration in qualitative research with hospice patients. *Qualitative Health Research*, 2(2), 238-249. |
- <http://www.unlv.edu/research/ori-hsr/history> |