
POLICY FOR RESEARCH WITH HUMAN PARTICIPANTS

Phillips Theological Seminary

Rationale: Two values govern this policy:

- 1) the extension of human knowledge that will benefit individuals, churches, societies, and indeed all creation; and,
- 2) the ethical and theological requirement that God's compassion, respect, and justice for all participants is demonstrated in research conducted under the auspices of Phillips Theological Seminary.

The faculty of PTS seeks to create a reasonable balance between these two values and to minimize risk for participants and researchers in all cases. Further, we seek to provide adequate protection, responsibility, and mutual accountability for all persons involved in terms of gathering, evaluating and publishing data. For these reasons an Institutional Review Board (IRB; detailed below) has been formed to guide the seminary's efforts to provide this protection and accountability.

PTS follows the definitions and guidelines of the Common Rule of eighteen federal agencies for research with human participants.¹ The Common Rule defines research with human participants as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge."² Furthermore, a "human subject" (or participant) refers to "a living individual about whom an investigator (whether professional or student) conducting research obtains

- (1) Data through intervention or interaction with the individual, or
- (2) Identifiable private information."³

The National Science Foundation (NSF) makes the following clarification:

This includes activities, which are intended to lead to published results, or for example, findings presented at a professional meeting. Classroom exercises, involving interactions with human participants, which are part

¹United States Department of Health and Human Services, "Title 45: Public Welfare; Part 46: Protection of Human Subjects," 2005, <http://www.hhs.gov/ohrp/documents/OHRPRegulations.pdf> (accessed October 20, 2009).

²Health and Human Services, "Title 45 Part 46," §102.d.

³Health and Human Services, "Title 45 Part 46," §102.f.

of an educational program, and are not designed to advance generalizable knowledge, are not covered by this regulation. Similarly, evaluations for quality improvement or assessment of instruction are not considered research so long as they are not designed to create generalizable knowledge.⁴

In some research no risk or minimal risk is involved. In the Common Rule, “*minimal risk* means that the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.”⁵ Faculty members and students who conduct research which they believe entails no risk or minimal risk to human participants should consult with the chairperson of the IRB to determine whether or not a research plan should be submitted for approval.

Finally, the Common Rule exempts from this policy research activities in which the only involvement of human participants falls in several categories including “research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless:

- (i) Information obtained is recorded in such manner that human subjects can be identified, directly or through identifiers linked to the subjects; *and* (emphasis added)
- (ii) any disclosure of the human subjects’ responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects’ financial standing, employability, or reputation.”⁶

This point is particularly relevant for those conducting historical research with persons still living.⁷

⁴National Science Foundation, “Frequently Asked Questions and Vignettes: Interpreting the Common Rule for the Protection of Human Subjects for Behavioral and Social Science Research” <http://www.nsf.gov/bfa/dias/policy/hsfaqs.jsp> p.13 (accessed March 3, 2009).

⁵Health and Human Services, “Title 45 Part 46,” §102.i.

⁶Health and Human Services, “Title 45 Part 46,” §101.b.2.

⁷See Linda Shopes, “Human Subjects and IRB Review: Oral History, Human Subjects and Institutional Review Boards,” www.oralhistory.org/do-oral-history/oral-history-and-irb-review/ (accessed October 15, 2009).

All students and faculty of PTS who conduct research with human participants are required to demonstrate that they have adequately considered the following issues:

- 1) all methods and procedures to be employed are safe and involve no undue risk to life, health, safety, or well-being of participants;
- 2) any risks to participants, which must be delineated in the form for informed consent, are clearly outweighed by potential benefits to them and to other pastors, care-givers, churches, and societies;
- 3) methods and procedures reflect respect for the dignity and privacy of participants and avoid unwarranted invasion of privacy or disregard for anonymity;
- 4) participants are informed in writing of the study's objectives, methods, risks, and issues related to data collection, storage, and disposal, and give in writing informed consent about their participation in the study;
- 5) if minors or other vulnerable participants are included in the research, they are given opportunity to make informed assent, but that consent in writing will be obtained from the appropriate care-givers;
- 6) data collected is used only for the purposes for which consent is obtained and then appropriately reported, stored, and/or destroyed.

These will be the criteria by which all plans for research with human participants submitted to the Institutional Review Board (IRB; described below) will be assessed.

Institutional Review Board (IRB): This board shall consist of three faculty members appointed by the dean for three-year terms. One of these faculty members shall be designated chairperson by the dean. It shall meet as necessary during the fall and spring semesters. All decisions made by the IRB will be recorded in the minutes of its meetings and kept on file in the office of the dean. The IRB can approve, disapprove or require revisions in the plan before approval is granted. A written copy of the research plan and action by the IRB shall be kept in the student or faculty member's permanent file. (For students this file is located in the registrar's office; for faculty members this file is located in the dean's office.)

Procedure: Faculty members conducting research with human participants should submit a written research plan to the PTS IRB before beginning the research.

Students conducting research for a Masters thesis or a Doctor of Ministry project must submit a written research request for review and approval to the IRB before beginning the actual research. At least two months, during the fall and spring semesters, should be allowed for the review and response of the IRB. No research plans will be accepted during the summer term. Students working on a Doctor of Ministry project should submit the research plan when the formal project proposal is near completion. They

should submit the written plan to their adviser and reader for review before sending it to the IRB.

All researchers must submit four copies of their research plan to the IRB and allow two months for the committee to review and make a decision about the plan. They should include copies of all tests, questionnaires, inventories, consent/assent forms and letters to participants (See attached form).

Please Note: No participants may be approached, for pilot work or for the main study, until the researcher is informed in writing that the proposed research plan has been approved. Significant changes must also be cleared through the Institutional Review Board. Each item must be completed or identified as non-applicable.

An **expedited review** of the research plan of faculty members in need of timely response between scheduled meetings of the IRB may be conducted by a member of the IRB. All decisions in this case will also be recorded in the minutes of the following meeting of the IRB.

Policy for Inquiries into Unethical Conduct on the part of the Researcher

(Please note: this portion of the policy is currently under review by the institution in order that it and all such policies may be current and harmonious as far as possible [NCP, 1/4/10].)

Phillips Theological Seminary (PTS) is committed to fostering and maintaining an environment of rigorous education and preparation of men and women for ministry. This commitment includes an obligation to review all accusations of unethical conduct in the research activities of its students and faculty. If an individual in a supervisory capacity (i.e., an adviser or reader of a Masters thesis or a Doctor of Ministry project) has direct knowledge of an incident of unethical conduct on the part of a member of the PTS community, that supervisor is responsible for bringing the matter to the attention of the dean. If grounds for action exist, the supervisor may serve as complainant in such a matter and pursue whatever procedure is deemed appropriate.

The term “Unethical Conduct” when used in this document shall mean knowingly misrepresenting data, research procedures, or data analysis; plagiarism and other improprieties of authorship; violation of federal, state or institutional rules on research involving human participants; or other practices that seriously deviate from those commonly accepted within the scientific (or other relevant) community for proposing, conducting, or reporting research. Honest errors or honest differences in interpretation or judgments of data do not constitute unethical conduct.

Grievance Procedure for Unethical Conduct

The Grievance Procedure for Unethical Conduct provides an equitable mechanism to implement the Research with Human Participants Policy of Phillips Theological

Seminary. The procedure seeks to provide confidentiality and a fair process for all parties involved. Together, the Policy and the Grievance Procedure help PTS create and maintain the highest standards of professional conduct and academic integrity.

The grievance committee has primary responsibility for interpretation of the PTS Research with Human Participants Policy, for the evaluation of complaints brought under it, and for making recommendations regarding such complaints to the seminary president. The grievance committee will not accept complaints it deems capricious or principally vindictive. Except in unusual circumstances, it will not pursue a case while the dispute is pending in another forum such as with another educational institution, a church judicatory, or through civil or criminal proceedings. Review of a complaint by the grievance committee should not be regarded as substitute for legal action.

Composition of the Grievance Committee

The grievance committee will be appointed by and report directly to the PTS president. If the seminary president is named in the grievance, the executive vice president or another vice president will fill the role of president as described within this document and only for the purposes of the investigation. The committee will be representative of the diversity and variety of roles within the seminary community. It will be chaired by the chairperson of the IRB who will act as chief investigating officer. The rest of the committee will be comprised of representatives of the following groups or settings:

1. Masters students, or
2. Doctor of Ministry students,
3. Faculty Senate and
4. when appropriate, ministry site at which the research occurred.

The grievance committee membership will include at least two males and two females. No person who has been accused in the complaint will participate in the investigation or resolution of the complaint. If the chairperson of the IRB or the designated representative from any group is the accused, or otherwise is recused, he or she will be replaced by an appointment from the PTS president. (Again, if the president is named in the complaint, the executive vice president or another vice president will appoint an appropriate replacement.)

A representative of each of the groups will be chosen by voluntary appointment when a complaint is made and deemed by the chairperson of the IRB as justifiable for review.

Complaint Procedure

1. The complainant should verbally present the complaint to the chairperson of the IRB or to the complainant's designated representative as promptly as possible after the alleged misconduct occurs. If the complaint is made to the complainant's representative, the representative should refer the complainant to the chairperson of the IRB or accompany the complainant to talk with the chairperson.

- A. The initial discussion between the complainant and the chairperson of the IRB will remain confidential, with no written record.
- B. Only in accordance with legal requirements or the PTS Research with Human Participants Policy, or in cases where any individual's personal safety is at issue or the well-being of the seminary is threatened shall information be acted upon or disclosed to others without the permission of the person making the complaint and the person against whom the complaint is made.
- C. The chairperson of the IRB has the authority to make a good faith effort to resolve the issue brought by the complainant through informal processes, at this stage. Informal resolution of the issue may occur with the consent of the complainant and the accused.
- D. If the complainant, after the initial discussion with the chairperson of the IRB or after a good faith effort on the part of the chairperson of the IRB to resolve the issue, decides to proceed with a formal complaint, the complainant is to submit a written statement. This statement should be very specific, including everything that was said and done by both parties.
- E. As soon as possible, preferably within seven (7) calendar days after receiving the written complaint, the chairperson of the IRB will inform the accused, in writing, of the allegation and of the identity of the complainant. A copy of this document will be sent to the complainant.
- F. The accused may respond to the allegation and is encouraged to do so within seven (7) calendar days after receiving notification of the complaint.
- G. The chairperson of the IRB will provide the complainant and the accused with written notification of the names of the persons serving on the grievance committee. The notice also shall state the time and place of the first meeting of the grievance committee regarding this complaint and shall be postmarked at least ten (10) days prior to the date of the hearing.
- H. The complainant and the accused may file a written objection with the chairperson of the IRB regarding the service of any grievance committee member, setting forth specific reasons for the objection. After reviewing such objection, the chair may, but need not, request the seminary president to replace any member of the grievance committee with another person. The complainant and the accused are expected to cooperate with the chairperson of the IRB in this investigation, to the extent of answering pertinent questions and supplying or authorizing the release of relevant information when requested. If this cooperation is denied, the chairperson of the IRB shall inform the grievance committee, providing where possible his or her understanding of the reasons for the lack of cooperation.
- I. Efforts will be made to protect the complainant from retaliatory action by the person(s) named in the complaint.
 - a. The accused person will be asked to refrain from any interaction with the complainant, except during official procedures regarding the complaint.
 - b. The accused person will also be asked to keep the complaint private and to ask anyone with whom s/he shares this information to also keep it private and to refrain from any interaction with the complainant.

- c. Both the accused person and the complainant shall be asked to comply with any other requests or procedures the chairperson of the IRB deems appropriate to the particular situation.
2. Within no more than thirty (30) days and as soon as possible after a formal complaint has been lodged, the chairperson of the IRB will alert the grievance committee that a complaint has been filed and promptly call a meeting of the committee. Each member of the committee will receive a copy of the formal statement made by the complainant and any written response made by the accused.
3. The grievance committee has two options: to dismiss or to proceed to further investigation. The grievance committee will base its decision on:
 - A. The seriousness of the complaint;
 - B. The degree to which the complaint alleges specific violations of the PTS Research with Human Participants Policy;
 - C. Whether the committee deems this to be a matter better handled by legal authorities.

If the committee decides to decline consideration of the complaint, it will submit an explanation in writing to the complainant and the alleged offender. A copy of the explanation will also be sent to the president of PTS. Dismissal of the complaint will end the seminary's involvement with the case, except where involvement may be required by a legal process.
4. The chairperson of the IRB will gather all facts pertinent to the allegations of the complaint.
 - A. The investigation will be conducted promptly and impartially.
 - B. The investigation will include statements by the complainant(s), person(s) accused, and others, as necessary.
5. The grievance committee has the following options:
 - A. If the committee concludes that on the basis of the investigation insufficient evidence of unethical conduct exists to warrant any action, it may close the investigation and so notify the complainant and accused in writing.
 - B. If the committee concludes on the basis of the investigation that unethical conduct has occurred, a report will be made to the president of PTS with recommendations for further action, such as:
 - a. Dismissal from the seminary
 - b. Probationary period followed by further review
 - c. Notice of censure placed in the perpetrator's file
 - d. Counsel to the victim to file civil action
 - C. At the same time, the complainant and accused will each be sent a copy of the report.
 - D. Reasonable efforts to maintain confidentiality will be made throughout the process, but total confidentiality cannot be guaranteed. The grievance committee will protect the privacy of both the complainant and persons accused in every way possible during the process of the complaint and thereafter.

6. PTS prohibits any form of retaliation against any faculty, staff, or student of PTS filing a complaint against any other faculty, staff, or student. Any retaliatory action of any kind taken against a complainant under this procedure will be the basis for a separate complaint subject to disciplinary action by the president of PTS.
7. If the grievance committee determines that a complainant knowingly made a false complaint or knowingly provided false information regarding a complaint, the committee may decide to send a report regarding this issue to the president of PTS for further action, such as:
 - A. Dismissal from the seminary
 - B. Probationary period followed by further review
 - C. Notice of censure placed in the perpetrator's file
 - D. Counsel to the victim to file civil action.
8. One set of documents relevant to the complaint and procedures of the committee will be held in a confidential file for a period of five years. Cases concerning students will be filed in the registrar's office. Those concerning faculty or staff will be filed in the office of the corporate secretary. The registrar and corporate secretary will purge the files annually, as appropriate. All other copies of relevant documents must be shredded or otherwise destroyed.

Additional Matters

- 1) Cooperative Relationships: In the event that a complaint is lodged against a PTS faculty member or student by a faculty member, staff member, or student of another educational institution with which PTS has entered a formal relationship, the chairperson of the IRB will meet as soon as possible with her or his counterpart (who handles unethical conduct in research) at that institution. Further, the PTS procedures will take precedence over the institutional counterpart; a complainant's representative may be invited to sit on the grievance committee for information and process. If the invitation is declined, the complainant shall be kept informed of disposition.
- 2) Emergency Situations: In an emergency, where the health or well-being of a member of the PTS community or the well-being of the seminary as an institution is threatened, any individual with knowledge of the situation should promptly inform the president or executive vice president of the seminary. The president, executive vice president or another person designated to act on the seminary's behalf, is authorized to take such steps as may be necessary and appropriate to ensure the well-being of the seminary community and the seminary.
- 3) Federal and State Rights: This policy is intended to supplement but not replace the rights under federal and state law of members of the seminary community to be protected from unethical conduct regarding research. Those laws have their

own procedural requirements, including time limits, for filing a complaint. Proceeding under this policy may not satisfy those requirements.

- 4) **Seminary Agent Protection:** Members of the PTS community who hold formal responsibilities for the enforcement of this policy are considered, in the exercise of those responsibilities, to be acting as agents of the seminary and, accordingly, to the extent permitted by law shall be defended legally by the seminary for all such actions taken in good faith, even if mistaken.
- 5) **Relation to Other Policies, Rules, Guidelines, Regulations or Procedures:** This policy is designed to provide definitions and procedures for handling cases of unethical conduct in research procedures. If a conflict should arise between the provisions of this policy and other seminary procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy shall govern and control in cases of unethical conduct in research procedures, unless those other procedures, rules, regulations, or terms or conditions of employment shall specifically provide to the contrary.
- 6) **Amendments:** The IRB may, from time to time, after consultation with appropriate faculty, staff, and student groups, propose amendments to the grievance policy and procedure.

*Approved by the Faculty Senate of Phillips Theological Seminary
October 26, 2009
(Pending legal review)*