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Ethics and the Academy

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Researcher as Whistleblower: The Ethical Challenges Posed by Sensitive Research

This paper will explore the complex ethical issues raised when 'non traditional' insider research is conducted in sensitive and secretive workplace settings. The paper will outline the experiences of the author between 1996 and 2000 - as a Captain in the Irish Army - when he conducted PhD research into the status and roles assigned female personnel in the Irish military. This research uncovered evidence of the widespread bullying, harassment, sexual harassment and sexual assault of female soldiers, sailors and air crew in the Irish military.

The paper will address a number of ethical issues as they apply to the relationship between the university and the researcher. These include the legal and ethical implications of the Official Secrets Act for the gathering of primary and secondary data within the military setting. The paper will also address the specific legal and ethical dilemmas posed by the Official Secrets Act for the examination and publication of such research findings within the university setting.

The paper will also explore the ethical dilemmas arising from the researcher's relationship with his employers - the Irish military authorities - and the research participants who collaborated with the study at considerable risk to themselves, both personally and professionally.

The research findings were the focus of saturation coverage in the Irish print and electronic media in August and September of 2001 during which time the author was ostracised by his military colleagues and accused publicly by the Irish military authorities of having 'fabricated' his research findings. Arising from these matters the Irish Government commissioned an independent enquiry into the Doctoral Thesis entitled the 'Study Review Group'. This enquiry reported in March of 2003 and fully vindicated the author's research methodology and findings. The author also subsequently settled a libel action against the Chief of Staff of the Irish Defence Forces and the Minister for Defence in May of 2005.

From Researcher to Whistleblower: An Unanticipated Journey

In 1995, the author of this paper, a Captain serving in the Irish Permanent Defence Forces (PDF), completed an MA in Communications in Dublin City University (DCU). On completion of the MA, the author commenced research for a PhD into the 'Status and Roles Assigned Female Personnel in the Irish Defence Forces'. The PhD consisted of an exhaustive equality audit of the Defence Forces' written policies and 'de facto' standard operating procedures as they applied to female soldiers.

In commencing this research, the author enjoyed privileged access to the research setting as an 'insider'. (For 'insider' research in secretive settings, see Van Maanen, in Faulkner and Dabbs, 1982, 116; Renzetti and Lee, 1993; 5; Maykut and Morehouse, 1996, 70; Mitchell, 1993, 47)

Even as an insider – a commissioned officer at the rank of Captain - the author was required to receive written permission from the general staff in order to conduct the doctoral research. The permission from the general staff to conduct the research was granted to the author by his superiors on the 22nd July 1996. The letter of permission, referenced CC/A/CS3/8 contained a number of conditions for the conduct of the research. Specifically it stated,

> 'I am directed to inform you that the Director of Training approves Lt. Clonan's request to produce a Doctoral Thesis on the subject outlined provided that,
> a. The work is not published
> b. The exercise is funded by himself
> c. Any time off necessary is sanctioned'

This letter would in time prove a major stumbling block for the researcher in attempting to have the thesis examined and in having the thesis published in the University library as is the norm for doctoral works. The author argues that such issues are not addressed sufficiently – and in most cases not described at all - in the academic literature on research methodology. This paper summarises the author's own experience as a non-traditional or feminist researcher within the Irish military as a short case study of the ethical, professional and personal dilemmas that can confront the non-traditional researcher operating within the work environment.

Introduction – Overview and Chronology of the Author's Research Journey

From 1996 to 2000, the author of this article –having received written permission from the military authorities, albeit with a prohibition on publication applied - conducted doctoral research into the status and roles assigned female personnel in the Irish Defence Forces – Army, Navy and Air Corps. An unanticipated outcome of this equality audit of the Irish Defence Forces was the revelation of the widespread bullying, harassment, sexual harassment, sexual assault and rape of female soldiers by male colleagues. As a result of conducting this research – as an insider, or member of the group under review - the author was ostracised by his military colleagues and suffered from a campaign of vilification in the private and public domain with serious personal and professional consequences. The author would argue that the academic literature on research methodology does not adequately deal with the dynamics of the research process – in extremis – as experienced by this researcher and his research subjects.

In terms of research design, a combination of both quantitative and qualitative methodologies were employed in order to gauge the equality environment of the Irish Defence Forces during the period 1996-2000. The author conducted an exhaustive audit of the numbers of female personnel recruited to the Irish Defence Forces, the duties assigned them within the organisation and their rates of progression and retention within the Irish military. The author also conducted a comprehensive audit of all military documents – including Irish military law and regulations – such as policy documents, standard operating procedures, standing orders and memoranda as they applied to female soldiers, sailors and air-crew. As a consequence of the data gathered, the research revealed an organisation that promulgated practices and policies that were explicitly discriminatory as they applied to female personnel. The data also revealed an organisation that was out of step with the international military in terms of the recruitment, training and deployment of female personnel. The gender division of labour revealed within the Irish Defence Forces was shown by the data obtained to be a direct consequence of systematic policy decisions taken on the part of the Irish military authorities which were contrary to International military law - along with EU and Irish equality, equal status and health and safety legislation.

The qualitative methods employed for the study included participant observation on the part of the author as a male officer within a male dominated organisation and in the form of in-depth interviews conducted among a maximum variation sample of 60 female personnel within the organisation. (At the commencement of the study, there were a total of 123 female personnel within the Irish Defence Forces). The data gathered at interview yielded the unanticipated findings of bullying, harassment, sexual harassment and allegations of sexual assault and rape of female soldiers by their male colleagues – in most cases by superiors. Of the 60 female personnel interviewed for the research, 59 reported incidents and experiences of inappropriate behaviour – in terms of bullying or sexual harassment - within the Irish military.

Ethical, Professional and Personal Dilemmas Posed by the Research Process

In the summer of 1998 the author was advised by the registrar's office of DCU that the university would be unable to examine the doctoral thesis due to the restriction on publication placed upon the researcher by the military authorities. The author was informed that DCU had sought and received a legal opinion to the effect that circulation by the university of the thesis to internal or external supervisors for the purposes of examination would constitute a form of publication contrary to the terms and conditions imposed upon the researcher by the military authorities. The author was advised to approach his employers in order to obtain a letter of clarification that would allow examination of the thesis and its lodgement to the library at DCU – as is the norm for PhD theses.

As a serving army officer and an 'outsider' within the academic setting – the author complied with the university's request and sought and obtained a letter of clarification from the Chief of Staff of the Irish Defence Forces in August 1998 to the effect that the research could be examined by DCU and lodged to the library within the university – to be 'published for academic purposes'.

In November 2000 – following viva and clarifications and revisions - the author graduated from DCU with a PhD. The doctoral thesis was lodged to the library in DCU as per the Chief of Staff's letter of clarification and as per DCU's standard procedure for doctoral theses. The author retired from the Irish Defence Forces in December of 2000 and began an academic career as a lecturer in communication theory in the Irish Institute of Technology sector.

In August of 2001, a journalist from Ireland's largest circulation Sunday tabloid newspaper – The Sunday World – gained access to the doctoral thesis in the library at DCU. He subsequently wrote a number of articles in the Sunday World which brought the findings of the study into the wider public domain. In September of 2001 there was saturation coverage of the findings of the research in the Irish print and electronic media. The Irish military authorities at that point reacted by suggesting that the research and its findings had been fabricated by the author. It was also alleged inter alia that the author had conducted the research covertly and that the author had concealed the fabricated findings from the military authorities.

The author was approached by the media in relation to these allegations and forced to defend his reputation in newspaper, radio and television interviews. Eventually, in October of 2001 the Irish Minister for Defence launched an independent enquiry into the affair. The Department of Defence 'Study Review Group' investigated the findings of the doctoral thesis and reported in the Spring of 2003. It fully vindicated the findings of the original doctoral research.

In the interim, further defamatory allegations about the author – made by the military authorities – were circulated to Irish security correspondents and opinion writers. The author – who at this point was still at the probationary period of his appointment as a

lecturer in the Institute of Technology sector – found himself under increasing pressure to assure his new employers as to the integrity of his academic qualifications and the bona fides of his research record. At this point the author sought legal advice and commenced legal proceedings for libel against the Irish Minister for Defence and the Chief of Staff of the Irish Defence Forces. The case, *Tom Clonan Vs The Minister for Defence, Ireland and The Attorney General* was heard in court in Dublin on the 30th of May 2005. The author settled the case with his former employers after a day of evidence and cross examination and received a payment from the Department of Defence. In September of 2007, Ireland's national radio channel, RTE Radio 1 broadcast the story of the author's research journey as part of a radio series on institutional 'whistleblowers'.

http://www.podcastdirectory.com/podshows/1905138 -
http://www.rte.ie/radio1/whistleblowers/1156941.html

In addition to the official treatment meted to the author by the military authorities during the period 2001 - 2005, the author and his family were also subjected to intimidation and harassment from former colleagues by way of public confrontation and obscene texts and telephone calls. The author also received emails from research participants – female soldiers, including commissioned officers – who stated that they had been the subject of much hostile scrutiny within the Irish Defence Forces in the aftermath of the publication of the research findings.

In 2009, the Irish Defence Forces now have a comprehensive set of equality policies and an equality mission statement. The incidence of bullying, harassment and sexual harassment within the Irish military – for both male and female personnel - has diminished greatly. In an interview given to the Irish Times on Monday the 12th of January 2009, Deputy Chief of Staff of the Irish Defence Forces, Major General Dave Ashe reported that less than 1% of serving soldiers were reporting incidents of bullying or harassment.

Methodological and Ethical Issues Raised by Non Traditional Research in Sensitive and Secretive Workplace Settings

Traditional Researcher Paradigm

Whilst there has been an increase in the number of academic publications and texts dealing with 'insider' or 'action' research (Cancian, 1996; Gatenby, Humphries, 2000; Coghlan, Branmick, 2001; Leavy, 2006; Mc Niff, 2002; O'Leary 2005), the overwhelming majority of academic texts and journal articles describe the researcher as an outsider – typically a 'sociologist', 'ethnographer' or 'antrhopologist' who resides more or less permanently in the academic realm. This 'outsider' researcher normally enters the field setting by way of an institutional, organisational or cultural gatekeeper in order to gain access to research settings, subjects and data. Upon completion of data collection, the 'outsider' researcher normally returns to the academic realm and writes up his or her findings and generates conclusions and recommendations. (See for example Burgess, 1990; Allison, O' Sullivan, 1996; Hakim, 2000; Blaxter, Hughes, Tight, 2001; Creswell, 2002; Denzin, Lincoln, 2005; Nachmias, 2005; Jupp, 2006; Rook, 2007)

Little account is given within the academic literature – outside of feminist circles - of 'insider' research within secretive and sensitive research settings such as the police or military as a participant or member of the organisation, institution or cultural group under review. There have been some exceptions in mainstream accounts of research methodology – notably for example in Lee, 1993; Brewer, 2001; or Van Maanen, 1988. Meanwhile, there are growing numbers of mature students entering the third level setting as potential 'insider' researchers within a variety of industries with a complex array of sensitivities and levels of secrecy – including issues around commercial sensitivity, competitor issues, client confidentiality issues, medical in confidence issues not to mention issues around operational or intelligence security issues in the uniformed services. There is therefore a requirement for the literature on research methodology to address not just the ethical issues that confront 'insider' researchers in this context – but also the specific legal challenges that confront them.

I would argue, based on my own experiences to date that students ought to receive legal advice as to the direction, scope and nature of their research endeavours – after research proposals and provisional research questions have undergone the normal academic scrutiny and review. Such non-traditional research students should also be made aware of the requirement to keep comprehensive written records of all phases of their research journey and to keep electronic and hard-copy records of all requests for access, information and conditions imposed on – or agreed upon – for publication.

Qualitative Research Methods

The literature on research methodology does contain within it some references to 'covert' research methods on the part of 'insiders' – for example, see Goffman and Rosenthal, (1969) . However, based on the specific experience of research within a sensitive and secretive setting – particularly where wrong-doing is uncovered - this author would strongly recommend overt approaches based on full disclosure of the researcher's dual role as both investigator and member of the organisation or institution under review as a basic pre-requisite for a successful and satisfactory conclusion of the research process. In the case of this author, the written permissions given by the Irish military gatekeepers – whilst containing restrictive conditions vis a vis publication – proved to be the author's primary defence against the charge of deception and fabrication after his findings had entered the wider public domain. Had the work been conducted covertly – even by way of passive deception within the workplace - it would have been very difficult for the researcher to have successfully defended himself against allegations of wrong-doing or deception. Consistent with the literature on ethics and ethical research therefore, the author would concur that ethical practice, for both altruistic and utilitarian reasons, is essential for all forms of enquiry, however sensitive or potentially controversial.

The ethical, philosophical and methodological implications of such 'overt' approaches are addressed in the mainstream literature on research methodology. It is noted within the literature that the overt approach – particularly when access and permission to gather data is given by senior management – may lead to communications apprehension among study participants. This dynamic is emphasised within the literature on feminist research methods where the power relationship between researcher and research participants – particularly in the conduct of interviews – is explored. (See Presser, 2005; Hesse-Biber, Leavy, 2007)

Antithetically, the power difference between the researcher and research participants in this particular study – a male officer interviewing subordinate female military personnel in a military setting – did not result in communications apprehension on the part of study informants. A high yield of data was obtained - including in particular the sensitive data generated around bullying, harassment and sexual harassment and assault. However, the author would contend, the subsequent hostile scrutiny and maltreatment of female personnel by the military authorities – following the publication of the study data in the wider public domain – is a matter which should be addressed in the literature on research methodology. In particular – in the case of sensitive research within secretive or highly hierarchical and bureaucratic organisations - all reasonable measures to protect the identity and anonymity of research participants need to be put in place consistent with transparency and the balance between the requirement to protect the identity of sources and the potentially provocative nature of some research findings.

Quantitative Research Methods – A Note For Research Supervisors and Examiners

Arising from an audit of military documents required for the doctoral thesis - including statistics on male and female deployment and promotion matters within the Irish Defence Forces - along with policy statements issued by the military authorities, it became clear to the author that the organisation was publishing documents that were deliberately misleading in the case of statistics and often contrary to law and best practice when it came to policy decisions as they applied to female personnel. A concurrent exhaustive audit of the status and roles assigned female personnel within the Irish Defence Forces also revealed serious anomalies between official deployment statements and the actual situation within the workplace for female personnel. In other words, whilst military documents published by the Irish general staff – as they applied to female personnel – clearly showed an organisation that had little commitment to equality, the situation on the ground for women, in terms of the actual work assigned them (notwithstanding false written descriptions of their workplace role) was far worse than that suggested by official documents.

The assumption within most of the literature on research methodology is that official statistics and figures are reliable and come from 'authoritative' sources. This is clearly not always the case. Indeed, it should be noted in the literature on research methodology – specifically as it applies to secretive workplace settings – that powerful state institutions may seek to actively falsify official documents. This is a matter that ought also to be noted by archivists and historians.

Finally, academics who have been immersed in the academic setting for all or most of their working lives, when acting as supervisors or examiners for non-traditional researchers conducting 'insider' research should be cognisant of the risks posed by sensitive research questions to their student's professional and personal standing in the workplace. Supervisors should be aware of the paradigm shift noted within feminist research methods of the 'insider' or 'same' researching the 'same'. The protected status of 'academic researcher' is not one enjoyed by non-traditional researchers embarked on study within their own organisations. As such, the relationships they forge with research participants and gatekeepers is more complex and immediate than would perhaps be the case for academic researchers or 'outsiders' from formal third level settings.

In summary, the research journey undertaken by the author led inexorably from the role of detached, reflective practitioner to the role of whistleblower. At the time of writing this paper, the author's case history is now cited by Transparency International Ireland as a classic example of 'Whistleblower Reprisal' highlighting the requirement for 'Whistleblower Protection' legislation to be enacted in the Irish Republic.
http://www.irishtimes.com/newspaper/breaking/2010/0119/breaking65.htm

I feel that the ethical issues raised in this research journey encompass a range of relationships, namely, those between researcher and the academy, the researcher and his employers, the researcher and his colleagues and comrades in arms, the researcher and the research participants, the researcher and his family and finally, wider society. The profound personal, professional and ethical issues raised by the research are perhaps best addressed in a renewed focus within the literature on research methodology. The ethical, legal, professional, personal and psychological outcomes of such research are not currently sufficiently considered by the academic literature on such 'non-traditional' or 'insider' research journeys.

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