

# **The Ethics of Institutional Analysis: Paternalism and Proprietary Access to Canadian U15 Faculty**

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*Through an investigation of Canadian U15 faculty experiences with workload a common concern emerged regarding expansions to the bureaucratic and managerial functions of the university that negatively affect faculty members. These functions overlap with concerns about research ethics when Offices of Institutional Analysis (OIA) evaluate research projects, often justified as limiting faculty and student survey fatigue. Yet, secondary reviews by OIAs frequently manifest as additional ethical reviews, seeming to arise from a notion of paternalism whereby universities treat constituencies as property to be managed and controlled. Students, staff and faculty are constructed as being protected by this review process, framed as the University's moral imperative. These bureaucratic add-ons negatively affect faculty, adding stress to initiating already complex research programs, thereby alienating research faculty. OIAs are normally established and governed by administrators and non-academic staff; they are, therefore, immune from direct faculty input and oversight. We raise concerns about institutional isomorphism, suggesting that discussion and possibly intervention are needed to prevent universal adoption of these processes throughout higher education.*

*Keywords: research ethics boards, institutional analysis, institutional isomorphism*

## **INTRODUCTION**

The research that provoked this paper is a SSHRC Insight Grant-funded project exploring increases in faculty workload and changes in identity (Kouritzin, 2019; Kouritzin et al, 2020a; 2020b; 2021) in

departments of Humanities and Social Sciences across Canada and to answer the call for academics to “disrupt and change the academic publishing culture” (Lee & Benjamin 2023, p.3) as one step in dismantling the corporate university.

In our larger research project, we begin with the assumption that developing a better understanding of faculty workload is important for interrelated reasons that impact research and knowledge production. Important to this research, all universities globally are ranked both nationally and internationally based on performance in the core mission of research, including both knowledge production and knowledge transfer, a particularly important consideration for research-intensive universities such as those in the U15 Group of Universities. These external rankings depend on the reputations and accomplishments of university faculty members who have, in theory, 40% of their time allocated to research (Vajockzi et al, 2011). Yet, in one Canadian study, Crespo and Bertrand (2013) concluded that more than 27% of faculty member’s research time was devoted to “at-risk” activities such as the development of funding proposals and completing administrative tasks associated with financial and human ethics, rather than in the production of new knowledge. Crespo and Bertrand (2013) also found that activities required before data generation, such as ethics review, required 6.5 times as much time as knowledge transfer. Their research suggests that much of the research time spent by faculty is ultimately invisible in terms of the gold standard of evidence: peer-reviewed publications or competitively-acquired grants that count in university rankings. Therefore, anything that increases faculty member’s research capacity (meaning enhancing the output, contributions, and accomplishments of faculty members), or decreasing the bureaucracy associated with research will positively affect research-intensive academic institutions. By extrapolation, anything that impedes faculty members’ abilities to perform research also hinders universities from fulfilling their core research mission and therefore needs to be flagged for potential elimination or revision (McInnis 2022).

This article uses the framing of paternalism, defined as interfering with a person’s liberty for their good (Dworkin 1972; 2012), as a means of describing university institutional behaviors which attempt to control, through authoritarian means, the conduct of activities on campus. These controls are rhetorically positioned as being in the best interest of the objects of this control, meaning something significantly different from traditional framing as paternalism, as Resnick (2015) argues, because these controls imply interfering with someone’s liberty so that they do not harm someone else. Concerning institutional Research Ethics Boards (REBs), the conduct of these control mechanisms is often explicitly managerial. It is constructed to limit liability from the university as an institution rather than protecting research subjects (McInnis 2022). Such control is also understood in terms of access and property rights, even though the intended use of REBs is to ensure ethical compliance with best research practices including informed consent and privacy protection (e.g., Kouritzin & Nakagawa, 2018). Increasingly, in U15 universities, Offices of Institutional Analysis (OIA) or their equivalents are established, adding a second level of review after the REB review is complete. Taken together, through REB and OIA processes, the university appears to understand itself as a kind of benevolent steward protecting the members in its care from potential ills that may befall the institution in the form of reputational harm, from an audit by Canada’s Tri-Council granting agencies, or from individual or collective survey fatigue. These processes can also be viewed as “terrors of performativity” Ball (2010), referencing “part of a larger process of ‘ethical retooling’ in the public sector which is replacing client ‘need’ and professional judgment with commercial decision making” (p.226; McInnis 2022). Here, we are primarily interested in faculty who become treated as objects that universities intend to manage in conducting research as a segment of their work, recognizing that students and staff are also treated similarly.

## CONTEXT

Here, we consider one aspect of workload intensification, the implications of changing norms in evaluating research ethics and survey review for research conducted by faculty members within the U15. The U15, a cartel of research-intensive universities in Canada, organizes itself to lobby federal and provincial governments on behalf of its members, with a primary goal of increasing research infrastructure and strength, developing research protocols, and contributing to research policy. U15 universities are: University of British Columbia, University of Alberta, University of Calgary, University of Saskatchewan,

University of Manitoba, McMaster University, Western University, University of Toronto, Queen's University, University of Ottawa, University of Waterloo, Laval University, University of Montreal, McGill University, and Dalhousie University (U15, web). As members of the U15 collectively undertake "87 percent of contracted private-sector research, 80 percent of competitively allocated research funding, and [the supervision of] 71 percent of Canadian full-time Ph.D. students" (Lachapelle & Burnett, 2018, p. 46), they also lead the country in terms of standardizing and normalizing the review protocols in research ethics.

It was important in our research to document the scope and consequences of increasing faculty workload across the country through multiple data collection strategies because to date, almost all of the research on faculty workload has been narrowly geographically focused, while globally, much of the research is conceptual and theoretical, or focused on small scale studies rather than grounded in large data sets (Karam Stephenson et al, 2017). Therefore, in keeping with this research, our team needed to apply for and obtain ethics approval from our home institution and then ensure that Research Ethics Boards (REBs) in all U15 universities were updated and informed. We did not anticipate that compliance with ethical review procedures would involve interactions with offices beyond research ethics offices, thereby making the process of seeking REB approval itself a case study in workload creep.

Select research intensive universities across Canada have recently introduced a new layer of ethical consideration – an institutional analysis – which intends to serve as a protective mechanism for research projects involving human participants among university community members (i.e., faculty, students, and staff). This emerging trend towards OIAs includes university administration taking a leading role in overseeing and guarding members against research endeavors--particularly access to members of their university--from becoming research participants in their rights. This institutional analysis has become a barrier to overcome for higher education researchers in getting access to research data from members of university communities, adding significant workload to researchers and delaying projects. Here, we question the purpose and objectives of institutional analysis as it is practiced and as we encountered it in two research-intensive U15 universities in Canada.

The study, which began in Spring 2019, has been structured in three parts that inform each other: (1) 30+ qualitative interviews lasting approximately 90 minutes each with faculty (contract, sessional, adjunct and tenure track) and faculty-level administrators in each of the U15 universities (e.g., Kouritzin, 2019; Kouritzin et al, 2020b), (2) thrice-annual surveys of social science and humanities faculty members estimating actual time-on-task workload for teaching, research and service tasks along with a linked but separate annual mental health self-assessment delivered in a structured survey format and distributed via *Qualtrics* (results updated on Workload Creep website after each distribution); and (3) ongoing extensive critical discourse analyses of documents and digital archives including strategic plans, websites, and other policy documents from U15 universities (e.g., Kouritzin et al, 2020a; Kouritzin et al, 2021). These components are not successive but rather happen simultaneously, allowing data to inform other data in an iterative manner. Interview and survey participants were identified via publicly available contact information on U15 university websites, and their contact information was recorded on spreadsheets and in *Qualtrics* survey software by our research team in the summer of 2019. No University-compiled email listservs were identified or used. These are important considerations given that frequently OIAs safeguard access to internal university listservs, which we did not request or require.

## **RESEARCH PROBLEM**

This paper first explores our experiences securing research ethics and institutional approval to proceed with the former two aspects of the study (i.e., the interviews and survey), supplemented by interview commentary referring specifically to issues of research ethics reviews and institutional reviews reported by researchers in the U15. It is important to note that our study is uniquely positioned for this analysis; it is less likely that research in units other than social sciences would be impacted by review procedures for human subjects who are also faculty, administrators, or students. In this first part of the paper, the Canadian Tri-Council policy regarding the ethical conduct of research (TCPS2, 2018a) is employed in comparing

established policy with institutional practices as lived. Examining this policy establishes the intent of the broader research enterprise as established by the University research ethics boards (REBs) and Tri-Council Agencies, articulating their intent to make ethical review policies consistent and transferable nationally (TCPS-2, 2018b).

The second part of the paper moves from policy analysis to theoretical positioning, considering the implications of a competing institutional aim, namely a newly-introduced notion of proprietary rights of universities to control access to the university community, and in certain cases, we address the perceived institutional right to access data emanating from the conduct of research within a given university community. We argue that this competing intention indicates a paternalistic managerial attitude towards faculty, staff, and students, which is either typically justified on the grounds of protecting members from “survey fatigue” (Van Mol, 2017) or less justified in that it serves to increase bureaucratic and legalistic control over research by creating additional, non-academic research ethics review processes—or both. We also raise concerns about what can perhaps best be described as the ‘doublespeak’ nature of this justification in which the protection rationale is explicit, official, above ground, and spoken of, whereas the bureaucratic control rationale (possibly the primary goal) is implicit, unofficial, below ground, and unspoken. The conditions of this additional review are often justified on legalistic grounds, adding additional layers of perceived liability protection to the university but adding a layer of bureaucratic complexity to existing Research Ethics Board (REB) processes. We consider OIA processes to be fairly limited in scope currently, affecting only two U15 universities at the time of our ethics applications and six or fewer at present (some are in the process of development); our paper offers substantial critique opposing their expansion questioning what they add to already-rigorous ethics protocols.

Finally, making the association with faculty workload explicit, we draw comments from our interview data, referencing how these processes contribute negatively to faculty work and workload. While we acknowledge that REBs function as a necessary check on possibly unethical research conduct implemented and bureaucratized in response to specific historical incidents of research malpractice, the additional OIA analyses include several practices that appear somewhat arbitrary and, at times inconsistent in both scope and content. OIAs sometimes go beyond their limited jurisdiction and comment on the scientific validity of studies, taking expansive interpretations of the purpose and scope of their activities. We understand these changes in terms of challenges facing collegial governance in higher education (Aronowitz, 2000) and as an expansion of a leadership strategy known both as “bastard leadership” (Wright, 2001) and “new managerialism” (Ball, 2006). Both of these terms refer to the development of leadership ethics in educational settings which eschew vision in the place of pragmatic and often authoritarian managerial aims. The challenge this poses to governance in higher education undermines the enterprise by making these processes an antagonistic experience for the researcher instead of a collegial one.

The interview transcripts cited in this paper have been anonymized for participant confidentiality. Publicly available institutional policies and other documents cited may reference the institution in question. Personal communications with research ethics personnel or with the office of institutional analysis personnel where relevant requests were made, which elaborate our argument, are also cited throughout the text; they have been anonymized. Two researchers conducting the broader SSHRC funded study have already published their stance on the sometimes ambiguous and extractive ethics of REB processes (Kouritzin & Nakagawa, 2018). This earlier article will inform this analysis as we treat these processes as unjust in terms of their construction of research participants as items to be mined and exploited, often without their knowledge or participation (that is, constructing faculty members as property owned by the university). This examination of REBs and Offices of Institutional Analysis (OIAs) operates within an established critical approach to the institution of REBs.

## **TRI-COUNCIL POLICY 2 ON RESEARCH ETHICS AND MULTIJURISDICTIONAL STUDIES**

The Tri-Council policy on research with human participants (TCPS2, 2018a) is the baseline for our critiques in this paper. Through the monetary power that the Tri-Council wields in being a primary funder of university research in Canada, especially in the domains of the social sciences and humanities through

the Social Science and Humanities Research Council of Canada (SSHRC), this policy is particularly relevant as it establishes the boundaries within which many REBs operate. The TCPS2 (2018a) outlines features that REBs are to consider, including types of research, forms of risk, degrees of anonymity, consent processes, and methods. TCPS2 applies to all research conducted by university community members for academic purposes, including research conducted by students.

REBs' jurisdiction over research "is restricted to the review of the ethical conduct of research involving humans" (TCPS2, 2018a, Article 2.1). The document reiterates that "the scope of REB review is limited to those activities defined in this Policy as 'research' involving 'human participants'" (TCPS2, 2018a, Article 2.1), meaning data gathered from participant responses to questions, and extending to the collection and study of their biological materials. It makes explicit that:

... 'research' is an undertaking intended to extend knowledge through a disciplined inquiry and/or systematic investigation. The term 'disciplined inquiry' refers to an inquiry that is conducted with the expectation that the method, results and conclusions will be able to withstand the scrutiny of the relevant research community. For example, a study seeking to explore the narratives of teens coping with mental illness would be evaluated by the established standards of studies employing similar methods, technologies and/or theoretical frameworks" (TCPS2, 2018a, Article 2.1).

The impact of interpreting these rules positions faculty members to police one another. The issue of disciplined inquiry created a local problem for some of our participants, discussed in more detail below. The idea of research requiring ethical review does not pertain to data existing in the public domain nor to data that is stored in a means protected by law (e.g., in a public archive but protected by access to information or privacy laws) (TCPS2, 2018a, Article 2.2). In these cases, researchers must comply with relevant laws, but are exempt from REB review. This distinction is relevant to our study because a common justification for our being subjected to further REB and/or OIA reviews was based on access to mailing lists and sometimes simply by virtue of contacting a certain number of participants at a given institution.

One of the first processes the research team undertook was putting together a comprehensive mailing list of all publicly available email contacts for professors, instructors, or sessional instructors listed on institutional websites (i.e., information in the public domain). This gathering of data was not itself a problem. Still, certain institutions treated this gathering of public data as proprietary to them and then required further review at either a REB or OIA level. Yet, the TCPS2 (2018b) is explicit on this matter, stating that: "if recruitment and/or data collection involving an institution's members as prospective participants is done through other means that do not involve the resources of the institution, the research would not fall under its auspices and would not be subject to review by its REB." Subsequently, TCPS2 provides the exact example that characterizes our gathering of names and emails from public lists as conduct which REB review from the home institution is considered adequate because those publicly-listed emails are not in the domain of the target institution. In most cases (10 out of 15), U15 institutions that were contacted respected the TCPS2 (2018b) policy on multijurisdictional research. Three of the remaining five engaged in a summary approval simply asking our team to produce the required REB materials from our home institution. Once provided with those materials, these three REBs permitted the research to continue. The two remaining institutions, however, required an additional full REB review of our materials. Additionally, and separately from the REB evaluations, two institutions required either Dean or Vice-Provost approval to use the publicly available emails made into lists we compiled, and two required review from an OIA within their institutions.

It is important to briefly note before proceeding to an analysis of OIA policy that in the TCPS2 (2018b) there is already a clause that provides institutional REBs with jurisdiction over resources at the disposal of the target institution. Research that "is seeking the collaboration of staff of other institutions and/or using the resources of those institutions (e.g., bulletin boards, email lists, meeting rooms, equipment) to recruit members of the institution or for data collection then the research would be under the auspices of these other institutions." In these cases, "The research would require ethics review by REBs of the other

institutions in addition to the researcher's REB (see Article 8.3). The level of REB review may be adjusted by a proportionate approach to research ethics review (see Article 6.12)" (TCPS2, 2018b). That is, researchers wishing to use the target university's proprietary assets can expect to undergo additional scrutiny by the target institution's REB. It was not made explicit to us the exact rationale for our further scrutiny in our direct communications with research bureaucrats and managers, but we argue that an explicit transformation that can be observed in the policies that govern OIAs in particular is that of the property rights of the university over its members. It would not be an inductive overreach to assume that part of our incursion into the OIAs domain would be justified because the university considers its members property, under its control to manage.

The role of the REB and the university's property rights was often the justification we were given by the three institutions which summarily reviewed and approved the research. We were told they wished to ascertain the degree of access to proprietary materials of the university before approving on grounds of multi-jurisdictional research. The remaining two REBs required a full review of our home institution's materials on these grounds. However, the REB process was, by comparison to the original REB review, relatively easy to navigate as the policies around property rights and access are balanced by the desire for freer conduct of research for the advancement of knowledge (TCPS2, 2018a). While TCPS2 provides a framework for the institutional REBs to operate, the document is broad enough to allow for significant institutional flexibility and freedom.

## **UNIVERSITY OIA POLICY: PATERNALISM AND PERCEIVED PROPERTY RIGHTS**

In contrast, we encountered two instances when OIA became a managerial intrusion on research apparently to refuse access to faculty, considering them property to be managed. The two institutions in question were located in central Canadian provinces. Perhaps as a mistake, but illustrative of the confusing and obscure way that these bureaucratic processes operate, during our interaction with the REB at one institution, we were approved on research ethics grounds but were forwarded to the Institutional Analysis and Planning (IAP) office's Survey Advisory Committee for further review. The justification for this further review was that according to *Policy 55: Non-Academic Surveys with University Populations* (UWS, 2019), surveys wishing to access more than 500 members of the University community were subject to a further review for institutional integrity. This OIA also, in advance, demanded access to all of our data once collected. Importantly, within their own policy our research should have been disqualified from review because it is academic research, not under the IAP's jurisdiction (UWS, 2019): "The following surveys are excluded from the Policy: **surveys that are part of academic research**" (UWS, 2019, emphasis added). All other institutions identified our research as academic in nature.

We regard this as possibly a mistaken interpretation by one of the REB managers in forwarding our research to the IAP. The IAP manager misidentified the type of research we were conducting and potentially wanted to distribute responsibility if perhaps our own communication of the type of research we intended to conduct was not explicit enough. We did not communicate explicitly in our emails that the research was academic. It was unknown to us that making this distinction explicit was important, nor was it obvious given the contextual clues in our communication. It should be noted that in all communication with external REBs the project was identified as being SSHRC Insight Grant funded research conducted by faculty affiliated with the University of Manitoba, and that we had research ethics approval from our home institution and the host institution. Given that the eligibility criteria for the Insight Grant include that they are exclusively for professorial or postdoctoral researchers affiliated with recognized Canadian post-secondary institutions, the REB and IAP likely should have recognized the nature of our request and not misapplied mistaken interpretations of their own policies. This outcome implicates the managerial culture at the University, demonstrating deference to administration's desire to control access to its perceived assets and demanding privileged access to all research conducted with members of their community.

This interpretation is born from *Policy 55: Non-Academic Surveys with University Populations* (UWS, 2019) and is a common feature of these policies, as will be demonstrated in comparing this experience with the second University. In the policy there is an established distinction between surveys that promote

institutional insights targeted at the institution's strategic aims, and those that are an element of academic research. As a function of centralized managerial control over non-academic research, it may be considered reasonable to expect some form of recompense in the form of access to the research outcomes and materials. In fact, a mechanism establishing a distinction between prioritized surveys and those seen as competing for cognitive space mitigates the risk of survey fatigue in members. For example, the IAP at the first University exempts from consideration certain recurring, census-type surveys of students and alumni (e.g., the Ontario University Graduate Survey); it is primarily interested in "internal surveys administered to the University community; external surveys that involve University students, staff, or faculty; surveys undertaken for internal planning purposes of the University; internally sponsored market research; and surveys of significance to the University brand and reputation" (UWS, 2019). Surveys are reviewed for their ethical and research merits and their timing so as not to interfere with privileged institutional surveys (UWS, 2019). The minimal limit at which this policy becomes active is recruiting any number of university members greater than 500, implying that this is seen as a significant intrusion into university life. In this paradigm, there is an established need to manage, and to have resulting data extracted and compiled by IAP.

The proprietary nature of the concern that instigated this policy was shared during our communication with the IAP when it was requested that any results derived from our research be provided to the University IAP. This request was alarming to our research team as we gather interview data that is not confidential, and some of our survey data likewise could render participants with specific demographic characteristics identifiable. Complying with this request would, therefore, have to involve further ethical review by our REB and could potentially derail the entire research project.

Unfortunately for our purposes, the University IAP does not provide a copy of the required survey review form online in pdf format. Still, they do provide a fillable online form on their website (Institutional Analysis and Planning (IAP), n.d. b). An expectation of this process is that information will be provided to the IAP in "high-level summary form" (IAP, n.d. a), but this distinction was not made during correspondence with the IAP. Instead, we were given the following statement as part of a form we were asked to approve: the University "will receive a copy of any results" (Anonymized, Personal Communication, Aug. 25, 2020). This ambiguous statement suggested that we would be required to send raw data to the IAP, violating our institutional REB protocols.

Like the first University, the second University expanded the purview of its Office of Institutional Analysis (OIA) to include a Survey Review Committee, which was created "to coordinate surveys of the University Community; to control and determine avenues for accessing students, faculty, staff, alumni; to reduce survey fatigue by addressing timing; to ensure results are shared with the University; and to ensure adherence to privacy legislation" (UMOIA, 2018). The core membership of the Survey Review Committee (UMSRC), described as a "cross-section of ... administrators, faculty, and staff" (UMSRC, n.d.) lists as members the Chair of the OIA, the Coordinator of the OIA, the Access and Privacy officer of the U[niversity], the Associate Vice President (Partnerships), the Vice Provost (Graduate Education) and Dean of Graduate Studies, and the Vice Provost (students). Additional committee members include the Associate Registrar, the Executive Director of Marketing and Communications, three Vice Provosts (Integrated Planning and Academic Programs, Academic Affairs, and Indigenous Engagement), three staff members (one each from Human Resources, the International Center, and Government Relations), and two student representatives, one from each of the undergraduate and graduate student unions (UMSRC, n.d.). That is, no researcher of faculty rank serves on OIA's UMSRC.

Unlike the first University policy (UWS, 2019), which makes a distinction and exempts academic research, the second University's Survey Review Committee (UMOIA, 2018) applies to all research conducted with human participants at the institution. The scope of this intrusion is also broader, duplicating REB processes and imposing sometimes irrational controls. An example of this is referenced in the above passage concerning following "privacy legislation." The related freedom of information and privacy legislation (FIPPA) in the University's province exempts faculty research from its provisions explicitly. It should not be applied to any faculty research conducted at the University (Government of Manitoba, 2011, pp. 2-30). Despite this, we were made to add a FIPPA statement to our materials in addition to our REB review. To reiterate, the composition of this committee is non-academic (UMOIA, 2018), so this request

was not made by a fellow researcher or specialist in laws about the conduct of research by universities. A bureaucratic functionary instead made it of central administration included on the Survey Review Committee to promote compliance with the FIPPA laws (Anonymized, Personal Communication, April 1, 2020). This interpretation of the applicable laws duplicated the REB process, which does not require such a compliance statement, and had the effect of causing a multiplying factor in securing permission to conduct research at the University.

This duplication is a problem that causes unnecessary stress and complications contributing to academic workload. Survey review committees and similar offices beyond the direct control of academics also seriously threaten academic self-governance in Canadian institutions of higher education. Our research was only reviewed by two OIAs while seeking ethical approval from the broader U15; other institutions have since instantiated OIAs. This tendency towards institutional isomorphism is a common concern among higher education scholars (e.g., Jacobs 2021). As can be observed in Canadian universities through a critical analysis of strategic plans and websites (Kouritzin et al, 2020a; 2021), universities tend to replicate practices and policies from related institutions to be perceived and legitimated as members among peer institutions. In the conduct of bureaucratic and managerial techniques like the OIA, this has the potential to creep in and create a network of related institutional levels for control over the conduct of research at the university. This is both a complicating factor in the conduct of higher education research and a threat to dual governance over the research domain by faculty in Canada.

The interest in the member institutions of the U15 is an important consideration in this research as it functions as a cartel, organizing itself as a mechanism to lobby on behalf of member institutions to monopolize various functions of Canadian higher education. The U15 promotes itself as responsible for 83% of private-sector research, securing 79% of competitively allocated research funding, 46% of all university students in Canada, and 70% of doctoral students (U15, n.d.). This monopolistic drive by the U15 is especially important in studying Canadian higher education because of its regional representation. Often these institutions strategically prioritize an impetus to dominate and drown out competition locally (Kouritzin et al, 2021). Because of this outsized role in the broader political economy of higher education in Canada, the U15 is important as trends in these institutions create pressures to keep up with conventions developed in rival institutions, a well-established process known as institutional isomorphism already demonstrated in the marketing and branding of U15 institutional websites. Especially when U15 universities serve as a model influencing their regional competition, U15 practices creep outward as smaller local institutions succumb to isomorphic pressures (DiMaggio & Powell, 1983) and conduct themselves in comparable ways because the outsized revenues of the U15 increase their individual and collective lobbying powers.

## **REBs, OIAs, AND FACULTY WORK**

In four iterations of a faculty workload estimation survey, we asked participants to report how much time they spent navigating research ethics or review boards and/or compliance and service to university committees, including REB meetings (Workload Creep, n.d.). The first of these is immediately relevant to this question, and the second requires a degree of inference regarding participating as REB members. This inference does not require an estimation of how many faculty are reporting this, because the argument advanced here is not that faculty spend much of their work week complying with REB or OIA processes, but rather that they find this compliance more aggravating than other parts of their work. On average, between iterations of the survey, faculty reported spending around 30 minutes per week dealing with matters specific to REB or OIA compliance (annually 26 hours per faculty member, including those *without* research responsibilities) and around 90 minutes per week serving on the university committees; in interviews, REB members reported approximately 60 minutes weekly reviewing protocols. Out of reported 64-hour average work weeks, this contribution is minor; however, it is significant because those who are most research active are most affected by it. Moreover, there is little (if anything) to show on a faculty member's annual report of workload and consideration for merit for the hours spent pursuing ethics approval for research with human subjects.



In interviews, interactions with research management systems were expressed as increased bureaucratization, increased workload, and increased faculty dissatisfaction at work. One interviewee referred to how managing processes required learning a language for compliance. This professor spoke of a departmental practice in which they created “a list of phrases that circulates among colleagues, what to say when you don’t know how to defend this point” (Research Interview 1, November 30, 2020). This list of phrases circulates because researchers find themselves answering seemingly irrelevant questions and guiding their students on how to do the same to comply with forms. The participant in this case provided a rationale for this expansion in the number and complexity of REB forms:

So their answer was to... in institutional theory, it’s called “risk aversion” behaviour. It’s not just risk reduction, because risk mitigation is one thing. This is risk aversion. They’re going to make it more complicated for everybody in order to prevent one single transgression. (Research Interview 1, November 30, 2020)

Responding to the isomorphic pressure that comes from needing to be perceived as taking these issues seriously and avert any risk or liability, institutions have made the process increasingly complex, guaranteeing a degree of official plausible deniability in case of complaints about the research project. While the process was understandable on these grounds, more than one participant expressed concern about how REBs understood their role in research.

Returning to the TCPS2 (2018a), REBs can judge the scientific validity of a project as grounds to warrant the intrusion of research into the lives of participants. In some cases this involved managerial restructuring of REBs blurring disciplinary lines so that REBs understand their role as partly to establish the rigour of ethical protocols in the first place. This participant reported a particular example from their work as a graduate student supervisor, when one student received

...a 28 page report out of which one page had to do with ethics and participant sampling. And the rest were questions about not even morals, just “are you sure that this is what this author was saying?” It was a second scientific review. And, as [their] supervisor, I kind of took it personally. ... Some people have done regrettable but punishable ethics violations that were serious and needed to be punished, and they updated a lot of ethics requirements based on those cases. But...we have sometimes to prove that no harm will be caused in a situation where no harm **can be** caused. So, it becomes difficult to argue. No harm will be caused to participants because I’m using an anonymized database; I don’t know how to defend this beyond that. (Research Interview 1, November 30, 2020, emphasis added)

Because REBs are institution-specific and faculty-led, local institutional cultural changes can strongly affect these changes. For example, an increasing unwillingness to assume any liability by administration, a change in the university’s insurance provider, or a change in the composition of the REB itself, among other reasons, can all cause profound changes in these cultures of compliance with institutional and collegial scrutiny.

Another example of how REBs have begun contributing to faculty workload through the expansion of their scope and jurisdiction was raised by a faculty member at a different institution. This person raised the concern that the scope of what could be defined as research under the purview of a REB had expanded substantially at their institution. This could include professional development or other activities where undergraduate students would interview professionals in their respective fields. The professor stated,

Even like, Research Ethics Boards, you see the, like, one of our more recent challenges is REB has started to go, like, “oh, all of this teaching stuff, if your students are going out and doing projects in your – your undergrad students are doing, like, professional training things – go interview a [member of the target professional community], like, that’s research, you need research clearance for all of these things, your instructor is a PI and

your students need ethics training"... and...and so there's been this sort of overreach of a lot of...and when we met with [administration] about these things, the answer we often get is sort of like, "well, we need to make sure that, like we're protecting ourselves against the risk of, you know, reputation litigation" or whatever it is. There's just a real worry about control (Research Interview 2, October 18, 2019).

This part of the conversation arose during a discussion about the managerial makeup of universities changing with the expansion of a role for "para-academics" who are defined as people who may (or may not) have a terminal degree in their field but are hired by the institution in positions outside the faculty complement to manage tasks typically carried out by professors (e.g., reviewing entrance requirements for new undergraduate students, acting as "advisors" to graduate students while leaving "supervision" to faculty members, providing editorial feedback for grant applications, etc.). In this case, the faculty member was commenting about how these personnel have the impact of increasing the scope of their respective duties because of certain institutional imperatives to manage risk. The participant's primary concern was how these systems abandoned the principles of research ethics and had been transformed into a mechanism for "about, like, protection from litigation" and "a\_\_-covering" (Research Interview 2, October 18, 2019).

Another participant elaborated on the sense of futility faculty develop as they comply with these increasingly complex bureaucracies that demand compliance. Again, within the context of a discussion about para-academics, this professor described how the policing function of something like the REB was beyond direct faculty intervention. Referring to certain disciplinary concerns that often conflict with such formal and legalistic strictures (e.g., Indigenous research conducted in community, or oral history) the professor described a process in which academics find themselves "gain[ing] a better understanding of the REB process." This greater understanding arose as a result of a conflict between the REB and "a department member who felt they've been unfairly targeted". It took "a significant number of meetings" during the summer to resolve (Research Interview 3, 2019). The summer is often spoken about by faculty as research season, so the acute distress this passage seems to be alluding to, a person feeling dejected dealing with a difficult bureaucratic system, requiring a colleague to intervene on their behalf and said colleague to expand their own expertise of REB processes to facilitate the discussion between the individual researcher and the institution's functionaries. This is the kind of waste and frustration these increasingly managerial functions produce in conducting researcher's work.

Regarding futility, though, this professor went further in their extended comments. First, the professor expressed sympathy for the officer tasked with policing these interactions. The professor said they felt the person could be "more overworked than the rest of us" and that the officer was charged with "dealing with the faculty who don't give you reports back" while being tasked with interpreting policy beyond their direct control. Regarding this confluence of the control mechanisms embedded in the university and those that arise beyond its doors, there is a sense expressed in this extended commentary that the university was acting out of an abundance of caution regarding their status as an institution eligible to receive government funding for research activities. This puts both the faculty and the functionaries tasked with managing these tasks at a structural disadvantage, which is at the discretion of central administrators who could choose to intervene at the level of lobbying the government, but who often will not. The professor addresses this explicitly when discussing the nature of upholding national protocols. They said:

that it's the national protocols which is the problem, and the university has to align themselves with them otherwise we are put in jeopardy. Kind of our ability to research and get research grants and all these other things. And there are some policing aligned which is problematic for people here but they are policing something that's problematic nationally, but the question is that where do you mobilize to change that? Because the REB can only really enforce national protocols, that's their job. They are not actually changing them. They don't have time as far as I can tell. They do not work to advocate for something else. That would be where the ADRs [Associate Deans of Research] and VPs of Research might come in, but (laughing) I talked to the previous one [inaudible] and they thought that

was a good idea, but we are pretty sure that's not gonna happen. But I think that's the main, like when people think about this kind of who is doing the work, we see like REB as kind of that para-academic; they are policing our lives (Research Interview 3, 2019).

This passage reflects the complex relationship between what the previous participant referred to as the distinction between risk aversion and risk elimination in institutional behaviors. Universities depend on a stream of revenue from the federal government of Canada that depends on their total compliance with federal policies regarding the conduct of research and a collection of other policies related to financial accountability and other issues. In this environment where accountability is understood as being the total compliance with elaborate policies centered around the control of research through constraints on its aims and its ethical conduct, a consequence becomes an increasingly desperate, expanded, and powerful managerial apparatus that polices the members of the institution most likely to cause trouble, and in this case the target of this policing is faculty members themselves.

It is important to note here that none of our participants referred to OIAs in their commentary about their work's increased scrutiny and complexity. This is probably a comment on our sample as we did not exclusively target higher education researchers or people primarily charged with this duplicate review. But, absent the same collegial oversight and shared mission for advancing scholarly activity, like in the TCPS2 (2018a), these university oversight measures are inductively more likely to be sites of abuse and irrationality.

## CONCLUSION

This case of duplicate scientific review may have been a particular annoyance for us, but this paper has explored other institutions working through similar processes. It is not our contention here that **only** the two universities in which we encountered difficulties have OIAs with mandates that could intrude upon academic research ethical approval; in fact, many universities within the U15 have offices that manage surveys or oversee the creation, valuation, storage, use, or archiving of research data (e.g., UCOIA, n.d.). On April 26, 2021, The University of British Columbia posted a public notice that owing to the potential for survey fatigue, "all surveys intended for broad distribution to the university community will now require approval" by a Survey Governance Committee "before being **deployed**" (Hoffman, 2021, emphasis added). Although they are normally introduced without such disturbing military metaphors for data collection among university communities, similar institutional offices can increasingly be found throughout research intensive universities. At the time of our seeking of ethical approval, however, we were not referred to or hindered by them.

The expansion of jurisdiction of these accountability mechanisms beyond reasonable grounds based on illiberal interpretations of their own relevant policy in these domains must also be understood as contributing to workload in terms of hours and lowering quality of faculty life. These have the ultimate consequence of interfering with the research mission of universities, and their desire to climb in international rankings. Expansion of jurisdiction also appears to be a consequence of a change in the culture of leadership in higher education, often viewed as increasing managerialism. The consequence of this lack of vision is the inability to set reasonable limits on these bureaucratic functions of the university and the explosion in terms of number and complexity of bureaucratic chores. No participant in our study has called into question the validity of research ethics processes; in general, they support faculty-directed oversight regarding the ethical conduct of research. On the other hand, the types of changes we describe here that expand the jurisdiction of ethical review bodies by giving oversight to non-academic bodies produce irrational outcomes, creating a vivid example of the type of bastard leadership (Ball, 2006; Wright, 2001) that is creeping into more spaces in higher education.

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