Barry Bull's Commentary on "Student Unit Record Databases: Ethical Implications and Considerations"

Commentary On
Student Unit Record Databases: Ethical Implications and Considerations

The Belmont Report (1979) provides a useful framework for analyzing the human subjects aspects of this case and for revealing the ethical limitations of the human subjects framework itself. That report suggests three principles for researchers' obligations to human subjects — respect for persons, beneficence, and justice. Respect for persons is the basis of the concern about informed consent raised explicitly in this case. The moral theory, in turn, on which this principle is founded is one of Kant's (1785/1985) formulations of his Categorical Imperative — that people should be treated as ends and not only as means. In this case, the students who have provided the information included in the student unit record (SUR) have received a variety of benefits by providing that information — consideration for student financial aid, maintenance of a transcript of their academic achievement, and so on. Thus, students have not been treated *only* as means to research because they have also received desired benefits from the provision of information. The remaining problem, however, is that the students have not consented to the use of that the information to conduct research. This problem could be met for new students by giving them written notice at the time of their enrollment that the benefits that they gain thereby are conditional on their agreeing to allow their information to be used for research and perhaps having them sign a statement to that effect. However, this procedure does not work for past students. Nevertheless, that their enrollment was indeed voluntary and that they have received benefits from it attenuate the ethical concern that arises from the research use of the information of these past students. The principle of respect for persons does allow research on those who have diminished autonomy, as these past students might be classified, as long as their interests are protected. Some of the interests of these students have indeed been protected as long as promise of past and future benefits is honored—as long, for example, as courses were delivered, earned degrees were

granted, and transcripts continue to be available for the students to send to future universities and employers. However, there is one interest of past and current students — their interest in the privacy of their records — that needs to be considered and that will be discussed below.

The research using SUR databases aims to improve our understanding of the effects of various policies and practices on the decisions and performance of college students generally and of particular segments of the college student population. If acted upon by university and public policy makers, it therefore has the potential to render the higher education system in this country more effective and efficient. However, these potential benefits accrue to the entire citizenry, not only to the students whose information is used in that research. The principle of beneficence requires that the research maximize the benefits and minimize the risks to the research population. While it is true that such research may be used to adjust various policies in the future, it usually takes a sufficiently long time to conduct that it is unlikely to have such effects during the four or five years that students are enrolled in college. Thus, the policy effects that such research may have for future students are not likely to develop quickly enough to have consequences for currently enrolled students. It is difficult to see how such research has any short-term benefits or costs for students although it may have the previously mentioned long-term benefits for the students simply as members of the general citizenry. One additional consideration in the analysis of the beneficence of such research should focus on whether there are any long-term risks to individual students of the development of SUR databases. One possible risk, mentioned in the questions, is the risk of unauthorized third parties coming into possession of individually identifiable information. However, the validity of the research itself does not depend on the data being personally identifiable. Thus, these risks can be minimized by following standard procedures for maintaining the confidentiality of information — stripping each student record of individually identifying information in the publicly available database and, if personally identifiable information is necessary to allow tracking of students between institutions, maintaining that information in non-networked and secure locations. Thus, the requirements of beneficence in this case seem to be limited to such information security measures.

The final principle is that of justice, which in The Belmont Report implies that the risks of the research are not to be borne by a vulnerable or disadvantaged population, especially if the benefits of the research accrue to an advantaged

population. Because SUR databases include the records of all students, research on them does not single out any such population. Furthermore, because students are a relatively advantaged population by almost any measure, any risks attached to research using SUR databases do not seem to be disproportionately imposed on a socially disadvantaged group. Thus, the principle of justice in this case seems not to be relevant to the analysis.

However, there are important ethical issues raised in this case that are not captured in an analysis of human subjects considerations — for example, should we allow the government to maintain and use such a database of highly personal information on such a substantial part of the population? Such issues require considerations of political morality that occur well outside the boundaries of the analysis above and well beyond the purview of Institutional Review Boards. It is therefore important to remember that our ethical responsibilities as researchers are not limited to the humane treatment of the participants in our research.

References

Kant, Immanuel. 1785/1985. *Foundations of the Metaphysics of Morals*, trans. L.W. Beck. New York: Macmillan.

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. 1979. The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research. Washington, DC: Department of Health, Education, and Welfare.