

Symposium: Compliance or Concern? Institutional Review Boards in Journalism and Mass Communication Education

Introduction

*Are the very principles of freedom of expression and the First Amendment that underlie much of the scholarship in journalism and mass communication education placed at risk by federal regulations that require prior approval of research designs? Four senior scholars deliberate on the rationale, contradictions, ethics, and First Amendment issues generated by compliance with federal research regulations.**

* Editor's Note: A panel focused on IRBs is scheduled for the 2002 AEJMC Annual Convention. "Institutional Review Boards and Prior Restraint," Friday, August 9, 5:00 to 6:30 p.m. Panelists: Margaret Blanchard, University of North Carolina, Chapel Hill; Mary Ann Ferguson, University of Florida; Annie Lang, Indiana University, Bloomington; Glenn Leshner, University of Missouri. Moderator, Erik Bucy,

Indiana University.

Brandon Hunt and Candice A. Yekel

Moving from Compliance to Concern

In 1974, the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research was established, and Congress passed the National Research Act. These were the first regulations in the United States protecting the rights and welfare of research participants and establishing the institutional review board (IRB) as a mechanism to protect human participants involved in research. According to Title 45 Code of Federal Regulations (CFR) Part 46.102(d), research is defined as a systematic investigation designed to develop or contribute to generalizable knowledge.¹ The primary purpose of the IRB is to protect the rights and

welfare of research participants in several ways. First, it protects people's privacy by ensuring that information about research participants is safeguarded. Second, it protects research participants by ensuring that researchers make informed consent about participating in research. Finally, it protects research participants by reviewing research studies before they begin to minimize the potential for harm to participants.

The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research, written in 1979 to address the legislation mentioned above, addresses three basic principles: respect for persons, beneficence, and justice.² Respect for persons includes the notion that research participants should be treated as autonomous agents who have free will and that people who have diminished autonomy (e.g., children, people with psychiatric disabilities, people who are incarcerated) should be protected. This means that participants enter into the research voluntarily and that they have informed choice. Beneficence means that researchers, regardless of their field of study, will do no harm to participants and that they will maximize the possible benefits and minimize possible harm that could occur as a result of being involved in the research study. In terms of justice, researchers will treat all participants equally.

Related to these three principles are the issues of informed consent, assessment of risks and benefits, and selection of participants. Informed consent is often times viewed as a single snapshot in time rather than a process that goes beyond a signature

on a consent form. All people who participate in research studies have the right to make an informed decision about what could potentially happen to them if they participate in a research study. Information about the study should be presented to potential participants in a manner that clearly states what will happen during the study in a way they can comprehend. Informed consent also means making sure that potential participants know that their participation is completely voluntary and that they can cease their participation at any time. Providing this information empowers participants by giving them enough knowledge to make an informed decision.

The role of the IRB, and that of the researchers themselves, is to assess the potential risks and benefits of the research study, particularly whether the potential risks to participants can be justified in some way. If the risks can be justified, participants still have the right not to place themselves at risk through the informed consent process. Finally, in terms of selection of participants, the procedures used should be fair and just. According to the Belmont Report, researchers "should not offer potentially beneficial research [to some participants but not others] . . . or select only 'undesirable' persons for risky research."

So how does all of this relate to researchers in the areas of journalism, mass communication, and related fields? More and more, researchers in these areas are addressing sensitive topics such as sexual behavior, drug and alcohol use and abuse, and Web-based pornography. As a result, the research they conduct falls under the purview of the IRB. These kinds of

studies can place participants at psychological risk, which is more difficult to assess and protect for than physical risks. Often when discussing potential risks in a study, the first thing that comes to mind is physical risk. It is important to realize that although not always apparent, psychological risks are real and should not to be considered less important than physical risks. Consider a social science study designed to investigate how people communicate about sexual behavior. This type of study may not have physical risks; however, psychological risks do exist. For example, one of the participants may have been a victim of sexual abuse or assault, and discussing this topic may be uncomfortable and/or could elicit a negative psychological or emotional response.

The purpose of the IRB is not to critique the research design or to determine whether the research questions are valid or appropriate, but rather to assess whether the research will place participants at risk (e.g., risk of harm, violation of privacy, lack of true informed consent). There is a shared responsibility among the researcher, the IRB, and the university to protect research participants; therefore, these entities should work collaboratively rather than at cross purposes. For example, information from research studies can be subpoenaed unless the researchers apply for a certificate of confidentiality, issued by the National Institutes of Health, which protects research data. Additional information about obtaining a certificate of confidentiality may be found on the NIH Web site.³ Researchers and participants need to be aware of this,

particularly if they are asking or being asked about sensitive topics, for example illegal drug or alcohol use or other illegal behaviors. IRBs also conduct continuing reviews of ongoing, approved research at some interval not more than once a year. This meaningful process provides an opportunity for the IRB to review what progress has been made in the research, any unanticipated problems involving risks, proposed changes to the research, and the careful review of the originally approved consent form for accuracy and completeness.

As stated above, the role of the IRB is to review research protocols in order to protect the rights and welfare of participants and potential participants. University IRB committees are made up of faculty who conduct research, community members who represent the public, and the IRB staff, who are responsible for overseeing that the rules and regulations (e.g., university policies, federal laws) are being followed. These three groups of people who make up the IRB ensure that the informed consent process is used appropriately and effectively with potential participants, and that participants' confidentiality is protected. They also ensure an equitable selection and distribution of participants, and assess the risks and benefits to participants and to society.

As social scientists, journalism and mass communication researchers should be involved with IRBs. Being a member of a university or agency IRB committee is one way to be involved and to give a voice to communication and journalism researchers. Talking with the IRB staff when developing a research protocol is another way to help inform them about research in

these fields. IRBs also need to do more outreach and education with a variety of social scientists to help them understand what they do and the services that they can provide researchers. This may also alleviate the misperception that IRBs are bureaucratic entities that only exist to protect the interest of the university or agency.

In summary, we agree with Dr. Greg Koski, director of the Office for Human Research Protections, that we would like to see human research protections move from "a culture of compliance to a culture of concern." In light of this paradigm shift, the Office of Regulatory Compliance at Penn State University is changing its name to the Office for Research Protections. This is to reflect the change in perspective that the role of the IRB, along with the researcher and the university, is to protect the rights and welfare of research participants. By working together, researchers and IRBs can make sure that research participants are protected while expanding the field of knowledge in the social sciences.

Endnotes

¹ Title 45 Code of Federal Regulations (CFR) Part 46.102(d), *Federal Register*, 56, 0. 28013.

² The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. (1979, April 18). *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research*. Retrieved March 27, 2002 from <http://ohsr.od.nih.gov/mpa/belmont.php3>

³ Certificates of Confidentiality Kiosk. <http://grants1.nih.gov/grants/policy/coc/index.htm>

Margaret A. Blanchard

Special Problems for Journalism and Mass Communication Scholarship

Researchers in the hard sciences have recently come under increasing government scrutiny because of the events of September 11, 2001. Government officials are concerned that scientific secrets could be revealed through their publication in journals and presentation at conferences. Researchers in journalism and mass communication are aghast at such a governmental incursion, yet they regularly submit to governmental incursion into their research in another form: Institutional Review Boards, or IRBs.

The IRB represents a noble effort by the federal government to ensure that experiments such as those seen in Nazi concentration camps and in Tuskegee do not happen again. The review boards were set up to make sure that any research with human subjects meets certain protocols designed to provide the utmost protection to the research subjects. The federal government made sure that universities and other institutions doing research with human subjects took the proper precautions by tying federal funding to instituting and enforcing proper protective procedures. If your research is using federal funds to support it, then these research protocols must be observed. In fact, Congress is preparing to consider legislation that would make all biomedical research, regardless of funding source, subject to IRB review and approval.

All federal money granting agencies but one signed on to human subject research protocols as adherents to this policy, which is now administered by the Department of Health and Human Services. All of these signatories are

involved in health-related experimentation with human subjects. The lone holdout from this human subjects research protocol is the National Endowment for the Humanities, the funding agency that provides what federal money there is available to most non-medical research on university campus.

But, most universities—and the federal Office of Human Subjects Protections—ignore this distinction. The OHSP approves expansion of the review process to almost all research that involves human beings conducted in any department on campus. University attorneys, eager to protect the institutions from loss of federal funds and from any possible lawsuits, endorse this expansion. Now, ethnographic research projects must be approved by non-departmental sources before they may be conducted; so must oral history interviews. So must interviews by journalism students with practicing journalists for such projects as honors and master's theses and doctoral dissertations.

The federal government thus is involved in protecting the world's population from "harm" done by researchers. "Harm" has expanded to more than physical harm done by medical procedures; it now, for example, includes protecting individuals from embarrassment and annoying questions. And the protections are now constructed so expansively that the simplest research project that goes beyond the classroom must be approved by a review board across campus.

The Academic Affairs Institutional Review Board at the University of North Carolina at Chapel Hill has been stepping up its review of campus programs under the mandate from the Office of

Human Research Protections and from the university attorney's office.¹ Our School of Journalism and Mass Communication has fallen increasingly under its purview, and the IRB chair is now routinely reviewing student and faculty research projects to make sure that they cause no "harm," including emotional harm or embarrassment.

In January, I had the opportunity to appear before the National Human Research Protections Advisory Panel, the group that makes suggestions on the changes in and implementation of the rules for human research protection. The session was aimed at determining if there might be some subject areas that should be excluded from human subjects review. I represented our program, and two other scholars presented the concerns of oral history and ethnographic studies. The American Association of University Professors organized the panel.

I argued four main points:

• **First, I stressed our belief that the IRB interferes with our teaching mission in the School of Journalism and Mass Communication.** Here I contended that it was our job as journalism and mass communication educators to educate students in the techniques of research and the ethics of our field as opposed to someone representing another discipline in an AA-IRB across campus imposing that discipline's research discipline and ethical standard.

• **Second, I argued that the AA-IRB and its rules interfere with our ability to evaluate our profession and make suggestions for improvement, which is a prime duty of an academic community.** Here I tried to explain the problems students and

some faculty have in interviewing practicing journalists when they must obtain a signed permission form from each of them indicating that they were told the purpose of the project and were advised of their rights to refuse to answer questions if they so desired. Journalists already know this; presenting journalists with such paperwork weakens the trust between subject and source and likely lessens the possibility of honest interchange between the two.

• **Third, I pointed out that IRB supervision is demoralizing to many of our faculty and students.** IRB supervision is an explicit statement that the university and the federal government do not trust you to conduct research properly. It is a statement that all research designs must be reviewed and approved by some outside body far more trained and capable in research than the students and the faculty who teach them.

• **Fourth, I stressed that IRB supervision is a violation of the First Amendment and its interpretations against prior restraint.** Having an IRB on campus that reviews and approves research projects before they may be conducted is not part of the education process; it is a prior restraint. It calls for the student or the faculty member to seek and obtain permission from the university and the federal government through the local IRB that is implementing federal regulations to protect human subjects before any project can be attempted. That meets the most basic of definitions of prior restraint.

Our concerns, as noted above, deal with research projects done by honors

and graduate students and faculty members. We have been fortunate enough to negotiate an exemption for journalistic work. Now our IRB says formulaically that it does not want to interfere with journalism, which is clearly covered by the First Amendment. The National Human Research Protections Advisory Panel, which has a substantial impact on the rules, seems to agree that any journalism is free from any kind of review. That clearance does not extend to other kinds of projects conducted by students or faculty within a journalism school.

Some advisory panel members were far from welcoming to the issues raised. Journalists, for example, lie as they practice, and they should not be allowed to function unsupervised said one member, referring to the Food Lion controversy of several years ago. The same member felt that journalists "harm" people in other ways such as embarrassing them or holding them up to ridicule. At times the discussion certainly did seem as if some panel members at least were making the journalism education committee pay for real or alleged sins of the profession.

In an attempt to evade the possibility of prior restraint issues, some panel members disputed the notion that the IRBs around the country were imposing government regulations on faculty members and students. They argued that local IRBs were imposing local university regulations on research. The head of the Office of Student Research Protections, Dr. Greg Koski, disabused panel members of that idea quickly as he said that the local IRBs were indeed enforcing regulations ordered by federal agencies. Although Koski did not venture into the prior restraint or other First Amendment issues, the picture he de-

scribed certainly did seem to fit the parameters of prior restraint.

Advisory Panel members also made clear that unreviewed research often caused problems; they pointed to the professor in the Business School at Columbia University who sent letters to New York area restaurants about his alleged food poisoning that developed from eating at those restaurants. It turned out that professor had not eaten at any of the restaurants; he was just testing the establishments' responses. Now there, they said, was a clear case of harm. None of us on the program disagreed with that assessment, but we didn't get a chance to point out that the business professor would be paying for that offense. Post-event punishment is alive and well in this country as far as academic misdeeds are concerned. As long as the research does not involve physical harm to the subjects, legal action after the fact seem perfectly appropriate when the rules of good research behavior are violated so egregiously.

The question, however, often becomes one of what is good research procedure? Our AA-IRB manual says that it will follow the code of research ethics of the discipline involved in the project. Yet when the oral historian of our panel offered up the research code developed by the field, panel members rejected it as insufficient to guard against problems the Office of Human Research Protections was set up to end.

Our problem in journalism and mass communication research, however, is that we have no code of research ethics solely for our discipline. We borrow heavily from the American Public Opinion Research code or from the American Psychological Association code, trying to fit our round research projects into the square holes of other

research codes. Given the range of research done in journalism and mass communication programs across the country, it seems highly unlikely that a conversation on a common code of ethics could ever take place. Nor, perhaps, should such a discussion ever take place. Our field, like the media field from which many of us came and for which we train many of our students, is highly individualistic. And we like it that way. We would also, I think, like our freedom from government review of our research projects. The level of bureaucracy grows and grows in this review, and more paperwork must be filed each time the review process occurs, and more time elapses between the submission of applications for IRB approval and the actual approval. In some cases, the opportune time for the project passes as paperwork becomes delayed. This results in some projects being abandoned and others being drastically revised due to time constraints or requirements of the IRB.

I hold the unenviable position of being the local IRB chair for our school while at the same time campaigning against the regulations. This is complicated even further because I teach and research in First Amendment areas. My own solution to this personal dilemma is to do the very best job I can in meeting current IRB regulations as efficiently and expeditiously as possible while at the same time seeking to end the IRB incursion into our program.

I do historical research, and the subjects of my research are all dead. So far, that has been a bar to IRB review. My students, however, are not so lucky. They are fascinated by twentieth-century history, especially if some of the subjects are still alive. They think that oral history will provide information

unavailable through documents and provide "true" insights into the past. To do that oral history—to ask journalistic type questions of living participants in historical events—requires IRB approval. The IRB even wants to review and approve the general subject areas that they intend to pursue for questions as well as the telephone script they plan to use to recruit participants.

Many of these students have been in my First Amendment classes. Seeking IRB permission violates First Amendment principles, but we can offer them no alternatives. The federal government and its agent, the local IRB board, holds all the cards. The ultimate trump is the fact that it can withhold your degree if you don't get the necessary government approval for your research project.

I have no problems with supervision of medical research where the possibility of physical harm is ever present. I have no problems with supervision of research involving children, and I have no problems with supervision of research funded from federal sources. Other than those areas, I think that federal supervision of campus research projects should disappear.

Journalism and mass communication projects that do not fit into one of these categories should be excluded from review. Excluded means something quite different from the "exempt" category under the current system. If you believe your project is "exempt" from review, you still must submit all the paperwork to prove to an IRB official that it is indeed exempt. These are projects with minimal or the slightest possible risk—projects like most of our interviews involve. Excluded means that you don't have to file the paperwork before you can begin. If our work were

excluded from IRB review, you, you and your colleagues, you and your students could simply do the research, being responsible for the consequences if they are somehow adverse.

That's the way free speech—and free enquiry—has operated for generations in this country. That's the way academic research worked before the federal government became involved in a very bad case of mission creep and decided to become Big Brother to all academic researchers. The IRB should go back to supervising projects that might cause physical harm and leave other research projects alone.

Useful resources

- Brainard, Jeffrey. "Panel Proposes New Guidelines for Research with Human Subjects." *Chronicle of Higher Education*, 12 January 2001, file:///G:/IRB articles/chronicle/chron11202.html
- Brainard, Jeffrey. "The Wrong Rules for Social Sciences?" *Chronicle of Higher Education*, Nov. 2, 2001, file:///G:/IRB articles/chronicle/chron3901.html
- "Growing Concern Over IRBs Prompts NAS Study." American Psychological Society News & Research, APS Observer Online, file:///G:/IRB articles/APS Observer.htm
- Office for Human Protections, U.S. Department of Health and Human Services, <http://ohrp.osophs.dhhs.gov/>
- "Protecting Human Beings: Institutional Review Boards and Social Science." *Academe*, May-June 2001, 55-67.
- Shea, Christopher. "Don't Talk to the Humans: The Crackdown on Social Science Research." *Linguafranca*, Vol. 10, No. 6, September 2000. [wysiwyg://2/http://www.linguafranca.com/print/0009/humans.html](http://www.linguafranca.com/print/0009/humans.html)
- Shopes, Linda. "Institutional Review Boards Have a Chilling Effect on Oral History." *Perspectives*, September 2000. file:///g:/IRB articles/historians.html
- Young, Jeffrey R. "Committee of Scholars Proposes Ethical Guidelines for Research in Cyberspace." *Chronicle of Higher Education*, 2 November 2001, file:///G:/IRB articles/chronicle/chron1102601.html

Endnote

¹Our university has an IRB organized for the medical side of campus and one set up for the academic affairs side of campus.

Deni Elliott

A Clash of Cultures, an Opportunity for Ethics

Under what conditions should journalistic research, particularly the work of student journalists, be run through the school's Institutional Review Board? "Never!" is the response of First Amendment advocates; "Always," say the human participant protectionists.

When IRB and mass communication researchers meet, a clash of cultures can occur. Here, I will discuss that clash and point out some ethical imperatives that translate easily across the cultures. Journalism and Mass Communication educators have something to learn from scientific researchers and something to teach their budding communicators about the treatment of human participants.

Informed consent—a concept basic to scientific research, but foreign to journalistic process—requires that participants truly understand, from their perspective, rather than the researcher's, what will actually happen to them if they agree to participate in an investigation. The participants must understand all risks and benefits. They must understand the limits of any promises of confidentiality. They must know who to contact if they suffer research-related injuries. Finally, they must be able to withdraw from the investigation at any time without penalty. According to ethicists David Wendler and Jonathan Rackoff, "Any ethically valid process for enrolling competent subjects in re-

search must satisfy three conditions: 1) sufficient evidence that subjects who enroll want to enroll, 2) subjects' control over whether they enroll, and 3) sufficient evidence, accessible to observers independent of the research team, that conditions one and two have been satisfied when subjects enroll."¹

Translating the idea of informed consent to journalistic process would mean the end of the "ambush interview," among other reporting conventions. While it may not be realistic to expect journalists to treat their story subjects as scientists treat their research subjects, it is important to understand how and why journalistic research is different from scientific research before determining that respect for subjects' autonomy has no place in journalism and mass communication scholarship.

The clash of cultures between IRB and communication faculty has been identified erroneously as a concern about intrusion on freedom of the press. Journalists, even student journalists, must be free to pursue their investigations without the prior review of anyone. If the goal of the investigation is publication in a bona fide news publication or production, one would find little debate on this need for journalistic freedom. However, if the goal of the investigation is something different—like the production of a journal article—IRB submission and approval may be required. The clash of cultures is not over First Amendment freedoms, but, rather, develops from differing assumptions about the nature of knowledge, and thus the goal of research.

The need for Institutional Review Board approval developed with scientific research in mind, biomedical research in particular. Research, as defined within the Common Rule—a set of

regulations that have applied to all Federally funded investigations since 1991—means "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge."²

Scientific inquiry seeks static, reproducible knowledge that is true over a wide variety of instances. Journalistic inquiry seeks evolving, yet verifiable, knowledge that is true about a particular case in point.³

The difference in investigatory goals between science and journalism leads to the confusion that develops when two very different enterprises use common language. That is the clash of cultures. What is meant by journalistic research, if the intended outcome is an editorial production, is something different in kind from scientific research that is intended to lead to "generalizable knowledge." The production of news stories is not the kind of research that is under the purview of IRB. However, the difference between scientific and journalistic research does not shield journalism and mass communication scholars and students from all IRB oversight.

Faculty or student research designed to develop "generalizable knowledge"—the kind of research that would be reported in a journal article or that would result in a thesis or dissertation—is subject to review if the research uses human participants. But, like most things in life, there are exceptions. The Common Rule excludes from the need for IRB review, "educational tests, survey procedures, interview procedures, or observation of public behavior unless (i) information obtained is recorded in such a manner that human subjects can be identified, directly or through

identifiers linked to the subjects; and (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."⁴ Marketing surveys, then, would be exempt from IRB review, but surveys of how students use the personals in the classified ad section to cruise for same-sex lovers would not. Student research, like faculty research, must be submitted for IRB review if it involves human participants and if it is intended to result in generalizable knowledge.

A more difficult problem develops in determining what to do with courses designed to train students in research techniques. Despite the differences between science and journalism, student practice in interviewing and reporting involves human participants who may be harmed in the process of student learning.

Most schools have distinguished between student research projects, which require IRB review, and research practica, which do not. For example, the University of Colorado at Colorado Springs excludes from review course projects that provide students with "an opportunity to practice the same methods of observation customary to the various disciplines."⁵

Duke excludes from review, "class projects designed to provide students an opportunity to practice various research methods such as interview, observation and survey techniques, as well as data analysis."⁶ As long as the student work is not intended to develop "generalizable knowledge" for publication, including presentation in professional or academic venue, it does not need to be reviewed by IRBs.

However, schools are also sensitive to the possibility that students learning how to become researchers may subject human participants, particularly vulnerable human participants, to risk. In some cases those practices must be individually reviewed. Other schools, such as The University of Montana, require course instructors to submit a syllabus for such courses, and to demonstrate that they are teaching students relevant concepts in research ethics.⁷ Yet others leave the matter entirely up to each instructor. Despite the variety of school-specific requirements, there is overall conceptual agreement. "Explicit recognition of the importance of human subject protection issues should be an integral part of introducing students to research methodologies in any discipline," according to University of Colorado, Colorado Springs policy.⁸

How this should translate into the journalism and mass communication curriculum is in the teaching of the ethics of investigation to students. Students should learn the special responsibilities associated with doing research that involves story subjects' potentially criminal activities or other matters that could cause harm if subjects' identities and activities became known. Students of journalism and mass communication should understand why children, the elderly, people with disabilities, and members of minority groups are considered vulnerable populations, just as students in the hard and soft sciences need this information. Journalists and mass communicators in training need to understand that their moral responsibilities to private individuals that they encounter in learning their skills are different from their responsibilities to public officials.

Journalism and mass communica-

tion educators can take a lesson from their colleagues in science, and require students to be responsible researchers. Without the requirement of written, informed consent, students in journalism and mass communication programs could still be required to provide, at the beginning of interviews, information such as the purpose of their investigation, their class, departmental and institutional affiliation, any reasonable risks and benefits of participation and a reminder that participation is voluntary. This kind of disclosure is ultimately protective of the student investigator, instructor, and the institution. Ultimately, the development of such respectful habits in pre-professionals can only bolster the credibility of communication professionals in the future.

Endnotes

¹ Wendler, D. and Rackoff, J. (2001). "Informed Consent and Respecting Autonomy: What's a Signature Got to Do with It?"

IRB: Ethics & Human Research 23, no. 3, p. 2.

² Text of the Common Rule, Federal Policy for the Protection of Human Subjects, 45 CFR 690, found at <http://www.nsf.gov/search97cgi/vtopic>

³ See Elliott, D. (1996). "Journalistic Research," *Accountability in Research*, Vol. 4, pp. 103-114.

⁴ op.cit.

⁵ <http://www.uccs.edu/~osr/gentable/human.html#student>

⁶ <http://www.ors.duke.edu/irb/student%20research.htm>

⁷ <http://www.unt.edu/research>

⁸ op.cit.

Kyu Ho Youm

Is This A Prior Restraint?

Institutional review boards (IRBs) can approve, require modifications of, or disapprove research under the rules

of the U.S. Department of Health and Human Services.¹ Nonetheless, the very existence as well as the operation of the IRBs raises a number of constitutional issues for university researchers.

IRB critics claim that the IRB's prior review of research projects violates their First Amendment rights and academic freedom.² Margaret A. Blanchard, the William Rand Kenan Jr. professor of journalism and mass communication at the University of North Carolina-Chapel Hill, argued: "We believe that the press in all of its manifestations is free from governmental interference because of the First Amendment to the U.S. Constitution. The IRB is a governmental intrusion on freedom of the press." She added that the IRB creates "a chilling effect" on intellectual freedom and research of journalism and mass communication insofar as its current structure and operations are concerned.³

The American Association of University Professors (AAUP), however, do not consider the HHS rules on IRBs offensive to academic freedom in and of themselves. "[T]he aim of reducing risks to human research subjects does not itself endanger academic freedom, and its abandonment would yield nothing positive for the freedom of research," AAUP stated.⁴ But the AAUP has noted that the IRB regulations can abridge academic freedom if they are unnecessarily overbroad.

Given the ongoing debate over IRBs, this essay examines First Amendment questions about the HHS rules. The essay first places academic freedom in a First Amendment context. Next, it analyzes the textual and applicational contours of the HHS rules under free speech jurisprudence. And finally, the essay assesses the HHS rules

against freedom of speech and the press for journalism and mass communication researchers.

Academic Freedom and the First Amendment

Academic freedom and freedom of speech and the press are alike in that they are both "negative" as a freedom from external restrictions. Neither of them is a "positive" freedom to accomplish a desired end.⁵ The *institutional* academic freedom indeed posits that "universities should be kept largely free of interference from outside forces, including the government."⁶ The autonomous notion of academic freedom is the centerpiece of the constitutional definition of academic freedom.⁷

The institutional autonomy of universities is identical to the relationship between the organized press and the government under the First Amendment. Chief Justice Warren Burger of the U.S. Supreme Court stated: "The power of a privately owned newspaper to advance its own political, social, and economic views is bounded only by two factors: first, the acceptance of a sufficient number of readers—and hence advertisers—to assure financial success; and, second, the journalistic integrity of its editors and publishers."⁸

Institutional press freedom is distinguished from "journalistic freedom," which allows freedom to working journalists from direction and interference from news media owners.⁹ Protection of press professionals against media owners is an almost improbable proposition in the United States, though it has been recognized in other countries in varying degrees.

But the *individual* concept of academic freedom has been recognized more expansively than has free speech

as a First Amendment right. Professor William Van Alstyne of Duke Law School defined it thus:

Insofar as it pertains to faculty members in institutions of higher learning, "academic freedom" is characterized by a *personal* liberty to pursue the investigation, research, teaching, and publication of any subject as a matter of professional interest without vocational jeopardy or threat of other sanction, save only upon adequate demonstration of an inexcusable breach of professional ethics in the exercise of their freedom.¹⁰

Accordingly, academic freedom is stronger than the general right of free speech because universities are required to support and help their faculty in what they express or teach, although they disagree with or object to it.¹¹

The crucial question about academic freedom is whether the distinction between the institutional and individual concepts of academic freedom has been recognized by the U.S. Supreme Court. Thus far, academic freedom for *individual* professors has been accorded no textual "secure footing" by the U.S. Supreme Court in the Constitution. Instead, it has been linked to the freedom of expression clause of the First Amendment and the due process clause of the 14th Amendment. By contrast, the Court has not given *institutional* academic freedom a "specific constitutional rationale."¹² Regardless, "All in all, the number of first amendment cases that explicitly mention academic freedom or that are in a line that links them to academic freedom cases is rather

small, and of that reduced number, a considerable proportion does define academic freedom in institutional terms."¹³

Why has academic freedom to date failed to be recognized as an identifiable First Amendment right individually or institutionally—or both? One possible explanation is that the professionally predominant definition of academic freedom focused on a violation of academic freedom not as "something that happened to a university" but as "something that happened *in* a university."¹⁴ At the same time, it is derived from American professors' deliberate and unintended tendency to overgeneralize academic freedom beyond the sharply drawn boundaries of its core rationale. More often than not, professors have been reluctant to accept that "while a professor's exercise of ordinary civil liberties is not a special subset of his academic freedom, academic freedom is itself a distinct and important subset of First Amendment civil liberty."¹⁵

HHS Institutional Review Board Rules and Regulations: Protecting Research Subjects at the Expense of Researchers?

In their report on the HHS rules on IRBs, the AAUP committees on Academic Freedom and Tenure and on Government Relations stated:

We suppose it hardly needs to be said that academic freedom does not give its possessors the right to impose any risk of harm they like in the name of freedom of inquiry. It is no violation of any right, and so, in particular, no violation of any right that falls into the cluster

named by "academic freedom," for a university to prevent a member of its faculty from carrying out research, at the university, that would impose a *high risk of serious physical harm* on its subjects, and that would in only minimal ways benefit either them or the state of knowledge in the field in question.¹⁶

In a similar vein, the AAUP said more recently that because researchers are professionally obligated not to harm their subjects, "a university's effort to ensure that all researchers comply with its human-subject regulations does not offend academic freedom."¹⁷

Thus, the crucial question is not whether the IRB rules violate academic freedom but to what extent they are balanced with academic freedom to conduct research. The balancing process ought to be guided by the constitutional framework of freedom of expression while taking into account the "special theory" of academic freedom.¹⁸ The U.S. Supreme Court, characterizing the "essentiality" of freedom in American universities as "almost self-evident," held:

No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation.... Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civi-

lization will stagnate and die.... We do not now conceive of any circumstance wherein a state interest would justify infringement of rights in these fields.¹⁹

As is often the case with agency rules and regulations, the federal IRB requirements allow considerable flexibility for their applications. Nonetheless, some of them are overly vague and broad, and others are lacking in procedural fairness. In defining "research," for example, the IRB regulations apply to "a systematic investigation ... designed to develop or contribute to generalizable knowledge."²⁰ Professors' or students' interviews for news stories may or may not fall into the type of research relating to "generalizable knowledge."²¹ If the experience of UNC-Chapel Hill journalism and mass communication faculty and students with their IRB is an indication, a possibly limiting interpretation of "generalizable knowledgeable" to exclude research from IRB reviews is not entirely reassuring.²²

The definition of "human subject" is equally overbroad when it covers any "identifiable private information" that a researcher obtains about a living individual. "Private information" is information about the "behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public...."²³ If the right of privacy standard for reasonable people as human research subjects is used to evaluate "private information" under the HHS rule, the information should be checked against what a "rea-

sonable person" considers "highly offensive" and of no legitimate concern.²⁴

The HHS regulations exempt six categories of research.²⁵ But the exemption of research that involves observation of *public* behavior is conditioned. Also, disclosure of the identifiable information about human subjects involved "*could* reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability or reputation."²⁶ The denial of the exemption for research is so vaguely predicated on what Justice William Brennan of the U.S. Supreme Court termed "surmise and conjecture that untoward consequences may result."²⁷

Research involving elected or appointed officials or candidates for public office is exempted from IRB reviews. It is not clear, however, whether the public-official clause applies to *former* office holders or political candidates. The textual reading of the clause indicates that its application is not so expansive as to go beyond current public officials and political candidates. The extension of the public-official category to almost undefinable "public figures," as illustrated in U.S. libel law, will likely carry unforeseen ramifications for the intended distinction between reviewable and exempted research.

On the other hand, limitation of exemption of IRB reviews to current public officials and political candidates only is unrealistically too constrictive. It should be expanded to a broader range of former office holders and candidates and of non-governmental "public figures." Libel law is instructive on this issue. Passage of time itself does not, as a general rule, render the status, conduct, or opinions of former government officials less research-worthy.²⁸

Oftentimes, it can be profoundly relevant to research on current as well as historical topics. Similarly, using "public figures" as research subjects deserves to be exempted from review because there is no basis in logic or policy for differentiation between public figures and public officials.²⁹

What's the practical value of the exempted categories of research for scholars? From an implementational perspective, IRBs tend to err on the side of caution. The AAUP asserted: "It would be ... unsurprising to learn that members of an IRB who have doubts about whether a research project should be exempt favor classifying the research as not exempt in order to avoid appearing cavalier about risks to human subjects. No one is likely to get into trouble for insisting that a research proposal is not exempt."³⁰

Furthermore, the approval or denial of the exemption status to an activity under the HHS policy on human-subject research is entirely up to the government: "Department or agency heads retain final judgment as to whether a particular activity is covered by this policy."³¹ As a consequence, if a research activity is denied exemption, the researcher has no right to appeal the denial. No one is empowered to review the validity of the department or agency head's decision on the exemption status.

The HHS rule requires an IRB to ensure that the "risks to subjects are minimized" through use of the research procedures that "do not unnecessarily expose subjects to risk."³² The IRB must assess whether the "risks to subjects are reasonable in relation to anticipated benefits, and the importance of the knowledge that may reasonably be expected to result."³³

But IRBs cannot consider the "possible long-range effects of applying knowledge gained in the research."³⁴ The HHS's ban on the long-term impact of research for IRBs in reviewing research is based on a sound policy justification. "If IRBs were to venture into this kind of prediction, they would almost certainly be drawn into political controversies to the detriment of the research and of their own credibility," the AAUP stated. "[L]ocal IRBs are not the proper forum of a debate about the policy implications of research and, in any event, the debate should occur after, not before, the research takes place."³⁵

Nonetheless, how can the IRB judge the "reasonable" relationship between the risks of research and its benefits to its subjects? What about the IRB's ability (or lack thereof) to evaluate the "reasonable" expectation that knowledge resulting from the research will be "important"? It should be no easy task to answer these questions, regardless of who are involved in IRBs' decisions. Most troublesome is the considerable subjectivity and difficulty inherent to the IRB's evaluation of the importance of research. This is all the more so when members of an IRB are not sufficiently familiar with journalism and mass communication.

Thus, the chilling effect of IRB reviews on freedom of research through self-censorship can be a major concern for researchers because the government's direct involvement raises "the specter of the official control of opinion." The AAUP pointed out:

[A]n IRB review that seeks to evaluate the importance of research can lean in that direction if only because judgments

about the importance of research are highly speculative. From the perspective of the scholar with so much at stake in obtaining IRB approval, the uncertainty about whether any particular research project will be considered important in relation to its risks, and the vagueness of such an inquiry, may dampen enthusiasm for challenging traditional habits of thinking, testing new theories, or criticizing social and political institutions. Why chance an IRB's displeasure when a more cautious approach is likely, so the scholar might plausibly reason, to secure uncontroversial approval?³⁶

The "informed consent" requirement of the HHS rule, the "single most important element" of the IRB review process,³⁷ reads in part: "[N]o investigator may involve a human being as a subject in research covered by this policy unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative."³⁸ The consent requirement is derived from a common-sense principle that "individuals should be treated as autonomous agents and ... that persons with diminished autonomy are entitled to protection" and "respect for persons requires that subjects, to the degree that they are capable, be given the opportunity to choose what shall or shall not happen to them."³⁹

In recognition of variance in the need, nature, and practicality of informed consent in social science research, the HHS rule provides for waivers of informed consent. An IRB can

approve a consent procedure that does not include, or that alters, some or all of the elements of informed consent, or, in some cases, waives the requirement altogether. The IRB grants the consent procedure if it finds that the risks to the subject are minimal, that the waiver or alteration will not "adversely affect the rights and welfare of the subject[s]," and that without the waiver or alteration the research could not "practically be carried out."⁴⁰

Nonetheless, the applicational rigidity and inflexibility of the consent requirement is characteristic of the controversies surrounding the requirement. It is aggravated by the unfamiliarity of the IRBs with the nature and methods of research involved. This is highlighted in journalism and mass communication research, which involves interviews, surveys, and working with professionals. Professor Blanchard maintains: "Having to explain IRB procedures to mass communication professionals damages the relationship immediately, and makes our scholars appear as immature and poorly trained individuals who need external supervision."⁴¹

The HHS rule contains an expedited review procedure for research that poses no more than minimal risks to the human subjects and for minor changes in previously approved research. The IRB members who are responsible for expedited reviews of the research can only approve the research, while a full IRB is authorized to disapprove it.⁴² The expedited review procedure should be contingent upon the review's promptness, but no specific time limit is enumerated for the review. This problematic element of the IRB's procedure should raise a red flag for those scholars who have to endure delays in having

their projects approved.

The composition of IRBs is important to researchers and the federal government. The HHS rule provides: "Each IRB shall have at least five members, with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution." It mandates the IRB to consider the diversity of its members and their race, gender, and cultural backgrounds and "sensitivity to such issues as community attitudes."⁴³ The IRB membership provision, however, might create a "serious" threat to academic freedom if IRBs give too much weight to sensitivity of community attitudes to research proposals.⁴⁴

The representation of journalism and mass communication-sensitive members on IRBs can be a corrective measure for IRB reviews which may not recognize the unique issues facing journalism and mass communication scholars. One member with a background in journalism and mass communication should be better than none on IRBs, but "one is too few." This is because the lone journalism and mass communication member will have difficulty contending with "the homogenizing pressures within the IRB for its members to reach the same judgments in accord with the same values."⁴⁵

Journalism and Mass Communication Research: A Unique Challenge for IRBs

In an editorial of Sept. 3, 2001, *Editor & Publisher* suggested that academic journalists should not seek the federal government's approval of their research, noting that "[w]orking journalists don't ask for governmental permission to report."⁴⁶ The industry magazine for U.S. newspapers contended: "It's time for journalism aca-

demics on every campus to cut the cord to their IRB."⁴⁷

Some faculty and students in journalism and mass communication may be "either acquiescing meekly" their IRB demands or "more often, enthusiastically participating in their campus IRB." Nonetheless, journalists in classrooms are more likely to challenge the IRB rules on First Amendment grounds. Or they arrange for the IRB to exempt their research from review or to expedite the review process.

A case in point: Faculty and students at the UC-Berkeley's Graduate School of Journalism are not required to have their research projects approved. Their research is considered not "generalizable" by the IRB.⁴⁸ Likewise, the UNC-Chapel Hill IRB does not review research projects if they're recognized as "journalistic in nature."⁴⁹ But academic journalists will face a conflict with the IRBs when their human-subject work goes beyond its traditional journalistic methods, purposes and publications.

The definitional confusion or vagueness of "generalizable" in the HHS rule ought to be eliminated as soon as possible. More importantly, the inherently victim-oriented broad interpretation by the IRBs of the "generalizable" category of research needs to be rethought as a way to extend exemption to a wider range of research projects on journalism and mass communication.

The institutional proclivity of the IRBs to claim sweeping authority to scrutinize any research involving human beings also carries a high risk of reaching over their limited expertise and ability. The risk-averse IRBs are often tempted to protect their institutions and themselves, not necessarily the interests of researchers and their

human subjects. In this light, the litigational pressure, actual or perceived, facing higher education and the "defensive" role of the IRBs in confronting the pressure are analogous to what media lawyers do in their pre-publication reviews of news stories. First Amendment scholar Rodney Smolla stated:

One of the great temptations for the attorney who regularly counsels a media outlet, whether it be a major national publication or a small local radio station, is to resolve in advance all potentially dangerous story problems against the client, and to counsel the client not to run the story. Preventive counseling is obviously one of the most important functions of the media lawyer, but in engaging in that counseling the attorney ought to be sensitive to the sometimes murky line between legal advice and journalistic or artistic judgment.⁵⁰

The IRB's assessment of how to minimize the potential risks of research to human subjects is liable to be magnified in the eyes of those IRB members who are trained neither in journalism nor in the First Amendment's guarantee of press freedom from governmental intrusion. When scanty attention is paid to journalism and its research's seemingly justifiable value of making people feel embarrassed and uncomfortable, few expect IRBs to show sensitive reading to mass communication research.

Professor Blanchard capsulizes the distinctive value of journalism and mass communication research to society:

"There should not be a supercensor sitting on top of the research project to protect adults from embarrassing questions. Improvement in society ... often comes about because embarrassing questions are asked."⁵¹ Thus, the dynamics of prior restraint in the IRB's scrutiny of research deserves to be jealously guarded against when societal and political pressures on the IRB push its journalism-insensitive members "irresistibly toward unintelligent, overzealous, and usually absurd administration."⁵²

Paternalism pervades the HHS rule on IRBs. This is peculiarly surprising, for paternalism as a rationale for governmental role in speech regulation is fast becoming passé.⁵³ And the government-knows-better attitude in demanding consent from research subjects tends not to advance the intended objective of the consent requirement but to frustrate the research process. Its presumptuousness not only turns off potential research subjects; it also makes researchers look unprofessionally trustworthy. The informed consent requirement should be critically revisited. Its cost-benefit analysis, judging from its dampening impact on journalism and mass communication research so far, offers a persuasive argument that research involving professional journalists and media-savvy public figures ought to be exempted from review as a rule.

The procedural fairness and equity of the HHS rule and IRB practices in various universities should be called into question when there's no opportunity for appeal when IRB decisions or their decisional processes are in dispute. As the AAUP cogently observed:

"An appeal of the decision of

an effective IRB should be rare, but the institution and the IRB should be prepared for it, so that both institutional integrity and the rights of the researcher may be preserved."⁵⁴

Last but not least, the frustrating delays in the IRB review and the time-consuming negotiations of suggested changes in research proposals are not matters of small magnitude, and they thus should no longer be ignored. The requisite promptness for the IRB in reviewing research proposals should not be left entirely to the sole discretion of individual IRBs. Rather, the time frame for the review should be enumerated in the HHS regulations. In case the IRB makes no determination within the specified time limit, the IRB's inaction might carry a heavy presumption in favor of approval of the proposal as is. Thus, the researcher's due process rights then will more likely be guaranteed by barring IRBs from moving too slowly to make decisions on research projects.

Endnotes

1. Protection of Human Subjects, 46 C.F.R. § 101 (1991)
2. See generally Jeffrey Brainard, "The Wrong Rules for Social Science?" *Chronicle of Higher Education*, March 9, 2001, p. 21; Christopher Shea, "Don't Talk to the Humans: The Crackdown on Social Research," *Lingua Franca* 10 (September 2000), at <http://www.linguafranca.com/print/0009/humans.html/>.
3. Margaret A. Blanchard, "Testimony Before the National Human Research Protections Advisory Panel" (January 30, 2002) (on file with author).
4. American Association of University Professors, "Protecting Human Beings: Institutional Review Boards and Social Science Research" (n.d.), at <http://www.aaup.org/statements/Redbook/repirb.html/>.

AAUP prepared its IRB report after meeting in November 1999 and May 2000 with representatives of the American Anthropological Association, the American Historical Association, the American Political Science Association, the American Sociological Association, the Oral History Association, and the Organization of American Historians to consider the experiences of social scientists and scholars in other academic disciplines whose research is subject to the federal government's IRB rules for protection of human subjects.

5. See Isaiah Berlin, "Two Concepts of Liberty" (1958), in *Four Essays on Liberty* (New York: Oxford University Press, 1969), pp. 118-72.
6. Rodney A. Smolla, *Smolla and Nimmer on Freedom of Speech* (St. Paul: West Group, 2001), p. 17-42.
7. Walter P. Metzger, "Profession and Constitution: Two Definitions of Academic Freedom in America," *Texas Law Review* 66 (1988): 1322.
8. *Columbia Broad. Sys., Inc. v. Democratic Nat'l Comm.*, 412 U.S. 94, 117 (1973) (Burger, C.J., plurality op.).
9. See John C. Merrill, *The Dialectic in Journalism* (Baton Rouge: Louisiana State University Press, 1989), pp. 34-36.
10. William Van Alstyne, "The Specific Theory of Academic Freedom and the General Issue of Civil Liberty," in *The Concept of Academic Freedom*, ed. Edmund L. Pincoffs (Austin: University of Texas Press, 1975), p. 71 (emphasis added).
11. Ronald Dworkin, "We Need a New Interpretation of Academic Freedom," in *The Future of Academic Freedom*, ed. Louis Menand (Chicago: University of Chicago Press, 1996), p. 184.
12. Metzger, p. 1318.
13. Metzger, p. 1319.
14. Metzger, p. 1284.
15. Van Alstyne, p. 64.
16. "Regulations Governing Research on Human Subjects: Academic Freedom and the Institutional Review Board," *Academe* 67 (1987): 367 (emphasis added).
17. "Protecting Human Beings," *supra* note 4.
18. The "special theory" of academic freedom posits: "[T]he university is an institution designed for the advancement and dissemination of knowledge. The purpose of the university is to benefit the community that creates and maintains it, and mankind in general, through the advancement and dissemination of knowledge." John R. Searle, "Two Concepts of Academic Freedom," in *The Concept of Academic Freedom*, *supra* note 10, p. 87. It stands in contrast with the "general theory" of academic freedom, which states that "professors and students have the same rights of free expression, freedom of inquiry, freedom of association, and freedom of publication in their roles as professors and students that they have as citizens in a free society, except insofar as the mode of exercise of these freedoms needs to be restricted to preserve the academic and subsidiary functions of the university." *Ibid.* p. 92.
19. *Sweezy v. New Hampshire*, 354 U.S. 234, 250, 251 (1957).
20. 45 C.F.R. § 46.102(d) (emphasis added).
21. "Protecting Human Beings," *supra* note 4.
22. Blanchard, *supra* note 3.
23. 45 C.F.R. § 46.102(f).
24. Restatement (Second) of Torts § 652D Comments c & d (1977).
25. 45 C.F.R. § 46.101(b).
26. 45 C.F.R. § 46.101(b) (2)(i) (emphasis added).
27. *New York Times Co. v. United States*, 403 U.S. 713, 725 (Brennan, J., concurring).
28. Bruce W. Sanford, *Libel and Privacy*, 2d ed. (New York: Aspen Law & Business, 2001), p. 293.
29. See generally *Curtis Publ'g Co. v. Butts*, 388 U.S. 130, 163-64 (1967) (Warren, C.J., concurring in the result).
30. "Protecting Human Beings," *supra* note 4.
31. 45 C.F.R. § 46.101(c).
32. 45 C.F.R. § 46.111(a)(1).
33. 45 C.F.R. § 46.111(a)(2).
34. 45 C.F.R. § 46.111(a)(2)
35. "Protecting Human Beings," *supra* note 4 (citation omitted).
36. "Protecting Human Beings," *supra* note 4 (citation omitted).
37. "Protecting Human Beings," *supra* note 4 (citation omitted).
38. 45 C.F.R. § 46.116.
39. Department of Health, Education, and Welfare, *Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research* (Washington, D.C., 1979), quoted in "Protecting Human Beings," *supra* note 4.
40. 45 C.F.R. § 46.116(d)(1), (2), (3).
41. Blanchard, *supra* note 3.
42. 45 C.F.R. § 46.110.

43. 45 C.F.R. § 46.107.
44. "Protecting Human Beings," *supra* note 4.
45. "Protecting Human Beings," *supra* note 4.
46. Mark Fitzgerald, "J-Schools, Expel Feds: Requiring Review of Journalism Projects Imposes Unacceptable Prior Restraints and It Cheapens Research Safeguards," *Editor & Publisher*, September 3, 2001, p. 13.
47. Fitzgerald, "J-Schools," p. 13.
48. Shea, *supra* note 2.
49. Blanchard, *supra* note 3.
50. Rodney A. Smolla, *Law of Defamation*, 2d ed. (St. Paul: West Group, 2001), p. 13-4.
51. Blanchard, *supra* note 3.
52. Thomas I. Emerson, "The Doctrine of Prior Restraint," *Law and Contemporary Problems* 20 (1955): 658.
53. See 44 Liquormart, Inc. v. Rhode Island, 511 U.S. 484 (1996).
54. "Protecting Human Beings," *supra* note 4.

About the Symposium Contributors

Hunt is chair of the Behavioral and Social Sciences IRB, and Yekel is director of regulatory affairs at the Pennsylvania State University.

Blanchard is William Rand Kenan Jr. Professor in the School of Journalism and Mass Communication at the University of North Carolina at Chapel Hill. She is a First Amendment historian and chair of the school's local IRB committee.

Elliott is a professor in the department of philosophy and an adjunct professor in the School of Journalism at the University of Montana.

Youm is professor of journalism and Jonathan Marshall First Amendment chair in the School of Journalism and Mass Communication at the University of Oregon.

Service Learning's Foothold in Communication Scholarship

DANIEL PANICI AND KATHRYN LASKY

An expanding body of scholarship and other writing is emerging across many disciplines that views service learning as an effective, and perhaps core element of the higher education mission. James Applegate and Sherwyn Morreale, writing as disciplinary association officers of the National Communication Association, suggest that faculty, students and communities will continue to witness the proliferation of service learning initiatives as university service missions are "recast with a new vision for community outreach that matches the expertise and values of the university with the needs of local, state, national, and international communities."¹

It has not been clear to date how much of an impact service learning pedagogies have had among those who teach journalism and mass communication. The journalism and mass com-

munication literature in this area is, in comparison to other disciplines, small. The study described below attempts to address this imbalance.

Service learning has been defined by several scholars whose theoretical positions vary. Most acknowledge that the essence of service learning is in its ability to connect student involvement to community outlets.² One of the more inclusive definitions of service learning is offered by the American Association of Higher Education:

Service learning means a method under which students learn and develop a thoughtfully organized service that: is conducted in and meets the needs of a community and is coordinated with an institution of higher education and with the

Daniel Panici (PANICI@USM.MAINE.EDU) is associate professor and director of the Media Studies program at the University of Southern Maine. Kathryn Lasky (LASKY@MAINE.EDU) is associate professor at the University of Southern Maine.