Committee on Ethics 2011 Annual Report

Submitted by:
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1) Please list your Committee, Commission or Task Force Objectives and Responsibilities as stated in your group’s charge:

Objectives
The Committee on Ethics is a standing committee of the Association, which is responsible for the design and implementation of the Association's ethics education and advisory program. The objective of the ethics education program are:

- to increase the number of candidates for all degrees in anthropology receiving training in ethics before graduating;
- to provide ongoing education in ethical issues for all AAA members, and
- to provide advice to AAA members facing/raising ethical dilemmas.

Responsibilities
Responsibilities:

- Work with the long-range Planning Committee and others, formulates visions and goals for the AAA ethics education and advisory program, consistent with the Association's long-range goals
- Continually assess members' ethics education needs and interests
- Provide advice to AAA members who are facing/raising ethical dilemmas
- Assess progress toward attaining ethics education program vision and goals
- Develop policy recommendations for the ethics education program
- With the Ethics Contributing Editor of the Anthropology Newsletter, develop ideas for the Ethics column and materials for the AAA Ethics Page on the website
- Sponsor an ethics-related session at the AAA annual meeting
- Administer and award Ethics Small Grant Program

2) Please list your Group’s goals, activities and accomplishments/products for the designated Period in relation to the AAA’s long range plan:

Goal 1:
Events sponsored at the 2011 AAA meeting

Activity:
The CoE sponsored two successful events at the 2011 AAA meeting: “Anthropology’s Ethics:
Lessons from the Code Review” and “Ethics and Fieldwork: Exploring Shades of Grey.”

**Goal 2:**
Commented on the revisions to the AAA Code of Ethics

**Activity:**
As requested by the Task Force revising the Code of Ethics, the CoE provided a detailed response to the posted new draft principles, as well as to the overall structure of the proposed new Code of Ethics.

**Accomplishment/Product:**
not applicable

**Explain any Gaps or Lack of Accomplishment Product:**
not applicable

**Relevant Objective in Long-Range Plan:**
not applicable

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**Goal 3:**
Requests from AAA members for advice regarding ethical issues

**Activity:**
In an ongoing case, responses were forwarded from the Friends of the CoE to Diane Tober, an anthropologist who had asked for guidance in 2010 concerning ethical issues about ethnographic research in the West Bank and the protection of data in relation to a legal struggle with her former employer. Three new requests were brought to the CoE’s attention in 2011. Laura Miller requested the intervention of the CoE in a case at her university regarding plundered archaeological artifacts. The CoE responded that intervention is outside the mandate of the CoE, as the committee is limited to education and advice, and forwarded the matter to AAA leadership. Tricia Hepner asked the CoE for guidance in advising her students on ethical praxis when conducting research using social media sites like Facebook. The CoE consulted with the Friends of CoE, compiled a response to her that included the range of member and Friends comments, and will be posting that response on the CoE blog as well. SueEllen Jacobs asked the AAA for guidance in a case where copies of linguistic research interviews with members of a Native American Tribe, archived at the University of Washington were requested and the University agreed to release, despite the objections from the Native American community, and objections from the researcher (Emeritus Professor Jacobs) who noted that data was protected by confidentiality agreements. CoE replied with
comments from its members, including language from the AAA code of ethics, findings from a court case where the a similar issue of prioritization of researcher/subject confidentiality agreements over public access requests was at issue, and information on and contact information for the Linguistic Society of America whose Ethics Committee has also addressed this issue. With this information, the matter was resolved in ways that respect research subject rights.

Accomplishment/Product:  
not applicable

Explain any Gaps or Lack of Accomplishment Product:  
not applicable

Relevant Objective in Long-Range Plan:  
not applicable

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**Goal 4:**
Ethics Curricular Grant Program

**Activity:**
During 2011, the CoE received approval from the AAA Board to transform the prior ethics award to an ethics curricular grant program with an annual allocation of $1000. During this first grant cycle, the CoE received four grant proposals. The allocated $1000 was divided between two proposals. $650 was granted to Lakshmi Fjord and Devva Kasnitz for their proposal, “Disability and Bioethical Curriculum: Please Mind the Gaps Request.” $350 was granted to Samuel Collins and Matthew Durnington for their proposal, “Multimedia Ethics for a Networked Anthropology.” (Call for Proposals is attached).

Accomplishment/Product:  
not applicable

Explain any Gaps or Lack of Accomplishment Product:  
not applicable

Relevant Objective in Long-Range Plan:  
not applicable

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**Goal 5:**
Drafted a response to the ANPRM changes

**Activity:**
At the request of AAA President Virginia Dominguez in August 2011, CoE member Lise Dobrin and Friends of the CoE member Rena Lederman drafted, with CoE and Friends input and assistance, a response to the proposed changes to the Common Rule (76 FR 44512) (ANPRM, “Human Subjects Research Protections: Enhancing Protections for Research Subjects and Reducing Burden, Delay, and Ambiguity for Investigators”) assessing its potential effects on anthropological research. This document was then posted by the AAA president as the AAA response to the proposed changes.
Accomplishment/Product:  
not applicable

Explain any Gaps or Lack of Accomplishment Product:  
not applicable

Relevant Objective in Long-Range Plan:  
not applicable

3) Provide any additions or proposed changes to goals, activities, products or outcomes for the designated period:

Goals:
Continuation of Goals from above.
CoE Website Revisions and New Blog
Legal support for AAA members
New editor for the AN Ethical Currents column
New Chair and Chair-Elect
Two New Permanent Member Slots

Proposed Changes:
Continuation of Goals from above
CoE Website Revisions and New Blog

During 2011, the CoE website was updated with new syllabi, and existing links were verified and organized. In addition, plans were made and the first post prepared for the new CoE ethics blog.

Legal support for AAA members
The CoE continues to research ways to provide AAA members with legal support, information, and access to counsel.

New editor for the AN Ethical Currents column
Morag Kersel is the new point person and editor for the Ethical Currents column, with every member responsible for locating content for at least one Ethical Currents column over the next year, in relation to the AN issue themes.

New Chair and Chair-Elect

At the CoE meeting at the 2011 Annual Meeting of the AAA, Roberto Gonzalez was unanimously elected Chair of the CoE for 2012, and Lise Dobrin was unanimously elected Chair-Elect.

Two New Permanent Member Slots

CoE grew by two members in 2011, with the addition of Woody Gaines and Simon Craddock Lee. We understand this will be a permanent change--in other words, the total number of CoE members from this point forward will increase by two.

Activities:

not applicable

Proposed Changes:

not applicable

Products/Outcomes:

not applicable

Proposed Changes:

not applicable

4) Provide plans for 2012 in relation to existing or new goals/activities and relationship to the Objective in the Committee's or Commission's Charge and Long-Range Plan Objective (if not self-evident). Identify if they represent significant changes or elaborations on existing goals, objective activities, charge etc:

Committee/Commission Objective 1:

not applicable
LRP Objective 1:
not applicable

New Goal and or Activity 1:
not applicable

5) List financial and other resources in hand to complete the proposed work of the Committee, Commission or Task force for the coming year and explain any additional resources. Please list separately:

a. Resources in hand or being sought independent of the AAA:
not applicable

b. Requests for additional resources from the AAA. Specify clearly which specific goals/activities etc. require additional resources from each source:
not applicable

6) Have there been or do you propose any changes to the Objective or the Responsibilities of your Committee, Commission or Task Force If so, what are they and what is the rationale for them:

Current Objective 1:
not applicable

Responsibility:
not applicable

Proposed Change:
not applicable

Rational for Change:
not applicable

7) Are there issues you would like raised or recommendations would you like to make to the AAA Executive Board related to the work of your committee commission or task force?

In an email communication dated June 7, 2011, then AAA president Virginia Dominguez informed then Committee on Ethics Chair Barbara Rose Johnston that the AAA Executive Board's Association Operations Committee (AOC) had discussed the Committee on Ethics' requests to: (a) offer once-a-year legal counsel on ethics for members; and (b) to develop a resource base for assembling legal brief and supporting materials. (Both of these requests had been outlined in the Five-Year Report on the CoE submitted in 2011.) The AOC determined that it did not have enough information to make a recommendation to the whole AAA Executive Board. The AOC also recommended that the CoE provide the AAA Executive Board with further information about these proposals, including estimated costs. This message
is intended to provide that information.

To summarize, our two requests included:

(a) Membership benefit of right for counsel advice: We propose that the AAA provide as a member benefit a once-a-year right to legal counsel to secure advice on matters where ethical praxis (and anthropological efforts to use the code) results in a legal dispute.

(b) Legal brief and supporting materials: We propose that the AAA commission a review of national and international legal proceedings (including judicial orders, judgments, and case law) to summarize cases and outcomes where professional codes of ethics, especially AAA, SfAA and other professional ethics codes were used to defend anthropologist and research subject actions and conduct.

Our initial request was partly motivated by the helpful assistance of the current AAA legal counsel in the Diane Tober case of early 2011, with a review of the original terms of work (scope of work contract) and related facts in the case. The recommendation that this sort of legal counsel be available more broadly, as a membership benefit, reflected the recognition that legal counsel is already present and paid with income derived from AAA membership dues. Cost may therefore be neutral. If additional legal research is needed to form a helpful response, or if many requests for advice are received, then that would have to be factored in. However, if Legal brief [(b) above] is accomplished first, then time/cost would presumably decrease (and quality of advice presumably enhanced).

The question then arises: What costs would be associated with Legal brief?

With regards to cost, if we use the recent record of membership queries/requests to the AAA for assistance and guidance on matters where their efforts to apply the AAA code resulted in a legal dispute, request for advice in escalating matters with potential legal ramifications has been received by the AAA about four times a year, sometimes more, sometimes less.

A pro bono ad hoc mechanism was suggested as one option by CoE members in our Montreal meeting, drawing upon expertise and service of the joint PhD/JUD community. In the 1990s, the AAA Human Rights Committee appointed an anthropology/human rights lawyer as a board-appointed member for precisely this reason. Thus, one approach would be for a board-appointed legal counsel, assuming there is interest. Lacking such pro bono legal counsel, a number of additional questions and issues would arise regarding costs associated with formally announcing the right to a once-a-year consult with AAA legal counsel on matters involving the use or defense of ethical praxis:

1. Could this function be absorbed in existing agreement with AAA legal counsel? If not, would a new line item be needed to fund additional legal time/cost for this new member benefit? Could this be accomplished by reallocation of funds? If not, could this be accomplished through generation of new funds, with an initiative sent for a membership vote to increase annual fees by modest amount $1-2 per year?

2. The costs of preparing a legal briefing to identify the record of cases where the AAA and other professional codes were used in legal proceedings to defend anthropological praxis would likely be quite variable. A graduate student/law school review might be prepared for as little as $1000, though that work might reflect a cursory few days of research and writing. A $5000 honorarium might produce a more thorough (and useful) review by a senior
practitioner. A collaborative effort with other professional associations and organizations might be a third, and ultimately more powerful and useful approach (AAUW, AAAS and its Committee on Scientific Freedom, etc).