Research Involving Creative Practices:

A Chapter for Inclusion in the TCPS

Submitted by the

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A Working Committee of
The Interagency Advisory Panel on Research Ethics (PRE)

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I. INTRODUCTION

In 2004 the Interagency Advisory Panel on Research Ethics (PRE) and its Social Sciences and Humanities Research Ethics Special Working Committee (SSHWC) released a report on its consultation with Canada's social sciences and humanities research communities regarding their experiences with and reaction to the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS). Entitled *Giving Voice to the Spectrum*, the report expressed a number of concerns including the observation that attention needed to be paid to "how creation- and/or performance-based researchers in the humanities (such as musicians, visual artists and performance artists) might have experienced the implementation of the TCPS." The committee called for an additional member in that area and in the winter of 2005 the new member was appointed. In keeping with PRE's first principles of transparency, community engagement and consultation, the committee then began a process of research and consultation which included in the spring of 2006 a survey of the Fine Arts community that sought to address this question raised by *Giving Voice to the Spectrum*. The findings of this survey were released earlier[1].

SSHWC is recommending the inclusion of two new chapters in the TCPS: one on Qualitative Research and one on Creative Practices. Such new chapters with cross-references throughout the TCPS should guide researchers, research ethics boards and research participants on the different assumptions that guide a range of research approaches to appreciate the differing interrelationships that are characteristic among its participants, and to understand the implications these differences have for research ethics and the research-ethics review process.

The inclusion of a dedicated chapter on qualitative research and one on creative practices will conceptually and visually enhance the TCPS. As stated in the TCPS, "[T]he Agencies hope that the Policy will serve as an educational resource." (TCPS, i.2, Goals and Rationale of the Policy). It will also promote the dual role of REBs, given that " [T]he REB has both educational and review roles. The REB serves the research community as a consultative body and thus contributes to education in research ethics…" (TCPS, p. 1.1). To that effect, SSHWC respectfully submit to PRE the following draft of a chapter on Creative Practice for the TCPS.

If PRE were prepared to declare that individuals engaged in creative practice need not concern themselves with review under the TCPS then clearly such a chapter would be unnecessary. The practicality of exempting creative practice is qualified by the fact that researchers from a wide range of disciplines—not just traditional Fine Arts disciplines—are currently using creative practices in their research and it is unlikely that those other disciplines would see the reason for exempting some researchers and not others when all may be concerned with the same type of research issues and research participants. If such an exemption is not possible then it is essential for the 2nd edition of the TCPS to contain a chapter addressing the ethical issues relating to creative practice.

While it may be possible and necessary to post additional materials and references related to this topic on PRE's website, we strongly recommend that the attached chapter on Creative Practices be included in the TCPS. It provides a basic orientation to the objectives, characteristics and process associated with Creative Practice and provides guidance as to the nature of the researcher/research subject relationship along with key questions and ethical issues of importance to artist/researchers and other individuals whose approach to research involves creative practice.

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[1] *Extending the Spectrum: The TCPS and Research Involving Creative Practice. A Report with Questions for Furthering the Dialogue*, see http://pre.ethics.gc.ca/english/workgroups/creativepracticereport.cfm

II.   DRAFT OF A CHAPTER FOR THE TCPS

RESEARCH INVOLVING CREATIVE PRACTICES

Creative practice has become important in the research profile of postsecondary institutions and programs of research funded by all of Canada's major research funding agencies.[2] Although the majority of researchers engaged in such research may be artists based in academic units concerned with the Fine and performing arts, creative writing, design, architecture and new media, many non-artists based in disciplines ranging from education to genetics to sociology are also using creative practices within cross disciplinary research. The attraction of this mode of research derives in part from its widely regarded capacity to directly engage broad sections of the public, but this characteristic is also bringing research involving creative practices under review governed by the Tri Council Policy Statement.

A.   Facilitating Ethical Reflection and Review

Ethical review of research involving creative practice can be challenging for many reasons such as the wide range of disciplines and creative practices involved; the traditional nature of the researcher/participant relationship; established ethical practices and concerns in the arts which may diverge from those in other research disciplines; and popular misperceptions or the need for specialized expertise regarding the nature of creative practice and its relationship with research. Establishing separate REBs dedicated to the review of research involving creative practices can help address some of these challenges. Where the critical mass of individuals with a background in creative practice is insufficient for a dedicated REB, more broadly based REBs will need to include some expertise in creative practice (preferably two or more members) and possibly delegate such files to a small group with the necessary expertise. More broadly based REBs may also use their arts-based members and any other individuals responsible for delegated review as a means of mutual communication and education between REBs and researchers engaged in creative practices. Regardless of the composition of the REB, however, boards should use terminology and expectations appropriate to creative practices in their forms and procedures, and avoid a prescriptive process in favour of encouraging researchers to reflect upon the ethical approaches and concerns which emerge out of their particular research program or project.

Although professional arts associations in Canada have not developed written ethical guidelines governing relationships with research subjects, the deeply human-centered approach at the core of all art forms has led artist-researchers to incorporate ethical reflection into their research. In some disciplines traditional approaches to ethical matters clearly inform the process while in others, particularly new hybrid approaches to creative practice, hybrid ethical practices are emerging out of each new project. What follows is intended to assist researchers, research participants and reviewers in navigating the ethical waters which converge around research involving creative practice. The intention is to offer useful questions, information and examples

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[2] For instance, the University of Victoria has identified Creative Arts and Culture as one of ten thematic areas around which they will focus their research development (www.uvic.ca). Likewise the University of Regina has singled out Culture and Heritage as one of five priority research clusters, and imbedded its importance in its mission statement: "The University of Regina preserves, transmits, interprets and enhances the cultural, scientific and artistic heritage of humanity through the acquisition and expansion of knowledge and understanding" (www.uregina.ca). See also the Ontario College of Art website and, in particular, their entire section on research (www.ocad.ca/research.htm). SSHRC, NSERC, CIHR, NRC and FQRSC have all funded research involving creative practices.

regarding ethical concerns appropriate to a variety of creative practices and potential pitfalls to be avoided. It should be used in conjunction with an understanding of the established ethical approaches appropriate to the particular creative practice(s) in question, and it is not meant to serve as a basis for prescribing a particular ethical approach or even a set of ethical considerations to be applied to all research involving creative practices. Through their own work and that of their students, artist researchers are responsible for the future of Canadian culture and its impact on the public. While arts-based researchers should reflect on the moral acceptability of their approach to human subjects, it is not in the best interests of these subjects if ethical review becomes a prescriptive mechanism for limiting or diminishing the impact of the arts or for exercising prior restraint or censorship.

B.   The Nature of Research Involving Creative Practice

B.1. Objectives

In its Research/Creation funding program SSHRC enumerates a broad spectrum of disciplines concerned with producing works of art: "architecture, design (including interior design), creative writing, visual arts (eg. painting, drawing, sculpture, ceramics, textiles), performing arts (dance, music, theatre), film, video, performance art, interdisciplinary arts, media and electronic arts, and new artistic practices."[3] Not all art-making, however, can be appropriately characterized as research. Some artists may create material art objects, performances, written or electronic works motivated exclusively by aesthetic or commercial objectives.

Research involving creative practice will also usually result in a creative product, but the researcher will be using creative practice to pursue a line of inquiry which may be simply intended to increase our knowledge of methods or approaches appropriate to the discipline and/or more broadly focused on contributing to our insights into and understanding of human nature and the world.[4] Arts-based research may be used to test hypotheses derived from many disciplines; discover new approaches for researchers inside and outside the Arts; ask questions which challenge commonly held beliefs; provoke debate on and exploration of a critical social issue; enable individuals or a society to see things from a different perspective; and/or empower individuals who lack a voice in their community, etc. By putting something on a stage or screen, in a frame or book, artists may be making a generalizable observation—or possibly even critiquing the whole concept of generalizable observations—but the level of innovation, invention, surprise or original discovery which characterizes derivation of such observations will be a key factor in assessing the importance of the research. Art is supposed to surprise us. The high premium placed on creativity by artist researchers and their public can serve as a reminder that creativity is centrality to "the quest to advance knowledge" in most research endeavours,[5]

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[3] www.sshrc.ca

[4] The definition of research derived through the 2001 Research Assessment Exercise in the United Kingdom clearly identifies creative practice "as original investigation undertaken in order to gain knowledge and understanding. It includes work of direct relevance to the needs of commerce and industry, as well as to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances and artifacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction." See www.hero.ac.uk/rae/

[5] In its Research Overview, for instance, the University of British Columbia inextricably links creativity and research: "The translation of discoveries into inventions for the material benefit of society is one expression of creativity. Equally important is its expression through scholarship, art, music, literature, poetry and dance, for the uplifting and enriching of the human spirit. This diverse range of human endeavours constitutes research ."(www.ubc.ca) Particularly in the areas of interactive new media, some artists are competing and/or working closely with industry in innovation, an area where the need for flexibility to respond quickly to unexpected discoveries is especially acute.

and ethics review should avoid compromising the potential for surprise and discovery which is essential to creativity.

Although not characteristic of all creative practice, these elements of surprise and discovery may frequently emerge out of an objective to provoke public scandal and debate, to 'make a scene,' to instigate a critique by highlighting or undertaking an extreme version of the very thing being critiqued. As with some researchers in other areas, artists have historically questioned fundamental assumptions and popular beliefs and/or challenged such things as bureaucratic culture and the individuals associated with it, but the artist researchers' recourse to public exhibitions or performances as well as widely disseminated media give them the potential to generate a more inflammatory and popular impact. However, the very public component of most research involving creative practice presents not only ethical challenges but also safeguards. When this research moves into the public sphere it is subjected to vigorous critique, debate and review, and much like journalists, artists realize that their treatment of human subjects and/or research participants can be open to litigation.[6]

B.2. The Research Process

Apart from the basic objectives of arts-based research and its fundamental characteristics, its diversity of process and approach makes it difficult to generalize beyond observing the expectation that artists will derive independent and unique approaches organically out of the combination of materials, subject matter, context, research questions, etc. as they come together to constitute a research project. Pre-established disciplinary methodologies are discouraged. Spontaneity, serendipity, chance, and intuition are essential to the worlds of play, make-believe, imagination, fiction, the surreal or virtual reality in which artists undertake their inquiry.

The construction of these worlds, though, usually still evolves within a disciplined process. It may involve quantitative approaches as in the case of a ceramicist experimenting with the effects of a particular compound in the glazing process under different firing temperatures or a musician surveying an audience to discover correlations between appreciation of new music and childhood musical training. It may involve qualitative approaches as in the case of the dramaturg who works with a group of street workers through a play derived from their personal stories—or the new media expert who engages teenagers in a virtual world of gangs and narrative games in order to explore their concepts of "the other." Most projects involving creative practices, however, will follow a fundamentally emergent trajectory. Disparate elements may be collected or become the subject of reflection over a long period of time before the artist-researcher connects them with a particular line of inquiry or approach and the creative outcome of the research may take even longer to emerge. In some cases the nature of the creative outcome may be clear from the beginning whereas the questions to be applied and insights to be gained may emerge more slowly. It is frequently hard to determine a distinct beginning and end to a project, and contact with research participants may occur before there is a research project (participants may in fact instigate projects) and continue onwards for years as the project expands into different stages or approaches. The cross-and interdisciplinary convergence of theory and

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[6] The increasingly blurred lines between arts-based research and journalism may suggest a convergence with respect to ethical considerations—particularly those pitting the rights of the artist/researcher or journalist against those of private individuals. Freedom of the press and artistic freedom have often been closely linked as being in the public interest, and arts-based researchers share the need with journalists to respond quickly to current events or individuals in public venues as well as to ask difficult questions regarding public figures, the status quo or individuals marginalized by society.

methodology as well as the proliferation of new media and technologies is further diversifying the range of approaches.

Despite the varied nature of research processes involving creative practices, they frequently involve stages such as reflection, information gathering, hypothesizing, trial and error experimentation, synthesis and the dissemination of results. As in the case of other disciplines, the research dimension of creative practice is not limited, for instance, to electronic or library research, interviews or observational notetaking and photography but encompasses as well studio based trial and error experimentation or rehearsal and the public presentation of an art installation or performance. The public presentation of the creative product relates to scholarly dissemination, most obviously conference presentations, but it can also lead to a further stage in the research loop. The interactive opportunities facilitated by new media and live performance, in particular, create the potential for encompassing the artist researcher, the art work or research product and the audience in a reflexive loop through which the dissemination of the research can, in fact, become the site for further research and direct input from the public. While insights may be derived from the material or performative products of creative practice through distinct scholarly interpretation, synthesis, or response, they are not dependent on or limited to this type of formal analysis. Research involving creative practice, in fact, derives its insights from all stages of the creative process and ultimately attempts to engage its audiences in these insights directly through the art itself.

C.   Relationships with Research Subjects and Participants

C.1. Determining the Focus of the Research

Arts-based research may involve human subjects at any or all stages of the research, but within the context of ethics review it is essential to distinguish between human subjects and other individuals who function exclusively as the equivalent of co-researchers, research assistants or conference participants. As in the sciences, for instance, researchers engaged in creative practice may employ individuals as technicians, models, performers, designers, crafts people, writers and editors, etc., to realize a creative vision or explore a particular question or hypothesis. Contractual, legal and moral issues such as appropriate remuneration and working conditions, safety, public credit and ownership of creative and intellectual property are all important considerations for any researchers who engage such people, but they do not fall within the purview of REBs.

The extent to which humans may be regarded as the genuine subjects of research involving creative practice will depend on the focus and approach outlined by the researcher. A key question, then, is "To what extent is the personal information, likeness or presence of the individual the immediate focus of inquiry?" While models or performers whose physical presence may facilitate the creation or interpretation of a 'creative other'—or even actors who employ the Stanislavsky method of building a character through connections with personal experience—may bring personal resources to the creative project, they are typically not the subject of the research. In most cases, in fact, they will most appropriately be regarded as the equivalent of research assistants or technicians.

With respect to members of the public and/or audience, all art forms, and performative art forms in particular, require an audience for the completion of meaning. Researchers may be more or less proactive in soliciting audience response or participation (to the extent of even stopping a

show to ask the audience to determine how the play should be resolved), but only when the focus shifts from the show to the audience member could they reasonably be regarded as subjects of the research. If, for instance, audience members undergo detailed interviews to determine if they were able to relate scenes and characters to events and people within their own experience (as, for instance, experiences with an alcoholic father) then they become the focus of the research. The extent to which the nature of the interaction or reception is concerned with the personal vs the creative work itself will be an important consideration in determining the need for ethical review.

The inclusion of an individual's image (whether rendered through conventional artistic methods, photography, film or new media) does not make that individual the subject of creative research. A photograph taken anonymously many years earlier could find its way into a collage or a scenic backdrop concerned with "the face of war" or a casual passerby during a live film shoot might end up in the footage of a film. Artists are aware of the extent to which privacy legislation and related precedents govern their use of such material, but only when it is clearly apparent that individuals connected with such images are indeed the subjects of a particular creative research project should the project be reviewed under the TCPS.

C.2. Subjects or Participants

For the sake of clarity the terminology used in this section has so far focused on delineating 'research subjects' from individuals such as spectators, performers, models, technicians, etc when they are participating in the research only to facilitate or watch the realization of a work of art. Of course in some instances, especially when the objective may be to instigate critique and debate, the human subject(s) may not participate at all in the research, and so long as the researcher is using publicly available personal information and materials ethics review may be unnecessary. In other instances, however—particularly in collective and popular approaches to art and performance, community-based or public art work, intermedia installations, interventions involving surveillance, new media creations involving interactive gaming and virtual worlds— 'research subjects' become genuine participants in the research. In popular theatre, for instance, women from a safe house may be not only the subjects of the research project but also the initiators of its primary research questions, focus and objectives; co-applicants for research funding; writers of a script incorporating their personal stories; designers; actors; composers; co-authors; etc. Intermedia installations may collect and draw together the narratives or artwork of selected individuals from the community and through surveillance technology project the images of visitors to the installation who have been encouraged to post or act out their own stories at the site. New media may enable visitors to enter a virtual world where they can construct alternative identities and engage with the alternative identities of other visitors through evolving narrative strategies or games.

D.   Benefits and Harms Associated with 'Risk-Taking'

D.1. Risk

In assessing the relative benefits and harms to research subjects and participants that might derive from arts-based research, it is necessary to remember an important characteristic of the arts that attracts both participants and members of the general public. That characteristic is risk— and it carries very different connotations in arts than it does in areas like medicine. In arts–based research the description of a creative project as "risky" or an artist as "taking risks" is a coveted compliment. This is the quality to which prize winning artists aspire and on which retrospectives

of artists' careers focus. Describing a project as 'minimal risk' in the arts is a dismissive criticism. 21st century patrons who buy a book or tickets to a play, film or concert; attend a gallery exhibition or installation; stop to watch a performance artist dancing in a park; or click on an intermedia website for an interactive game/narrative are all agreeing to enter the highly performative world of the imagination and 'play.' Research participants and patrons alike are motivated in large part by the anticipation of the unexpected--surprises, discoveries, transformations and, depending on how you look at it, even 'deception.' They participate in an unwritten and traditional consensual relationship founded on the assumptions that they will come to no bodily or psychological harm and that their participation will result in 'experiences,' emotional stimulation, insights, entertainment, etc. If patrons wish to sever the relationship, they have a number of options ranging from booing to leaving or throwing away the book. Research participants may have similar options ranging from ceasing their relationship with the researcher to requesting the removal of their personal information and creative property from the project.

The appeal of creative practice therefore depends in part on its capacity to allow the public to experience 'risk' in an environment that is ultimately controlled by the participant. While the artist-researcher may set out a 'calculated' or 'controlled' environment, the minute the public begins to engage with that creative work the artist cedes a measure of control to the public depending on the nature of creative parameters and conventions invoked. Within contemporary art practice, for instance, creative works have become more interactive. By including live video footage of the spectator within an installation, the artist suddenly shines a spotlight on the spectator which places them at center stage. Given this 21st century tendency, a voluntary spectator is unlikely to argue that such actions were especially harmful. Rather they are more likely to remark favourably on the benefits of 'risky' creative work which respects its public to the extent that it shifts a degree of control for the direction of the creative inquiry to the audience.

D.2. Benefits and Harms

Any consideration of the relative harms and benefits likely to derive from a research project involving creative practice must include careful consideration of the benefits to society which derive from the academic and artistic freedom which enables arts-based researchers to undertake 'risky' research. As with bio-medical research the objective of arts-based research is ultimately to contribute to the welfare of human kind, but unlike bio-medical research arts-based research seldom has the potential to be life-threatening. In fact, in comparison with bio-medical research most arts-based research could probably be characterized as having minimal capacity to do harm to its subjects—certainly much less capacity to do harm than everyday activities such as driving a car or crossing the street. For individuals who may become the subject of arts-based critique or satire, protection comes through the very public dissection, review and debate to which arts-based research is subjected by popular audiences or readers, journalists and academics.[7] Libel laws also afford a further safeguard for scrutinizing creative practice which attempts to document wrong doing or social injustices. Certainly 21st century artists must carefully consider the power of the written word, visual and performative art forms and not seriously compromise an individual's personal freedom or reputation without good reason. However, REBs should not be concerned with fear of litigation, adverse publicity, loss of funding from donors, etc.

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[7] The work of filmmaker Michael Moore is a good example of this type of arts-based research (eg. *Bowling for Columbine, Fahrenheit 9/11*).

E. Determining What Requires Ethics Review

Research Ethics Boards and researchers who use creative practice need to consider several basic questions to determine whether a research project or program requires ethics review: Is the researcher using creative practice to pursue a line of inquiry which is likely to extend knowledge within a particular discipline or lead to a broader understanding of the world? Will the focus of the inquiry be concerned with the personal information of groups or individuals who could appropriately be called research subjects or research participants? If the answer to both of these questions is yes, then is all of the personal information or material to be used publicly available? If it is, then, the research does not require ethics review. If the material is not publicly available then key questions can help determine the relative level of review required: What kind of personal material will be used and how will it be obtained? What kind of relationship has the researcher established or does the researcher anticipate establishing with the research subject or research participant? What benefits are likely to derive from this research? What identifiable and significant harms might subjects or participants experience? How will the researcher safeguard the dignity of research participants? What kind of ethical considerations have informed the decision to create a critique or expose of a research subject? Cases where the researcher anticipates limited and minimal harm to the subject or participant could proceed to expedited review.

F. Additional Issues for Consideration in Reviewing Arts-based Research

F.1. Timing

Given the frequently emergent nature of the research approach, research questions and the researcher/research participant relationship in projects involving creative practice, it can be impossible for arts-based researchers to provide a meaningful research plan within the process of ethics review prior to having met with research participants. To most effectively facilitate reflection on ethical matters, REBs may want to welcome periodic ethical review of researchers' broader creative research programs with the understanding that any substantive changes in the usual treatment of research participants would require review at a later date. REBs will also need to be more flexible with respect to 'after-the-fact' review and agree to receive requests for ethics approval when a clear research plan is in place even if this means that the researcher will have had contact with the research participants before seeking approval. Particularly in cases where the research participants have major roles to play in the research project it is unethical for them to be excluded from the formulation of the creative research plan and approach—and, in particular, the ethical parameters of the project.

F.2. Signifying Free and Informed Consent

The creative practices at the core of arts-based research each bring with them traditionally established mechanisms whereby individuals gain the information they need to decide whether to participate in a project and then signify their ongoing willingness to participate—and in some cases their decision to withdraw their contributions and cease participation. In some cases formal mechanisms such as information sheets and written consent forms may be appropriate, but the majority of artist researchers regard such formal processes or mechanisms as wholly incompatible with both their creative and research processes and, in particular, the relationship with human subjects and/or participants on which the success of their research depends. Especially in collaborative contexts where research subjects participate equally in the research process with the artist-researcher, consent forms imply an inappropriate hierarchical relationship

with respect to research design and direction, knowledge and power, responsibility for and ownership of creative outcomes.

Ethics review in the arts requires a respect for the existing norms for cultural and artistic fields outside as well as inside academia and a recognition that artists must compete for grants, commissions and awards and function outside the university. If an artist researcher were to impose something like a written consent form in a context where the public has come to expect very different conventions or mechanisms then the artist-researcher may significantly change the character of the researcher-research participant relationship and potentially poison the research climate with suspicion.

In areas such as performance, installations, and interactive new media, prior advertisements or introductory descriptions of the creative work—along with conventions surrounding the medium itself—constitute the necessary information for the participant to buy a ticket, attend a gallery or initiate a computer session. Attendance or participation in itself constitutes consent so long as the individual is free to leave. Researchers may post warnings about the use of candid photography, surveillance devices, potentially dangerous technology or highly violent content—although the necessity for this would depend on the degree to which any potential harm might exceed that normally expected in such a public space or activity. Such notices can substantially alter the individual's engagement with a work of art. In some cases involving the study of audience response to public performances or the use of a photograph collected anonymously possibly 20 years earlier formal consent procedures are neither possible nor necessary given the minimal level of harm that might be incurred by individuals who have chosen to be in a public place and/or who are greatly distanced by time.

F.3. Establishing the Parameters of the Researcher/Research Participant Relationship

In instances where research participants decide to cease their participation in a creative research project they may simply leave a performance, end their relationship with the researcher and/or request the removal of their personal input from the project. In some instances, though, where the personal contributions of the participant have become integral to the work of art, withdrawal may be more complicated—particularly so if the creative work also incorporates the personal contributions of other research participants. Circumstances leading to the withdrawal of research participants are not uncommon, but especially in cases where it may jeopardize the integrity of the creative work produced by multiple research participants and its research objectives, the researcher should establish a procedure and finite timelines for such withdrawal. Obviously, the earlier a procedure is established the better although the need for such arrangements may only emerge once the researcher and research participants are well into the project.

At the other end of the spectrum, the nature of the creative research may necessitate the researchers' commitment to a long term relationship with a research participant beyond the actual research project. Particularly in the area of collective and popular art practice, for instance, one of the primary objectives of the research may be to empower socially marginalized research participants with a public voice and visibility enabling them to challenge the status quo. An ethical researcher will usually maintain a long term relationship with such participants to support them as necessary in securing their psychological, social and possibly even physical well-being while adjusting to the consequences of having made aspects of their personal lives public.

F.4. Crediting and Respecting the Participant's Contributions

Whereas researchers in many disciplines may be concerned with protecting a research participant's privacy, artist-researchers may more often be concerned with assuring adequate public acknowledgement of research participants for their creative contribution to a research project. If, for instance, an artist has worked with a group of school children to create an exhibition which explores evolving concepts of racial difference then students must be fully credited for their individual creative contributions. If a group of immigrants work with a documentary filmmaker to examine the challenges faced by immigrants, any immigrants offering their personal stories for inclusion in the documentary would be not only fully recognizable in the video but also clearly identified in the credits. Copyright legislation clearly delineates an artist-researcher's responsibilities here, [8] but this is also an ethical issue essential to maintaining a healthy subject-centred relationship between arts-based researchers and their research participants. In some instances, researchers may be wise to introduce formal contractual agreements into the creative research process, but in all instances the research participants' ownership of their creative and intellectual property, the extent to which they are publicly credited for their contribution and any remuneration derived from it should reflect current practice within the medium and/or approach in question. This applies regardless of whether the participants are professional artists, students or other non-professionals.

F.5. Confidentiality

Given the public nature of much arts-based research as well as the expectation in the arts that participants should be credited for their contribution, public acknowledgement of research participants is the norm. In some instances, however, participants may require anonymity. If in the documentary on immigrant experiences, for example, any research participants were illegal immigrants and required anonymity then the researcher would be bound by concerns for privacy and confidentiality. In this instance the immigrants would not be credited and their images and voices could be altered to assure that they were not recognizable. In other types of films, narrative and dramatic work, names, places, dates, etc can be changed and a caveat added that it is purely fictional and any resemblance to actual individuals or events is coincidental. Within the context of creative practice, though, confidentiality should not be required simply because researchers or ethics boards perceive research participants to be "vulnerable." In an instance where a group of street workers along with a collective and popular theatre expert create a piece of theatre which will help them come to terms with the causes and effects of their situation these individuals could well be regarded as "vulnerable." If one of the main purposes of the project were to empower them and give them a public venue in which to speak directly to the community, insisting on their anonymity despite their wishes to speak publicly would be destructive and inappropriate.

F.6. Cultural Appropriation

Another issue related to informed consent concerns entire cultures or communities that may be seen as subjects--or objects of research, whether they assume an active, participatory role in the research or are given the option of making an informed decision to participate or not. Cultural

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[8] Such legislation varies from country to country and in the context of litigation sometimes proves to be less straightforward than it appears. For example, legal challenges evolved out the successful musical *Rent* and the relative creative contribution of the dramaturg who worked on the show and successfully sued for rights to the creative property. A similarly celebrated incident surrounding a highly successful French documentary (*Etre et avoir*, 2002) saw the central figure in the documentary suing (unsuccessfully) for a share of the profits and protection against the use of his image (Cooper, 2006, pp. 2-3).

appropriation is particularly an issue when artist/researchers seize on the cultural symbols, artifacts, stories, myths, ceremonies, etc of another culture for the purposes of advancing their own financial gain and/or art-making career.[9] Difficult questions with respect to this issue can be, "To what extent is the culture or community genuinely the subject of the research?" and "Who is charged with being the guardian for such cultural materials and what group or individual can legitimately give consent?" Some cultures may have established procedures, while in others it may be practically impossible to obtain consent. In the latter instance, however, the ethics of using cultural artifacts, images, etc, still require consideration. Can they be used in a manner respectful of their cultural source? How will the source be credited and share in the benefits of the creative research? To what extent, for instance, is an artist-researcher justified in the introduction of an artistic medium (such as video and television) or art practice (such as western forms of drama) foreign to a particular indigenous or threatened culture? To what extent is a non-aboriginal director justified in producing a play written by an aboriginal playwright and casting non-aboriginal actors who will assume the voice of aboriginal characters? Such concerns should not stand in the way of important contemporary art practice involving intertextual dialogue across historical periods, various artistic media and cultures. Cross-cultural dialogue, citation and collage are essential to the increasingly global awareness across the arts, but they need to be informed by ethical reflection.

F.7. Publicly Available Information

In 21st century society where individuals are increasingly aware of public role playing within the context of everyday life and projecting a visual and public persona, where does one draw the line between the 'every-day, private individual' often regarded as requiring protection through consent and confidentiality procedures and the "public personalities" or celebrities regarded as exempt from such considerations? While few individuals achieve the public profile of the President of the United States or movie stars, even those in a small rural town can seek and/or achieve a certain public profile within their community. By simply walking down the street an individual can be seen as seeking public visibility, and in that context the real distinction between a public celebrity and 'an everyday individual' is relative at best and quite artificially constructed. Popular recognition of this relativity and participation in breaking down such artificial divisions is perhaps best exemplified by 'spot shots' during sports games or concerts where spectators momentarily achieve a national or international profile.

Normally the use of publicly available information whether it be textual or visual does not require ethics review. Consequently, researchers who are observing and interacting with voluntary participants in a public venue (a city street, a theatre auditorium or a political rally) should be able to respond freely and spontaneously to the people and events around them. Here the concerns of the artist-researcher parallel that of the journalist. First, a major benefit of the insights discovered by the artist and the journalist derives from their capacity to hold a mirror up to society. This in turn requires free access to the public dimension of individuals who compose that society—in either verbal or visual forms. In many instances, the individuals concerned would not necessarily be characterized as subjects of the research in the first place, but even if they were, so long as their information is derived in a public rather than private context it should not require ethics review. A second concern relates to privacy legislation. An understanding of

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[9] There are numerous examples of this type of academic and artistic theft, and indigenous, isolated, threatened and disadvantaged cultures are particularly vulnerable to such exploitation in a global environment in which cultural materials can be easily appropriated, adapted and marketed (eg. McEvoy, 2006; Marranca, 2005).

the boundaries imposed by this legislation is essential for any artist or journalist, but ethics review should not be concerned with interpreting or enforcing it.

F.8. Observation and Surveillance

In its simplest and most common form within creative practice, naturalistic observation may involve the artists' observations of everyday life around them and resulting journal notes, sketches, photographs or recordings (eg. of curious turns of phrases). A common exercise for actor training and preparation may involve 'life study' in which the actor observes an individual and then attempts to present the person in a class or rehearsal. Another type of observation may occur within audience response studies where the researcher will make notes on how and where an audience responded to a performance and possibly even request written or verbal feedback from audience members.[10] In some instances the observations may remain so general and anonymous as to eliminate any reasonable ethical concerns, and in others the observation will really focus on the creative work rather than the participant.

Some of these and other instances involving naturalistic observation within creative practice, however, may result in capturing textual or visual material through which the individual research participant might be identifiable. Sometimes the artist-researcher might choose to alter that information in such a way as to render the individual unrecognizable, but in many cases this would be wholly inappropriate to the desired research outcomes and destructive of well-established disciplinary research approaches and objectives. For example, an important dimension of contemporary art practice involves surveillance of those who attend installations or performances—or of those who engage in electronically based virtual worlds. The research objectives may make it desirable and necessary to post signs or notices warning the public about the surveillance so their awareness of it makes them consciously performative participants. In other instances, however, such notices could stifle the response or alter the behaviour of participants to the extent that the research objectives could not be realized. In either case the live and immediate juxtaposition of the material derived from surveillance, as in the context of an installation, with the environment created by the artist and the presence of other participants is central to the reflexive exploration of postmodern arts-based research. It has also become a feature of art-making that audiences have come to welcome and expect and not something which has engendered demands for protection through ethical review.

F.9. Referents

Within the context of narratives whether they ultimately take the form of fiction, new media games, theatre, film or other visual media a focus on stories derived from research participants will inevitably result in references to other individuals such as family members, friends, neighbours, colleagues, etc. These may be direct references as in the case of the wife of a prominent political figure whose rise and fall is portrayed in a film, or they may be indirect references as in the negative depiction of an historical figure which could be said to harm the surviving members of the individual's family. Artists have developed ethical strategies for providing some protection for such referents through name changes, anonymity, the conflation or alteration of characters or plot lines, and the history of creative practice provides cautionary lessons for artists who utterly disregard the impact their work may have on such people.

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[10] The study of audience response is an important concern for contemporary researchers engaged in a number of creative practices. See for example, Etchells (1999).

However, referents are by definition not the subjects of the research and consequently not governed by the TCPS.