



Milan Ilnyckyj &lt;milan.ilnyckyj@gmail.com&gt;

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**Vipond/Ilnyckyj # 35234**

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Dean Sharpe &lt;dean.sharpe@utoronto.ca&gt;

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To: "rvipond@chass.utoronto.ca" &lt;rvipond@chass.utoronto.ca&gt;, Milan Ilnyckyj &lt;milan.ilnyckyj@mail.utoronto.ca&gt;

Rob and Milan,

Below are full Research Ethics Board comments on your protocol, Vipond/Ilnyckyj # 35234 "Canadian campus fossil fuel divestment campaigns and the development of activists". Please respond to comments addressing each comment point-by-point in a cover letter, together with the revised protocol and appendices with all relevant changes bolded into the text as appropriate, within thirty days if possible. Please feel free to e-mail these materials directly to me.

Sincerely,

Dean

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Dean Sharpe, Ph.D.

Research Ethics Board Manager--Social Sciences and Humanities

Office of Research Ethics, University of Toronto

McMurrich Building, Second Floor

[12 Queen's Park Crescent West](#)[Toronto, ON, M5S 1S8](#)Tel. [416-978-5585](tel:416-978-5585)Fax. [416-946-5763](tel:416-946-5763)<http://www.research.utoronto.ca/for-researchers-administrators/ethics/>

**Research ethics review comments on Vipond/Ilnyckyj # 35234 "Canadian campus fossil fuel divestment campaigns and the development of activists".**

1. Participants may include individuals who have participated in forms of activism that involve

criminality; such individuals should be understood as having at least medium group vulnerability in this sense. Moreover, the research topics relate to the types of activism that have been undertaken and consequences that have followed, which should be understood as involving at least moderate research risks such as socio-legal risks associated with privacy. Taken together, a risk matrix assessment of medium group vulnerability and medium research risk suggests review by the full Research Ethics Board (REB). This protocol was therefore escalated to full-REB review.

2. The methods section and appended information/consent materials suggest that the second phase of the research would include “Ethnography”, which is then described as including interviews, surveys and participant observation. The use of the term ethnography is somewhat odd and potentially confusing in the sense that ethnography would typically be understood to include qualitative methods such as interviews and participant observation, but would not typically be understood as including quantitative methods such as surveys. Could the researcher therefore please clarify this issue, consistently throughout all relevant protocol sections and appendices as appropriate?

3. The recruitment section states:

“subjects will be recruited . . . through . . . efforts to acquire lists of CFFD [campus fossil fuel divestment] campaign participants from campaigns themselves and broker organizations like [350.org](#). These lists would ideally include contact information. In some cases, initially identified CFFD activists may be asked to distribute information about the project to other potential activist research subjects. . . . Activist participants may also be sought through social media channels including Facebook and Twitter. . . . a snowball method will be used to identify further research subjects and relevant actors. In this process, known interviewees will be asked to share researcher contact information with possible new participant. This process . . . does not require known interviewees to share third party data with the researchers . . . . Translation of recruitment materials into French . . . is not expected to be necessary”

This raises the following concerns:

- Organizations should not be asked to provide the researcher with a non-consent-driven disclosure of others’ personal contact information. Alternatives would be to ask organizations to forward on recruitment materials, or to check first if others consent to having their contact information passed on to the researcher, or to arrange introductions
- The protocol has not appended recruitment materials

Could the researcher therefore please clarify these issues, consistently throughout all relevant protocol sections and appendices as appropriate?

4. The participants, consent and confidentiality sections suggest:

“Written consent . . . will be based on a menu of available confidentiality options, ranging from unlimited use including publishing the recording or transcript . . . to the most protective option, in which the recording will not be transmitted and will only be used to make a non-identifying transcript . . . before the file is destroyed . . . . the options which I intend to provide are . . . . a recording of the interview which will not be transmitted electronically . . . . I will promptly produce a . . . transcript . . . . Once this document is complete, I will destroy the recording file . . . . The subject agrees that I will retain the interview recording indefinitely . . . and I will not quote any part of it . . . . The subject agrees that I will retain the interview recording indefinitely . . . and will only use anonymous quotations . . . . The subject agrees that I will retain the interview

recording indefinitely . . . and that I may attribute quotations . . . . The subject agrees that any recordings, summaries, transcripts, or notes . . . may be published. . . . An offline database . . . shall include . . . what confidentiality option they selected”

And the appended information/consent materials state:

“subjects will be offered a menu of confidentiality options, ranging from granting unlimited permission to publish research materials produced in their interviews to a maximally protective option in which all personal identifiers will be promptly removed . . . with original recordings and transcripts then destroyed. . . . All interview subjects will be offered a menu of confidentiality options and the level chosen will establish the minimum level of confidentiality protection which the subject will be provided”

The information/consent materials have not, however, broken out distinct options relating to confidentiality (e.g., to maintain confidentiality, or to be identified), or use of quotes (e.g., to use quotes, or not to use quotes), or uses of data (e.g., for use as raw data for coding and analysis only, or to make available in broader dissemination such as presentations or publications). Could the researcher therefore please clarify these issues, consistently throughout all relevant protocol sections and appendices as appropriate?

5. The rationale section states:

“it is necessary to speak with activists . . . who endorse unusually confrontational and combative tactics. These may include criminality, specifically . . . civil disobedience such as . . . a sit-in . . . or trespassing . . . to drop a banner”

The participants section states:

“participants will be presented with a range of confidentiality options including a high-security option in which all personally identifiable materials will be immediately destroyed”

The risks section states:

“Some CFFD campaigns include acts . . . to violate the law . . . . Most often these consist of sit-ins . . . . Some campaigns have also trespassed for purposes like dropping banners . . . . incidental property damage may have arisen from activist actions like marches or protests. This creates some legal risk . . . . All . . . will be warned that it's not impossible that a police force, intelligence service, court, or other government entity will demand access to research materials . . . or may obtain such research materials via clandestine means. Third party requests for access . . . may also be initiated by university administrations. . . . subjects will be told that only crimes which meet the definition of civil disobedience should be mentioned”

The confidentiality section states:

“Interviews will include identifiers . . . generally including their name . . . institution . . . contact information, and recordings of their voice. Given the relatively low risks . . . interview recordings and transcripts will not be de-linked from identifiers. . . . Because this project will involve interviews discussing criminality . . . there is some risk that third parties will seek access to research materials . . . . subjects will be given a definition of civil disobedience and directed not to discuss any other kind of criminal activity . . . . Subjects will be advised of the distinction between criminality already known to the authorities (such as a sit-in that has been reported in the media) and unknown criminality. In the latter case, they will be directed not to identify individuals involved in such actions. . . . A response to external disclosure pressure has been agreed . . . . disclosure will be resisted and legal counsel and institutional support will be sought. . . . Contact information . . . shall be retained . . . . The risk of clandestine access to

research materials by university administrations, police forces, intelligence services, fossil fuel corporations, anti-environmentalist individuals, and others will be mitigated by . . . using encrypted data transmission channels”

The data security section states:

“The minor risks . . . can mostly be expected to be fairly short-term . . . . It would be strange for a university to suddenly decide to discipline a student, faculty member, or administrative staff member several years after a CFFD campaign ended. Similarly, any plausible retaliation from corporations targeted by CFFD campaigns seems likely to occur soon after or during . . . rather than after . . . . retaining research materials indefinitely does not further increase the risk”

The risk matrix section states:

“Participants may . . . face risk of criminal investigation, and third parties including university administrations, police organizations, and intelligence organizations may request or seek to compel access to research materials”

And the appended information/consent materials state:

“CFFD campaigns also sometimes involve criminality, specifically in the form of acts of civil disobedience like . . . a sit-in . . . or trespassing to drop a banner. This creates minor legal risks, as well as a risk that third parties (potentially including universities, police forces, or intelligence services) may seek access to research materials. . . . In the event that a request for access is accompanied by a court order, disclosure will be resisted and legal counsel and institutional support will be sought. . . . contact information . . . will be retained . . . . interview subjects will be offered . . . . a maximally protective option in which all personal identifiers will be promptly removed from all research materials, with original recordings and transcripts then destroyed. . . . All interview subjects will also be informed that the only form of criminality which they ought to describe is acts of civil disobedience . . . and that in the case of any such acts not already known to the authorities they should not disclose any personally identifying information for any people involved”

This raises the following concerns:

- A key concern is that information relating to the topics in question might be of interest to authorities and hence be associated with legal risks such as possible external pressure to disclose confidential identifiable data (e.g., in connection with a subpoena). Here it would be helpful if the researcher could clarify whether it might be possible to reduce residual risks associated with possible external pressure to disclose confidential identifiable data relating to criminality—e.g., by:
  - o Not collecting confidential identifying information relating to criminality, such as name, signature, contact information or audio recordings
  - o Not creating a linking code between confidential identifiable information, such as name, signature, contact information, and data themselves relating to criminality, or destroying any such linking code as soon as possible—e.g., immediately after any required linking is complete
  - o Destroying any such confidential identifiable information relating to criminality as soon as possible—e.g., immediately after transcribing audio recordings
- A related issue is that the REB’s understanding is that electronic communications technologies such as Skype may be subject to surveillance: if the proposed interviews might be of interest to authorities in this sense, it may be that the researcher should either not use Skype, or should inform participants of possible risks associated with Skype

Could the researcher therefore please clarify these issues, consistently throughout all relevant protocol sections and appendices as appropriate? A reference the researcher may find helpful in this respect is:

<http://www.research.utoronto.ca/wp-content/uploads/documents/2014/02/Guidelines-for-research-involving-possible-external-pressure-to-disclose-Approved.pdf>

6. The withdrawal section suggests that limits to feasibility of withdrawal are simply, “N/A”, and the appended information/consent materials suggest simply that participants might withdraw “at any time”. If it were the case, however, that confidential identifiable information relating to criminality such as name, signature, contact information and audio recordings were not collected, or that confidential identifiable information such as name, signature and contact information were not linked to data relating to criminality (i.e., in the sense of not creating or keeping a linking code that links identifiers to data), or that confidential identifiable information would be irrevocably de-linked from data relating to criminality after a certain point (e.g., after transcription and destruction of audio recordings as soon as possible), then the protocol and information/consent materials should clarify this, and its implications in terms of limits to the feasibility of withdrawal—i.e., in the sense that once data are irrevocably de-identified, it may be difficult or impossible to have the researcher withdraw or destroy data. Could the researcher therefore please clarify this issue, consistently throughout all relevant protocol sections and appendices as appropriate?

7. The information/consent materials should include notice to the effect that the research ethics program may have confidential access to data to help ensure participant protection procedures are followed—i.e., consistent with:

<http://www.research.utoronto.ca/wp-content/uploads/documents/2014/10/GUIDE-FOR-INFORMED-CONSENT-V-Oct-2014.pdf>

**Please submit by e-mail a cover letter addressing the review comments, along with a revised protocol and appendices with changes highlighted in bold. Revisions are to be reviewed through the delegated review process.**