

**ACADEMIC RESEARCH
PROTOCOL OF THE
CANADIAN ASSOCIATION
OF DRUG TREATMENT
COURTS**

March 3, 2008

PREAMBLE

Drug Treatment Courts have the responsibility to handle cases involving drug-using offenders through a system involving comprehensive supervision, mandatory drug testing, treatment services (and other therapeutic interventions) and immediate sanctions and incentives. The objective of Drug Treatment Courts is to reduce substance abuse, crime and recidivism through the rehabilitation of persons who commit crimes to support their substance dependency. Drug Treatment Courts provide the focus and leadership for community-wide, anti-drug systems, bringing together criminal justice, treatment, education and other community-based partners in the reduction of substance dependency, abuse criminality and related harm.

ARTICLE I – Academic Review Committee

Periodically Drug Treatment Courts receive requests for cooperation in the conduct of research on Drug Treatment Courts. The Canadian Association of Drug Treatment Courts (CADTC) has established an Academic Research Review Protocol. This protocol is intended to provide local Drug Treatment Courts, who receive such requests, with access to some expert advice.

This protocol includes the establishment of an Academic Research Review Committee. This committee shall be appointed by the CADTC Board of Directors. All actions of this committee are subject to the approval of the CADTC Board of Directors.

ARTICLE II – Membership of the Academic Review Committee

1. Determination of membership on the Academic Review Committee will be congruent with the general standards set out by the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*.
2. The Academic Review Committee shall consist of at least five members, including both men and women, of whom:
 - a. at least two members have broad expertise in the methods and areas of research that are covered;
 - b. at least one member is knowledgeable in ethics;
 - c. at least one member is knowledgeable in the relevant law ; and
 - d. at least one member has no affiliation with the CADTC, is recruited from the community served by the drug courts;
 - e. at least one member with a familiarity with problem solving courts

**ARTICLE III– Purpose and Authority of the Academic Review Committee
(includes excerpts from the Tri-Council policy)**

1. The CADTC shall mandate its Academic Review Committee to approve, reject, propose modifications to, or terminate any proposed or ongoing research involving drug court staff or current clients which is conducted within Canadian Drug Treatment Courts, using the Tri-Counsel Policy as the minimum standard. This mandate is subject to the right of each local Drug Treatment Court to accept or reject the recommendations of the Academic Review Committee;

2. The authority of the Academic Review Committee is delegated through the CADTC's normal process of governance. In defining the Academic Review Committee's mandate and authority, the CADTC makes clear the jurisdiction of the Academic Review Committee and its relationship to other relevant bodies or authorities. CADTC ensures that the Academic Review Committee has the financial and administrative independence to fulfil its primary duties.

3. CADTC must respect the authority delegated to the Academic Review Committee. CADTC may, however, refuse to allow certain research within the courts, even though the Academic Review Committee has found it ethically acceptable.

ARTICLE IV – Required Materials to support the application

1. Application is limited to researchers holding current academic appointments at Canadian universities whose Research Ethics Boards are constituted and functioning in accordance with the principles, structures, and procedures set out for Research Ethics Boards in the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*.

2. All applicants must provide the following information in support of their application for approval of a research project:
 - a) A full and accurate copy of the research proposal submitted to the university Research Ethics Boards;
 - b) A copy of the Research Ethics Boards letter granting ethics approval for the conduct of the study;
 - c) A copy of any annual renewal of the existing ethics approval;
 - d) A copy of any further ethics requests for the implementation of successive phases of the research project, or for the revision or extension of the study design and/or procedures;
 - e) A copy of the Research Ethics Board's approval letter for any such revisions or extensions to the original study; and
 - f) A covering letter setting out:

- i. Researcher contact information; and
 - ii. The researcher's acknowledgement that all research in Canadian Drug Treatment Courts is required to follow the principles, standards and practices of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*.
3. Where research staff are to be employed on the project (e.g. for observations in the courts, as interviewers of court staff or clients of the Canadian Drug Treatment Courts, or in other capacities), the following materials must also be provided:
 - a) Resumes for each such staff member, including qualifications for the work proposed and contact information;
 - b) A supervision plan for such staff members, including the procedures in place to ensure fidelity to the proposed research activities;
 - c) Contact information for the researcher for use in cases where a research staff member's activities vary from the approved research protocol in any way.

ARTICLE V - Procedure for the screening and reviewing of applications

1. If the application is complete, the Chair of the Academic Review Committee acknowledges receipt by letter to the applicant and advises the applicant of the probable time line for a decision, as well as contact information for the Chair in case of questions/concerns.
2. If the application is incomplete, the Chair of the Academic Review Committee requests the missing items from the researcher by letter, copied to all Academic Review Committee members, and the application is not further considered until it is complete. A timeline within which all materials are submitted might also help here – say within 2 weeks of receipt of notice that there are missing components;
3. The complete submission is then provided to each Academic Review Committee member;
4. Each member of the Academic Review Committee reviews the materials, with particular attention to their congruence with Tri-Council ethics requirements and to any possible negative impact that might accrue to drug court participants if the research is implemented;
5. Each member forms an opinion concerning approval or refusal of the protocol, and identifies any supplementary materials that may be required to further inform the Academic Review Committee's decision-making;
6. An initial meeting is held to poll the membership on their individual judgements on the proposal and to discuss any variation in these judgements (all meetings may be by teleconference);

7. If required due to lack of unanimity or a need for additional materials to support a decision, a second meeting is held once all additional materials are in place;
8. The Academic Review Committee members further discuss the application and, preferably, come to a consensus re: a recommendation for approval or rejection;
9. If consensus cannot be reach, a majority of 80% or more should be required for approval or rejection of a research proposal;
10. Once a decision has been made, the CADTC Academic Review Committee Chair will inform the applicant by letter of the outcome and, in the case of refusal, of the reasons for refusal;
11. The Academic Review Committee Chair should provide a copy of the committee's letter to the applicant to the Chair of the researcher's local university Research Ethics Board;
12. A member of the CADTC Academic Review Committee should be designated as the responsible agent for follow up on an approved project. This member will keep track of the progress of the research project, act as a central agent for the submission of any ongoing concerns during implementation, and report back to the Academic Review Committee concerning any irregularities (e.g. ensuring that annual ethics approvals are submitted, conducting any conversations required to obtain updates from the researcher).

Appendix A

Summary of the Guiding Ethical Principles for Research Ethics

The Tri-Council Ethics Statement

The full statement of these principles can be obtained from the Office of Research Administration, the Centre for Practical Ethics, or on the web at:
<http://www.sshrc.ca/english/programinfo/policies>.

1. **Respect for Human Dignity:** The cardinal principle of modern research ethics is respect for human dignity. This principle aspires to protecting the multiple and interdependent interests of the person -- from bodily to psychological to cultural integrity. This principle forms the basis of the ethical obligations in research that are listed below. It is unacceptable to treat persons solely as means (mere objects or things), because doing so fails to respect their intrinsic human dignity and thus impoverishes all of humanity. Second, the welfare and integrity of the individual remain paramount in human research.
2. **Respect for Free and Informed Consent:** Individuals are generally presumed to have the capacity and right to make free and informed decisions. Respect for persons thus means respecting the exercise of individual consent. The principle of respect for persons translates into the process and requirements for free and informed consent by the research subject.
3. **Respect for Vulnerable Persons:** Respect for human dignity entails high ethical obligations towards vulnerable persons -- to those whose diminished competence and/or decision-making capacity make them vulnerable. Children, institutionalized persons or others who are vulnerable are entitled, on grounds of human dignity, caring and fairness, to special protection against abuse, exploitation or discrimination. Ethical obligations to vulnerable individuals in the research enterprise will often translate into special procedures to protect their interests.
4. **Respect for Privacy and Confidentiality:** Respect for human dignity also implies the principles of respect for privacy and confidentiality. Privacy and confidentiality are considered fundamental to human dignity. Thus, standards of privacy and confidentiality protect the access, control and dissemination of personal information. In doing so, such standards help to protect mental or psychological integrity.
5. **Respect for Justice and Inclusiveness:** Justice connotes fairness and equity, and concerns the distribution of benefits and burdens of research. On the one hand, distributive justice means that no segment of the population should be unfairly burdened with the harms of research. It thus imposes particular obligations toward individuals who are vulnerable and unable to protect their own interests in order to ensure that they are not exploited for the advancement of knowledge. On the other hand, distributive justice also

imposes duties neither to neglect nor discriminate against individuals and groups who may benefit from advances in research.

6. **Balancing Harms and Benefits:** The analysis, balance and distribution of harms and benefits are critical to the ethics of human research. Modern research ethics, for instance, require a favourable harms-benefit balance -- that is, that the foreseeable harms should not outweigh anticipated benefits.

7. **Minimizing Harm:** Research subjects must not be subjected to unnecessary risks of harm, and their participation in research must be essential to achieving scientifically and societally important aims that cannot be realized without the participation of human subjects. In addition, it should be kept in mind that the principle of minimizing harm requires that the research involve the smallest number of human subjects and the smallest number of tests on these subjects that will ensure scientifically valid data.

For the full Tri-Council ethics policy, see: [tri-council policy statement](#).