



RESEARCH WITH STUDENTS WHO ARE MINORS

Approved by the UCD Research Ethics Committee 19th April 2012

The following considerations will apply to Research involving Minors (*i.e., where UCD-registered student minors are the subject of the research*):

What is a minor?

A minor is defined as someone under the age of 18. It is reasonable to presume that minors under 16 cannot give a proper consent, but that minors between 16 and 18 may sometimes be able to do so and at other times be unable to do so. The latter group (16-18 year olds) is present amongst the cohort of UCD undergraduate students. Overall, the University has an operating presumption that minors between the ages of 16-18 cannot give a valid consent unless investigators, on the basis of accepted ethical principles agreed with the UCD research ethics committee, successfully argue it otherwise.

What can a minor consent to?

The medical profession takes a different approach where consent is required for medical and therapeutic procedures. Patients aged 16 years and over are entitled by law to give their own consent to surgical, medical or dental treatment. However, this entitlement does not apply to other areas such as participation in medical research. Researchers are reminded that in most instances research involving minors in UCD does not involve medical research and is therefore almost certainly non-therapeutic. For this reasons it is imperative that no foreseeable harm might occur to a minor as a result of his/her participating in this kind of research.

Who can consent for a minor?

Participation of minors in research usually requires the consent of their parents or guardians. Parents or guardians are best placed, and have a duty, to make decisions in the *best interests of the minor*. It is very difficult to argue that allowing minors participate in research is *in their best interests*.

What is the researcher's duty with respect to a minor?

The researcher has a duty to consider the best interests of the participant, more particularly when that participant is a minor. Should a researcher know or suspect on reasonable grounds that a consent obtained from a minor's parent or guardian is not in the *best interests* of the minor, the researcher should not pursue the research on that minor, as the consent obtained is likely to be of little value or protection.

For the researcher, it is of primary importance to anticipate whether there is any possibility of harm occurring to a minor as a result of participating in their research. The University expects researchers to address this issue fully and with great care in their research proposals, and when conducting the research itself, to be very careful to ensure no harm does come to the minor.

What is the University's duty with respect to a minor?

Within the University community, researchers are often interested in investigating their students and student life. The researcher is reminded that the University is a community of scholars and as such it must not condone or approve anything that is oppressive or damaging to its own students, who are part of that community.

When can minors consent to be research participants?

Some minors, particularly university students themselves, may well be able (i.e., have sufficient capacity at law) to consent to non-therapeutic research because they are capable of understanding the nature and likely consequences of the research **and in fact have done so**. It is the duty of the researcher, on an individual case-by-individual case basis, to ensure that a minor has in fact the proper understanding of what she or he is consenting to. This is

an important issue for all research but is even more important with research involving minors because there is a greater need to protect their best interests.

What must you include in your research application for participants who are minors?

- Provide a justification and rationale for the inclusion of the students who are minors in the research they wish to undertake;
- Show evidence that the information being sought from the research cannot be obtained by alternative, less intrusive means than the research proposed;
- Show evidence that the steps taken to inform minors of the purpose of the research demonstrate that minors are capable of a understanding the nature and consequences of the research they are being asked to participate in;
- Show evidence that consent by the minor to participate in the research has been obtained based on a full understanding of the nature and consequences of the research they are being asked to participate in;
- Describe the steps taken and the methods employed to protect the interests of the minor;
- Describe the steps taken and the methods employed to ensure no foreseeable harm comes to the minor.

The REC will consider each application for ethical approval of research involving minors on a case-by-case basis in line with its policy of facilitating ethical research while protecting research subjects, research staff and the reputation of the university.