



### A83 The Ethics of Conducting Research on Human Subjects in Forensic Anthropology

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After attending this presentation, attendees will understand current legislation surrounding the use of human subjects in research and the ethical implications of conducting research when using deceased human remains.

This presentation will impact the forensic science community by informing practitioners of their obligations in research on human subjects and will establish an ethical means to accomplish this research.

Anthropologists are concerned with the study of humans and must carefully weigh the ethical treatment of human subjects in research. Forensic anthropologists are predominantly focused on the study of deceased individuals who are typically no longer considered human subjects; however, it is not uncommon for research topics or forensic analyses to require the direct involvement of the living or data (including medical records, such as radiographs) from individuals who are still alive. This presentation will outline the current legislation surrounding the use of human subjects in scientific research and its relevance to forensic anthropology. This discussion will also cover the legislation of working with deceased human subjects and ethical concerns surrounding the publication and use of these data for research.

This presentation will highlight the history of the use of living humans as research subjects (e.g., the Universal Declaration of Human Rights, the Nuremberg Trials, and the Declaration of Helsinki) with a focus on legislation within the United States (e.g., the National Research Act of 1974, the Belmont Report, and the “Common Rule”). Discussion will also include the upcoming changes to the Common Rule and the use of the Institutional Review Board (IRB).

This discussion will additionally center on the use of deceased individuals for research to whom the “common rule” does not apply. In the United States, a deceased body is recognized as “quasi-property,” which provides the right of sepulcher, and ensures receipt of the decedent in a similar state as in life to the next of kin. This legal concept has ramifications for work conducted in a medicolegal context. Distinctions between forensic cases, donated collections of skeletal remains, and collections in which express consent was not given are also explored. Finally, it is important to consider how research results are presented and the implications for the next of kin, other living acquaintances, or the decedents themselves.

In light of this background, an ethical framework for research on human remains is outlined as relevant to forensic anthropologists. Such a set of guidelines could include obtaining permission from the next of kin or an individual (prior to death) for destructive tests, curation, data collection, and/or publication; however, it is not always possible to locate the next of kin to gain informed consent to conduct research on deceased individuals, and it is not suggested here that research should stop if consent cannot be obtained for such reasons. If permission cannot be obtained, the researcher should ensure the following: (1) the benefit of the research outweighs any harm to the next of kin or the skeletal remains; (2) the right to sepulcher is not hindered; (3) published results are not offensive or inflammatory; and, (4) data are anonymous and cannot be traced back to any living individual.

This proposed set of guidelines is broad in interpretation and scope, as ethical guidelines are typically adjudicated on a case-by-case basis, and what may be appropriate in one context, may not be in another. As such, the future of the discipline may require the adoption of a general ethical code for the practice of forensic anthropology or the implementation of a forensic review board (similar to the IRB process), which could provide oversight to individuals using human skeletal remains in research projects. In today’s current scientific climate (e.g., the Native American Graves Protection and Repatriation Act (NAGPRA), the 2009 NSA Report on forensic sciences, the 2011 United States military mortuary scandal, and the 2016 President’s Council of Advisors on Science and Technology (PCAST) report on forensic evidence), we cannot afford to appear callous in our treatment of human remains or forensic evidence. As anthropologists at the intersection of biological and social science, we must strike a balance between ethical treatment of human remains and the advancement of our field without alienating ourselves from future research opportunities.

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#### Ethics, Research, Institutional Review Board