



Legal, ethical and policy issues in recording and publishing primary linguistic material

Mark Liberman
University of Pennsylvania

overview

- Relevant laws & regulations for PLM (U.S. University Version)
 - Recording
 - Copyright
 - Defamation
 - Human Subjects/IRB
- Ethical Issues

Caveats: IANAL, YMMV

OLAC Launch, LSA-02

it's possible

- Since 1992, LDC has published spoken conversations involving
 - > 8,800 speakers in 16 languages
 - a lot of other language documentation
 - with
 - no legal problems
 - full IRB approvals (for LDC collections)
 - no ethical complaints or known problems

OLAC Launch, LSA-02

general advice

- Become informed
 - [Background](#) for this talk
 - Other web and print resources
- Focus on key issues
 - IRB review of “experimental protocols”
 - Relations with speakers/speech communities
 - Relations with data recipients
- Plan ahead
- Don't let difficulties become excuses

OLAC Launch, LSA-02

recording

- Voice recording: legal if all parties consent
 - Knowledge implies consent
 - view of device
 - announcement
 - 38 states & DC: only one party need consent
- Video-only recording: usually legal
 - Some new state “expectation of privacy” laws
- No U.S. legal issues here for linguists
 - since ethics require consent of all parties

OLAC Launch, LSA-02

copyright

- Copyright law is complex and interesting
 - unexpected concepts and distinctions
 - multiple jurisdictions, subtypes of rights
 - tangled history, special interests
 - critical public policy debate now
 - see Lessig, “The Future of Ideas”
- Spend a day reading about it!
- PLM copyright: a simple recipe usually works
 - 2 sides: “author”/“publisher”, “publisher”/“user”
 - licenses structured to:
 - protect author, publisher;
 - control downstream uses

OLAC Launch, LSA-02

defamation

- [left out to save time]
- [but watch what you(r speakers) say!]

OLAC Launch, LSA-02

human subjects/IRB

- 45 CFR 46: all Federally-supported research involving human subjects must be reviewed and approved by an Institutional Review Board (IRB) at the responsible institution.
- Most universities: all human-subjects research must be reviewed, even if not government sponsored.
- Many types of linguistic research are 'exempt' -- but exemption must be determined by IRB, not by researcher.
 - Much non-exempt linguistic research is eligible for 'expedited review'
- Review must precede data collection
 - if not, regulations may require data to be destroyed (even if exempt!)
 - review is for permission to collect, not permission to publish!
- SO LEARN TO DEAL WITH YOUR IRB!

OLAC Launch, LSA-02

ethics

- Legal behavior may be unethical (and ethical behavior may be illegal)
 - potential issues are very diverse
 - so use sensitivity, empathy and common sense
- Politics of the speech community
 - linguistic documentation usually welcome
 - tendency to focus on (less common) problems!
 - special situations
 - language as local industry/export commodity
 - religious or cultural sensitivities
 - prescriptivist dislike of vernacular
 - nationalist dislike of minority languages

OLAC Launch, LSA-02

conclusions

- A stitch in time saves nine
 - Work out legal and regulatory issues before starting a project
 - Think about ethics and politics before, during and after
 - Teach students how to do this too
- IRB oversight looms
 - good in principle, can be a disaster in practice
 - LSA should get involved in national debate

OLAC Launch, LSA-02