Kansas
Department of Corrections

INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: _ ADULT Operations Only _ JUVENILE Operations Only X DEPARTMENT-WIDE

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EVALUATION AND RESEARCH: Research and Evaluation Activities

Original Date Issued: 03-30-16 **IMPP Issued: 03-30-16** **CURRENT EFFECTIVE DATE: 08-09-2021**

Approved By: _____, **Secretary** **Next Scheduled Review: March2024**

POLICY

Research and evaluation activities by individuals and/or organizations outside the Department are permitted and encouraged, if they are relevant to the Department and its programs. (ACO 2-1F-10, 2-1F-11, ACI 3-4105, 3-4106, APPFS 2-3096) System Management Team members are encouraged and expected to undertake and/or support research and evaluation activities to assess the efficiency and effectiveness of operations, programs and/or services under their management. (ACO 2-1F-10, 2-1F-11, ACI 3-4105, 3-4106, APPFS 2-3096) System Management Team members may independently conduct and/or authorize the conduct of research and evaluation activities, (ACO 2-1F-12, ACI 3-4109) provided the results of such activities may not be submitted for publication or other professional/ academic distribution and the authorizing System Management Team member is not cited as one of the researchers. Proposals for research projects which may possibly be submitted for publication or other professional or academic distribution must be submitted for review by designated Central Office staff in advance to ensure that appropriate methodologies and procedures are used; such proposals must be subject to final approval by the Secretary. Advance review by designated Central Office staff and approval by the Secretary must be obtained prior to contracting for any research activity, regardless of how such research may be utilized or distributed. Appropriate safeguards and limitations must be utilized to protect the welfare and privacy of individual staff, adult residents, and juveniles involved as subjects. (ACO 2-1F-12, 2-1F-15, APPFS 2-3101)

Research and evaluation activities may be conducted, and the results reported, disseminated and utilized in conformity with Department policies and procedures, professional and scientific ethics, and, with State and Federal guidelines for the use and dissemination of research findings. (ACO 2-1F-09, ACI 3-4108 NCCHC P-72) All completed research or evaluation reports must be submitted for review by the Management Team prior to being submitted for publication or otherwise released for distribution.

Residents must not be used for medical, pharmaceutical or cosmetic research, or, experiments. This prohibition may not preclude any individual residents from receiving treatment via a specific medical procedure that is not generally available when such treatment procedure is approved by the appropriate governmental agencies, Departmental Health Authority, and the resident's consent is documented. (ACO 2-1F-14, ACI 3-4373) Participation in biomedical, non-medical, non-pharmaceutical and non-cosmetic research, including sociological and psychological research involving human subjects must require the written informed, voluntary consent of the staff and residents involved. Facilities electing to perform research must be in compliance with all state and federal guidelines. (ACO 2-1F-13, ACI 3-4110, NCCHC P-72, 4-JCF-4C-48)

DEFINITIONS

Data: Factual information organized and used as a basis for analysis that includes both useful and irrelevant or redundant information and must be processed to be meaningful.

Departmental Health Authority: The medical director of the agency or organization responsible for the provision of health care for the Kansas Department of Corrections.

Facility Health Authority: The physician or health administrator responsible for the provision of health care services at a facility. The facility health authority works under direction of the Department's health authority.

In-House Research/Evaluation: Activities or projects approved by a System Management Team member or their designee to assess the efficiency or effectiveness of any aspect of their operation.

Management Team (MT): A panel of Central Office management staff designated by the Secretary. Currently this panel is comprised of the Secretary; Deputy Secretaries; Chief Legal Counsel; Executive Director, Contracts and Finance; Executive Director, Programs and Risk Reduction; Prisoner Review Board Chairperson; Enforcement, Apprehension and Investigation Director; Chief Information Officer; Human Resources Director; Reentry Director; Director of Victim Services; Executive Direct of Public Affairs and Director of Finance.

Principal Administrator: The person directly responsible for the overall administration of a KDOC facility, parole region, or Central Office work unit.

Resident: A person who is in the legal custody of the Secretary of Corrections and incarcerated at a Kansas correctional facility.

System Management Team (SMT): A management panel designated by the Secretary which is comprised of the Management Team, wardens, superintendents, parole directors, and Kansas Correctional Industries directors.

User: The person, agency or group authorized to engage in research activity within a facility, office or unit of the Department of Corrections.

PROCEDURES

I. Related Policies

A. Informed consent by residents for health assessments, treatments, and procedures must in accordance with IMPP 10-127D Consent To or Refusal of Medical Treatment.

II. Encouragement and Facilitation of Research Activities

A. To encourage and facilitate research activities, the Department may seek funding for research projects relevant to stated goals and objectives.

B. In all cases where research is being proposed by persons not employed by the Department, or those persons employed by the Department in a position where research activity is not a part of the person's job description, an Access Request and Non-Disclosure Agreement (hereinafter referred to as "user's agreement") must be completed and submitted with the research proposal. See Attachment A.

III. Provision for Treatment and Prohibition of Certain Research Activities

A. When a specific medical procedure not generally available is recommended in the treatment of an individual resident, such treatment must not begin until after a full explanation of the positive and negative features of the treatment has been given to the resident.

1. The explanation to the resident must be documented, in accordance with procedures established in IMPP 10-127D, utilizing the Informed Consent to Health Services form for surgical and non-routine medical treatment.

B. Except as provided above, all research proposals involving resident participation in medical, pharmaceutical, or cosmetic testing for experimental research purposes must be rejected.

III. Voluntary Informed Consent Agreement

A. Research involving human subjects, whether employees or resident, must require the documented, voluntary informed consent of each participant. Such consent must utilize appropriate forms, as provided in IMPP 10-127D, and must be obtained in advance of the subject's participation.

B. At a minimum, obtaining an informed consent must include:

1. A fair explanation of the procedures to be followed including an identification of that which is experimental;

2. A description of the potential discomforts and/or risks;

3. A description of the benefits to be expected;

4. A description of appropriate alternative procedures;

5. An offer to answer any inquiries concerning proposed procedures; and,

6. Instruction that the subject is free to withdraw consent and to discontinue participation in the project at any time.

C. Use of subjects who are legally unable to give the informed consent (e.g., under the age of 18 or mentally incompetent) may be prohibited. (ACO 2-4E-01, ACI 3-4372, NCCHC P-70)

1. JUVENILE: Adjudicated residents may be permitted to participate in research and evaluation activities so long as consent has been obtained from the following parties:

a. The resident; and

b. In instances where the resident is not in the custody of the Secretary, the resident's parent(s) or legal guardian(s).

IV. Confidentiality of Research Data

A. Provisions must be made by the user for safeguarding the confidentiality and prohibiting the dissemination of research data that can be traced to or identified with individual subjects. (ACO 2-1F-15)

B. Questionnaires, inventories and other data gathering instruments and/or procedures must limit identifying and/or personal information recorded to only that essential to the project as specified within the context of the user's agreement.

1. Research data containing information from which the identity of subjects can be traced must not be disseminated to anyone except appropriate project or KDOC staff.

C. All data collected by a KDOC employee as part of the duties or activities of the position becomes the property of the facility, parole district, or unit in which the data was collected and maintained in accordance with the records retention schedule established by the State Records Board.

D. Data collected by an outside researcher or by a KDOC employee who, while off duty, conducts research that is not a part of his/her position responsibility must be considered the property of that researcher or the agency the researcher represents. Such data must be maintained in accordance with guidelines established by the agency represented by the researcher.

V. Review and Approval Process for Research and Evaluation Proposals

A. System Management Team members conducting or authorizing in-house research or evaluation projects must be responsible to ensure the research design and methodologies are in conformance with the provisions of this IMPP. (ACI 3-4109)

B. Except for in-house research and evaluation projects approved by System Management Team members, all proposals for research studies must be forwarded to the Research and Behavior Analytics Unit for review prior to the initiation of any research activity. (ACO 2-1F-12)

1. Research/evaluation proposals must be submitted to the Research and Behavior Analytics Unit when one (1) or more of the following conditions exist:

a. The research or assessment to be conducted is not under the direction of a System Management Team member.

b. The research or findings may be submitted for publication in a newspaper, newsletter, magazine or professional journal or in a paper submitted in conjunction with a college/university program or presented at a professional conference or meeting.

c. The System Management Team member of the organizational unit is or may be cited as one of the researchers.

C. Research proposals must address all of the design and methodology issues and include all information and material listed in the Research Proposal Format, Attachment B.

D. Each member of the Management Team must be given notice of any research proposals that are received by the Research and Behavior Analytics Unit for review and each such person must be given the option of reviewing each proposal, consistent with his/her interests.

1. The principal administrator at each facility/region/unit involved in the research must be given a copy of the full proposal to review.

E. The Research and Behavior Analytics Unit must determine:

1. The potential benefits to science, society and the intended subjects;

2. The potential risks and costs to the intended subjects; and,

3. A recommended course of action based upon a professional assessment of the anticipated benefits to residents, the Department, and the Secretary of Corrections.

F. Only those proposed projects wherein potential benefits clearly outweigh potential risks and costs may be given any further consideration.

G. Those projects not meeting minimum approval criteria as established under Section V. E. and not receiving further consideration under Section V.F. must be recommended for denial.

H. For those projects meriting further consideration, the Research and Behavior Analytics Unit conduct a review to determine:

1. The relative merit and appropriateness of the project, i.e., consistency with the KDOC Mission statement and relevance to the Department's programs, services and operations; (ACO 2-1F-10, ACI 3-4105, APPFS 2-3096)

2. The qualifications of the researcher(s);

3. The adequacy of:

a. The research design;

b. The voluntary informed consent agreement; and,

c. The procedures designed to maintain the confidentiality, security and privacy of research data. (ACO 2-1F-15)

4. The disruptive effects, if any, upon the orderly management of the project site; and,

5. Such input from principal administrators as can be obtained and considered during the course of the proposal review.

I. Within 10 days of receipt of the research proposal, the Research and Behavior Analytics Unit must document its review and forward the review to the Secretary of Corrections for approval or disapproval.

J. Within 10 days of receipt, the Secretary of Corrections is to render a written decision concerning the proposal which must:

1. Permit the research to proceed;

2. Make alterations, or, request that alterations be made in the proposal and the proposal be resubmitted; or,

3. Deny permission for the research. (APPFS 2-3098)

K. The researcher must be informed of the Secretary's decision in writing by the Research and Planning Unit Manager or designee. A copy of the notification letter must be forwarded to the principal administrator of the facility/region/unit involved in the research by the Research and Behavior Analytics Unit.

L. Researchers seeking a reconsideration of the Secretary of Corrections' decision may contact the Secretary of Corrections or designee for further discussion and review of the project.

VI. Response to Possible User's Agreement Violations

A. Upon receipt of sufficient information indicating a violation of the user's agreement, the principal administrator must:

1. Suspend the activities of the research project; and,

2. Notify the Chief Legal Counsel, who must initiate and direct further action taken on the matter.

B. If the Chief Legal Counsel determines that violation of the user's agreement has occurred, the following action must be taken:

1. The project is to be terminated;

2. Data collected is to be confiscated and submitted to the records section for storage; and,

3. Appropriate sanctions as listed in the user's agreement is to be applied.

C. If the Chief Legal Counsel determines that no violation of the user's agreement has occurred:

1. The appropriate principal administrator is to be so notified; and,

2. Upon such notification, the principal administrator must rescind the suspension of research activities affected under VI.A.1. above.

VII. Reporting Process for Approved Research Proposals and Dissemination of Findings

A. A final written report on all research or evaluation activities must be submitted to the Research and Behavior Analytic Unit no later than 60 days after the completion of the activity and prior to being submitted for publication or other release for distribution.

1. The final report must be reviewed by the Research and Behavior Analytics Research and Behavior Analytics Unit, forwarded to the Secretary of Corrections and the appropriate principal administrator(s) for review. (ACO 2-1F-04, APPFS 2-3102)

VIII. Publication of Completed Research

A. Completed research or evaluation projects may be submitted by the author(s) to professional journals for publication, with the approval of the Secretary of Corrections or designee.

B. Research or evaluation projects which, upon completion, are not submitted for publication in professional journals may be compiled and published by the Department on a regular basis with the approval of the Secretary of Corrections or designee.

IX. Disclaimer Requirement

A. All manuscripts prepared in an unofficial capacity and submitted for publication by departmental employees, including employees of entities with which the Department has contractual arrangements, must contain a disclaimer which states that any conclusions, interpretations or recommendations expressed in the manuscript are those of the author and do not necessarily reflect the position or policy of the Kansas Department of Corrections.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

Name/Type of Report	By Whom/To Whom	Due
Final Project Report	Researcher to Research and Planning Unit	Within 60 days after completion of project

REFERENCES

IMPP 10-127D
ACO 2-1E-01, 2-1F-04, 2-1F-09, 2-1F-10, 2-1F-11, 2-1F-12, 2-1F-13, 2-1F-14, 2-1F-15
ACI 3-4105, 3-4106, 3-4108, 3-4109, 3-4110, 3-4372, 3-4373
APPFS 2-3096, 2-3098, 2-3101, 2-3102
JCF 4-JCF-4C-48
NCCHC P-70, P-72

HISTORY

03-30-2016 Original

ATTACHMENTS

Attachments	Title of Attachments	Page Total
A	Access Request and Non-disclosure Agreement	1 page
B	Research Proposal Format	1 page

**ACCESS REQUEST AND NON-DISCLOSURE AGREEMENT
FOR INFORMATION PERTAINING TO
RESIDENTS IN THE KANSAS CORRECTIONAL SYSTEM**

This agreement sets forth conditions under which access to selected resident information may be provided by the Kansas Department of Corrections to _____, _____, hereinafter called Requestor.

1. Information Requested:

2. Requestor requests this information ( ) on a continuing basis ( ) on a one-time basis

3. The purpose for which information requested is: (check one)

   ( ) To implement a statute or executive order that expressly refers to criminal conduct and contains requirements and/or exclusions expressly based upon such conduct. Give citation:

   ( ) To carry out a contract or agreement to provide services required for the administration of justice. Attach agreement.

   ( ) To conduct research, evaluative, or statistical activities.

   ( ) To implement a state or federal statute or executive order to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information pursuant to a state or federal statute or executive order. Give citation:

   ( ) To exercise authority granted by court order or rule. Attach order or rule.

   ( ) Other purpose, as described below or in attachment.

4. Requestor agrees to limit the use of any received information to the purpose(s) for which it was provided and to destroy the information when it is no longer needed for the purpose(s) for which it was provided.

5. Requestor agrees that the only person(s) allowed access to any received information are those named here; and to not disseminate the information to any other agency or person:

Requestor:

Name _____

Agency & Title_____

Signature _____ Date _____

Kansas Department of Corrections:

Name _____

Title _____

Signature _____ Date _____

RESEARCH PROPOSAL FORMAT

I. Title of Study

A. Name of Author(s)

1. Institutional Affiliation

2. Qualifications

II. Timetable for the study, including estimated dates of implementation and completion.

III. Personnel needs, indicating the time to be spent by each, and the availability of each.

IV. Materials needed for the project, and whether such material is available or needs to be secured.

V. Project Design

A. Introduction

1. Present a clear, concise statement of the research problem and why it is worthy of study.

2. Review the literature by briefly summarizing the findings from other research which is relevant to the research problem.

3. Describe the purpose of the study.

4. State the hypotheses of the study.

5. Identify the factors whose effects are to be studied (independent variables) and the factors on which measures may be taken (dependent variables).

a. Explain any proposed manipulations of independent variables (identification of any experimental treatment to be imposed).

b. State precisely how the dependent variable is to be measured.

c. Explain any procedures that may be implemented to control for other variables that could intervene.

B. Method

1. Subjects: Identify the research subjects or study groups and describe their demographic characteristics.

a. Submit voluntary informed consent agreement.

b. Describe and attach any experimental apparatus, survey instruments, or testing instruments to be employed in the study.

c. Describe concisely and exactly what may be required of the participant(s); how experimental sessions with the subject(s) are to be conducted; and, by whom or how questionnaires or tests are to be administered.

d. Proposed Data Analysis

(1) Describe the form in which the data is to be collected and exactly how data is to be analyzed. Include a description of statistical testing to be performed.

(2) Discuss what results would support the hypotheses, and what results would refute the hypotheses.