

**Researching Lesbian, Gay, Bisexual, and Transgender Hate Crime Using Semi-Structured Interviews: A Case Study of Combining Overt Interview Data With Data Obtained Covertly**

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## **Abstract**

This case study is based on the issues brought up by a research participant who requested a copy of their interview data, given for a lesbian, gay, bisexual, and transgender hate crime project. The co-authors of this study are the two stakeholders involved in this exchange. James, the researcher, was approached by Chloe, the participant, who wished to use the interview recording in combination with a meeting recording that they had carried out secretly, for the purposes of an art project. The authors reflect on the ethical dimensions of this request, concluding that the ownership of data is unclear. Although using both recordings together risked contaminating the overt data gathered for the project, the dilemma was resolved by a consent agreement that allowed access to the interview data for the sole purposes of the art project. This case study highlights the ethical complexities of both covert and overt data gathering. Readers are encouraged to question the ethical integrity of gathering covert data and to reflect on the ethical ramifications of using both methods in conjunction.

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## **Learning Outcomes**

By the end of this case, students should be able to

- Identify the methodological and ethical complexities when conducting qualitative research
  - Understand the differences between overt and covert data gathering
  - Describe how researcher and participant interact to produce data and assess where, how, why, and with whom ownership of data lies
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## **Introduction**

This case study explores an ethical dilemma that occurred when conducting a hate crime project in the North East of England. The dilemma arose when a participant in the research requested a copy of the audio recording of their interview, given as part of the project. To shed light on the specific dynamics, complexities, and obstacles underpinning the ethical predicament, this case study is co-authored by the project's researcher (James) and the research participant who made this request (Chloe). First, the project is described so that readers are aware of the context that prompted the ethical dilemma. Second, the ethical complexities that form the basis of this case study are detailed; this includes an account of how these complexities were negotiated by the authors and how they were

eventually resolved. This account is written primarily from the perspective of the researcher. Subsequently, Chloe offers her own narrative, where she reflects on why she requested a copy of her interview data. She presents her understandings of the ethical ramifications that this request generated. The authors conclude this case study by offering questions related to the outlined ethical complexities, which readers may wish to consider when conducting their own research.

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## **The Project**

A hate crime project was conducted in the North East of England, as part of a funded PhD program, beginning in 2014 and ending in 2017. This research examined the experiences of lesbian, gay, bisexual, and transgender (LGBT) individuals who experienced hate toward their identity. Specifically, it explored how LGBT people negotiate, navigate, and reconcile the identities for which they are victimized. In laypersons' terms, this examines how LGBT people *feel* about their victimization. It also scrutinized how they cope with violence toward their identity—a personal and intimate quality or characteristic—and highlighted the methods employed by LGBT people to reconcile and negotiate their hate experiences. A central finding of the

project showed that individuals self-police their sexuality and gender identity. For example, when in public, many gay men alter their behavior to appear more masculine or “straight acting” than feminine. A further finding indicated that LGBT people routinely and regularly experience “hate” that is not criminal, such as receiving strange looks in public when holding hands with same-sex partners, purposefully calling transgender women “he” rather than “she,” and being told that displays of affection between partners are disgusting. These experiences, although technically non-criminal, are part of the everyday processes that LGBT people are forced to negotiate and navigate. This background is pertinent to Chloe’s rationale for requesting access to her data, which she discusses later.

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### **Conducting the Project**

The project brought together LGBT people across the North East from various youth, community, and student groups. The main theme of the project—exploring the experiences of “hate” toward individual and collective identities—is a sensitive topic. Indeed, asking people to disclose accounts of their victimization and possible abuse carries a risk of distressing, upsetting, harming, and, possibly, re-victimizing them. It was important

therefore to provide specific safeguards to reduce the risk of these events occurring. In addition, it was important to comply with the ethical standards laid out by the University who funded this research. Under these conditions, it was imperative that participants were protected from emotional and physical harm, which includes ensuring that their identities are not revealed and exposed. Before the fieldwork could commence, ethical approval from the University ethics panel was required. The researcher justified the project to the panel by outlining the specific safeguards that would be put in place.

### **Ethical Safeguards**

Those participating in this research were promised that their participation would be kept confidential and that any identifying features, such as their names, would be anonymized in all research outputs. By co-authoring this case study, Chloe (real name) is aware that the pseudonym she provided for the study is at a high risk of being broken and identified by those who know her. She has fully consented to break this confidentiality for the purpose of authorship. To maintain a level of confidentiality to general readers, her pseudonym that was given for the project will not be revealed. Participants were also provided with information sheets detailing the nature of

the project. Importantly, this information sheet described how participants' data would be used for the project. Once participants were fully informed about the project, consent forms were provided which they were asked to sign. Contact numbers for helplines were also provided to participants which they could call if they decided that they required support for their experiences of victimization. Ethical clearance was granted once all of these safeguards were met, allowing the project to commence.

### **Research Design**

Seeking to gain the personal narratives of hate experiences from LGBT people, a qualitative approach was adopted. Specific venues utilized by LGBT people to organize and socialize—such as University LGBT societies and voluntary sector youth groups—were targeted to recruit participants. Four Universities and five voluntary sector groups were targeted in this research. To gain access to youth groups, youth and community workers were approached initially to discuss the nature, aims, and rationale of the project. These workers acted as official gatekeepers to the people that they offered services to. Permission was gained from these workers to disseminate information about the project to service users and to recruit

individuals from these venues/communities/groups. At all Universities targeted in this research, student societies are organized and run by a committee of students. To gain access to student members of these groups, the organizing committees of LGBT societies at each of the four Universities targeted were approached for permission for the researcher to circulate a request for participants via social media.

Semi-structured interviews—interviews that have a flexible interview guide, allowing researchers to change or adapt questions depending on the response (Bryman, 2016)—were conducted with all participants. All interviews were audio recorded using a Dictaphone. Participants were asked how they defined hate crime, how and where they experienced hate, how they felt about their experiences, and the implications of this on their own attitudes toward their (victimized) identities. Again, these are sensitive issues that participants were asked to recount. It was important to be mindful of managing the risks to participants throughout, while also providing them a platform to discuss and narrate their individual experiences.

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### **Ethical Dilemma**

Thus far, the standard ethical dilemmas that could be foreseen

while carrying out this study—such as anonymity breaches, causing participants emotional harm, and deceiving participants by not informing them of the real nature of the project—have been highlighted. Specific steps, including providing pseudonyms, information sheets, and helplines, were taken precisely because these dilemmas were foreseen. However, while conducting the project, an unforeseen ethical dilemma was brought about by a request made by one of the co-authors of this case study.

Chloe was a participant in the project. In a very personal interview, she outlined her experiences of homophobia and transphobia. She discussed at length the discrimination and hate that she faced. During the interview, Chloe discussed the emotional impact that these types of experiences had on her psyche and detailed how she had internalized the hostility directed toward her queerness. Interestingly, she acknowledged that much of the hostility that she faced originated from the LGBT community itself, more specifically, the LGBT student society, of which she was a member. Thus, it was difficult for her to find a space of sanctuary to escape these experiences. As a form of catharsis, Chloe channels these experiences into her politics and social activism, which also informs her art.

The ethical dilemma presented in this case study arose in the weeks following Chloe's interview. Two weeks after her interview, Chloe and I separately attended an open meeting with the LGBT committee of her University society. This meeting took place independently of the research project. The meeting was called to discuss and address the growing concern felt by members of the society about the unintentional, yet impactful, transphobic attitudes displayed by some LGB committee members. This meeting sought to repair any harms that may have been caused by past events by consulting transgender members of the society about this issue. Unbeknownst to myself, and everyone else who was present at the meeting, Chloe made a covert audio recording of the entire meeting. She explains her reasons for doing this as part of her own narrative, later in this case study.

Two weeks after the meeting, and Chloe's creation of the covert audio recording, she approached me to request a copy of the recorded interview that she gave for the LGBT hate crime project. It was during this encounter that she relayed to me that she had secretly recorded the meeting we had both attended. Chloe wished to use my—overt—interview recording alongside her—covert—meeting recording, for a personal art project. *Her*

recording of the meeting was different to *my* recording of her hate crime interview, for several reasons:

- Chloe was made fully aware that she was participating in a project and that this participation required her to be audio recorded.
- The agreement to participate was solidified in the form of a consent agreement that she had read and signed.

In contrast, the meeting that she recorded was done so without the consent or knowledge of the people involved in the meeting, including myself. While it was not made as part of a formal research project, it was made with a particular purpose in mind. This in itself raises very significant questions regarding the ethical integrity of making covert recordings. However, it also raises questions around the ownership of data that is created by both the researcher and the participant. In this case study, this is the overt data gathered for the hate crime project, and the questions we might consider are as follows:

- Does the participant “own” the data?
- Does the researcher “own” the data? or
- Do both parties “own” the data?

We might also consider if overt data gathering can become contaminated by covert data if and when they are used in conjunction with one another. Although separate to the hate crime project, the use of the project's data, in conjunction with external material that was unethically obtained, not only risked compromising Chloe's individual interview but the ethical principles and validity of the hate crime project as a whole. Although the purpose of the project was to shed light on the experiences of LGBT hate, discrimination, and prejudice, it was never the intention to support an art piece as a research output. It was therefore not part of the original consent agreement signed by Chloe, as participant, and myself, as researcher. Furthermore, it was not stated as part of the original consent agreement that a participant could request copies of their data.

Consent agreements are traditionally seen as a way to safeguard the participant and to reassure them that their data will not be used for additional purposes, outside of the project/research that they have agreed to participate in. However, in this case, it was the participant that wished to use their data for additional purposes which the project was never meant to support. The Data Protection Act (1998) troubles the dynamics of data ownership between the researcher and participant in

this case study. Through this Act, Chloe had the right to request data that she provided as part of the project, as it was *her* data. However, as the researcher, my voice was also present on the project interview recording, meaning that it was also *my* data. The ambiguity over who “owns” the data, or more specifically who is the dominant “owner” of the data, presented a unique challenge to my research practice.

- Could I refuse to give Chloe her data?
- Should I refuse to give Chloe her data?
- Was I obliged to carry out her request?

Chloe details her own reasons and justifications for conducting the covert recording below.

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### **Chloe: My Narrative**

As a trans person, something I hear often is that I am “divisive”, that I “can’t let anything go”, “can’t take a joke”, or that “I’m always offended”. To paraphrase Riot Grrrl Kathleen Hanna’s famous remark, I would much rather be the obnoxious *trans* girl than be complicit in my own dehumanization.

I was close friends with the few other trans people at my

University due to our shared, marginalized identities. This feeling of shared queer identity was a central motive for joining my University's LGBT society as a student. I wished to form connections with other queer people. The LGBT society is overseen by a committee of students, designed to represent each identity within the LGBT community. This committee consisted of representatives (reps), for example, lesbian rep, bisexual rep, trans rep, women's rep, and men's rep. One of my close friends was the trans rep on the committee during the events described in this case study. As such, I was privy to the internal politics, at least from this member's point of view, of the society and understood the internal fractures/conflicts between members. Indeed, in the year prior to the event described in this case study, I was a committee member, acting as Campaigns' Rep. My understanding of the society's structure and the committee's dynamic was, therefore, already well established. My friend, the only trans member of the all-White, cisgender (not transgender), able-bodied (non-disabled) committee relayed to me that she felt consistently and repeatedly ignored, silenced, and outvoted during her tenure as trans rep. This consistent mistreatment by committee peers had a profound negative impact on her mental health, leading her to quit her role. As a consequence, the role of trans rep was vacated and

was subsequently left unfulfilled for 2 weeks, until it was co-opted by a cisgender man.

The impetus for the meeting, described in this case study, surrounds this unfilled role. The core issue that arose was the decision made by the committee to appoint a cisgender man to fill the role of transgender rep. This appointment caused a direct tension between the committee and its trans members, who felt that a cisgender man with no intimate experience of being transgender could not fully represent trans people. The society's rules for committee membership would have disallowed a straight person to represent gay people, as it was felt that a straight person could not understand the intimate oppressions of gay people. As such, the hypocrisy of such an appointment to the trans rep role outraged the trans community of my University. As a collective, we demanded to know how the committee felt such a decision was appropriate or helpful to furthering trans representation.

On the social media page run by the LGBT society, an argument broke out between the trans members and the committee. I felt, along with other trans peers, that the committee villainized us online. We voiced our concerns about the appointment of

a cisgender man to a trans role which prompted a discussion about the roles of the committee on the social media page. Rather than listen to our concerns, the discussion was re-framed towards how the committee were hardworking, unpaid volunteers who dedicated hours of their time to supporting the LGBT community. This in turn framed those of us who spoke against this appointment as demanding and unreasonable people who were being purposefully divisive. This is untrue, as our main message was to demand true representation of transgender people. Overnight, hundreds of angry comments were made—all of them originating from non-trans people—on the social media page, voicing support of the committee and labeling our concerns as divisive and unfounded. Due to the proportion of the society as majority cisgender, we were overwhelmingly outnumbered. By popular opinion of cisgender members of the society, the committee members were vindicated in their choice of appointment and our concerns were silenced.

The immediate response from the committee themselves was inadequate as the trans community and myself were labeled “divisive.” Although I can only speak for myself, as a collective we were livid, upset, and demanded answers. Despite the

popular vindication of the committee, as a response to the backlash faced from the trans community, they organized a meeting to discuss these tensions. It was hoped by myself and my trans peers that the committee would be able to fix the mistake that they had made. The meeting was put to us by the committee to be a space where diplomatic, polite, and professional discussions should take place. I interpreted this as another method of silencing, where my trans peers and I were expected to calmly explain why we felt that appointing a cis gay man to a trans representative role was unsound, unrepresentative, and offensive. I felt that, given my experience as an outspoken trans woman and my experience with intra-society politics, it was likely to be a one-sided onslaught from the committee where myself and other trans people would again be told that we were divisive and unfairly demanding. I therefore decided to secretly—covertly—record the meeting on my phone to evidence how trans people within the society were being treated. The aim of using this recording in my art piece was to demonstrate that marginalization continues to occur within the spaces that are meant to be inclusive and protective.

I did not ask for the consent of anybody in the room to make the recording, including the co-author of this case study, who

was in attendance of the meeting. I felt that this covert recording of the meeting was justified as the committee did not ask for *our* consent before appointing a cisgender person to represent us, as trans people, or assist in de-escalating the tensions felt between the trans members of the society and the cisgender members.

The meeting went just as I had predicted. Rather than listening to our concerns, members of the committee utilized their platform within the meeting to reiterate that “I don’t think we messed up” (taken from the recording), completely invalidating the emotions of every trans person present. They went on to speak at length about themselves and how much they had sacrificed to volunteer, for us, as unpaid committee members. We were made to feel guilty and unreasonable for speaking out, and it became a very hostile environment for us. Research shows that marginalized groups, in particular women and people of color, are often stereotyped as “unnecessarily” angry, as, for example, in the trope of the sassy, angry Black women (Childs, 2005; Griffin, 2012; Walley-Jean, 2009). Such stereotypes are often used to invalidate the real emotions of marginalized people, over the mistreatment that they experience. In a similar vein, this technique was used to

invalidate our emotions and silence us further. This frustration and anger is why I decided to record the meeting covertly.

### **Combining the Meeting Recording With My Interview Recording**

As a queer, trans artist, I primarily work with themes of my own transness and my political and emotional anger that results from our societal mistreatment. The overall confrontation at the meeting was evidence of this mistreatment. My recording of the meeting—a performative object and audible proof—offered an explanation of why I am “*always so angry.*” Indeed, it was confirmation of my own marginalization with the LGBT society and represented the wider, structural marginalization of trans people within society. To that end, I wanted to craft a personal art piece, utilizing both recordings, to provide a snapshot of the trans experience. All who were in attendance of the meeting had their voices modulated on the recording, to protect their identities, within the art piece.

During the interview for the hate crime project, with James, the dynamic was entirely different to the meeting. Speaking about my experiences with someone who *understands* is incredibly validating and special. This experience was a significant departure from the meeting with the LGBT society. I found

support, recognition of my issues, and an appreciation for my voice and lived experience—an appreciation that can only be forged through a shared understanding of oppression. I wanted a copy of my interview for the hate crime project, for the same reason that I wanted to record the society meeting, as evidence of my queer, lived, experience. These two recordings together, as evidence, informed my art piece and demonstrated the marginalization and oppression that I and other trans people face, both within and outside LGBT spaces. I therefore wanted to explore the different ways other trans queers interact with each other and examine how it is separate and distinct to how cisgender queers engage with trans queers.

Inter-community discussions between peers, who have a shared history and knowledge of oppression, is a vital way of finding kinship. It is a way of forming solidarity and intimate friendships with those who have a shared experience of marginalization. For trans people, it is a way to come together in a space that we do not have to fear or negotiate with the attitudes of cisgender people. When we share our experiences and our stories, we know we are not alone and that we are heard. I wanted to use the recordings in conjunction and for this purpose. I wanted to highlight how differently two

parties—cisgender and transgender—from the same “LGBT community” interact. This work aimed to highlight how trans people are marginalized within the LGBT community and emphasize how important the distinction of “transness” is within the broader classification of “LGBT.”

### **Overall Reflections**

On a televised interview in March 1964, Malcolm X said,

If you stick a knife in my back nine inches and pull it out six inches, there’s no progress. If you pull it all the way out that’s not progress. Progress is healing the wound that the blow made. And they haven’t even pulled the knife out much less heal the wound. They won’t even admit the knife is there.

Unfortunately, I felt that those elected to the LGBT committee, whose purpose is to protect and support us, fell into this category. Not only were they unwilling to fix their neglect of the trans people in the society or remedy the harms that they had caused, but they were loath to admit that there was any wrongdoing in the first place.

I believe that if you hurt and marginalize someone—or a

group—you do not get to decide that you were not the cause. In terms of the meeting, what was a “conversation” for the committee, for us (trans students) was a desperate and sustained defense of our feelings. It was a way for us to claim validity and express our anger. Unfortunately, this validity was not given and our anger was delegitimized. How can we have a fair, reasoned discussion when the “other side” cannot even understand what they have done or how and why it hurt us? I recorded the meeting for this reason; to evidence our mistreatment so that we could not be silenced. The response we received during the meeting is symptomatic of transphobia and trans neglect in wider society, and I wanted to show that by recording it in action.

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### **Resolution of the Dilemma**

Faced with Chloe’s compelling account, it was difficult and potentially unethical to deny her the material she required to explore her lived experience. Furthermore, the aims of the artistic project were broadly compatible and comparable with the aims of the research project, to highlight the lived experiences of LGBT+ oppression. Denying the release of these data may have undermined the shared aims of both

projects and prevented giving this experience of oppression a voice. It must be acknowledged that the researcher does not condone the *general* practice of covert recording, due to it violating the ethical principles of informed consent. However, it is important to recognize that a person with less social and structural power than the group or person that they are covertly recording often has limited means and pathways to expose, act upon, challenge, and redress the wrongdoings caused.

In light of this unique account, a new consent agreement was drawn up between myself and Chloe, detailing that my voice on the recording was to be either removed or voiced over. It was felt that no party was the sole “dominant” owner of the data, as interviews, dialogues, and conversations are co-productions that exist due to the interaction between both parties. Thus, both interviewer and participant had mutual, interdependent roles in crafting the data. This is acknowledged in the original consent agreements whereby the data cannot be used without the consent of both parties. It was therefore agreed that both Chloe and myself must mutually decide on how, and for what purpose, the interview recording would be released. Once the data were used for the purposes of the art piece, it was to be destroyed to protect it from being released for other reasons.

Understandably, an element of trust between the researcher and participant that this course of action will be followed must be granted. The authors welcome readers to consider how this trust can be built and to discuss whether it is sufficient in guaranteeing protection of the data. The trust between researcher and participant, in this case, was considered sufficient due to both projects sharing, broadly, the same aims and goals, meaning that both researcher and participant shared the same common goal.

Due to the complexities of such a case, an ethics advisor to the ethics committee that originally approved the research project was consulted. It was felt that due to these data belonging to both parties, Chloe had every right to use the interview with her own voice being played. However, I was advised that, as a PhD student, the data where my voice was present should be disguised to limit the potential of contaminating the ethically cleared data with the covert meeting recording and to protect the institution that approved the research. The committee therefore advised that a copy of the interview should only be given to Chloe on the condition that its sole purpose was to support her art piece. Any other use of this interview, without additional consultation, would be breaching the consent

agreement. Furthermore, it was advised that if Chloe withheld consent of the data being used for the research project, on the condition that I release it to her, I should remove the data from the project and destroy it so neither party could use it. This scenario did not occur, however, as Chloe and I mutually recognized that we were the collective owners of the data. She and I both signed the agreement with full acknowledgment that the purpose of her interview was to be used solely for the dual purpose of supporting the hate crime project and her art project.

Alternative methods of recreating the data could have been employed. A transcript rather than a recording could have been released to Chloe. This could have been used as a script to re-record the relevant passages directly, with another person playing the role of the interviewer (James). However, it was felt by both parties that to demonstrate the emotions conveyed in the interview authentically, it was important to keep to the original interview. Re-recording the interview using a transcript as a script ran the risk of robotizing and automating the dialogue that was recorded in the original interview. Re-recording would capture a performance of the narrative rather than the narrative itself. The authenticity of the emotions initially demonstrated would be compromised as a consequence of re-recording. It

was therefore desirable to release the original recording.

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### **The Language of Identity**

In addition to the ethical dilemma described above, I faced another dilemma relating to Chloe's gender identity. When participating in the hate crime project, Chloe previously had a different gender identity and referred to herself using different pronouns—for example, he or him, she or her, they or them—than she does currently. While writing up the findings that emerged from the project, she changed her gender identity and pronouns. To protect her anonymity within the hate crime project, her previous identity will not be revealed in this case study. Following this identity change, I was forced to determine which was the most appropriate way to refer to her interview data, with the identities and pronouns she had during interview or the identities and pronouns she has currently. Language is a politically charged process that can legitimize and delegitimize identity. Research shows that misgendering a trans person causes negative mental and emotional strains on the person's sense of self and authenticity (McLemore, 2015). My primary agenda was to avoid delegitimizing Chloe's identity in the ways that she outlines in her narrative. However, I struggled to

determine which identity was the most appropriate. I concluded that the research in which she participated in was concerned with her reality and identity at that specific period of time. I therefore referred to her with the pronouns and gender identity she had at the time. This additional dilemma raises issues around the position of power held by the researcher, who ultimately determines and therefore imposes the most appropriate label/reference for participants' identities. This is of particular importance for those who wish to research LGBT people who may have fluid, changing, and non-static identities. Students may argue that the researcher should consult the participant over which pronoun and identity they prefer. However, I felt that it risked rewriting the participants' personal history if their gender identity was changed retrospectively.

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## **Conclusion**

The project with which this case study is concerned studied the impact of hate on LGBT people and sought to understand how LGBT people negotiate, navigate, and reconcile the identities for which they are victimized. Chloe, a participant to the project, initiated an ethical dilemma when she asked for a copy of the interview that I recorded with her. The purpose of this request

was to combine the interview recording with a recording that was covertly and unethically obtained. This case study has considered whether the combination of these two recordings jeopardizes the ethical validity/integrity of the hate crime project. It also examines the rationale behind covert recordings through the use of personal narrative. It is important for readers to consider who might request access to data collected for research purposes and contemplate on how they may respond to these requests. The authors recognize that the course of action, as described in this case study, may not be the “right” or most ethically sound course taken. However, we maintain that there are no completely “right” decisions in scenarios such as the one described. Ethical hurdles cannot be navigated using a scientific method; rather, they must be dialectically negotiated through continuous scrutiny and critical reflection. The ethical dilemma outlined was resolved by a negotiation process between the researcher and participant whereby the participant was granted a copy of the interview on the condition that the researchers’ voice would be removed. The dynamics presented in this case study show that data ownership is an ambiguous claim that requires continual negotiation. In light of this, the authors would like to present students with questions to consider.

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## Exercises and Discussion Questions

1. Would you refuse to give the participant a copy of their data if they asked for it?
2. If the participant stated that you could not use their data for your project, unless you gave them a copy, what would you do?
3. Is audio recording someone without their consent unethical? How and why?
4. How important is it to protect personal and identifiable information of research participants?
5. Does using the interview recording alongside data collected covertly compromise the ethical validity of the entire research project?
6. What is the most appropriate language to use to refer to participants who have a different gender identity from when they participated in research?
7. Who “owns”/who is the dominant owner of data that involves both the researcher and research participant, such as recorded interviews?

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## Further Reading

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