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ABSTRACT

This study examines a document produced by the United States Department of Homeland Security handed out to immigrant parents during the “Family Separation Policy” crisis of 2018. The article examines whether such a document could be ethically tested for usability. Ultimately, the text argues that by the standards of the Belmont Report and the best practices in usability research, such a document would be extremely difficult (if not impossible) to test ethically. It argues that, while usability testing is an excellent tool for exploring how users interact with texts that can have life-changing consequences, it may also be used as a tool to perpetuate injustice and marginalize potential users.

CCS Concepts

Human-centered computing~Usability testing

Keywords

Usability testing, ethics, immigration, Belmont Report

INTRODUCTION

On April 20, 2018, the New York Times published a story by Caitlin Dickerson revealing that at least 700 children were separated from their parents at the southern border of the United States. The story was grounded in the experience of a mother who had been separated from her 18-month-old son, but revealed that since October of 2017, at least 100 of those 700 children were under the age of 4 years old. Throughout the summer of 2018, courts stepped in demanding that the federal government make every effort to reunite children with their adults. This task was made more difficult by the decision of the federal government to not keep records regarding who the children arrived with, where they went, or where the adults they traveled with were.

One of the materials that CNN, a news network based in the United States, obtained was a flyer handed out to immigrant parents titled “Next Steps for Families” (Levenson & Gallagher, 2018; U.S. Customs and Border Protection, 2018) (Appendix A). The document, bearing the logo of the Department of Homeland Security, shows four steps (and several substeps) that explains the actions a parent may take to be reunited with their child. The document is written in both English and Spanish. The document itself, at the time of writing this article, is available on the Department of Homeland Security’s website.

Once my anger and astonishment about the existence of this family separation policy became manageable, my training as a researcher and teacher in technical and professional communication piqued my attention to the design of the “Next Steps for Families” document itself. In particular, I was struck by how poorly it was composed. This was the sort of document that, if something less ethically challenging but similarly written were submitted by my students, I would likely have spent a fair amount of time trying to workshop the document to make it better.

For instance, the first step in the handout contains two sentences:

- You are currently in the custody of the U.S. Department of Homeland Security (DHS) Customs and Border Protection (CBP).

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- You have been charged with the crime of illegal entry in the United States.

As these are the first two sentences in the document, the message is clear: the reader is in criminal custody of a foreign government. As far as “Step 1” goes, there is not much in the reader’s power to ameliorate the situation. There is no action the reader can take in response to this “step” in the procedure. Instead, the document offers definition and context for the reader’s detention. This sort of message, one could only imagine, functions to reinforce the dynamics of power between the U.S. Department of Homeland Security and the detained reader. Any further steps that come will be read through this power dynamic. This document becomes what Jones & Williams (2018) call a “technology of disenfranchisement,” as its design is complicit in the marginalization of a group of people. In this case, those people are immigrants seeking asylum through the southern United States border.

Later steps give the reader something actionable to do; there are some phone numbers listed (for both outside and inside Immigration and Customs Enforcement (ICE) facilities), as well as email addresses for families and friends to contact both ICE and the Office of Refugee Relocation (ORR). The document was reportedly given to both detained immigrant parents and United States-based potential immigration sponsors for the children (children both accompanied by their parents and those arriving unaccompanied by any adult). The policy that the flyer represents appears to have been unsuccessful in slowing down the influx of migrants to the United States, but instead set up a situation where relatives based in the United States were reluctant to identify themselves as potential sponsors, for fear that their own immigration status might come under new scrutiny by the federal law enforcement. These potential sponsors are concerned about the potential legal repercussions of coming out of the shadows by sponsoring an immigrant child, and so as a result, as of September 2018, the United States is sheltering nearly 13,000 migrant children. This number is up from about 2,400 in May of 2018, soon after the policy was first widely reported (Dickerson, Shelters Near Capacity As More Youth Migrants Are Detained Than Ever, 2018). The administration’s policy seems to not have impacted the influx of immigration at the southern United States border, but has resulted in striking fear in the minds of those already in the country, setting up a humanitarian crisis as the administration must now care for a growing number of migrant children caught in the middle.

While not my primary concern in the throes of this crisis, and perhaps driven in part from the comfort of my privileged position as a United States-born white male who will probably never need to fear the consequences of this sort of document in challenging his own liberty, I wondered if anyone had tested the document to see if the intended audience could use it properly. I wondered this not because I want to make a document designed to assist in the oppression of Latino and Hispanic people more user-friendly in a sense that it could make oppression more efficient. Instead, I was interested in if such a document *could* undergo any sort of usability testing. As Schriver observes, “...usability testing routinely reveals important problems that document designers, even expert ones, may fail to detect” (1997, p. 473). Considering the implications of the “Next Steps for Families” document, perhaps some care was taken to ensure that the document responded to the specific needs of its users before it was put into circulation. I wonder, what would such a study have looked like?

To be clear, there is no way to tell if the “Next Steps for Families” document was tested for usability or user-centeredness, at least not through any media reports. Perhaps more importantly, it is difficult to assume that the document was designed to be usable in the first place. Still, what is perhaps most interesting to individuals studying user-centered document design and technical communication is the more pressing concern that usability testing reasonably *could* be used to enhance this document in some way. The tools that usability research provide could indeed be used to improve documents that are meant to operate as tools of oppression against a group of people. To this end, this article is interested in the ethical implications of user-centered research and usability testing when the design of a document operates as a tool of oppression, or what Jones & Williams (2018) call a “technology of disenfranchisement.”

While this article explores the role of ethics in technical communication later, it is worth noting that when we write of ethics we tend to deal with documents where some subject is being dehumanized, but generally not the users themselves. The memo that prefaces Katz’ (1992) “Ethics of Expediency” article is written from one Nazi engineer to his superior. In this context, the document is encoded with language that more recent audiences would identify as unabashedly dehumanizing (i.e., referring to persons inside the vans as “the load,” thus dehumanizing them). However, the “Next Steps for Families” flyer is addressed to the same marginalized people who must navigate a space in which they have been labeled a criminal to be reunited with their own children. The power dynamics in this later situation are far starker, more stressful, and contain more places where a user’s misstep can have dire legal consequences than a memo between two Nazis. While we can deduce a power dynamic between a Nazi engineer and his Nazi boss, the gulf of that difference pales in comparison to what incarcerated migrants faces in front of many United States federal agencies.

With the recent expansion of Technical and Professional Communications (TPC) programs offering courses in user-centered design and usability research methods (Melonçon & Henschel, 2013; Chong, 2016), the move toward a more user-centered practice would seem to be a great win for restoring humanity in otherwise faceless audiences. The focus on “users” in this sense provides a seeming ethical value in the object of its study. Surely, a designer who is thinking about her user and how her user interacts with her work could not in turn create something that would end up propping up a system of oppression, at least not on purpose, right?

Ross (2015) poses a similar question by wondering if a document that conforms to plain language principles yet operates to inspire aggressive, potentially dangerous, and often illegal action, in the name of ecological sabotage nonetheless poses a challenge to the seemingly inherent ethical value of plain language writing. Ross provides a useful research methodology to test the ethical implications of plain language practice, and such a method may also be appropriate in charting how ethics operate in other, newer, and emerging theories in TPC.

Borrowing from Ross’ approach, this article shifts testing how ethical a practice is from plain language to usability testing. The research questions explored in this article are twofold:

1. Can the separation of families document be tested for usability in accordance with human subject testing standards?
2. If the document *can* be tested for usability, what can TPC

and document design professionals learn about the ethics of usability testing in a broader sense?

One of the central arguments of this article is that the ethical concerns of usability research and the tools practitioners use need to be continually reevaluated as technological, social, cultural, and political tides continue to turn. This article provides a methodology for performing a robust evaluation of emerging tools in TPC.

This article moves through four sections. First, the article revisits the circumstances that led to the “Next Steps for Families” flyer to be produced in the first place, tracking the origin of the policy to provide context to the document. In offering this context, I am also arguing that designers and writers should likewise be immersed in the contextual circumstances in which they create, and that their ethical conduct take the totality of the rhetorical situation into account as they begin their work. Second, the article offers a review of how ethics is discussed in two areas: user experience professional contexts and TPC scholarship. The fact that this section draws from multiple areas of research speaks to the larger challenge in the disciplinarity of user experience and usability research—particularly regarding its intellectual and theoretical genealogy. While this text will not attempt to map out such a genealogy, I believe the nebulous intellectual “home” of usability research makes the act of codifying (and revisiting) ethical practices difficult. Moreover, this section will assess the role of deontological codes of conducts as ethical frameworks within research design. This leads up to the third section, in which I sketch a speculative research study, including a research protocol, that would perform the sort of usability work testing that would be expected to help enhance the document. In the fourth section, I use the work of the Belmont Report to assess my research methods and ponder if the methodology I outlined in part three would be approved by a research university’s Internal Review Board (IRB) human subject testing standards. It is here where I answer the first research question. This article closes by identifying pedagogical implications that can stem from this study, and issues recommendations that speaks to the many different stakeholders and intellectual homes for user experience testing. Using the two research questions to guide the discussion, the article explores the relationship between usability and ethics, and charts a course for the future that grounds usability and user-centered research in an ethical framework that is designed to be continually revisited. To this end, this article posits guidelines that hopefully elicit thoughtful consideration, and encodes an ethic of social justice as a part of the professional practices of usability research.

THE “ZERO TOLERANCE” BORDER POLICY

This section offers a brief synopsis of the circumstances that led to the implementation of the “Zero Tolerance” policy enforced at the southern United States border. The policy lends context for the “Next Steps for Families” flyer, and, as is apparent from the way in which it is used, how the flyer operates in an ecology of circumstances within the administration executing this policy. This synopsis, while attempting to be fair in representing reporting on the crisis, nonetheless is composed operating from an assumption that the policy itself was conceived and carried out as an act of oppression against a marginalized group. Such a bias is hard to mitigate in writing this entire article; if I’d thought that the “Next Steps for Families” flyer was an appropriate document, acting in accordance with liberatory and social justice-oriented principles, the urgency of this writing would surely be different. Therefore,

what I cannot mitigate in bias I attempt to at least be honest about to my reader.

While Attorney General Jeff Sessions announced the “Zero Tolerance” border policy on April 6, 2018, an April 20th New York Times article makes clear that the policy was in place since at least October of 2017 (Dickerson, *Over 700 Children Taken From Parents at Border*, 2018). The “Zero Tolerance” policy was first suggested in public in March 2017 by then Secretary of Homeland Security (and later White House Chief of Staff) John Kelly. Kelly told news organization CNN that he was considering separating families at the border so that adults who tried to cross into the United States would be taken into custody by the Customs and Border Patrol. This was a substantial change in policy as the prior administration would release families into the United States after processing while their case was adjudicated (Diaz, 2017).

The public rationale for the policy has consistently been that such a policy would deter families from trying to cross into the United States through the southern border. The logic follows that if families know there is a chance that parents and children will be separated from each other, they will perhaps elect to not enter the United States in the first place. Besides the underreported suggestion by Kelly that the administrating might move to separate families at the southern border, there was little fanfare to this change in policy. It seems that Customs and Border Patrol employees were the first to inform these families of the changed policy. However, it also appears that once the families were in custody, they did not have many options to change their minds about crossing the southern border in the first place. If the objective was to deter attempts to enter, the administration failed to notify potential entrants of the change of policy before they were in custody.

Immigrant children who entered the country with their families were handed over to the Department of Health and Human Services’ Office of Refugee Resettlement (ORR). The ORR would then place children with shelters run by nongovernmental organizations. The nongovernmental organizations were charged with trying to find relatives of the children located in the United States. If no such relative could be found, the child could indefinitely remain in a detention facility. Likewise, some relatives and sponsors could be identified, but choose not to come forward because they feared doing so would imperil their own immigration status. Dickerson further reports:

Sponsors — usually relatives or family friends — tend to be undocumented immigrants, and policies introduced by the Trump administration have made it easier for immigration authorities to find and arrest potential sponsors who come forward to claim a child. As a result, some potential sponsors have stopped coming forward out of fear. Those who come forward anyway are having to wait longer because of added red tape. (*A Look at What’s Behind Young Migrants’ Transfers To a Tent Camp in Texas*, 2018)

The larger issues relating to the internment of children is compounded by the general sense of fear that faces undocumented immigrant families. Anyone who considers coming forward to sponsor an interned child must weigh that child’s welfare against his or her own, as well as potential family members and associates who may become exposed to immigration authorities in the process.

Subsequent reporting, including reporting on an unpublished

internal investigation by the DHS, characterizes the entire enterprise of the “Zero Tolerance” family separation policy as “troubled from the outset by planning shortfalls, widespread communication failures and administrative indifference” (Miroff, Sacchetti, & Kim, 2018). As of this writing, the administration still wrestles with the impact of the policy. While it is possible that once this article sees publication, the issue has been resolved (perhaps by policy change or legal challenges), the lasting effect of the policy offers a case study in poor execution at best, or the inhumane treatment of children at worst. This is to say nothing of the sorts of documentation that surround the larger context of the policy. Those documents, such as the “Next Steps for Families” flyer, serve as artifacts in this case. These sorts of documents need to be scrutinized by TPC scholars to better understand what went wrong and how technical and professional writers can resist being party to such endeavors in the future.

ETHICS AND USABILITY TESTING

This section explores some of the intersections between ethics and usability testing as they appear in the literature of both User Experience professionals, and the academic work of TPC.

User Experience Professionals

In September 2005, the Usability Professionals’ Association (UPA) adopted a robust code of professional conduct to provide direction in ethical issues that may arise in practicing usability research. The document makes clear that any member of UPA (and its subsequent incarnation, the Usability Experience Professional Association, (UXPA)) are expected to accept this code in their professional practices. The 4-page document is guided by general “Principles” and then elucidated further by offering examples that can guide practicing these principles. The Principles involve verbiage that is common to many qualitative research methodologies:

1. Act in the best interest of everyone.
2. Be honest with everyone.
3. Do no harm and if possible provide benefits.
4. Act with integrity.
5. Avoid conflicts of interest.
6. Respect privacy, confidentiality, and anonymity.
7. Provide all resultant data.

In offering advice on practices that encompass the Principles, the UPA provides examples of how one could “Do no harm and if possible provide benefits” in their research:

3.1 Usability practitioners shall not expose participants to any unreasonable physical, mental or emotional stress.

3.2 Usability practitioners shall take reasonable steps to avoid harming their clients or employers, study participants, and others with whom they work, and to minimize harm where it is foreseeable and avoidable.

3.3 Usability practitioners shall review for special needs when working with the elderly, the disabled, and children. Precautions taken to avoid risks associated with such groups shall be clearly identified and reviewed by the client or employer.

This set of practices is robust if we interpret the spirit of how

they were written. While point 3.3 does not explicitly mention undocumented immigrants and other marginalized communities, it does call for researchers to be attentive to vulnerable populations.

The UPA (and now UXPA) Code of Conduct, while not exhaustive (and could perhaps use some updating) provides a framework for professionals and instantiates an ethical center to their professional identity. Unfortunately, this framework does not persist through many central texts in the field. Major textbooks in usability research have a hit-or-miss relationship with the Code of Conduct. Rubin & Chisnell (2008) instruct readers to become familiar with the Code of Conduct as a part of a section discussing “Getting the Most out of Your Participants” (p. 52). Likewise, in the book they at times reference when a particular practice is not ethical (pps. 160, 220). Still, several other textbooks such as those by Albert & Tullis (2013), Barnum (2011), and Sauro & Lewis (2012) lack any discussion of ethics as they pertain to usability and user research design and practices in their pages.

Likewise, the major journal of the UXPA, the *Journal of Usability Studies (JUS)* has few articles that explicitly deal with ethical conundrums that may arise in professional practices. The conversations about ethics tend to focus more on the relationship between researchers and their unchecked biases (Rosenzweig, Nathan, Manning, & Racherla, 2018) and conflicts of interest (Albert, 2015). To be sure, these are important components to consider in exploring ethical practices in usability research. There is also room, it would seem, to extend these conversations further into other areas of research design. Many of the articles in *JUS* posit ways of tinkering and revising user research methods.

Even among practicing designers there have been conversations expressing frustration that ethical standards are not more widely discussed or transparent (Monteiro, 2019). While there have been headways to assert ethical principles in design, such as creating design that is more inclusive and accessible (Holmes, 2018), these discussions have been relatively isolated. Clearly, this is room for a more robust discussion regarding ethics in usability and design.

Technical and Professional Communication

As mentioned earlier, scholars in TPC have discussed issues pertaining to ethics in the field for years (Katz, 1992; Ross, 2015; Willerton, 2015). Miller’s “Humanistic Rationale for Technical Writing” (1979) argues that “a course in scientific or technical writing can profitably be based upon [a] kind of self-examination and self-consciousness” (617), thus connecting a rhetorical approach to TPC to the sort of introspection that marks many studies in the humanities. For about forty years, the field of TPC has thought about and wrestled with balancing positivism and humanism in its courses and programs. This concentrated discussion has been ongoing but tends to bend toward the humanistic; it asserts the humanity of the audiences, and the primacy of ensuring that communication centers the needs of users in the myriad shapes they take.

Likewise, discussions about the role of writing and design and social justice have taken on a sense of urgency recently (Jones, “The Technical Communicator as Advocate: Integrating a Social Justice Approach in Technical Communication,” 2016; Jones, Moore, & Walton, “Disrupting the Past to Disrupt the Future: An Antenarrative of technical Communication,” 2016). Recent work offers researchers in TPC positions through which they can engage feminism (Frost, 2016; Petersen & Walton, 2018), narrative inquiry

(Jones, “Narrative Inquiry on Human-Centered Design: Examining Silence and Voice to Promote Social Justice in Design Scenarios,” 2016), and LGBT rhetorical theory (Cox, 2018), to name just a few approaches, can inform the social justice turn in the field. Jones (2016) argues that, “A critical approach to diversity and social justice helps to legitimize TPC by providing scholars a way to acknowledge the impact of communication as a way of mediating the human experience” (p. 343). Colton & Holmes (2018) likewise draw upon Ranière to argue that technical communicators can enact social justice initiatives independent of their work in institutional contexts. This call toward social justice speaks to the emerging consciousness of the field itself, especially as it gains a fuller sense of substance in university departments across the country (Melonçon & Henschel, 2013). As the field charts its own course and distinguishes itself as a distinct from its disciplinary predecessors, it is necessarily evolving its own sense of ethics.

The research implications of such ethical machinations are clear in the recent research the field. For instance, Agboka’s (2013) research on the “poorly localized (p. 32)” documentation accompanying pharmaceuticals that were intended for Ghanaian users seeks to uncover what might previously have been ignored: the role colonial, economic, linguistic, legal, and socio-political dynamics become inscribed in technical documentation. Agboka’s work addresses a cross-cultural, but specifically international context in the transmission of technical documentations from often Chinese designers to Ghanaian users. Nonetheless, the “unenfranchised and disenfranchised” (p. 29) nature of the users he identifies mirror closely to the Latino and Hispanic audiences that are expected to engage with the “Next Steps for Families” document. Similar calls from Rose (2016), Putnam, Walton, Rose, & Kolko (2009), and Shivers-McNair, Gonzalez, & Zhyvotovska (2018), argue for approaches to information design that are better situated among the communities these design serve. The work of all these scholars offer important ideas regarding information design and user testing that can be informative towards researchers and practitioners alike. Indeed, their work calls on TPC scholarship to consider a larger plane of considerations in its endeavors. The disposition toward a holistic, birds-eye view of how technical documents are immersed in their cultural sites is a major influence on the study in this article.

Clearly, much research strives to give us an idea for what inclusive user design looks like, and while that is important, we also must theorize how to respond spaces where communities impacted by design have no recourse to improve a flawed design system. Ideally, design is community based, and the practices discussed by Shivers-McNair, Gonzalez, & Zhyvotovska (2018), and Rose (2016) give us great insight into how to create and sustain those sorts of structures. But in the present case, the “Next Steps for Families” document already exists in a context in which racist and colonial ideologies are normative. Technical communicators must come up with tools that help understand and potentially dismantle these approaches to document design and user-centered research.

The TPC field has engaged the topic of ethics more generally regarding research practices as well. Barton (2001) argues that the interdisciplinary nature of writing and rhetorical research demands an interdisciplinary framework for conducting such research. She creates guiding principles for research that draw from both medical and language studies in the service of research discourse about medicine. She later (2008) focuses more intensely on the ways that composition and rhetoric understand the nature of communication. She acknowledges how in her own research on the recruitment of

medical subjects the task of recruiting participants is inherently rhetorical. Thinking beyond the role of federal regulations and IRB review, she examines the role of communication within the complex power dynamic between a research and a subject. Her work is instructive later as this text examines more fully the role IRB review plays in generating a hypothetical research methodology for the “Next Steps for Families” document.

Barton’s concentration on the role of ethics in researching medical rhetoric draws a clear line between danger to participants and research methodologies. Although she is not drawing blood or removing organs, she is interacting with people concerned about their mortal welfare. In these contexts, even seemingly minute discussions about wellness can carry with them the heavy gravity of life itself, if not livelihood. While other researchers in TPC certainly discuss issues like informed consent in digital spaces (Kim, Young, Neimeyer, Baker, & Barfield, 2008), TPC as a field appears to be unprepared for the more dangerous possibilities of what our research could entail. Perhaps the more recent focus on social justice impels researchers to take on studies that have messier, trickier, and maybe more dangerous subjects for their study.

Besides research in the rhetoric of medicine, there is little in the way of TPC research that could be designed as potentially dangerous for research participants. Even Katz’ (1992) and Ward’s (2014) work appears well after the document was used by its Nazi audience, and focuses mainly on how the documents themselves operate rhetorically in their own organizational contexts. Mortal danger may become a more important ethical concern as the field better understands its social justice mission. While the field may borrow and amend research methods from medical rhetoric, it also must chart its own course and draw necessary lines where it must for the sake of protecting subjects from mortal harm.

As opposed to using such “technologies of disenfranchisement” to better understand the rhetorical implication of technical documents, this study posits that there are also ethical challenges posed to the tools that researchers use, including usability testing. This study opens a larger discussion about how ethics and research methods are conceptualized in the early stages of a research project and poses questions for researchers to ponder while they shape their research designs.

Deontology, Technical and Professional Writing, and Ethics

This article will use the Belmont Report (authored by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, and named after the Belmont Conference Center where parts of the document were drafted) as a stand-in for a standard of ethical research. While the Belmont Report has taken its place in informing the ethics of human-subject research testing in IRBs at universities across the United States, it is not without its critics. Some, like Richard B. Miller (2003), argue the text is too vague to be useful. Others have argued that the document reflects reliability on a formalized western process that may not export itself well in other global contexts (Hirshon, et al., 2013). While this article acknowledges that the ethical theories that underpin the Belmont Report may be up for debate, it also acknowledges the Belmont Report’s place in guiding principles related to academic research.

However, my decision to use the Belmont Report as a lens through

which I analyze the potential ethical challenges posed by my speculative usability study requires that I address the Kantian deontology at work in the report. Deontology, an ethic that asserts the role of obligation or duty in decision making, shapes the way researchers adhere to the standards put forth in the Belmont report. Within TPC, Paul Dombrowski (2000, pp. 47–54) has done a wonderful job of contextualizing how deontology can operate in our field. The fact that university IRBs typically draw substantially from the Belmont report in crafting their own research standards means that deontological ethics have had some role in framing almost all published work in the field. Moreover, the Code described by the UXPA likewise operates as a deontological ethic. To this end, my decision to focus on the Belmont Report as a framework is less about whether I think deontology is the best ethical system to respond to the exigencies of user-centered research and more connected to the fact that this ethical standard already regulates much of the research performed in the academy and the industry.

The deontological ethics that underpin the IRB processes (and by extension, perhaps, the Belmont Report itself) are well challenged within TPC itself by scholars examining feminist-informed research ethics, such as those presented by De Hertogh (2018) and Bivens (2017). Likewise, Barton (2008) wrestles with the place of rhetoric and persuasion in the act of recruiting potential study participants. She wonders if an initial refusal by a potential study participant to take part in a research study be considered the final refusal, and if not, what sort of standards should exist to inform the sort of arguments recruiters should and should not make to try to get a participant to change her mind? She ultimately argues that,

...my experience suggests that it is the principle-based ethics of rights that is the framework that is here to stay in research regulation: my experience also suggests that a context-based ethic of care is too unwieldy to be applied in this context of ethics in volume. But I also see how a principle-based ethics in IRB review can be critically complicated by incorporating insights from the framework of an ethic of care. (p. 624)

I would like to think that this article takes up Barton on her challenge—that as a field we can form principles that propel an ethical approach to usability testing which draws from insights provided by the robust work being done in understanding the role of social justice in the context of TPC. I also readily admit that, due to the speculative nature of this study, I cannot foresee the same sorts of challenges as De Hertogh since this study is speculative in nature (while De Hertogh can draw from the experiencing of a completed study) and that my own assumptions will necessarily guide my imagination. Still, the decidedly deontological point of departure I am asserting here can help us conceptualize how the first steps in our research may run afoul of our own ethical standards well before we are able to perform material harm to real people.

The larger contribution of this study may be that when we speak about ethics, we should be speaking of ethics at different stages in the research design process. Perhaps a deontological ethic helps best situate the speculative work of designing a study, as we are dealing in abstracts hopes about what the study will entail. Once the study is under way, perhaps the feminist and care ethics are more appropriate, as they can help a researcher respond more nimbly to the practice-level challenges that arise in data collection. Still there may be another ethic that better informs preparing a manuscript for publication. What I propose in this paragraph is outside the

scope of this study, but such an approach that centers different ethical theories around different stages in the research process could not only help resolve the tension Barton identifies, but also give researchers more tools in dealing with ethical challenges in research.

DESIGNING A USABILITY STUDY FOR THE “NEXT STEPS FOR FAMILIES” FLYER

This section poses a speculative usability test for the “Next Steps for Families” flyer, building upon the theories discussed in the prior section. This usability study is designed assuming that there is no cooperation from the agencies that created the “Next Steps for Families” document itself. While there may be some affordances in terms of accessing the design process in working with the document designers, there are larger issues of trust that I will discuss later that would perhaps make soliciting participants more difficult if the agency is viewed as “close to” the research site.

This section of the article draws upon Rubin & Chisnell’s *Handbook of Usability Testing, Second Edition* (2008) “Test Plan.” The Test Plan, they argue, helps define the parameters of a usability testing protocol, going over, even briefly, all the major components of a usability test. The plan includes nine parts, although Rubin & Chisnell recognize that different circumstances may warrant degrees of formality. For the purposes of this article, the plan offers a barebones understanding of what usability testing for the “Next Steps for Families” document could look like, and how one might articulate the research to have it approved by an IRB review.

I should make clear here that I have no evidence to suggest that the “Next Steps for Families” flyer was ever designed to be usable in the first place. The document seems to be the sort of “technology of disenfranchisement” that Jones & Williams (2018) discuss in that the creators of the flyer seem primarily focused on reinforcing the uneven power dynamic between them and their users. Of course, I also have evidence to suggest that the document was designed to be unusable. I believe I must assume that the document presents itself at face value: as a flyer that will help separated families become reunited. Assuming the position that the document is designed in an earnest attempt to resolve a user issue, usability testing becomes an appropriate check on how well it fulfills its mission.

The following nine subsections are specific responses to the nine parts of Rubin & Chisnell’s “Test Plan.” All the answers are earnest yet rooted in observations drawn from the larger political context in which the “Next Steps for Families” document is immersed.

Purpose, goals, and objectives of the test

The reason we will perform this test is to determine the usability of the “Next Steps for Families” document. In particular, we want to observe places where the document could be clearer, or perhaps better explain components of its procedure. The document as it stands right now is an important text for parents and sponsors who would like to reconnect with their family members, especially children. Prior to the implementation of the recent policy precipitating the document, research made clear some of the mental health stresses that family separation has on Mexican and Central American families (Torres, Santiago, Walts, & Richards, 2018). This research is needed urgently in order to examine if adjustments need to be made to the document to ensure speedy family reunification.

Research Questions

Several research questions drive the usability testing described in this plan. Among them are:

1. What obstacles stand in the way of users properly utilizing the directions described in the document?
2. Does the language delivery (as the document is bilingual) impact the uptake of users who are following the directions? For instance, will different language delivery predict different amounts of time to complete the directions?
3. Does the process described on the document mirror the user's experience in the process of reuniting? In which places are the directions inconsistent with the procedure?
4. How do users respond when they encounter errors? Where or who do they turn to for clarification of the directions?

Participant Characteristics

Necessarily, the participants for the usability study envisioned here should be representative of the individuals who would use the "Next Steps for Families" document. Rubin & Chisnell suggest that participants "backgrounds and abilities" be "representative of your product's users (p. 115)." However, in this case, it is difficult to get a firm grasp on the nature of the users. So far, there has not been a systematic census of those who have been detained and separated from their families by CBP. CBP does, however, keep track of Southwest Border apprehensions on an annualized basis. The most recent data represents Fiscal Year 2018 (October 1, 2017 – August 31, 2018), which encompasses the duration of the Zero Tolerance policy. While the statistics available on the CBP site offers month-specific information about border apprehensions at specific sectors, it does not inform readers of how many of the apprehensions went through the family separation process.

Statistics show that in Fiscal Year 2018, CBP apprehended 89,441 family units ("Family Unit here represents the number of individuals including children and adults apprehended with a family member). Of these individuals, almost half (42,757) came from Guatemala. 33,123 came from Honduras, while 11,525 arrived from El Salvador. The remaining 2,036 came from Mexico (U.S. Customs and Border Protection, 2018). To this end, the commonality among the users of the "Next Steps for Families" document is that they are generally from a country in Central America.

While there may be a prevailing view that Central American immigrants speak the Spanish language, the truth is more complex. In Guatemala, while the official language is Spanish, the country also recognizes 21 other Mayan languages as well as two other indigenous languages. The most widely spoken Mayan language, K'iche', is estimated to be spoken by about 1 million of Guatemala's 17 million people. Indeed, reporting has made clear that the linguistic diversity of undocumented immigrants has been a challenge for CBP, requiring them to outsource for help in communicating with recently arrived immigrants (Creek, 2018). While the "Next Steps for Families" document itself offers a Spanish translation, the linguistic and literacy assumptions underpinning the document still may not respond fully to the reality of the situation.

Even with these recognized limitations, a usability study of the "Next Steps for Families" should include both English and native Spanish speakers, as the document is composed in both languages. The participants should also include younger (ages 18–

32) adults who may be in a position to have young children. The participants should also represent the countries from which recent undocumented immigrants originate.

All participants will be paid \$100 per hour for each session they participate in. This amount is meant to recognize the immense risk participants take on in this research. Participants will also have an opportunity to speak with an immigration attorney on the premises before after their test if they would like, free of charge. We will expend every effort to mask their identity as they interact with government organizations.

Of course, an ethical issue rises in trying to assess the appropriateness of recruiting undocumented immigrants to test the document.

Test Design

The "Next Steps for Families" document offers three "Actions" (and two subactions under action 3) listed under "Step 3," and we will design testing in accordance with those actions. Ideally, there will be 8 groups, one group for each of the first two "Actions" and an additional two groups who will take on the two subactions under "Action 3." There will be one group that will perform the test in Spanish using the Spanish directions, and a group performing the test in English using the English directions. The users will operate using the direction for contacting ICE and ORR from outside ICE facilities. This means that the prospective participant has been released from custody. At present, we will not perform a usability test for those presently in federal custody.

Participants will also complete pre- and post-testing questionnaires. Participants will also be interviewed about their experiences.

Task List

The tasks each group will engage are defined by the "Actions" themselves. Since the "Next Steps for Families" document does not explain what happens once a user contacts the organization, we cannot test beyond the scope of the users getting a hold of someone at ICE or ORR. If the contact is successful, we may add other components to the test to explore the usability of the process once initial contact has been made with authorities.

Test Environment, Equipment, and Logistics

Participants will use untraceable cellular phones, laptops, and email addresses in their initial contact. There will be no video recording so we may protect their anonymity, although we will use voice recorders to log all phone interactions and print all email communication between participants and ICE or ORR authorities.

Test moderator role

The moderator's primary role is to protect the anonymity of the test participant. Moderators will check all outgoing emails and listen to all phone conversations and intervene and end testing sessions when testing participants potentially reveal too much of their own immigration status, names, addresses and other identifying information.

Since there will be no video recording equipment, it may be necessary for the moderator to have assistants in the room taking notes on the user's response, recording changes in body language and tone of voice. To this end, test moderators and any assistants should be fluent in the language of the testing participants.

Data to be collected and evaluation measures

The primary data will be the voice recordings and printed email

exchanges between the participants and federal authorities. Secondary data, in the form of session notes, timing apparatuses, and post-testing debriefing questionnaires. We will interpret this data through the lens of the aforementioned research questions.

Report contents and presentation

The findings will be reported to ICE, ORR, the Department of Homeland Security, and both house of the United States Congress. The report will identify flaws in the document and offer actionable remedies to make the document more user-friendly. The report will include the anonymized words of the testers. The recommendations will span both design- and policy-level decisions. To this end, the report is meant to be a robust and thorough distillation of the testing and all aspects of user interaction with the document.

The principle investigator(s) will make themselves available for presentations if any of the government agencies would like to discuss the usability report with more depth.

Finally, the research will be shared with academic and designer audiences in the service of adding the general knowledge of the field through this case study.

“NEXT STEPS FOR FAMILIES” FACES THE INTERNAL REVIEW BOARD (IRB)

This section puts the usability test for the “Next Steps for Families” flyer described in the prior section through an imaginary, yet realistic IRB process. In short, the IRB process described in this section will “test” the ethics of performing the testing method described in the prior section.

While there is no one set of codified IRB standards that all researcher must follow, the practices are remarkably similar from institution to institution in higher education. Part of this similarity is statutory, as federal regulations governing human subject testing issued by the Department of Health and Human Resources underpin such research. The authority of US Code governing human subjects testing is recognized in 18 of 20 Federal Agencies.¹ To this end, the process I describe likely does not deviate vastly from most university IRB panels. Universities subscribe to human subject testing standards consistent with the basic principles contained in the Belmont Report (1978, authored by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research). Among these basic principles are: “1. Respect for Persons, 2. Beneficence, and 3. Justice.” The report goes further to examine the ways in which these principles can be applied into practice. This article assumes that its audience has at least a cursory knowledge of these principles and will not spend time rearticulating the entire report. The report itself is widely available online. It will, however, structure its discussion using the report’s principles and applications.

Principle 1: Respect for Persons

Respect for persons incorporates at least two ethical convictions: first, that individuals should be treated as autonomous agents, and second, that persons with diminished autonomy are entitled to protection. (p. 4)

The first principle the two ethical convictions that inform it cut to a central question: can potential research participants give their autonomous consent to participate in the research? In the context of the “Next Steps for Families” flyer, this sort of question is loaded. The Belmont Report suggests that, “The capacity for

self-determination matures during an individual’s life, and some individuals lose this capacity wholly or in part because of illness, mental disability, or circumstances that severely restrict liberty” (p. 4). The report then goes on to specifically outline the circumstances regarding using prisoners as research participants. Although not specifically prisoners, the impact of policies forged by the federal administration, especially in its dealing with Latino and Hispanic individuals (as citizens, immigrants, and visitors) requires us to rethink what it would mean to say an individual operates in a “circumstance that severely restricts liberty” (p. 4). At times like these, the all-encompassing wording of the report allows research to both broaden and narrow the focus of their work.

This article will not go through the task it attempted earlier in articulating the many ways in which the administration’s actions have placed the liberty of Latinos and Hispanics into legal limbo. However, a brief review is helpful in assessing the context for how Latinos and Hispanics may reasonably lack trust in the administration’s intentions.

The Washington Post (Sieff, 2018) reported that the administration has stepped up an attempt to investigate “citizenship fraud,” leading to “passport applicants with official U.S. birth certificates are being jailed in immigration detention centers and entered into deportation proceedings. In others, they are stuck in Mexico, their passports suddenly revoked when they tried to reenter the United States.” While the Post recognizes that such actions had occurred since the early 2000s under a prior administration, it also suggested that the more recent administration had enhanced its investigations of prior passport holders and individuals with Birth Certificate from the United States, especially if they were issued near the southern border. Likewise, since early in the administration’s tenure, arrests by ICE officers for immigration offenses rose substantially (Dickerson, 2017). An uproar about ICE officers staking out courtrooms for potential suspects (Amaro, 2018) led to judges and lawyers across the country to pressure the agency rethink its policy, which it did. Of course, there has been usability testing performed on prisoners who were incarcerated at the time of the testing (Boyd, Bond, Gallagher, Moore, & O’Kane, 2017), but in this case the legal status of the prisoner was more clearly defined, and the research conducted was designed to enhance quality of life for the prisoners. There is nothing in that study to suggest that participation in the test might itself lead to legal challenges beyond what the prisoner-participants were already facing.

While certainly most Latinos and Hispanics should not *have* to worry about being in a state of diminished liberty, the practices of the administration make it difficult for a researcher to assure a potential research participant that the work of the study will keep them safe from being bothered (or worse). In the scope of identifying the persona of an individual who might use the “Next Steps for Families” document, researchers must recognize the present political exigency that the document exists within. While in name the persona may be not be incarcerated and therefore seemingly “autonomous,” researchers need to dig deeper to examine if the “autonomous” designation is also true in the practice and fact of the present political and social climate.

Principle 2. Beneficence

Persons are treated in an ethical manner not only by respecting their decisions and protecting them from harm, but also by making efforts to secure their well-being. (p. 5)

One could perhaps convincingly argue that the role of “Beneficence” could be the saving grace of a usability study of the “Next Steps for Families” flyer. The line of thinking would suggest that perhaps the document will exist anyway—with or without user testing. That user testing offers the audience the only real way to have its needs assessed and responded to. Moreover, the objective of the document is, seemingly at its face, to reunite families. To this end, a more responsive document design could perform the sort of work that will make this task easier. Perhaps more families could be reunited—or reunited more quickly—if the design of the document were better. To this end, the true ethical conundrum of the test is a moot point. The fact that the process of user testing has any beneficence at all would seemingly wash away the sins of the larger context in which the document exists. The document, after all, helps secure the well-being of its users by rejoining families with each other.

But the beneficence in this context resembles a wolf in sheep’s clothing. The ethical issue is posed from a position of nihilism: the ethical choice a research project has only starts once the potential evil of the apparatus it represents is accepted as a matter of fact. It is here that researcher begin usability testing for oppression. That is to say, the usability test becomes a tool of the oppressor to give disenfranchised users an illusion of control and responsiveness.

The Belmont Report makes clear that “the obligations of beneficence affect both individual investigators and society at large, because they extend both to particular research projects and to the entire enterprise of research” (p. 5). This call to examine the entire enterprise of the research is a key note in better understanding the ways in which a usability test of the “Next Steps for Families” document might pass or fail an IRB review process. The idea of “entire enterprise” is ambiguous in its description in the Belmont report. For people drawing from TPC research, Agboka’s (2013) discussion of “cultural sites” may be helpful. To assess the “entire enterprise” of a research project to understand its beneficence would require the similar move exhibited in the “Respect for Persons” principle. The research and its methods must be immersed in the cultural and political exigency of the research subjects. That exigency must also be the center of the ways in which we organize our research.

Principle 3: Justice

Who ought to receive the benefits of research and bear its burdens? This is a question of justice, in the sense of ‘fairness in distribution’ or ‘what is deserved.’ An injustice occurs when some benefit to which a person is entitled is denied without good reason or when some burden is imposed unduly. (p. 5)

In writing in response to the first two principles, I focused primarily on the ways in which the research design would issue potential challenges for an IRB committee to allow such a study. It is here, in Principle 3, where the speculative nature of the research design must cease. The “Next Steps for Families” document is an injustice. The separation of children from their families, may be argued to be a necessity as a matter of practicality in a carceral system, but this argument only demonstrates a desire to implement unjust policies at a low cost. The denial of liberty while in process of legally seeking asylum seems unjust on its own, never mind the legal implications of such a move. The fact that the administration did not take care to properly document separated families (Dickerson, A Look at What’s Behind Young Migrants’ Transfers To a Tent

Camp in Texas, 2018) in the first place raises reasonable questions about whether or not families were ever intended to be reunited in the first place.

In terms of justice as it relates to the usability testing I described, it would seem difficult to separate the testing from the larger context of the “zero tolerance policy.” Designers and testers recruited to test documents such as a “Next Steps for Families” flyer are in double bind wherein they may feel they are doing a service to the user, but the service likewise works to blunt the impact of and otherwise unjust policy. Even with the best intentions, designers and user testers end up helping perfect part of an unjust, but increasingly sophisticated, system. So long as users are treated in an unjust system, it is difficult to imagine how the small justices of user-testing and human-centered document design impacts a mechanism meant to deny individuals of their humanity.

The Belmont Report in Reflection

The work of imagining a drawing up a research protocol that would be used for usability testing a document such as the “Next Steps for Families” and then analyzing it through an IRB review informed by the Belmont Report is admittedly a work of fiction. However, its fiction is speculative in its scope, and speculative fiction, as Margaret Atwood and Ursula LeGuin suggest, deals with “things that really could happen” (2011, p. 6). Far from deliberately trying to prevent such a usability study from ever occurring, this exercise demands that scholars assess the political and cultural implications of such research, and what that research means for its subjects, in the early stages of research design. Research method design is speculative work. It imagines the impact of the research on the subjects and the reasonable ways the testing protocol may go wrong. However, as opposed to focusing merely on methodological protocols, the speculative researcher likewise assesses the socio-political protocols that undergird the entire enterprise of the research. Likewise, IRB reviewers would be wise to take a similar holistic and speculative position.

Pedagogies of Ethics in Usability Research

This study puts forth a methodology in which the Belmont Report acts as a sort of heuristic to assess the ethical concerns embodied in user-centered research. The Belmont Report offers itself as a useful heuristic because it concerns three components that can be debated and discussed by researchers as they begin to design their research methodology. The exercise this article performs offers an example of what classrooms may want to undertake as well in two ways.

First, instructors can find document like the “Next Steps for Families” text and perform a similar analysis on whether the document could be usability tested ethically. There will probably be few documents with the same sort of exigency as the documents described in much of this article, but the exercise with any document would be instructive toward better understanding the nature of the document, and how researchers would fit into the larger context of how that the document operates as part of a system. Instructors may find documents similar to what Katz (1992) and Ward (2014) examine and perform the same sort of analysis I perform here and come up with substantially different conclusions. This would help to demonstrate to students the complexities of ethics in usability research.

Second, instructors can facilitate discussions about the role of ethics in user-centered research in general as a component of research design. Students and instructors together can parse through their

understandings of the three principles that frame the Belmont Report, and can connect their discussion to the research they want to design. Moreover, the principles can act to spend more time on the rhetorical work of the research by asking students (and all researchers) to frame their responses in the context of the rhetorical situation in which they perform their research. Certainly, “justice” and “respect for persons” will look different from project design to project design. In making considerations about the interaction between research design and ethics, students will better understand the ways in which research methods have their own rhetorical exigencies that must be tended to and thoughtfully considered before the work of data collection can begin.

I should make clear that while I use the Belmont Report as a point of departure for discussion, I can see an opportunity for instructors to use other ethical frameworks to guide this sort of exercise. Whatever ethical framework we may find useful, it is important to attach a thoughtful discussion about how that ethic could operate in the design, data collection, reporting, and post-reporting of research. This article focuses on research methods design and argues that it is important to make clear ethically-driven decisions at this stage. What is most important in the pedagogy of ethics as it relates to usability research is that investigators are trained to make clear what sort of ethical decisions drive their work.

CONCLUSION: USABILITY RESEARCH AND ETHICS

There is a position of privilege I readily recognize as a United States-born, white privileged male in making an argument that ultimately user researchers should avoid performing research on individuals in some of the most dire conditions in their lives, in which their own children have been ripped from their arms. And while I would like to imagine that if all designers and usability testers resisted adding any legitimacy to an unjust and oppressive system, I recognize that an organization can still find some people—qualified or not—who will perform the design work it needs. It is not my place here to moralize to the individual, but to argue that the field must take a stand about what it will and will not accept as a standard practice to when dealing with oppressive systems. Document designs that enable oppressive administrations and unjust policies should be hotly debated amongst professionals and researchers, and students should be cognizant that the growing social justice mission of the field is taken seriously.

While this article focuses on the ways in which usability testing and user-centered design may be used as a tool of oppression, there is space (which I plan to explore in a subsequent article) for examining how usability testing can also be a tool of resistance. In particular, non-governmental organizations (NGOs) working as representatives and allies to immigrants on the southern United States border face similar challenges in designing tools for the same audience as the “Next Steps for Families” flyer, such organizations are not bound to the same history of oppression and exercises of power as the United States government. These NGOs navigate their own complex relationships between the Law, the immigrants they serve, and their advocacy mission. In this context usability testing and user-centered design operates as tools of resistance against injustice.

I return now to the two research questions that guided my initial study:

1. Can the separation of families document be tested for usability

in accordance with human subject testing standards?

2. If the document can be tested for usability, what can TPC and document design professionals learn about the ethics of usability testing in a broader sense?

I would argue that the scenario I put forth would suggest that the document could not be tested in accordance with general IRB approval. The beneficence to the participants, and more importantly, the justice of the research, makes it difficult to argue that the prospective user benefits as much from the clarification of the document as an oppressive policy would gain from the seeming legitimization of its document. While academics have obligations to IRB approval based on the Belmont report, many in the private sector do not. To that end, this text may be seen as a guideline to shape both individual and corporate ethical standards where none may presently exist or are otherwise unclear.”

While the answer to the first research question is “no,” an answer to the second research question is still salient. While references to discussions about codified codes of conduct held by an industry’s professional association is helpful when it appears, the task of better understanding the ethical practices of a field becomes one for the neophyte to engage and figure out. Placing the onus of learning how to operate as a professional by understanding research methodologies and ethical codes of conduct is a tall order. Moreover, when the emphasis of our training regimens is on the research methods with only ancillary connection to the ethical challenges that researchers and composers could encounter, ethics becomes a moot point. As a community of practice, teachers, research, and trainer already acculturated to the field must work to help promote a system of practices that the group has codified as “ethical.” Whether the field conceptualizes that ethic as drawn from deontology, an ethics of care, something else (or a variety of ethics) is not as important as staking a claim some ethical clarity that underpins the way we envision the work we want to perform.

The role of a professional organization is not just to connect professionals to each other, but it must also help establish and promote best practices, argued about and agreed to by the members of the organization. This must include a robust discussion about the role of ethics in professional practice. Members of the group should have a clear sense of what is and is not endorsed by the larger organization. Those who choose to ignore or act in open defiance of the code of conduct established by the larger group must know that their choices are ostracized. This goes both for industry and academic communities (and indeed, there should be some overlap between the two). The ethics of usability testing may offer a fertile ground for discussions across the academy-industry divide and could enhance how each side better understand the ethical challenges that are posed in their research.

Ethical codes of conduct are an act of institution. What the institution endorses and forbids should not only be clear but should also be easy to recall among its members. Institutions should also set up opportunities for members to complicate or questions these codes, and perhaps propose modifications that better meet the needs of changing social, cultural, and political dynamics. This call to see ethical codes are an act of institution is not so much meant to elevate the status of the institution as much as it is a call for clarity and transparency for what the institution believed. Individual members are bound to their own conscience when they research, design, compose, write, edit, or code a new project. Members should be able to take ownership of that conscience when

they speak against the sorts of codes they find operating contrary to their own understanding of ethics. While some members may argue for codes of ethics that are in line with liberatory practices and social justice, some, of course may not. The role of the code of conduct should provide a clear ethical standard that members can judge themselves against when they make decisions in their professional practices.

While I am not arguing that anyone developing research methods or documents that perpetuate systems of oppression, a clearly written and widely circulated code of professional conduct at least makes clear that using the tools of the organization runs counter to their designed purpose, and thus the researcher must know that his decisions are aberrant in the larger context of the profession. It is worth remembering that the ethic described here primarily deals with the role of planning research methodologies. Other ethics can and should be called into account as researchers engage in the more complex challenge of practicing their work at other stages in the research process.

There should still be an overarching principle that should be easy to remember and can act as an alarm of sorts for ethical introspection as a researcher is faced with a dilemma of design, particularly in user-centered research. I offer this quick standard for reference:

If the act of performing research on a task could put the user in harm's way, we must rethink the entire enterprise of the product design, from its context to its intended result.

This statement goes a bit further than the traditional “Do no harm and if possible, provide benefits.” The research standard here operates in a twofold manner.

1. It calls for researchers to examine the nature of harm that is built into the design of the task. And,
2. It calls for researchers to become immersed in the context (including the social, cultural, and political implications) of their work. To this end, no text or task can be viewed in isolation from its context.

If we look at the standard of “Do no harm,” the verbiage dictates that “Usability practitioners shall not expose participants to any unreasonable physical, mental or emotional stress.” Yet what if the participant is already under physical, mental, and emotional stress, such as being a parent who has just had their children taken away from them? A document designer may be convinced then that the “Next Steps for Families” document will help give users a sense of control in a situation and may perhaps alleviate the stress that has surely compounded in the situation. Such a designer may return to the “Next Steps for Families” flyer and argue that, if such a document needs to be designed, it should at least be designed well and from a user-centered perspective. While this is a fair argument, it also isolates the harm of the the document from its context. If we are only looking at the document, it appears to be a life preserver that can provide hope and recourse for individuals within a stressful situation. However, if we view the document as a part of a larger ecology of documents and policies designed to discourage undocumented migration using the separation of children from their parents to achieve these means, the document becomes another tool of power meant to perpetuate an oppressive *modus operandi*. The second part of the research standard forces practitioners to understand the context in which their work exists.

It is arhetorical to examine a document outside of its larger context. This much should be clear: if we are to compose for users, we must consider the full measure of the user experience as components that could impact how the user interacts with that which we create and test.

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ENDNOTES

1. Some agencies that are not signatories to the authority vested in HHS human subject testing standards include the Office of the Director of National Intelligence, the Central Intelligence Agency, both of which are exempted under an Executive Order.

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Next Steps for FAMILIES



- STEP 1** ❖ You are currently in the custody of the U.S. Department of Homeland Security (DHS) Customs and Border Protection (CBP).
 ❖ You have been charged with the crime of illegal entry into the United States.
- STEP 2** ❖ Within the next 48 hours, you will be transferred to the custody of the U.S. Department of Justice (DOJ) and will be presented before a judge for having violated this law.
 ❖ While this process is occurring, your child or children will be transferred to the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR), where your child will be held in a temporary child shelter or hosted by a foster family.
 ❖ DHS and HHS can take steps to facilitate reunification with your child(ren).

- STEP 3** **How do I locate my child(ren)?**
- Action 1** - Call U.S. Immigration and Customs Enforcement (ICE) Call Center.
- If calling from outside of an ICE detention facility, call 1-888-351-4024.
 - If calling from an ICE detention facility, call using speed dial 9116# on the free call platform.
 - Available Monday - Friday, 8am to 8pm EST. Language assistance is available.
- Action 2** - Call the ORR Parent Hotline.
- If calling from outside of an ICE detention facility, call 1-800-203-7001.
 - If calling from an ICE detention facility, call using speed dial 699# on the free call platform.
 - Please provide the child's full name, date of birth, and country of origin. It is helpful to give the child's A number, or alien registration number, to the operator if you have it.
 - Available 24 hours a day, 7 days a week, in Spanish or English.
- Action 3** - Friends, family, ORR staff, and legal representatives can assist you by emailing:
- ICE at Parental.Interests@ice.dhs.gov
 - ORR at information@ORR.NCC.com

- STEP 4** ❖ After your court hearing, you will be transferred to ICE custody.
 ❖ While you are in ICE custody:
- ICE will work with ORR to schedule regular communication (via telephone and/or video teleconferencing) with your child(ren).
 - ICE will provide access to legal self-help materials.



- PASO 1** ❖ Usted está actualmente en la custodia del Departamento de Seguridad Nacional de los Estados Unidos (DHS) Oficina de Aduanas y Protección Fronteriza (CBP).
 ❖ Usted está acusado del delito de entrar a los Estados Unidos ilegalmente.
- PASO 2** ❖ Dentro las próxima 48 horas, usted va a ser transferido a la custodia del Departamento de Justicia de EE. UU. (DOJ) y vas a aparecer antes de un juez por haber violado la ley.
 ❖ Mientras que ocurre este proceso, su hijo o hijos serán transferidos al Departamento de Salud y Servicios Humanos de EE. UU. (HHS) Oficina de Reubicación de Refugiados (ORR) donde su hijo será puesto en un refugio para niños o será cuidado por una familia sustituta.
 ❖ DHS y HHS pueden tomar los pasos necesarios para facilitar la reunificación con sus hijos.

- PASO 3** **¿Cómo ubico mis hijos?**
- Acción 1** - Llame el Centro de Llamadas del Servicio de Inmigración y Control de Aduanas de EE. UU. (ICE)
- Si usted llama fuera de un centro de detención de ICE, llame 1-888-351-4024.
 - Si usted llama desde un centro de detención de ICE, llame usando la marcación rápida 9116# en la plataforma de llamadas gratuitas.
 - Accesible lunes-viernes, 8am a 8pm EST. Asistencia para hablar en su idioma está disponible.
- Acción 2** - Llame la Línea para Padres del ORR.
- Si usted llama fuera de un centro de detención de ICE, llame, llame 1-800-203-7001.
 - Si usted llama desde un centro de detención de ICE, llame usando la marcación rápida 699# en la plataforma de llamadas gratuitas.
 - Por favor proporcione el nombre completo de su hijo, la fecha de nacimiento, y su país de origen. También infórmale al operador el "A number", o número de extranjero de su hijo si lo tienes.
 - Disponible 24 horas al día, 7 días a la semana, en inglés o español.
- Acción 3** - Amigos, familia, empleados de ORR, y su representación legal pueden asistirlo a través de mandando u email a:
- ICE at Parental.Interests@ice.dhs.gov
 - ORR at information@ORR.NCC.com

- PASO 4** ❖ Usted va a ser transferido a la custodia del ICE después de su audiencia en la corte.
 ❖ Mientras en el cuidado y custodia de ICE:
- ICE va a trabajar con ORR para designar comunicación fija (vía teléfono y/o video teleconferencia) con sus hijos.
 - ICE dará acceso a materiales de autoayuda legal.