EXEMPT CATEGORIES CONSIDERATIONS AND EXAMPLES

**Exempt Category #1**

Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as:

- Research on regular and special education instructional strategies
  - or -
- Research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods

*Note: This category may be applied to research involving children.*

**Considerations:**

- Commonly accepted educational settings include traditional preschool, K-12, vocational, and college classrooms, as well as out-of-classroom instruction such as field trips, teaching hospitals, and after-school programs.
- Normal educational practices include teaching methods in support of a current curriculum or standard.

**Examples:**

- A study designed to evaluate the effectiveness of classroom management methods through nonparticipant observation and evaluation of quiz scores given as a part of the current curriculum.
- A study designed to evaluate the efficacy of two different English curriculums, taught in otherwise complementary high schools, through the comparison of end-of-year standardized test scores.

**Exempt Category #2**

Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior, *unless:*

- Information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects
  - and -
- Any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation

*Note: Surveys on sensitive or personal topics which may cause stress to study participants are not exempt from IRB review.*

*Note: This category may not be applied to research involving children unless non-participant observation alone is being used.*
Considerations:

- This category **cannot** be applied to children as subjects **except** when it is 1) research involving educational tests, or 2) public observation involving no interaction between the researcher and the children.

- Public behavior refers to behavior for which the subject has no expectation of privacy (where the subject cannot reasonably expect to be observed or recorded).

- Video recordings and photographs are generally considered identifiable.

Examples:

- A study in which an anonymous survey is given to college students about their opinion of the food served at the cafeteria.

- A study involving the non-participant observation of children regarding their reaction to public art exhibited in the park.

Exempt Category #3

Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under paragraph #2 of this section, if:

- The human subjects are elected or appointed public officials or candidates for public office

  — or —

- Federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter

Considerations:

- This category involves those procedures listed in exempt category #2 but that do not qualify for exempt status under that category because of its criteria regarding identifiability of subjects or the possible risks of data disclosure.

- Public officials or candidates for office include individuals elected or appointed to, or running for, public office. This does not include public employees such as teachers or staff in public offices.

Examples:

- A study in which a diverse sample of school superintendents are interviewed regarding their position on charter schools.

- A study in which the body language of chiefs of police are studied during interviews regarding the use of body cameras on police officers.
Exempt Category #4

Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if

- These sources are publicly available
  - or -
- The information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects

Considerations:

- Existing data refers to data that exists at the time of IRB review and was originally collected for purposes other than the currently proposed research.
- Identifiers may be direct (information that alone can be used to identify a subject such as name, email address, or social security number) or indirect (information that can be combined with other information to identify a subject such as regional location, type of employment, and age).
- Information may be identifiable originally, but the investigator records it in a way that does not allow for the identifiability of the subjects.

Examples:

- A study of housing trends by age, income, and family size through the analysis of census data.
- A study involving a chart review in which the investigator has access to information that can be used to identify the subject but records it such that it cannot be used to identify the subject.

Exempt Category #5

Research and demonstration projects which are conducted by or subject to the approval of Department or Agency heads, and which are designed to study, evaluate, or otherwise examine:

- Public benefit or service programs
- Procedures for obtaining benefits or services under those programs
- Possible changes in or alternatives to those programs or procedures
- Possible changes in methods or levels of payment for benefits or services under those programs

Consideration:

- This category applies only to federally supported research of federal public benefit or service programs (such as social security).

Example:

- A study sponsored by the Department of Housing and Urban Development to assess the effectiveness of a housing subsidy program.
Exempt Category #6

Taste and food quality evaluation and consumer acceptance studies, *if*:

- Wholesome foods without additives are consumed
  
  – or –

- A food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture

*Note: This category may be applied to research involving children; however, the Brandeis IRB requires written parental consent to include children in taste testing or odor studies.*

Considerations:

- Research must involve what would be considered reasonable eating behaviors.

- Alcohol, vitamins, or nutritional supplements are not considered food and so are not exempt under this category.

Example:

- A taste test study comparing GMO fruits and vegetables with non-GMO fruits and vegetables.