**Institutional Review Board**

**Determining Exemption Worksheet**

The purpose of this worksheet is to help Researchers and Reviewers determine if the protocol falls under the category of exempt research as described in 45 CFR 46.104. Only IRB reviewers can determine whether or not a project fits the exemption criteria.

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| **General Considerations for Exemption (all must be checked)** | | |
|  | The study is not FDA regulated | |
|  | The study does not involve the consumption or taste-testing of alcohol products | |
|  | The study involves pregnant women, human fetuses, and neonates, and the conditions for exemption are met  N/A if the study does not involve the above populations | |
|  | The study does not involve prisoners or, the study is aimed at involving a broader subject population that only incidentally includes prisoners | |
|  | The study involves children and: (all must be checked)  N/A if the study does not involve children | |
|  |  | The research meets the conditions for exemption categories 1, 4, 5, and 6 |
|  |  | The research involves educational tests or the observation of public behavior in which the PI/Researcher will NOT participate  N/A |
|  |  | The research does NOT include surveys or interview procedures |
|  |  | The research does NOT fall under exempt categories 2(iii) or 3 |

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| **The research fits the criteria for exemption if it falls into one or more of the following categories** (one or more categories must be checked) | | | |
|  | 1. Research, conducted in established or commonly accepted educational settings, that specifically involves normal educational practices that are not likely to adversely impact students’ opportunity to learn required educational content or the assessment of educators who provide instruction. This includes most research on regular and special education instructional strategies, and research on the effectiveness or of the comparison among instructional techniques, curricula, or classroom management methods. | | |
|  | 2. Research that only includes interactions involving educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior (including visual or auditory recording) if at least one of the following criteria is met: | | |
|  |  | (i) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects | |
|  |  | (ii) Any disclosure of the human subjects’ responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects’ financial standing, employability, educational advancement, or reputation | |
|  |  | (iii) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination required by 46.111(a)(7). | |
|  | 3. Research involving benign behavioral interventions | | |
|  |  | A. Research involving benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and informatin collection and at least one of the following criteria is met | |
|  |  |  | (i) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects. |
|  |  |  | (ii) Any disclosure of human subjects’ responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects’ financial standing, employability, educational advancement, or reputation |
|  |  |  | (iii) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination required by 46.111(1)(7) |
|  |  | B. For the purpose of this provision, benign behavioral interventions are brief in duration, harmless, painless, not physically invasive, not likely to have a significant adverse lasting impact on the subjects, and the investigator has no reason to think the subjects will find the interventions offensive or embarrassing. Provided all such criteria are met, examples of such benign behavioral interventions would include having the subjects play an online game, having them solve puzzles under various noise conditions, or having them decide how to allocate a nominal amount of received cash between themselves and someone else. | |
|  |  | C. If the research involves deceiving the subjects regarding the nature or purposes of the research, this exemption is not applicable unless the subject authorizes the deception through a prospective agreement to participate in research in circumstances in which the subject is informed that he or she will be unware of or misled regarding the nature or purposes of the research. | |
|  | 4. Secondary research for which consent is not required; Secondary research uses of identifiable private information or identifiable biospecimens, if at least of the following criteria are met: | | |
|  |  | (i) The identifiable private information or identifiable biospecimens are publicly available | |
|  |  | (ii) Information, which may include information about biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects | |
|  |  | (iii) The research involves only information collection and analysis involving the investigator’s use of identifiable health information when that use is regulated under 45 CFR parts 160 and 164, subparts A and E, for the purposes of “health care operations” or “research” as those terms are defined at 45 CFR 164.501 or for “public health activities and purposes” as described under 45 CFR 164.512(b) | |
|  |  | (iv) The research is conducted by, or on behalf of, a Federal department or agency using government-generated or government-collected information obtained for nonresearch activities, if the research generates identifiable private information that is or will be maintained on information technology that is subject to and in compliance with section 208(b) of the E-Government Act of 2002, 44 U.S.C. 3501 note, if all of the identifiable private information collected, use, or generated as part of the activity will be maintained in systems of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, and, if applicable, the information used in the research was collected subject to the Paper Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* | |
|  | 5. Research and demonstration projects that are conducted or supported by a Federal department or agency, or otherwise subject to the approval of department or agency heads (or the approval of the heads of bureaus or other subordinate agencies that have been delegated authority to conduct the research and demonstration projects), and that are designed to study, evaluate, improve, or otherwise examine public benefit or service programs, including procedures for obtaining benefits or services under those programs, possible changes in or alternatives to those programs or procedures, or possible changes in methods or levels of payment for benefits or services under those programs. Such projects include, but are not limited to, internal studies by Federal employees, and studies under contracts or consulting arrangements, cooperative agreements, or grants. Exempt projects also include waivers or otherwise mandatory requirements using authorities such as sections 1115 and 1115A of the Social Security Act, as amended. | | |
|  |  | (i) Each Federal department or agency conducting or supporting the research and demonstration projects must establish, on a publically accessible Federal website or in such other manner as the department or agency head may determine, a list of the research and demonstration projects that the Federal department or agency conducts or supports under this provision. The research or demonstration project must be published on this list prior to commencing the research involving human subjects. | |
|  | 6. Taste and food quality evaluation and consumer acceptance studies | | |
|  |  | (i) If wholesome foods without additives are consumed | |
|  |  | (ii) If 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 Services of the U.S. Department of Agriculture. | |
|  | 7. Storage or maintenance for secondary research for which broad consent is required: Storage or maintenance of identifiable private information or identifiable biospecimens for potential secondary research use if an IRB conducts a limited IRB review and makes the determinations required by 46.111(a)(8). | | |
|  | 8. Secondary research for which broad consent is required: Research involving the use of identifiable private information or identifiable biospecimens for secondary research use, if the following criteria are met: | | |
|  |  | (i) Broad consent for the storage, maintenance, and secondary research use of the identifiable private information or identifiable biospecimens was obtained in accordance with 46.116(a)(1) through (4), (a)(6), and (d) | |
|  |  | (ii) Documentation of informed consent or waiver of documentation of consent was obtained in accordance with 46.117 | |
|  |  | (iii) An IRB conducts a limited IRB review and makes the determination required by 46.111(a)(7) and makes the determination that the research to be conducted is within the scope of the broad consent referenced in paragraph (d)(8)(i) of this section; and | |
|  |  |  | (a) The investigator does not include returning individual research results to subjects as part of the study plan. This provision does not prevent an investigator from abiding by any legal requirements to return individual research results. |