



Ver. # 2.0 Effective Date: Nov 6 2013 Last updated: Aug 24 2021	Faculty recruitment of students in research and use of FERPA protected information	Supersedes Previous Ver.: Yes
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I. Policy Statement

It is the policy of Ball State University's (BSU) IRB that all research be conducted in accordance with the tenets of the Belmont Report. This includes maintaining the highest ethical standards and full respect for persons participating in human subjects research. A core principle of the regulations governing the use of human subjects in research is that each person's participation is voluntary, based upon full and accurate information and with full informed consent.

A faculty member's recruitment of students who are enrolled in the faculty member's courses to participate in the faculty member's research poses significant ethical issues, creates potential risks to research participants due to the inherent conflict of interests/conflict of commitment situation and raises the issue of voluntariness. At the same time, the IRB recognizes that there are specific instances where it may be allowable.

BSU discourages faculty members from recruiting student participants enrolled in courses of the faculty member and/or student materials from these courses for human subjects research, unless there is a compelling and legitimate justification. If students are to be included as participants in research, then the principal investigator (PI) and their research team must take all due precautions to protect the safety, rights and welfare of the participants, ensure the proper privacy and security of the research data and comply with all applicable University policies for the protection of students and student information at BSU.

II. Operational Definition(s)

Faculty member recruitment of students enrolled in faculty member's courses in research: When any faculty person employed by BSU recruits students enrolled currently in a faculty member's course, currently enrolled students' course materials or information, or materials or information from previously enrolled students for research purposes as defined in 45 CFR 46. This definition does not include course evaluations, projects only meant for teaching and learning for the course only, or course improvement activities. Substitution of graduate assistant(s), research assistant(s) and/or teaching assistant(s) as a proxy is considered to be the same as the faculty person for purposes of this policy. This policy extends to students the faculty member advises.

FERPA: Family Educational Rights and Privacy Act of 1974 (also known as the Buckley Amendment).

Previously collected materials: Any course work, projects, papers, etc. created by students in contemplation of course completion and receipt of a grade and were retained by the faculty person who taught the course. These materials were collected and retained for non-research purposes.

III. Procedures

1. BSU Faculty recruiting current students as research participants

BSU Faculty may recruit current, consenting students enrolled in the faculty member's courses in human subjects research under the following conditions.

- No alternative method of data collection is feasible.
- PI has provided a compelling reason in the IRB application why they need to use this student population for research over any other option.
- minimum level of review is Expedited because students are considered a vulnerable population due to the power dynamic in the classroom. An exception may be made if the IRB determines the study qualifies under an Exempt category.
- The possibility/probability for becoming a potential research participant is provided to students at the start of the course. This information can be provided as part of the syllabus.
- Students are well-informed and given IRB contact information. This information can be provided as part of the syllabus.
- Students are informed that consent is voluntary and participation or lack of participation will not affect grades, academic standing, and any other evaluation.
- Students are given an opt-in option. An opt-out option will not be allowed.
- Students are allowed to file a complaint/discuss concerns directly with the BSU IRB Chairperson, BSU Director of Research Integrity, and/or the BSU Institutional Official (IO).
- Whenever possible, faculty collect data from student participants directly.
- Priority remains on teaching, not data collection.
- Whenever possible, no data are released to the PI until after grades are posted.
- Aggregated data use is preferred over identifiable data use.

Use of FERPA protected data from BSU students is governed by the Office of Institutional Research and Decision Support (OIRDS). OIRDS also has access to other data sets and information that may be a good alternative to using FERPA protected data. Please see OIRDS policies and procedures for more information.

- <https://www.bsu.edu/about/administrativeoffices/oirds/data-analysis>

The IRB will review and approve the research on a case-by-case basis.

2. BSU faculty using created class materials from current students for research purposes

This should follow the same basic procedure as noted above, with the following additions:

- Appropriate credit (e.g., authorship) should be given when possible or when applicable, unless confidentiality/privacy needs to be protected.
- Faculty should explain the purpose of the research and how the materials will be used, preferably in the syllabus.
- Journals and other similar materials (both electronic and paper-based) are the property of student(s) and should not be used or collected for research without expressed written permission.

3. BSU faculty using previously created class materials from their past students for research purposes

As a general policy, faculty may not use students' previously created class materials retroactively for research purposes. Key issues include lack of informed consent, coercion, being singled out by use of quotations, or using students' personal journals or reflections without students' prior knowledge.

- One exception to this is when the materials used are unidentifiable, or deidentified by a disinterested third party, and generic in nature (ex. a writing sample may be fine, but a journal entry about how the student felt that day, would not be). There must be no grades or other FERPA protected data attached to the materials.

Faculty may use class materials created by students for research purposes only under the following circumstances:

- PI has provided a compelling reason in the IRB application why they need to use these materials.

- Previously collected data is in the aggregate and as long as the aggregated data does not include identifiable sensitive materials and/or involve FERPA protected data that requires a signed authorization for use in research.
- Students are informed at the beginning of the course, before any materials are created or collected, that their materials may be used for future research purposes, that their materials will be de-identified and the students are given the opportunity to opt-out. Any opt-out request must be in writing and honored by the faculty. This notice can be part of the syllabus. Expressed written permission by each student has been given because journals and other similar materials (both electronic and paper-based) are the property of student(s).

4. Use of Non-BSU FERPA information and data in human subjects research

Unless the researcher qualifies for a FERPA exemption, all use of FERPA information and data for human subjects research purposes, as defined in 45 CFR 46, must comply with FERPA requirements. In most cases, the PI must get signed authorization(s) from students before using any FERPA protected information or data in human subjects research.

FERPA authorization is not required for directory information that is publicly available.

Faculty using FERPA protected data, requiring signed authorizations, must use the version created by the institution or organization from which the research is trying to get FERPA protected data.

Faculty are required to retain all signed authorization forms and be able to produce them upon request by legally authorized authorities.

All FERPA signed authorization forms must be retained for a minimum of 3 years from the close of the research project.

Faculty can use de-identified and/or aggregated FERPA data, without signed authorizations, if the data has been de-identified and/or aggregated by a neutral third-party university official with legitimate access to the data as defined in FERPA. This individual cannot be part of the research protocol (i.e., research team/key personnel) in any way.