

# Understanding the Final Rule: Exempt Review Scenarios

## Scenario 1

A researcher proposes conducting a study in an established educational setting in which the behavior of the teachers towards minority students will be recorded and coded.

Is this study eligible for exemption?



Probably not.

The new criteria for the exemption for research in educational settings (Exempt Category 1) specifically excludes research that could adversely affect the “assessment of educators who provide instruction.” The “behavior” is not defined in this scenario, so it is not clear if the data collection about the behavior of the educators would adversely affect the assessment of educators who provide instruction or not. If an activity does not completely fit in the exemption category, then it cannot be exempt.

## Scenario 2

A researcher proposes to measure how different kinds of music played in a lab (including religious, secular, and neutral music) will affect whether subjects cheat on a quiz when subjects are told that payment for participation depends on a self-scored quiz. Subjects do not know that the purpose of the study is to assess their cheating.

Is this study eligible for exemption?



Probably not.

The new Exempt Category 3 criteria does not permit exemptions for benign interventions when the subjects are intentionally deceived as a part of the study, unless the subject authorizes the deception in advance. This scenario does not inform the subjects in advance that they will be unaware of or misled regarding the nature and purpose of the research.