



## Policy Name: Faculty Use of Student Data in Research

Area: Research Integrity	Number: RI_211
Applies To: Faculty, Staff and Students	Issued: 06/28/2018
Sources: 45 CFR 46; PHS policy	Revised:
	Reviewed:
Policy Owner: Provost & Vice-President for Academic Affairs	Page(s): 4

### I. Purpose

The purpose of this policy is to identify the appropriate uses of student data for educational purposes and the enhancement of educational resources through research in the science of teaching and learning. FERPA is a privacy statute and not a research statute; it should not be a barrier to conducting useful and valid educational research that uses de-identified student data. Educational agencies and institutions are permitted to release, without consent, education records, or information from education records that have been de-identified through the removal of all personally identifiable information. [1] The University is authorized to release data to Georgia Southern University personnel, where such persons have a legitimate educational interest and demonstrate an appropriate use.

### II. Policy Statement

It is the policy of Georgia Southern University's (GS) 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 subject research. A core principle of the regulations governing the use of human subjects in research is that the each person's participation is voluntary, based upon full and accurate information and with full informed consent. Regardless of intentions, a faculty member's use of their own students in research poses significant ethical issues, creates potential risks to research participants due to the inherent conflict of interest/conflict of commitment situation and raises the issue of voluntariness. At the same time, the IRB recognizes that there are times when this is the only viable scientific option available to researchers in order to obtain reliable data. As a general policy, GS discourages faculty from using their own students and/or student materials in human subjects research unless there is a compelling and legitimate justification for its use. If one's own students are to be used 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 GS. No research utilizing student data may be undertaken without prospective IRB approval.

### **III. Operational Definitions**

Faculty use of one's own students in research: When any faculty person employed by GS uses their own currently enrolled students, their currently enrolled students' course materials or information, or materials or information from previously enrolled students for research purposes as defined in 45 CFR 46. Use of one's own 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.

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

IRB: Institutional Review Board.

Legitimate educational interests: Interests that are essential to the general process of higher education prescribed by the body of policy adopted by Georgia Southern University and the University System of Georgia. Legitimate educational interests would include teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, safety, raising endowment in support of student scholarships and academic programs, and academic assistance activities.

Previously collected materials: Any course work, projects, papers, or any other text, documents, files, videos, audio recordings or the like that were created by students in contemplation of course completion and/or receipt of a grade and were retained by the faculty person who taught the course including instructor or course evaluation materials. These materials were collected and retained for non-research purposes. (Materials collected for research purposes must be accompanied by prospective informed consent in accordance with IRB approval.)

Research data: Data or materials gathered from students solely for the purpose of scholarship without connection to the educational aim of any course. Such data must be connected to an informed consent document or IRB approved waiver of consent document.

Student data: previously collected materials, existing data or new data created by or about or gathered from GS students or student records that was produced or recorded for the purpose of course completion and/or receipt of a grade. Student data includes individual data recorded for administration, matriculation and degree completion.

### **IV. Exclusions**

None

### **V. Procedures (Additional guidance is located on the GS IRB website).**

If GS student data is used as a basis for scholarship or research, the following conditions must be met:

1. Anyone conducting research using information from student education records must receive approval for that research from the GS Institutional Review Board prior to collecting new data or accessing pre-existing data or previously collected materials.
2. IRB approval will be on a case-by-case basis. If an interpretation of the ability to access the requested data is required, the GS Registrar has final authority over FERPA protected data use. The IRB cannot override a final decision by the Registrar.

3. In addition, GS researchers who are utilizing student data in their research must agree to:
  - a. Use the information only for purposes of the specific IRB approved research project. Any new use of the information outside the scope of the approved project requires a new IRB approval.
  - b. Provide adequate protection for the information to ensure that it is not compromised or subject to unauthorized access.
  - c. Create a separate research dataset and fully de-identify the student data at the earliest possible point in the study and utilize aggregated data where possible. Researchers using data for which they are not the instructor of record must obtain that research dataset in aggregated format and/or without identifiers or with documented student consent.
  - d. Ensure that no one outside of the approved research team has access to the information.
  - e. Agree not to share any named data with any person outside of the GS research team approved on the IRB approval. Collaborators from other institutions may only ever have access to the de-identified data unless specified in a prospectively collected informed consent from each subject releasing the named data for research purposes.
  - f. Faculty researchers are required to retain all signed consent/authorization forms and be able to produce them upon request by authorized authorities. Records should include, but not be limited to, collected informed consent, authorizations, copyright releases and syllabus notifications of future de-identified data use potential. Consent forms must be retained for the life of the data. If data is submitted to a data archive, consent forms should be included in the archive service files with the data.
4. The possibility/probability for becoming a potential research participant must be provided to students at the start of class as of the issue date of this policy for any course where named student data may be utilized in future research. This can be done as part of the syllabus.
  - a. Students must be provided with clear instructions on how to opt out of inclusion of their data in any unnamed data set use.
  - b. Pre-notification does not remove the need for informed consent for prospective research uses where named data may be accessed for any part of the study past creation of the de-identified original dataset.
  - c. Students must be informed that consent is voluntary and participation (or lack of) will not affect grades, academic standing, etc.
5. Faculty may use their own current, consenting students in human subject research only under the following conditions:
  - a. No alternative method of data collection is feasible. PI must provide a compelling reason in the IRB application stating why they need to use their own students for research over any other option.
  - b. Students are considered a vulnerable population due to the power dynamic in the classroom. As such the minimum level of review will be Expedited unless the IRB determines that the study qualifies under an Exempt category.

- c. Faculty should explain the purpose of the research, what materials will be collected and how the materials will be used in the informed consent document provided to the students (and preferably additionally in the syllabus).
  - d. Where possible, student data should be collected anonymously. If named data is required, the instructor must take appropriate precautions to eliminate the potential for unintended coercion. (E.g., blind collection of informed consent and data held for analysis until after final grades are turned in. See the IRB website for guidance.)
  - e. Students must be informed that consent is voluntary and participation (or lack of) will not affect grades, academic standing, etc.
6. Faculty using created class materials from current students for research purposes (in addition to the above):
- a. 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 express written permission retained by the researcher.
  - b. Appropriate credit (e.g., authorship) should be given when possible or when applicable, unless confidentiality/privacy needs to be protected.

footnotes:

1. *Dear Colleague Letter about Family Educational Rights and Privacy Act (FERPA) Final Regulations -- Printable*. US Dept. of Education, 17 Dec. 2008.  
<https://www2.ed.gov/print/policy/gen/guid/fpco/hottopics/ht12-17-08.html> (Last access 13 Apr. 2018).