Background

There has been considerable debate regarding whether or not oral history interview projects require IRB review. Such projects do, indeed, require review if they are designed to contribute to generalizable knowledge. Therefore the University of Alabama IRB has concluded that it would be difficult and misleading to adopt a policy for any type of activities by any department, group, or individuals under a particular heading (e.g., oral history interviewing projects) that unequivocally states that the activity does not meet the definition of research and does not require review by the IRB.

UA IRB Policy

The IRB will make decisions about oral history projects on a case-by-case basis. The IRB has the sole authority to make a final determination of whether a proposed activity is research. Faculty conducting oral history projects should follow procedures described below for an IRB decision.

IRB Determination of Research Status of Oral History Activities

In making the determination regarding whether or not an oral history project requires IRB review the following rationale will be applied:

An oral history procedure by definition involves human participants so the operative question is, “Does the project meet the federal definition of research, a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge?” After data is collected, in order to contribute to generalizable knowledge, a project must involve two components: an analysis of the data to draw conclusions or generalizations and a method of recording and/or disseminating the information. If the answer to either of the following questions is NO, then an oral history project would not constitute research and would therefore not subject to the federal regulations requiring IRB review.

1. Is the project being conducted solely to document a specific historical event or the experiences of individuals without an intent to draw conclusions or generalize findings? (Note that any present or potential future analysis would make the
answer to this question yes). If you ever anticipate a future analysis, err on the conservative side and request approval of the history as research, as the IRB cannot grant retroactive approval to treat a study as research.)

2. Is there a record being produced that will potentially be publicly available (dissertation, thesis, paper, documentary film, website, audio library, etc.)?

In many cases the application of these two questions will result in a project qualifying as research. However, the IRB has encountered cases when oral history projects do not qualify as research and provided confirmation of this to the principal investigator.

In order to request a determination from the IRB the investigator should compose a memo or e-mail and submit the request to a Research Compliance Specialist. In the memo or email the following must be described in detail:

1. The topic/focus/area of interest
2. The recruitment procedure.
3. The data collection procedure.
4. The procedures describing what will be done with the data after it is collected.
5. The anticipated final product(s) of the project and where the product(s) will reside.
6. The measure taken, if any, to protect confidentiality.
7. The risks presented to people, e.g., embarrassment, stigma, distress, invasion of privacy due to breaches of confidentiality.

The Research Compliance Specialist in consultation with the Director of Research Compliance will then respond in kind with a determination as to whether 1) a project does not require review, 2) a protocol must be submitted for review, or 3) if more information is needed before making a determination. This determination will be based upon the applicability of the definition of research and risks presented to people who participate in the project.

**General Principles for Evaluating Oral History Type Activities**

Please be aware that the information below is being provided as guidance. The IRB will make decisions about projects on a case-by-case basis. The IRB has the sole authority to make a final determination of whether a proposed activity is research.

1. Oral history activities, such as open-ended interviews, that ONLY document a specific historical event or the experiences of individuals without intent to draw conclusions or generalize findings would NOT constitute "research" as defined by HHS regulations 45 CFR part 46.

Example: An oral history video recording of interviews with Holocaust survivors is created for viewing in the Holocaust Museum. The creation of the videotape does NOT intend to draw conclusions, inform policy, or generalize findings. The sole purpose is to create a historical record of specific personal events and
experiences related to the Holocaust and provide a venue for Holocaust survivors to tell their stories.

2. Systematic investigations involving open-ended interviews that are designed to develop or contribute to generalizable knowledge (e.g., designed to draw conclusions, inform policy, or generalize findings) WOULD constitute "research" as defined by HHS regulations at 45 CFR part 46.

Example: An open ended interview of surviving Gulf War veterans to document their experiences and to draw conclusions about their experiences, inform military health care policy, or generalize findings.

3. Oral historians and qualitative investigators may want to create archives for the purpose of providing a resource for others to do research. Since the intent of the archive is to create a repository of information for other investigators to conduct research as defined by 45 CFR part 46, the creation of such an archive WOULD constitute research under 45 CFR part 46.

Example: Open ended interviews are conducted with surviving Negro League Baseball players in order to create an archive for future research. The creation of such an archive would constitute research under 45 CFR part 46 since the intent is to collect data for future research.

Important Issues to Consider

The issues of how the interview will be used and confidentiality of the interview are especially important in oral history projects. As you prepare your documentation, keep in mind that what you say about uses and confidentiality will depend on the nature of your project. See below for some general suggestions in this regard.

Uses: You may conduct oral history interviews for your own scholarly purposes and/or to contribute to a public archive as source material for other research. If you wish to place the interview in a public archive, then you should be prepared to explain this to the participant during the consent process at the outset of the interview. It is essential that you explain how you will use the interview for your scholarly work and publication, who may have access to the tape, and what you will be doing with the tape. (As you think about what to tell participants about what you will be doing with the tape, consider the following questions: will you be transcribing the tape, will you be destroying the tape at some future point, will you be keeping the tape for your future work, will you be allowing other researchers to use the tape?)

Confidentiality: Participants have the right to have their interview treated confidentially unless it has been clearly indicated otherwise. Thus, it is very important to address confidentiality during the consent process and in the consent form. If you are gathering information about sensitive areas, then it may be important to keep the information confidential and you should have a plan for protecting the identity of participants. This should be explained in the consent form. Often, however, privacy may not be a concern
and you may wish to use participants’ names. The consent form should explain the use of names and provide the participant with the option of not having their name used (in most instances, it is appropriate to give participants this option). If the use of the participant’s name is critical to your project (e.g., they are a public figure or noted expert) and you do not feel that it is necessary to give them the option of anonymity (the interview gathers no sensitive information that might harm or embarrass them), it is very important that your consent is written to explain that their name will be used and that they are agreeing both to participate in the interview and to have their name used in any transcript or reference to any information contained in the interview.

NOTE: In 2011 identifiable oral histories dealing with actions in the Irish Republican Army were successfully subpoenaed by British courts for use in murder investigations. If the oral histories deal with violence or illegal activities, historians might warn prospects that their data may be subject to subpoena and release under a court order and obtain informed consent from them.