**M E M O R A N D U M**

TO: Kat Sohn, IRB Compliance Officer

FROM: Jerald Schutte, Principal Investigator

RE: IRB Exemption for the “Campus Climate Survey on Sexual Violence Prevention”

DATE: 3-23-15

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Kat,

I submit the following as the points and authority for treating this Sexual Assault Prevention Survey as exempt from the IRB approval process. I do so for three reasons.

1. First, as 45 CFR 46 101b (2) clearly points out,

“(b) Unless otherwise required by department or agency heads, *research activities in which the only involvement of human subjects* *will be in* *one or more of the following categories are exempt from this policy:*

(2) Research involving the use of.… survey procedures…, unless: (i) *information obtained is recorded in such a manner that human subjects can be identified, directly* or through identifiers linked to the subjects; and (ii) any *disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability* or be damaging to the subjects' financial standing, employability, or reputation.”

Neither of these caveats applies to this data collection. The subjects cannot be identified nor can the disclosure of subjects’ responses place any of the subjects at risk of criminal or civil liability or damage subjects’ financial standing, employability or reputation. Therefore, it is exempt.

**2**. A second reason why this Sexual Assault Prevention Survey is exempt from IRB approval is contained in section 102 (d)

“(d) Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.”

This survey and its resulting data are not designed to contribute to “generalizable” knowledge. It is a census for the purposes of assessing the mandated requirements of the Department of Education and is not intended to be used for generalizing beyond the confines of the population for which the census is being conducted; that is, beyond CSUN. As such, it does not meet the definition of Research under 45 CFR 46, and, therefore, should be exempt.

**3.** A third reason this Sexual Assault Prevention Survey is exempt is under 45 CFR 46 102(f):

 “(f) Human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains: (1) data through *intervention or interaction* with the individual; or (2) *Identifiable private information*.”

Clearly there is no identifiable private information. Just as clearly, there is no intervention or interaction of any kind between the respondent and principal investigator. The survey link is being sent from the President’s Office (the President is not the Principal Investigator), it is being aggregated anonymously via a software program and the only potential interaction with the principal investigator (me) would be after the completion of the survey; hence no data collection through interaction.

For any one of these three reasons you, as the IRB compliance officer, and /or the IRB itself should find this survey is clearly exempt from the IRB requirements. The three reasons, taken together, should make it undeniable. Please advise.

Sincerely,

Jerald G. Schutte, Principal Investigator

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