

Dear CUNY Research Community:

As some of you may know, OHRP is about to issue a determination that most oral history interviewing projects are not subject to the requirements of the HHS regulations for the protection of human subjects, and can be excluded from IRB oversight because they do not involve research as defined by the HHS. This has raised much controversy in the IRB world and many distinguished members of the field do not agree with the OHRP ruling.

Since the OHRP determination rests on the premise that most oral history interviews are not "research" which is defined by HHS as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge", only those interviews that are deemed not to contribute to generalizable knowledge would be excluded from IRB oversight. This is clearly a very narrow window of projects and I strongly feel that it is a determination that should be made by an IRB Chair and not by an individual PI or student. Furthermore, OHRP clearly indicate that its statements are for guidance on the minimum actions that must be taken by an IRB, and each IRB should decide if they wish to "raise the bar". Thus, at CUNY we will continue to require that projects involving oral history interviews be submitted to the IRB so that the IRB chair can determine whether the project meets the oral history "non-research" criteria.

I am sure you will all agree that it is much better to raise our standards above the lowest level possible in order to prevent any accidental errors in judgment on the behalf of a PI or student who may mistakenly believe that his or her project falls under this narrow oral history criteria. We for our part will make every effort to deal with such applications in an expeditious manner, and you should feel free to contact me if you experience delays with such applications at your IRB.

Sincerely,

Gillian Small
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Interim University Compliance Officer

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