

## **STATEMENT ON INSTITUTIONAL REVIEWS BOARDS (IRB)**

(2018)

### **INTRODUCTION**

This statement represents the Society for Ethnomusicology's (henceforth SEM) position regarding the IRB review process and is intended to help IRB panels understand the nature of ethnomusicological research and to help ethnomusicologists understand the purpose of IRB requirements.

SEM understands that the IRB review process is designed to ensure that research is conducted at the highest possible standard and held to the highest levels of ethical integrity, but that, in some circumstances, IRB requirements do not adequately accommodate the practical exigencies of ethnomusicological research. The research paradigms and administrative protocol enshrined in IRB review processes are based on the need to protect subjects and animals in medical and social research and are based on Westernized moral and legal foundations. In some circumstances, these paradigms and protocols may be contrary to appropriate ethical behaviors in cross-cultural contexts or the moral values of research participants and field interlocutors.

While SEM recognizes the value of a process aimed at ensuring that appropriate ethical standards are maintained, SEM is concerned that IRB processes may in some cases be unduly unsympathetic toward ethnomusicological research practice. This document seeks to facilitate a common understanding between IRB boards and ethnomusicologists as to what an appropriate interface between them might look like.

SEM recognizes the need to respect and protect the rights of research participants and researchers. Because concepts and types of research, research practices, research participants, consent, confidentiality, and authorship differ between disciplines and fields, the quality of research and the wellbeing of the individuals and communities involved is best ensured by field-specific ethics oversight. Ethnomusicologists work within field-specific guidelines and a unique history and culture of ethical behavior, described in the Society's Ethics Statement.

Ethnomusicology is an interdisciplinary field. It is primarily concerned with the study of music in social and cultural contexts, centering on qualitative ethnographic research in collaboration with research participants. Ethnomusicologists also engage in artistic, archival, cognitive, therapeutic, activist, applied, participatory, and historical research, among others.

Some of these research contexts are bound by IRB approval and oversight while others, such as collaborative artistic projects and oral histories are not. Because ethnomusicology is an interdisciplinary field, its relationship to IRBs is complex. A single stance towards IRBs would not encompass the diversity of the field and the diversity of IRB membership

SEM asserts that, because ethnomusicological research does not use biomedical definitions of research, consent, and "human subjects" assumed in most IRB guidelines, most ethnomusicological research should be exempt from IRB review. When employing laboratory paradigms for researching issues in perception, cognition, medical ethnomusicology and related subject areas, researchers should usually receive expedited review.

### **FROM COMMON TO FINAL RULE**

#### **Research Exemptions**

The establishment of IRBs in the US was originally intended to ensure the safety of human subjects in federally funded biomedical research, but in 1981 federal regulations known as the "Common Rule" were revised to cover all research involving human subjects. Since then the application of IRB guidelines to research by students and university employees has become more generalized and now affects researchers outside the clinical and biomedical models, including scholars conducting ethnographic research.

Ethnography typically entails the study of human behavior within everyday cultural (rather than laboratory) contexts. Ethnographers describe cultural systems or aspects of culture within particular communities, often focusing on values, beliefs, and customs. Participant observation and open-ended interviews are the principle methodologies employed in ethnography.

According to the Common Rule, research is defined as: "A systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge 45 CFR 46.102(d)."

From the perspective of most IRBs, ethnography is subject to review because it is understood to be a systematic investigation concerned with causation and the development of generalizable knowledge. That is, ethnographers often attempt to explain the social-historical causes of particular cultural forms, expressions, and behavior, thereby providing explanations and paradigms that may be generalizable beyond particular communities.

However, this definition of ethnography is not universal and the absence in both the Common and Final Rule of a formal definition of ethnography has led to some tensions between researchers and IRBs.

### **SEM's 2008 [[https://www.ethnomusicology.org/?PS\\_IRB](https://www.ethnomusicology.org/?PS_IRB)] and 2013 Statements Regarding IRB**

[[https://cdn.ymaws.com/www.ethnomusicology.org/resource/resmgr/docs/irb\\_memo\\_sem\\_board\\_021513.pdf](https://cdn.ymaws.com/www.ethnomusicology.org/resource/resmgr/docs/irb_memo_sem_board_021513.pdf)] outline the Society's position and critique of the application of the Common Rule to ethnomusicological and ethnographic research.

SEM welcomes and encourages IRBs to adopt proposed changes from the Common Rule to the Final Rule as outlined in the Notice of Proposed Rulemaking (NPRM) published by the federal Office for Human Research Protection (OHRP). According to the OHRP: "this final rule is intended to better protect human subjects involved in research, while facilitating valuable research and reducing burden, delay, and ambiguity for investigators. These revisions are an effort to modernize, simplify, and enhance the current system of oversight."<sup>1</sup>

The Final Rule states that the following activities are deemed exempt from IRB oversight: "Scholarly and journalistic activities (e.g., oral history, journalism, biography, literary criticism, legal research, and historical scholarship), including the collection and use of information that focus directly on the specific individuals about whom the information is collected (45 CFR 431.102)." Therefore, when ethnomusicologist's research employs the methodologies of oral history interviews, biography, literary criticism, and historical scholarship, their work should be exempt from IRB oversight. Ethnography is not exempted within the Final Rule.

### **Participant Observation**

Participant observation is the primary methodology employed in ethnomusicological research. Within the context of participant observation, the interactions between ethnomusicologists and their research participants are ongoing interactions in which the researcher dynamically

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<sup>1</sup> <https://www.hhs.gov/ohrp/news/announcements-and-news-releases/2017/final-revisions-common-rule-01182017/index.html>

engages with the daily life of their research participants on the participant's terms. The NPRM describes as "low" or "minimal" risk those research activities that involve a "probability and magnitude of harm or discomfort" not greater than what is "ordinarily encountered in daily life" of the research participant. Because the NPRM recommends exemption for "low" and "minimal" risk research programs, ethnomusicological participant observation (and related terms such as "fieldwork," and "ethnographic fieldwork") should be exempt from IRB oversight.

Ambiguous phrasing on these points in both the Common and Final Rules may lead IRBs to place ethnomusicological research programs in inappropriate review categories, as a result of a limited understanding of what participant observation may entail and its contexts.

SEM welcomes the proposal outlined within the NPRM to eliminate the requirement for annual, continuing reviews for "minimal risk" studies.

### **Consent**

Ethnomusicologists should clearly inform research participants about the aims of their research and honestly discuss the potential for future misunderstanding and misuse of research materials. They should explain, for example, that ethnographic recordings of music placed in institutional archives have, in the past, been inappropriately sampled in commercial recordings.

SEM recognizes that written, witnessed, and signed informed consent—as is often required by IRBs—may be culturally inappropriate in fieldwork contexts. Because the ethnographic research process typically involves ongoing adjustment as fieldworkers learn from research participants, consent itself is a continual negotiation, based on trust built up slowly over time. Written consent forms, especially those couched in legalese, are sometimes inimical to the development of trust between fieldworkers and research participants and may not be possible if the field interlocutors are illiterate or unfamiliar with standard Westernized research practices and ethical protocols. SEM also recognizes that written consent is sometimes required by academic presses.

SEM agrees with the American Anthropological Association's statement on the NPRM to the effect that: "the standard IRB-driven requirement for documentation of consent can interfere with rapport (that is, following local norms of relationship-building), a methodological prerequisite for effective ethnographic fieldwork" (AAA Commentary 2016). SEM supports the proposal outlined within the NPRM that would allow "a waiver of the requirement for a signed consent form if the subjects are members of a distinct cultural group or community for whom signing documents is not the norm (FR 53977, 54055)."

SEM joins the American Anthropological Association in recognizing the need for emergent consent within the context of participant observation in which the understanding of research programs and their potential risks and benefits develop dialogically through conversation. Consent needs to be relevant and meaningful to the social and cultural contexts of the research community in order to represent true consent.

### **Vulnerable Populations**

The Common Rule refers to "vulnerable populations" in terms of *a priori* types of people (i.e. "children," the "physically disabled," the "economically or educationally disadvantaged"). However, depending on cultural context, such populations may or may not actually be vulnerable. The NPRM helpfully clarifies references to vulnerable populations as those specifically *vulnerable to coercion*. SEM adopts the OHRP's own Belmont Principle of Justice which calls for equal opportunities for previously excluded groups to participate in research and the necessity for IRB boards to seek board members with the expertise to comment on

particular populations described in research proposals. Ultimately IRBs, rather than individual researchers, must decide whether or not research populations are vulnerable to coercion.

## **HUMAN SUBJECTS**

Regardless of the kind of research they conduct, ethnomusicologists regard their collaborators, informants, teachers or research participants not as “human subjects” but as partners involved in collaborative knowledge production. This collaborative dynamic is central to ethnomusicological practice and methodology.

According to the Common Rule, “‘human subjects’ 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 (45 CFR 4).”

SEM agrees with the position of the American Folklore Society in stating that the “human subjects review of qualitative interpretive research commits a category error.”<sup>2</sup> The regulations promulgated by the OHRP and local IRBs take controlled biomedical laboratory experiments as their paradigm for research whereas most ethnomusicological (indeed most humanistic) research is oriented around interpretation, documentation and, most importantly, collaboration. Research participants in ethnomusicological research are more appropriately conceived as field partners than human subjects.<sup>3</sup>

## **DEFINITION OF RESEARCH**

Most ethnomusicological research is qualitative, interactionist, interpretive, and situational. It is rarely “replicable” in the biomedical sense. When engaged in ethnography, the ethnomusicologist is primarily interested in the complexity of lived situations and in particularities more than generalities. Because ethnomusicologists are unaware of exactly what they will encounter in the field, their field methodologies primarily involve listening, participant observation, and conversation in the everyday life of research participants. Ethnomusicological research programs evolve through interaction within communities and cannot be completely defined in advance.

Student research undertaken for classroom course assignments does not usually constitute research in the terms defined by section 45 CFR 46.102 and should be exempted from institutional review.

### **Research Questions**

Most ethnomusicological research is based upon continual, ongoing interactions within a community, involving in-depth reflections and accounts of personal experience. Interviews may be included as part of field research, but unlike conventional experimental procedures, they are most often conducted in the context of the participants’ own environment, open-ended and with few, usually minor, limits and controls exerted by the researcher. Pre-formulated and IRB approved questionnaires are rarely useful in these contexts and do not constitute an appropriately rigorous research methodology which will lead to robust results. Each response to a question generates new questions, leading to related areas of inquiry.

Because ethnomusicological research rarely exposes research participants to risk greater than that encountered in daily life, SEM endorses the Common Rule’s recommendation of

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<sup>2</sup> <http://www.afsnet.org/?page=HumanSubjects>

<sup>3</sup> Although this claim may appear to be contradicted by the comparative lack of collaboratively authored publications in ethnomusicology, their scarcity is an artifact of colonial knowledge production and is a situation the field is striving to redress.

“expedited review” for research on perception and cognition (CR 46.119) as well as research involving:

“. . . the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, 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 [emphasis ours] (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” (ibid).

## **DATA DESTRUCTION**

The insistence in IRB protocols on privacy safeguards and data destruction is inimical to the ethical protocols of most ethnomusicological research.

Whereas it is sometimes the case that medical and social science data is destroyed following research projects, ethnomusicologists are typically engaged with living traditions and have an ethical responsibility to preserve musical and cultural heritages. Research documentation in the form of field notes, audio and video recordings, photographs, and publications is therefore important not only to the immediate research project but also to the permanent historical record (except in rare cases where specific cultural, religious, or other prohibitions apply). Ethnomusicologists collect, document, interpret, and disseminate important cultural texts that continue to produce knowledge over time. Access to research results should not be restricted to a single researcher in a single historical period. The cultural expressions ethnomusicologists document should be available for future appreciation, analysis, and use by the research community as well as field interlocutors.

### **Anonymity and Confidentiality**

Whereas ethical guidelines demand that much medical and social-science research be anonymized, most ethnomusicological research is collaborative and field partners deserve named recognition when desired. Because most ethnomusicological research concerns context and identity, research participants are usually identified by name, after informed consent has been established.

Whereas HIPAA-style confidentiality protocols may be appropriate in medical ethnomusicology and work with vulnerable populations, they are inappropriate for the standards of most ethnographic and other cultural and social research. Ethnomusicologists treat their research participants not as passive or generic “tradition bearers” but as unique individuals that contribute meaningfully to their culture for which they deserve to be acknowledged. Field interlocutors may also demand to be acknowledged for copyright and intellectual property reasons. Anonymity should therefore not be the default position.

## **SEM RECOMMENDATIONS TO IRBS**

### **Academic Freedom**

As of 2018, neither “ethnomusicology” nor “ethnography” are mentioned in any of the Federal Determination Letters (which indicate ethics violations) posted online by the OHRP beginning in 2000. The exceedingly low potential for social risk in ethnomusicological research is far outweighed by the benefits of the production of public knowledge. The minimal risks entailed are best managed through field-specific professional education, socialization, peer review, and the continual evolution of

professional codes and statements of ethics rather than through the top-down management of IRBs. SEM is wary of the potential for the application of biomedical models in IRBs to place a prior restraint upon speech and the expansion of public knowledge.

**IRBs familiar with ethnomusicology recognize that:**

- Local custom or protocol will dictate the appropriate way for researchers to inform potential research participants about the purposes and methods, potential risks and benefits, and plans for the use of ethnographic materials.
- If oral consent is deemed appropriate, it should generally be audio/video recorded when recordings of interviews or performances are made. Informal interaction that may generally inform research but is not recorded nor referenced in relation to named individuals does not require formal consent.
- Of the three levels of review—full review, expedited, and exemption—the most appropriate for the majority of ethnographic research proposals is exemption. Expedited review will sometimes be appropriate, depending on national laws, standards, and regulations, the nature of the research, and risk/benefit analysis.
- IRB panels reviewing ethnographic research proposals should include an ethnographer. Appropriate reviewers may be found on the faculties of music, ethnomusicology, anthropology, folklore, oral history, or other programs. If no such reviewer is available, an outside ethnographer should be consulted such as those working for municipal, state, and federal agencies, or members of national and international academic societies.

**SEM RECOMMENDATIONS TO RESEARCHERS**

- When their research programs are exempted from IRB oversight, it is even more imperative that ethnomusicologists familiarize themselves with, and adhere to, the guidelines outlined in the SEM Ethics statement in order to uphold the principles, standards, and obligations outlined by our professional society.

SEM Ethics Statement [[LINK TO NEW STATEMENTS](#)]

- Whether or not their research programs are required to receive IRB approval and oversight, researchers are strongly encouraged to familiarize themselves with IRB processes and ethics training materials such as the CITI program.
- Whether or not their research programs are required to receive IRB approval and oversight, we encourage researchers to establish field-specific review procedures at the departmental level to ensure that experienced colleagues with no vested interest in the research will have the advance opportunity to critique and guide the research program and to help the researcher consider and manage the potential risks and ethical issues involved.
- SEM recognizes that the ethical codes of individual researchers, research participants, and their communities may be in conflict with the ethical guidelines stated by IRBs. Researchers and research participants must come to an informed, transparent, and reasoned mutual agreement as to which code has priority when conflicts arise. When conflicts of interest arise, the interests of research participants come first.

**Research Review Outside the US.**

While institutional IRBs in the US ultimately report to the federal OHRP (when reviewing federally funded research), no set guidelines are mandated by governments in the UK or European Union in which Research Ethics Committees (RECs) establish, oversee, and report on ethical conduct within their own institutions (see Reigersberg 2016).

## References and Further Reading

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- Adopted May 2018. Drafted by SEM Ethics Committee: Andy McGraw (Chair), Muriel Swijghuisen Reigersberg, Alex Rodriguez, Roger Savage, Christina Sunardi, Benjamin Teitelbaum, Jeff Todd Titon