Research Involving Deception

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References: 45 CFR 46; America Psychological Associations’ Ethical Code

This Policy Replaces: N/A

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A. INTRODUCTION

Nova Southeastern University’s Institutional Review Board (herein, “NSU IRB”) is guided by 45 CFR 46 (Common Rule). The NSU IRB treats deception seriously but recognizes that some deception is necessary to further understand human behavior when no viable alternatives exist. With deception, real and prospective informed consent is not possible, because participants are not given all the necessary information to make a fully-informed decision before being debriefed. Therefore, the IRB administratively manages research involving deception through alterations to the informed consent process as provided for in the Common Rule. This guideline addresses the use of deception in research and the requirements of such alterations. All research involving deception will be closely reviewed by IRB Chair and/or full board.

B. DEFINITIONS

“Deception” is the intentional misleading of research participants by providing false or misleading information about some aspects of the research. False or misleading information might relate to the purpose of the research, the role of the researcher or other participants, the true nature of the procedures to be followed, or other parts of the study.

Deception studies intentionally provide misleading or false information. Examples include:

- Participants complete a quiz and are falsely told that they did poorly, regardless of their performance.
- Participants who don’t know they are in a research study are observed to see how they behave when they find valuables (e.g., wallet, laptop) unattended in a public location.
- An anxiety study, in which participants are told to expect mild pain during the course of the study, but no painful procedures are administered.

“Incomplete disclosure” occurs when the researcher withholds information about the real purpose or the nature of the research procedures.

- Incomplete Disclosure occurs when investigators withhold information to participants about some aspects of the research (typically, about the real purpose or nature of the study). Examples include:
• Participants are asked to take a quiz for research but they are not told the research question involves how background noise affects their ability to concentrate.

• Participants are told they are completing a survey to evaluate customer service when the true purpose of the study is to correlate psychological responses with patient care satisfaction.

Research involving incomplete disclosure or deception may not be reviewed as Exempt. Research involving incomplete disclosure or mild deception (i.e. where the topic is not sensitive and the participants are not vulnerable) can be reviewed as Expedited.

The use of deception or incomplete disclosure results in a consent process where participants are provided with an incomplete and/or inaccurate explanation of the purpose of the research and description of the procedures to be followed. This altered consent process can only be approved if the IRB determines that the research is minimal risk.

The use of deception or incomplete disclosure may be appropriate to promote scientific validity by enabling investigators to obtain unbiased data about attitudes and behavior in circumstances where truthful disclosure is considered likely to produce biased responses by participants.

“Debriefing” is the process occurring after deception is no longer necessary that includes explaining the deception to the participant, dealing with any responses by the participant about the use of deception, and obtaining true informed consent.

C. POLICY

Those studies involving the use of deception as part of the research design must provide the following information:

• **Justification for the use of deception.** The researcher must clearly justify that equally effective non-deceptive procedures are not feasible means of conducting the proposed research.

• **Pain or severe emotional distress.** Researchers must not use deception when there is a reasonable belief that such deception may cause severe emotional distress or physical pain. Research studies with the potential of creating brief psychological distress must minimize such discomfort, such as through the use of a debriefing process.

• **Debriefing.** Researchers must inform participants of the deception or incomplete disclosure and provide them with a debriefing document, as soon as practicable. The IRB prefers face-to-face debriefing immediately following participation, although researchers may justify delays or the use of email or telephone. If the researcher seeks an exception to debriefing participants, the study will be automatically reviewed by the full board. If a personal interview is used, the investigators must provide a script as part of the submission for IRB review. See Section F for recommendations.

• **Alteration of Informed Consent.** A researcher must request from the IRB an alteration to the informed consent process. An alteration can only be granted if the IRB documents all of the following (see §45 CFR 46.116(d)):
1. The research involves no more than minimal risk to the subjects;
2. The waiver or alternation will not adversely affect the rights and welfare of the subjects;
3. The research could not practically be carried out without the waiver or alteration;
4. Whenever appropriate, the subjects will be provided with additional pertinent information after the procedure.

- **Waiver of use of collected data.** The study must provide an opt-out for participant data after they learn the true nature of the research methods.

D. **EXAMPLES OF RISKS OF DECEPTION**

The following are examples only and do not represent all possible examples of risk from the use of deception in research:

- Temporary or long-term psychological discomfort (i.e. stress, loss of self-esteem).
- Physiological symptoms associated with stress/discomfort (sweating, elevated heart rate, etc.) resulting from deception
- Embarrassment resulting from deception
- Guilt from having performed regrettable acts
- Participant may not have provided consent without deception
- Invasion of privacy if information was disclosed as a result of deception

E. **LEVELS OF REVIEW**

A. Research involving the use of deception is not compatible with any of the Exempt categories, and therefore is not eligible for Center Level review.

B. Research involving deception may only be reviewed at the expedited level if there is a unanimous consensus from the IRB Chair, an IRB Vice Chair (or designated voting member if a Vice Chair is not available), and the IRB Director. A record of the voting process will be included in the research file. All board members will be informed of this decision through the next meeting minutes.

C. If this subcommittee fails to reach a unanimous consensus, or in any situation not covered above, the study will be reviewed by full IRB.

Example of research involving deception that may be reviewed through expedited procedures:

- Studies that deceive participants about research procedures, such as the awarding of performance based compensation when compensation is in fact predetermined.

Examples of research involving deception that may be require full board review:

- Research studies in which the informed consent form, or post-participation debriefing, is delayed excessively long.
- Studies involving the use of surreptitious videotaping or audio-recording. (Please note that Florida operates under the “two-party consent” law. It is unlawful to audio-record or video-record in Florida unless all participants to the communication consent.)
- Use of “confederates”. Confederates are actors that take part of a research experiment, are not known to be part of the research study by participants, and are aware of the purpose of the study.
F. DEBRIEFING RECOMMENDATIONS
When debriefing participants, the IRB recommends the following.

a. The debriefing document should be labeled “Debriefing Statement” and include the study title.
b. Include complete contact information for the principal investigator (name, address, phone, and email). If the principal investigator is a student, provide the contact information of the faculty advisor(s).
c. Thank participants for their time and efforts.
d. Provide details about the components of the study that involved deception and provide the rationale for the use of this deception, while avoiding complex terminology or jargon.
e. Discuss how the data gathered from the deceptive components will be evaluated and remind the participant of their right to withdraw from the study and to request their data not be used. If a participant wishes to exercise this right, the principal investigator must assure the participant that their data will be deleted/destroyed within 24 hours after the participant informs the researcher of his/her decision.