

**Policies and Procedures  
of the  
McKendree University  
Institutional Review Board**

## Table of Contents

Page	Content
1	Introduction
2	Institutional Policy on the Ethical Conduct of Research
3	IRB Membership
4	IRB Functions and Operations
5	IRB Records
6	IRB Review of Research
7	Criteria for IRB Approval of Research
8	Expedited Review Procedure
12	Suspension or Termination of IRB Approval of Research
13	Research Exempt from IRB Review
15	Appendix A: General Requirements for Informed Consent
18	Appendix B: Documentation of Informed Consent
21	Appendix C: The Belmont Report
35	Appendix D: IRB Protocol Checklist
38	Appendix E: McKendree University Research Institutional Review Board Procedures
39	Submission Form
41	Appendix F: Faculty Handbook Document

## Introduction

Since 1947, when guidelines for research with human participants were promulgated, there has been increasingly widespread recognition of the need for voluntary and informed consent and a scientifically valid design of experiments involving human participants.

Over time, this recognition has evolved into a rigorous and formalized system of regulations and guidelines, which were codified in governmental policies on human participant research, and were included in the former Department of Health, Education and Welfare's regulations in 1974, Title 45 Code of Federal Regulations 46. In 1991, 16 agencies formally adopted the core of these regulations in a common Federal Policy for the Protection of Human Participants. This Policy requires that all research protocols involving human participants be reviewed by an Institutional Review Board. This review ensures that (1) risks are minimized and reasonable in relation to anticipated benefits; (2) there is informed consent; and (3) the rights and welfare of the participants are maintained (56 Fed. Reg. 28003 (June 18, 1991)).

The policies and procedures governing the McKendree University Institutional Review Board (IRB) are adopted from this common Federal Policy for the Protection of Human Participants. The policy is available at <http://ohrp.osophs.dhhs.gov> \*. The source of the information at this government website is the June 18, 1991 issue of the Federal Register (56 FR 28003).

\*Office for Human Research Protection, Office of Public Health and Science, Department of Health and Human Services.

## **Institutional Policy on the Ethical Conduct of Research**

McKendree University adheres to the ethical principles expressed in the Belmont Report and requires all investigators to uphold these principles. The Belmont Report identifies three principles that are relevant to research involving human participants: respect for persons, beneficence, and justice. Respect for persons includes the ethical conviction that individuals should be treated as autonomous agents and the conviction that persons with diminished autonomy are entitled to protection. The principle of beneficence requires researchers to make every effort to protect human participants from harm and secure their well-being. The principle of justice demands that all human participants are treated fairly. The researcher applies ethical principles to the research project by securing informed consent from all participants, accurately and honestly assessing the risks and benefits of the research, and equitably selecting participants to participate in the research.

McKendree University does not sanction research on human participants that is conducted outside the expertise of the principle investigator of a research project. Research covered by this policy that has been approved by an IRB may be participant to further appropriate review and approval or disapproval by officials of the institution. However, those officials may not approve the research if it has not been approved by the IRB.

## **IRB Membership**

The McKendree University IRB shall have six members nominated by the FAC and elected by the entire faculty. The members will have varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. The IRB shall be sufficiently qualified through the experience and expertise of its members, and the diversity of the members, including consideration of race, gender, and cultural backgrounds and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human participants. In addition to possessing the professional competence necessary to review specific research activities, the IRB shall be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice.

Every nondiscriminatory effort will be made to ensure that the McKendree IRB does not consist entirely of men or entirely of women, including the institution's consideration of qualified persons of both sexes, so long as no selection is made to the IRB on the basis of gender. The IRB may not consist entirely of members of one profession.

The IRB shall include at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas.

The IRB shall include at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.

The IRB may not have a member participate in the IRB's initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the IRB.

The IRB may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that available on the IRB. These individuals may not vote with the IRB.

## **IRB Functions and Operations**

The McKendree IRB shall follow written procedures for

1. Conducting its initial and continuing review of research and for reporting its findings and actions to the investigator and the institution;
2. Determining which projects require review more often than annually and which projects need verification from sources other than the investigators that no material changes have occurred since previous IRB review; and
3. Ensuring prompt reporting to the IRB of proposed changes in a research activity, and for ensuring that such changes in approved research, during the period for which IRB approval has already been given, may not be initiated without IRB review and approval except when necessary to eliminate apparent immediate hazards to the participant.
4. Ensuring prompt reporting to the IRB and appropriate institutional officials of
  - a. any unanticipated problems involving risks to participants or others or any serious or continuing noncompliance with this policy or the requirements or determinations of the IRB; and
  - b. any suspension or termination of IRB approval.

Except when an expedited review procedure is used, the IRB will review proposed research at convened meetings at which a majority of the members of the IRB are present. In order for the research to be approved, it shall receive the approval of a majority of those members present at the meeting.

Whenever possible, IRB meetings will take place in person. However, teleconference meetings can be convened as long as all IRB members receive all pertinent material prior to the meeting and can actively participate in the discussion of all protocols.

## **IRB Records**

The IRB shall prepare and maintain adequate documentation of IRB activities, including the following:

- (1) Copies of all research proposals reviewed, scientific evaluations, if any, that accompany the proposals, approved sample consent documents, progress reports submitted by investigators, and reports of injuries to participants.
- (2) Minutes of IRB meetings which shall be in sufficient detail to show
  - a. attendance at the meetings
  - b. actions taken by the IRB
  - c. the vote on these actions including the number of members voting for, against, and abstaining
  - d. the basis for requiring changes in or disapproving research; and
  - e. a written summary of the discussion of controverted issues and their resolution.
- (3) Records of continuing review activities.
- (4) Copies of all correspondence between the IRB and the investigators.
- (5) A list of IRB members identified by name; earned degrees; representative capacity; indications of experience such as board certifications, licenses, etc., sufficient to describe each member's chief anticipated contributions to IRB deliberations; and any employment or other relationship between each member and the institution.
- 6) Written procedures for the IRB.
- (7) Statements of significant new findings provided to participants. Significant new findings developed during the course of the research which may relate to the participant's willingness to continue participation will be provided to the participant.

The records shall be retained for at least 3 years, and records relating to research which is conducted shall be retained for at least 3 years after completion of the research.

## **IRB Review of Research**

The IRB shall review and have authority to approve, require modifications in (to secure approval), or disapprove all research activities covered by this policy.

The IRB shall require that information given to participants as part of informed consent is in accordance with general requirements for informed consent (see Appendix A: General Requirements for Informed Consent). The IRB may require that information, in addition to that specifically mentioned in Appendix A, be given to the participants when in the IRB's judgment the information would meaningfully add to the protection of the rights and welfare of participants.

Ordinarily, the IRB shall require documentation of informed consent. The IRB may waive the requirement for the investigator to obtain a signed consent form for some or all participants if it finds either:

- (1) That the only record linking the participant and the research would be the consent document and the principal risk would be potential harm resulting from a breach of confidentiality. Each participant will be asked whether the participant wants documentation linking the participant with the research, and the participant's wishes will govern; or
- (2) That the research presents no more than minimal risk of harm to participants and involves no procedures for which written consent is normally required outside of the research context.

In cases in which the documentation requirement is waived, the IRB may require the investigator to provide participants with a written statement regarding the research.

The IRB shall notify investigators and the institution in writing of its decision to approve or disapprove the proposed research activity, or if modifications are required to secure IRB approval of the research activity. If the IRB decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give the investigator an opportunity to respond in person or in writing.

The IRB shall conduct continuing review of research covered by this policy at intervals appropriate to the degree of risk, but not less than once per year, and shall have authority to observe or have a third party observe the consent process and the research.

## **Criteria for IRB Approval of Research**

In order to approve research covered by this policy the IRB shall determine that all of the following requirements are satisfied:

- (1) Risks to participants are minimized: by using procedures which are consistent with sound research design and which do not unnecessarily expose participants to risk, and whenever appropriate, by using procedures already being performed on the participants for diagnostic or treatment purposes.
- (2) Risks to participants are reasonable in relation to anticipated benefits, if any, to participants, and the importance of the knowledge that may reasonably be expected to result. In evaluating risks and benefits, the IRB should consider only those risks and benefits that may result from the research (as distinguished from risks and benefits of therapies participants would receive even if not participating in the research). The IRB should not consider possible long-range effects of applying knowledge gained in the research (for example, the possible effects of the research on public policy) as among those research risks that fall within the purview of its responsibility.
- (3) Selection of participants is equitable. In making this assessment the IRB should take into account the purposes of the research and the setting in which the research will be conducted and should be particularly cognizant of the special problems of research involving vulnerable populations, such as children, prisoners, pregnant women, mentally disable persons, or economically or educationally disadvantaged persons.
- (4) Informed consent will be sought from each prospective participant or the participant's legally authorized representative.
- (5) Informed consent will be appropriately documented.
- (6) When appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of participants.
- (7) When appropriate, there are adequate provisions to protect the privacy of participants and to maintain the confidentiality of data.
- (8) When some or all of the participants are likely to be vulnerable to coercion or undue influence, such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged persons, additional safeguards have been included in the study to protect the rights and welfare of these participants.

## **Expedited Review Procedure**

An expedited review procedure consists of a review of research involving human participants by the IRB chairperson or by one or more experienced reviewers designated by the chairperson from among members of the IRB. In reviewing the research, the reviewers may exercise all of the authorities of the IRB except that the reviewers may not disapprove the research. A research activity may be disapproved only after review in accordance with the non-expedited procedure.

The IRB will assure that the standard requirements for informed consent (or its waiver, alteration, or exception) apply regardless of the type of review--expedited or convened--utilized by the IRB.

The IRB shall adopt a method for keeping all members advised of research proposals which have been approved under the expedited review procedure.

The expedited review procedure may be used for research activities that

- (1) present no more than minimal risk to human participants, and
- (2) involve only procedures listed in one or more of the following categories:

The activities listed should not be deemed to be of minimal risk simply because they are included on this list. Inclusion on this list merely means that the activity is eligible for review through the expedited review procedure when the specific circumstances of the proposed research involve no more than minimal risk to human participants.

The categories in this list apply regardless of the age of participants, except as noted. Categories one (1) through seven (7) pertain to both initial and continuing IRB review.

### Research Categories

- (1) Clinical studies of drugs and medical devices only when one of the following conditions is met:
  - (a) Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)
  - (b) Research on medical devices for which
    - (i) an investigational device exemption application (21 CFR Part 812) is not required; or
    - (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.
  
- (2) Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:
  - (a) from healthy, nonpregnant adults who weigh at least 110 pounds. For these participants, the amounts drawn may not exceed 550 ml in an 8 week

period and collection may not occur more frequently than 2 times per week; or

(b) from other adults and children, considering the age, weight, and health of the participants, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these participants, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8 week period and collection may not occur more frequently than 2 times per week.

(3) Prospective collection of biological specimens for research purposes by noninvasive means. Examples:

- (a) hair and nail clippings in a nondisfiguring manner;
- (b) deciduous teeth at time of exfoliation or if routine patient care indicates a need for extraction;
- (c) permanent teeth if routine patient care indicates a need for extraction;
- (d) excreta and external secretions including sweat);
- (e) uncannulated saliva collected either in an unstimulated fashion or stimulated by chewing gumbase or wax or by applying a dilute citric solution to the tongue;
- (f) placenta removed at delivery;
- (g) amniotic fluid obtained at the time of rupture of the membrane prior to or during labor;
- (h) supra- and subgingival dental plaque and calculus, provided the collection procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques;
- (i) mucosal and skin cells collected by buccal scraping or swab, skin swab, or mouth washings;
- (j) sputum collected after saline mist nebulization.

(4) Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice, excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.) Examples:

- (a) physical sensors that are applied either to the surface of the body or at a distance and do not involve input of significant amounts of energy into the participant or an invasion of the participant's privacy;
- (b) weighing or testing sensory acuity;
- (c) magnetic resonance imaging;
- (d) electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, electroretinography, ultrasound, diagnostic infrared imaging, doppler blood flow, and echocardiography;

(e) moderate exercise, muscular strength testing, body composition assessment, and flexibility testing where appropriate given the age, weight, and health of the individual.

(5) Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for nonresearch purposes (such as medical treatment or diagnosis). (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human participants. 45 CFR 46.101(b)(4). This listing refers only to research that is not exempt.)

(6) Collection of data from voice, video, digital, or image recordings made for research purposes.

(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies. (NOTE: Some research in this category may be exempt from the HHS regulations for the protection of human participants. 45 CFR 46.101(b)(2) and (b)(3). This listing refers only to research that is not exempt.)

(8) Continuing review of research previously approved by the convened IRB as follows:

(a) where

(i) the research is permanently closed to the enrollment of new participants;

(ii) all participants have completed all research-related interventions; and

(iii) the research remains active only for long-term follow-up of participants; or

(b) where no participants have been enrolled and no additional risks have been identified; or

(c) where the remaining research activities are limited to data analysis.

(9) Continuing review of research, not conducted under an investigational new drug application or investigational device exemption where categories two (2) through eight (8) do not apply but the IRB has determined and documented at a convened meeting that the research involves no greater than minimal risk and no additional risks have been identified.

The expedited review procedure may not be used where identification of the participants and/or their responses would reasonably place them at risk of criminal or civil liability or be damaging to the participants' financial standing, employability, insurability, reputation, or be stigmatizing, unless reasonable and appropriate protections will be implemented so that risks related to invasion of privacy and breach of confidentiality are no greater than minimal.

The expedited review procedure may not be used for classified research involving human participants.

The IRB may use the expedited review procedure to review either or both of the following:

- (1) some or all of the research appearing on the list and found by the reviewer(s) to involve no more than minimal risk,
- (2) minor changes in previously approved research during the period (of one year or less) for which approval is authorized.

### **Suspension or Termination of IRB Approval of Research**

The IRB shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to participants. Any suspension or termination of approval shall include a statement of the reasons for the IRB's action and shall be reported promptly to the investigator and to appropriate institutional officials.

## **Research Exempt from IRB Review**

Unless otherwise required, research activities in which the only involvement of human participants will be in one or more of the following categories are exempt from IRB review:<sup>1</sup>

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as

(i) research on regular and special education instructional strategies, or

(ii) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) 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 participants can be identified, directly or through identifiers linked to the participants; and

(ii) any disclosure of the human participants' responses outside the research could reasonably place the participants at risk of criminal or civil liability or be damaging to the participants' financial standing, employability, or reputation.

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under paragraph (b)(2) of this section, if:

(i) the human participants are elected or appointed public officials or candidates for public office; or

(ii) Federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that participants cannot be identified, directly or through identifiers linked to the participants.

(5) Research and demonstration projects which are conducted by or participant to the approval of Governmental Department or Agency heads, and which are designed to study, evaluate, or otherwise examine:

(i) Public benefit or service programs;

- (ii) procedures for obtaining benefits or services under those programs;
  - (iii) possible changes in or alternatives to those programs or procedures; or
  - (iv) possible changes in methods or levels of payment for benefits or services under those programs.
- (6) Taste and food quality evaluation and consumer acceptance studies,
- (i) if wholesome foods without additives are consumed or
  - (ii) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

## Appendix A

### General Requirements for Informed Consent.

Except as provided elsewhere in this policy, no investigator may involve a human being as a participant in research covered by this policy unless the investigator has obtained the legally effective informed consent of the participant or the participant's legally authorized representative. An investigator shall seek such consent only under circumstances that provide the prospective participant or the representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence. The information that is given to the participant or the representative shall be in language understandable to the participant or the representative. No informed consent, whether oral or written, may include any exculpatory language through which the participant or the representative is made to waive or appear to waive any of the participant's legal rights, or releases or appears to release the investigator, the sponsor, the institution or its agents from liability for negligence.

(a) Basic elements of informed consent. Except as provided in paragraph (c) or (d) of this section, in seeking informed consent the following information shall be provided to each participant:

- (1) a statement that the study involves research, an explanation of the purposes of the research and the expected duration of the participant's participation, a description of the procedures to be followed, and identification of any procedures which are experimental;
- (2) a description of any reasonably foreseeable risks or discomforts to the participant;
- (3) a description of any benefits to the participant or to others which may reasonably be expected from the research;
- (4) a disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the participant;
- (5) a statement describing the extent, if any, to which confidentiality of records identifying the participant will be maintained;
- (6) for research involving more than minimal risk, an explanation as to whether any compensation and an explanation as to whether any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained;

(7) an explanation of whom to contact for answers to pertinent questions about the research and research participants' rights, and whom to contact in the event of a research-related injury to the participant; and

(8) a statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the participant is otherwise entitled, and the participant may discontinue participation at any time without penalty or loss of benefits to which the participant is otherwise entitled.

(b) additional elements of informed consent. When appropriate, one or more of the following elements of information shall also be provided to each participant:

(1) a statement that the particular treatment or procedure may involve risks to the participant (or to the embryo or fetus, if the participant is or may become pregnant) which are currently unforeseeable;

(2) anticipated circumstances under which the participant's participation may be terminated by the investigator without regard to the participant's consent;

(3) any additional costs to the participant that may result from participation in the research;

(4) the consequences of a participant's decision to withdraw from the research and procedures for orderly termination of participation by the participant;

(5) A statement that significant new findings developed during the course of the research which may relate to the participant's willingness to continue participation will be provided to the participant; and

(6) the approximate number of participants involved in the study.

### **Exceptions to informed consent**

(c) An IRB may approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent set forth above, or waive the requirement to obtain informed consent provided the IRB finds and documents that:

(1) the research or demonstration project is to be conducted by or participant to the approval of state or local government officials and is designed to study, evaluate, or otherwise examine: (i) public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs; and

(2) the research could not practicably be carried out without the waiver or alteration.

(d) An IRB may approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent set forth in this section, or waive the requirements to obtain informed consent provided the IRB finds and documents that:

(1) the research involves no more than minimal risk to the participants;

(2) the waiver or alteration will not adversely affect the rights and welfare of the participants;

(3) the research could not practicably be carried out without the waiver or alteration; and

(4) whenever appropriate, the participants will be provided with additional pertinent information after participation.

(e) The informed consent requirements in this policy are not intended to preempt any applicable Federal, State, or local laws which require additional information to be disclosed in order for informed consent to be legally effective.

(f) Nothing in this policy is intended to limit the authority of a physician to provide emergency medical care, to the extent the physician is permitted to do so under applicable Federal, State, or local law.

## **Appendix B**

### **Documentation of informed consent**

- (a) Except as provided in paragraph (c) of this section, informed consent shall be documented by the use of a written consent form approved by the IRB and signed by the participant or the participant's legally authorized representative. A copy shall be given to the person signing the form.
- (b) Except as provided in paragraph (c) of this section, the consent form may be either of the following:
- (1) A written consent document that embodies the elements of informed consent (see Appendix A). This form may be read to the participant or the participant's legally authorized representative, but in any event, the investigator shall give either the participant or the representative adequate opportunity to read it before it is signed; or
  - (2) A short form written consent document stating that the elements of informed consent have been presented orally to the participant or the participant's legally authorized representative. When this method is used, there shall be a witness to the oral presentation. Also, the IRB shall approve a written summary of what is to be said to the participant or the representative. Only the short form itself is to be signed by the participant or the representative. However, the witness shall sign both the short form and a copy of the summary, and the person actually obtaining consent shall sign a copy of the summary. A copy of the summary shall be given to the participant or the representative, in addition to a copy of the short form.
- (c) An IRB may waive the requirement for the investigator to obtain a signed consent form for some or all participants if it finds either:
- (1) That the only record linking the participant and the research would be the consent document and the principal risk would be potential harm resulting from a breach of confidentiality. Each participant will be asked whether the participant wants documentation linking the participant with the research, and the participant's wishes will govern; or
  - (2) That the research presents no more than minimal risk of harm to participants and involves no procedures for which written consent is normally required outside of the research context.

In cases in which the documentation requirement is waived, the IRB may require the investigator to provide participants with a written statement regarding the research.

### **Informed Consent**

In seeking informed consent, the following information shall be provided to each participant:

1. A statement that the study involves research, an explanation of the purposes of the research, and the expected duration of the participant's participation, a description of the procedures to be followed, and identification of any procedures which are experimental.
2. A description of any reasonably foreseeable risks or discomforts to the participant.
3. A description of any benefits to the participant or to others, which may reasonably be expected from the research.
4. A disclosure of appropriate alternative procedures or courses of treatment, if any that might be advantageous to the participant.
5. A statement describing the extent if any, to which confidentiality of records identifying the participant will be maintained and that notes the possibility that the FDA may inspect the records.
6. For research involving more than minimal risk, an explanation as to whether any compensation and an explanation as to whether any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained.
7. An explanation of whom to contact for answers to pertinent questions about the research and the research participants' rights, and who to contact in the event of a research related injury to the participant.
8. A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the participant is otherwise entitled, and that the participant may discontinue participation at any time without penalty or loss of benefits to which the participant is otherwise entitled.

### **Sample Consent Form**

This form is intended as a guide. Researchers should present the required information in the most appropriate format to the items enclosed in parentheses. Both the participant and researcher should retain a copy of the signed consent form. Note that research involving minors requires written consent from the parent/guardian and from the minor if the child is over seven years of age.

I consent to serve as a participant in the research investigation entitled (title). The nature and general purpose of the study have been explained and the attached statement has been read to me by (name of researcher), from (department). I understand the purpose of this research is (give a brief explanation), and that the research procedures involve (duration and experimental procedures).

The potential benefits and risks to participants in this project are (give brief explanation). I understand that my participation is voluntary and that all information is confidential and my identity (or the identity of my child) will not be revealed; I (or my child) am/is free to withdraw consent and to discontinue participation in the project at any time; any questions I/my child may have about the project will be answered at any time by the researcher named below or by an authorized representative.

The investigator named below has primary responsibility for ensuring that participants in research projects conducted under university auspices are safeguarded from injury or harm resulting from such participation. If appropriate, the person named below may be contacted for remedy or assistance for any possible consequences from such activities. On the basis of the above statements, I/my child agree(s) to participate in this project.

**Participant's Signature:**

**Participant's Name (printed):**

**Date:**

**Researcher's Name:**

**Address:**

**Phone number:**

## Appendix C

### The Belmont Report

#### Office of the Secretary

#### Ethical Principles and Guidelines for the Protection of Human Subjects of Research

#### The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

April 18, 1979

---

**AGENCY:** Department of Health, Education, and Welfare.

**ACTION:** Notice of Report for Public Comment.

**SUMMARY:** On July 12, 1974, the National Research Act (Pub. L. 93-348) was signed into law, there-by creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to identify the basic ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects and to develop guidelines which should be followed to assure that such research is conducted in accordance with those principles. In carrying out the above, the Commission was directed to consider: **(i)** the boundaries between biomedical and behavioral research and the accepted and routine practice of medicine, **(ii)** the role of assessment of risk-benefit criteria in the determination of the appropriateness of research involving human subjects, **(iii)** appropriate guidelines for the selection of human subjects for participation in such research and **(iv)** the nature and definition of informed consent in various research settings.

The Belmont Report attempts to summarize the basic ethical principles identified by the Commission in the course of its deliberations. It is the outgrowth of an intensive four-day period of discussions that were held in February 1976 at the Smithsonian Institution's Belmont Conference Center supplemented by the monthly deliberations of the Commission that were held over a period of nearly four years. It is a statement of basic ethical principles and guidelines that should assist in resolving the ethical problems that surround the conduct of research with human subjects. By publishing the Report in the Federal Register, and providing reprints upon request, the Secretary intends that it may be made readily available to scientists, members of Institutional Review Boards, and Federal employees. The two-volume Appendix, containing the lengthy reports of experts and specialists who assisted the Commission in fulfilling this part of its charge, is available as

DHEW Publication No. (OS) 78-0013 and No. (OS) 78-0014, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Unlike most other reports of the Commission, the Belmont Report does not make specific recommendations for administrative action by the Secretary of Health, Education, and Welfare. Rather, the Commission recommended that the Belmont Report be adopted in its entirety, as a statement of the Department's policy. The Department requests public comment on this recommendation.

---

## **National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research**

### **Members of the Commission**

*Kenneth John Ryan, M.D., Chairman, Chief of Staff, Boston Hospital for Women.  
Joseph V. Brady, Ph.D., Professor of Behavioral Biology, Johns Hopkins  
University.*

*Robert E. Cooke, M.D., President, Medical College of Pennsylvania.*

*Dorothy I. Height, President, National Council of Negro Women, Inc.*

*Albert R. Jonsen, Ph.D., Associate Professor of Bioethics, University of  
California at San Francisco.*

*Patricia King, J.D., Associate Professor of Law, Georgetown University Law  
Center.*

*Karen Lebacqz, Ph.D., Associate Professor of Christian Ethics, Pacific School of  
Religion.*

*\*\*\* David W. Louisell, J.D., Professor of Law, University of California at  
Berkeley.*

*Donald W. Seldin, M.D., Professor and Chairman, Department of Internal  
Medicine, University of Texas at Dallas.*

*\*\*\* Eliot Stellar, Ph.D., Provost of the University and Professor of Physiological  
Psychology, University of Pennsylvania.*

*\*\*\* Robert H. Turtle, LL.B., Attorney, VomBaur, Coburn, Simmons & Turtle,  
Washington, D.C.*

*\*\*\* Deceased.*

## **Table of Contents**

### Ethical Principles and Guidelines for Research Involving Human Subjects

#### A. Boundaries Between Practice and Research

#### B. Basic Ethical Principles

##### 1. Respect for Persons

##### 2. Beneficence

##### 3. Justice

#### C. Applications

##### 1. Informed Consent

##### 2. Assessment of Risk and Benefits

##### 3. Selection of Subjects

## **Ethical Principles & Guidelines for Research Involving Human Subjects**

Scientific research has produced substantial social benefits. It has also posed some troubling ethical questions. Public attention was drawn to these questions by reported abuses of human subjects in biomedical experiments, especially during the Second World War. During the Nuremberg War Crime Trials, the Nuremberg code was drafted as a set of standards for judging physicians and scientists who had conducted biomedical experiments on concentration camp prisoners. This code became the prototype of many later codes<sup>(1)</sup> intended to assure that research involving human subjects would be carried out in an ethical manner.

The codes consist of rules, some general, others specific, that guide the investigators or the reviewers of research in their work. Such rules often are inadequate to cover complex situations; at times they come into conflict, and they are frequently difficult to interpret or apply. Broader ethical principles will provide a basis on which specific rules may be formulated, criticized and interpreted.

Three principles, or general prescriptive judgments, that are relevant to research involving human subjects are identified in this statement. Other principles may also be relevant. These three are comprehensive, however, and are stated at a level of generalization that should assist scientists, subjects, reviewers and interested citizens to understand the ethical issues inherent in research involving human subjects. These principles cannot always be applied so as to resolve beyond dispute particular ethical problems. The objective is to provide an analytical framework that will guide the resolution of ethical problems arising from research involving human subjects.

This statement consists of a distinction between research and practice, a discussion of the three basic ethical principles, and remarks about the application of these principles.

### **Part A: Boundaries Between Practice & Research**

#### **A. Boundaries Between Practice and Research**

It is important to distinguish between biomedical and behavioral research, on the one hand, and the practice of accepted therapy on the other, in order to know what activities ought to undergo review for the protection of human subjects of research. The distinction between research and practice is blurred partly because both often occur together (as in research designed to evaluate a therapy) and partly because notable departures from standard practice are often called "experimental" when the terms "experimental" and "research" are not carefully defined.

For the most part, the term "practice" refers to interventions that are designed solely to enhance the well-being of an individual patient or client and that have a reasonable expectation of success. The purpose of medical or behavioral practice is to provide diagnosis, preventive treatment or therapy to particular individuals.<sup>(2)</sup> By contrast, the term "research" designates an activity designed to test an hypothesis, permit conclusions to be drawn, and thereby to develop or contribute to generalizable knowledge (expressed, for example, in theories, principles, and statements of relationships). Research is usually described in a formal protocol that sets forth an objective and a set of procedures designed to reach that objective.

When a clinician departs in a significant way from standard or accepted practice, the innovation does not, in and of itself, constitute research. The fact that a procedure is "experimental," in the sense of new, untested or different, does not automatically place it in the category of research. Radically new procedures of this description should, however, be made the object of formal research at an early stage in order to determine whether they are safe and effective. Thus, it is the responsibility of medical practice committees, for example, to insist that a major innovation be incorporated into a formal research project.<sup>(3)</sup>

Research and practice may be carried on together when research is designed to evaluate the safety and efficacy of a therapy. This need not cause any confusion regarding whether or not the activity requires review; the general rule is that if there is any element of research in an activity, that activity should undergo review for the protection of human subjects.

## **Part B: Basic Ethical Principles**

### **B. Basic Ethical Principles**

The expression "basic ethical principles" refers to those general judgments that serve as a basic justification for the many particular ethical prescriptions and evaluations of human actions. Three basic principles, among those generally accepted in our cultural tradition, are particularly relevant to the ethics of research involving human subjects: the principles of respect of persons, beneficence and justice.

**1. Respect for Persons.** -- Respect for persons incorporates at least two ethical convictions: first, that individuals should be treated as autonomous agents, and second, that persons with diminished autonomy are entitled to protection. The principle of respect for persons thus divides into two separate moral requirements: the requirement to acknowledge autonomy and the requirement to protect those with diminished autonomy.

An autonomous person is an individual capable of deliberation about personal goals and of acting under the direction of such deliberation. To respect autonomy is to give weight to autonomous persons' considered opinions and choices while refraining from

obstructing their actions unless they are clearly detrimental to others. To show lack of respect for an autonomous agent is to repudiate that person's considered judgments, to deny an individual the freedom to act on those considered judgments, or to withhold information necessary to make a considered judgment, when there are no compelling reasons to do so.

However, not every human being is capable of self-determination. The capacity for self-determination matures during an individual's life, and some individuals lose this capacity wholly or in part because of illness, mental disability, or circumstances that severely restrict liberty. Respect for the immature and the incapacitated may require protecting them as they mature or while they are incapacitated.

Some persons are in need of extensive protection, even to the point of excluding them from activities which may harm them; other persons require little protection beyond making sure they undertake activities freely and with awareness of possible adverse consequence. The extent of protection afforded should depend upon the risk of harm and the likelihood of benefit. The judgment that any individual lacks autonomy should be periodically reevaluated and will vary in different situations.

In most cases of research involving human subjects, respect for persons demands that subjects enter into the research voluntarily and with adequate information. In some situations, however, application of the principle is not obvious. The involvement of prisoners as subjects of research provides an instructive example. On the one hand, it would seem that the principle of respect for persons requires that prisoners not be deprived of the opportunity to volunteer for research. On the other hand, under prison conditions they may be subtly coerced or unduly influenced to engage in research activities for which they would not otherwise volunteer. Respect for persons would then dictate that prisoners be protected. Whether to allow prisoners to "volunteer" or to "protect" them presents a dilemma. Respecting persons, in most hard cases, is often a matter of balancing competing claims urged by the principle of respect itself.

**2. Beneficence.** -- Persons are treated in an ethical manner not only by respecting their decisions and protecting them from harm, but also by making efforts to secure their well-being. Such treatment falls under the principle of beneficence. The term "beneficence" is often understood to cover acts of kindness or charity that go beyond strict obligation. In this document, beneficence is understood in a stronger sense, as an obligation. Two general rules have been formulated as complementary expressions of beneficent actions in this sense: **(1)** do not harm and **(2)** maximize possible benefits and minimize possible harms.

The Hippocratic maxim "do no harm" has long been a fundamental principle of medical ethics. Claude Bernard extended it to the realm of research, saying that one should not injure one person regardless of the benefits that might come to others. However, even avoiding harm requires learning what is harmful; and, in the process of obtaining this information, persons may be exposed to risk of harm. Further, the Hippocratic Oath requires physicians to benefit their patients "according to their best judgment." Learning

what will in fact benefit may require exposing persons to risk. The problem posed by these imperatives is to decide when it is justifiable to seek certain benefits despite the risks involved, and when the benefits should be foregone because of the risks.

The obligations of beneficence affect both individual investigators and society at large, because they extend both to particular research projects and to the entire enterprise of research. In the case of particular projects, investigators and members of their institutions are obliged to give forethought to the maximization of benefits and the reduction of risk that might occur from the research investigation. In the case of scientific research in general, members of the larger society are obliged to recognize the longer term benefits and risks that may result from the improvement of knowledge and from the development of novel medical, psychotherapeutic, and social procedures.

The principle of beneficence often occupies a well-defined justifying role in many areas of research involving human subjects. An example is found in research involving children. Effective ways of treating childhood diseases and fostering healthy development are benefits that serve to justify research involving children -- even when individual research subjects are not direct beneficiaries. Research also makes it possible to avoid the harm that may result from the application of previously accepted routine practices that on closer investigation turn out to be dangerous. But the role of the principle of beneficence is not always so unambiguous. A difficult ethical problem remains, for example, about research that presents more than minimal risk without immediate prospect of direct benefit to the children involved. Some have argued that such research is inadmissible, while others have pointed out that this limit would rule out much research promising great benefit to children in the future. Here again, as with all hard cases, the different claims covered by the principle of beneficence may come into conflict and force difficult choices.

**3. Justice.** -- Who ought to receive the benefits of research and bear its burdens? This is a question of justice, in the sense of "fairness in distribution" or "what is deserved." An injustice occurs when some benefit to which a person is entitled is denied without good reason or when some burden is imposed unduly. Another way of conceiving the principle of justice is that equals ought to be treated equally. However, this statement requires explication. Who is equal and who is unequal? What considerations justify departure from equal distribution? Almost all commentators allow that distinctions based on experience, age, deprivation, competence, merit and position do sometimes constitute criteria justifying differential treatment for certain purposes. It is necessary, then, to explain in what respects people should be treated equally. There are several widely accepted formulations of just ways to distribute burdens and benefits. Each formulation mentions some relevant property on the basis of which burdens and benefits should be distributed. These formulations are (1) to each person an equal share, (2) to each person according to individual need, (3) to each person according to individual effort, (4) to each person according to societal contribution, and (5) to each person according to merit.

Questions of justice have long been associated with social practices such as punishment, taxation and political representation. Until recently these questions have not generally

been associated with scientific research. However, they are foreshadowed even in the earliest reflections on the ethics of research involving human subjects. For example, during the 19th and early 20th centuries the burdens of serving as research subjects fell largely upon poor ward patients, while the benefits of improved medical care flowed primarily to private patients. Subsequently, the exploitation of unwilling prisoners as research subjects in Nazi concentration camps was condemned as a particularly flagrant injustice. In this country, in the 1940's, the Tuskegee syphilis study used disadvantaged, rural black men to study the untreated course of a disease that is by no means confined to that population. These subjects were deprived of demonstrably effective treatment in order not to interrupt the project, long after such treatment became generally available.

Against this historical background, it can be seen how conceptions of justice are relevant to research involving human subjects. For example, the selection of research subjects needs to be scrutinized in order to determine whether some classes (e.g., welfare patients, particular racial and ethnic minorities, or persons confined to institutions) are being systematically selected simply because of their easy availability, their compromised position, or their manipulability, rather than for reasons directly related to the problem being studied. Finally, whenever research supported by public funds leads to the development of therapeutic devices and procedures, justice demands both that these not provide advantages only to those who can afford them and that such research should not unduly involve persons from groups unlikely to be among the beneficiaries of subsequent applications of the research.

## **Part C: Applications**

### **C. Applications**

Applications of the general principles to the conduct of research leads to consideration of the following requirements: informed consent, risk/benefit assessment, and the selection of subjects of research.

**1. Informed Consent.** -- Respect for persons requires that subjects, to the degree that they are capable, be given the opportunity to choose what shall or shall not happen to them. This opportunity is provided when adequate standards for informed consent are satisfied.

While the importance of informed consent is unquestioned, controversy prevails over the nature and possibility of an informed consent. Nonetheless, there is widespread agreement that the consent process can be analyzed as containing three elements: information, comprehension and voluntariness.

**Information.** Most codes of research establish specific items for disclosure intended to assure that subjects are given sufficient information. These items generally include: the research procedure, their purposes, risks and anticipated benefits, alternative procedures

(where therapy is involved), and a statement offering the subject the opportunity to ask questions and to withdraw at any time from the research. Additional items have been proposed, including how subjects are selected, the person responsible for the research, etc.

However, a simple listing of items does not answer the question of what the standard should be for judging how much and what sort of information should be provided. One standard frequently invoked in medical practice, namely the information commonly provided by practitioners in the field or in the locale, is inadequate since research takes place precisely when a common understanding does not exist. Another standard, currently popular in malpractice law, requires the practitioner to reveal the information that reasonable persons would wish to know in order to make a decision regarding their care. This, too, seems insufficient since the research subject, being in essence a volunteer, may wish to know considerably more about risks gratuitously undertaken than do patients who deliver themselves into the hand of a clinician for needed care. It may be that a standard of "the reasonable volunteer" should be proposed: the extent and nature of information should be such that persons, knowing that the procedure is neither necessary for their care nor perhaps fully understood, can decide whether they wish to participate in the furthering of knowledge. Even when some direct benefit to them is anticipated, the subjects should understand clearly the range of risk and the voluntary nature of participation.

A special problem of consent arises where informing subjects of some pertinent aspect of the research is likely to impair the validity of the research. In many cases, it is sufficient to indicate to subjects that they are being invited to participate in research of which some features will not be revealed until the research is concluded. In all cases of research involving incomplete disclosure, such research is justified only if it is clear that (1) incomplete disclosure is truly necessary to accomplish the goals of the research, (2) there are no undisclosed risks to subjects that are more than minimal, and (3) there is an adequate plan for debriefing subjects, when appropriate, and for dissemination of research results to them. Information about risks should never be withheld for the purpose of eliciting the cooperation of subjects, and truthful answers should always be given to direct questions about the research. Care should be taken to distinguish cases in which disclosure would destroy or invalidate the research from cases in which disclosure would simply inconvenience the investigator.

**Comprehension.** The manner and context in which information is conveyed is as important as the information itself. For example, presenting information in a disorganized and rapid fashion, allowing too little time for consideration or curtailing opportunities for questioning, all may adversely affect a subject's ability to make an informed choice.

Because the subject's ability to understand is a function of intelligence, rationality, maturity and language, it is necessary to adapt the presentation of the information to the subject's capacities. Investigators are responsible for ascertaining that the subject has comprehended the information. While there is always an obligation to ascertain that the information about risk to subjects is complete and adequately comprehended, when the

risks are more serious, that obligation increases. On occasion, it may be suitable to give some oral or written tests of comprehension.

Special provision may need to be made when comprehension is severely limited -- for example, by conditions of immaturity or mental disability. Each class of subjects that one might consider as incompetent (e.g., infants and young children, mentally disable patients, the terminally ill and the comatose) should be considered on its own terms. Even for these persons, however, respect requires giving them the opportunity to choose to the extent they are able, whether or not to participate in research. The objections of these subjects to involvement should be honored, unless the research entails providing them a therapy unavailable elsewhere. Respect for persons also requires seeking the permission of other parties in order to protect the subjects from harm. Such persons are thus respected both by acknowledging their own wishes and by the use of third parties to protect them from harm.

The third parties chosen should be those who are most likely to understand the incompetent subject's situation and to act in that person's best interest. The person authorized to act on behalf of the subject should be given an opportunity to observe the research as it proceeds in order to be able to withdraw the subject from the research, if such action appears in the subject's best interest.

**Voluntariness.** An agreement to participate in research constitutes a valid consent only if voluntarily given. This element of informed consent requires conditions free of coercion and undue influence. Coercion occurs when an overt threat of harm is intentionally presented by one person to another in order to obtain compliance. Undue influence, by contrast, occurs through an offer of an excessive, unwarranted, inappropriate or improper reward or other overture in order to obtain compliance. Also, inducements that would ordinarily be acceptable may become undue influences if the subject is especially vulnerable.

Unjustifiable pressures usually occur when persons in positions of authority or commanding influence -- especially where possible sanctions are involved -- urge a course of action for a subject. A continuum of such influencing factors exists, however, and it is impossible to state precisely where justifiable persuasion ends and undue influence begins. But undue influence would include actions such as manipulating a person's choice through the controlling influence of a close relative and threatening to withdraw health services to which an individual would otherwise be entitled.

**2. Assessment of Risks and Benefits.** -- The assessment of risks and benefits requires a careful arrayal of relevant data, including, in some cases, alternative ways of obtaining the benefits sought in the research. Thus, the assessment presents both an opportunity and a responsibility to gather systematic and comprehensive information about proposed research. For the investigator, it is a means to examine whether the proposed research is properly designed. For a review committee, it is a method for determining whether the risks that will be presented to subjects are justified. For prospective subjects, the assessment will assist the determination whether or not to participate.

**The Nature and Scope of Risks and Benefits.** The requirement that research be justified on the basis of a favorable risk/benefit assessment bears a close relation to the principle of beneficence, just as the moral requirement that informed consent be obtained is derived primarily from the principle of respect for persons. The term "risk" refers to a possibility that harm may occur. However, when expressions such as "small risk" or "high risk" are used, they usually refer (often ambiguously) both to the chance (probability) of experiencing a harm and the severity (magnitude) of the envisioned harm.

The term "benefit" is used in the research context to refer to something of positive value related to health or welfare. Unlike, "risk," "benefit" is not a term that expresses probabilities. Risk is properly contrasted to probability of benefits, and benefits are properly contrasted with harms rather than risks of harm. Accordingly, so-called risk/benefit assessments are concerned with the probabilities and magnitudes of possible harm and anticipated benefits. Many kinds of possible harms and benefits need to be taken into account. There are, for example, risks of psychological harm, physical harm, legal harm, social harm and economic harm and the corresponding benefits. While the most likely types of harms to research subjects are those of psychological or physical pain or injury, other possible kinds should not be overlooked.

Risks and benefits of research may affect the individual subjects, the families of the individual subjects, and society at large (or special groups of subjects in society). Previous codes and Federal regulations have required that risks to subjects be outweighed by the sum of both the anticipated benefit to the subject, if any, and the anticipated benefit to society in the form of knowledge to be gained from the research. In balancing these different elements, the risks and benefits affecting the immediate research subject will normally carry special weight. On the other hand, interests other than those of the subject may on some occasions be sufficient by themselves to justify the risks involved in the research, so long as the subjects' rights have been protected. Beneficence thus requires that we protect against risk of harm to subjects and also that we be concerned about the loss of the substantial benefits that might be gained from research.

**The Systematic Assessment of Risks and Benefits.** It is commonly said that benefits and risks must be "balanced" and shown to be "in a favorable ratio." The metaphorical character of these terms draws attention to the difficulty of making precise judgments. Only on rare occasions will quantitative techniques be available for the scrutiny of research protocols. However, the idea of systematic, nonarbitrary analysis of risks and benefits should be emulated insofar as possible. This ideal requires those making decisions about the justifiability of research to be thorough in the accumulation and assessment of information about all aspects of the research, and to consider alternatives systematically. This procedure renders the assessment of research more rigorous and precise, while making communication between review board members and investigators less subject to misinterpretation, misinformation and conflicting judgments. Thus, there should first be a determination of the validity of the presuppositions of the research; then the nature, probability and magnitude of risk should be distinguished with as much clarity as possible. The method of ascertaining risks should be explicit, especially where there is no alternative to the use of such vague categories as small or slight risk. It should also be

determined whether an investigator's estimates of the probability of harm or benefits are reasonable, as judged by known facts or other available studies.

Finally, assessment of the justifiability of research should reflect at least the following considerations: **(i)** Brutal or inhumane treatment of human subjects is never morally justified. **(ii)** Risks should be reduced to those necessary to achieve the research objective. It should be determined whether it is in fact necessary to use human subjects at all. Risk can perhaps never be entirely eliminated, but it can often be reduced by careful attention to alternative procedures. **(iii)** When research involves significant risk of serious impairment, review committees should be extraordinarily insistent on the justification of the risk (looking usually to the likelihood of benefit to the subject -- or, in some rare cases, to the manifest voluntariness of the participation). **(iv)** When vulnerable populations are involved in research, the appropriateness of involving them should itself be demonstrated. A number of variables go into such judgments, including the nature and degree of risk, the condition of the particular population involved, and the nature and level of the anticipated benefits. **(v)** Relevant risks and benefits must be thoroughly arrayed in documents and procedures used in the informed consent process.

**3. Selection of Subjects.** -- Just as the principle of respect for persons finds expression in the requirements for consent, and the principle of beneficence in risk/benefit assessment, the principle of justice gives rise to moral requirements that there be fair procedures and outcomes in the selection of research subjects.

Justice is relevant to the selection of subjects of research at two levels: the social and the individual. Individual justice in the selection of subjects would require that researchers exhibit fairness: thus, they should not offer potentially beneficial research only to some patients who are in their favor or select only "undesirable" persons for risky research. Social justice requires that distinction be drawn between classes of subjects that ought, and ought not, to participate in any particular kind of research, based on the ability of members of that class to bear burdens and on the appropriateness of placing further burdens on already burdened persons. Thus, it can be considered a matter of social justice that there is an order of preference in the selection of classes of subjects (e.g., adults before children) and that some classes of potential subjects (e.g., the institutionalized mentally infirm or prisoners) may be involved as research subjects, if at all, only on certain conditions.

Injustice may appear in the selection of subjects, even if individual subjects are selected fairly by investigators and treated fairly in the course of research. Thus injustice arises from social, racial, sexual and cultural biases institutionalized in society. Thus, even if individual researchers are treating their research subjects fairly, and even if IRBs are taking care to assure that subjects are selected fairly within a particular institution, unjust social patterns may nevertheless appear in the overall distribution of the burdens and benefits of research. Although individual institutions or investigators may not be able to resolve a problem that is pervasive in their social setting, they can consider distributive justice in selecting research subjects.

Some populations, especially institutionalized ones, are already burdened in many ways by their infirmities and environments. When research is proposed that involves risks and does not include a therapeutic component, other less burdened classes of persons should be called upon first to accept these risks of research, except where the research is directly related to the specific conditions of the class involved. Also, even though public funds for research may often flow in the same directions as public funds for health care, it seems unfair that populations dependent on public health care constitute a pool of preferred research subjects if more advantaged populations are likely to be the recipients of the benefits.

One special instance of injustice results from the involvement of vulnerable subjects. Certain groups, such as racial minorities, the economically disadvantaged, the very sick, and the institutionalized may continually be sought as research subjects, owing to their ready availability in settings where research is conducted. Given their dependent status and their frequently compromised capacity for free consent, they should be protected against the danger of being involved in research solely for administrative convenience, or because they are easy to manipulate as a result of their illness or socioeconomic condition.

## Notes

(1) Since 1945, various codes for the proper and responsible conduct of human experimentation in medical research have been adopted by different organizations. The best known of these codes are the Nuremberg Code of 1947, the Helsinki Declaration of 1964 (revised in 1975), and the 1971 Guidelines (codified into Federal Regulations in 1974) issued by the U.S. Department of Health, Education, and Welfare. Codes for the conduct of social and behavioral research have also been adopted, the best known being that of the American Psychological Association, published in 1973.

(2) Although practice usually involves interventions designed solely to enhance the well-being of a particular individual, interventions are sometimes applied to one individual for the enhancement of the well-being of another (e.g., blood donation, skin grafts, organ transplants) or an intervention may have the dual purpose of enhancing the well-being of a particular individual, and, at the same time, providing some benefit to others (e.g., vaccination, which protects both the person who is vaccinated and society generally). The fact that some forms of practice have elements other than immediate benefit to the individual receiving an intervention, however, should not confuse the general distinction between research and practice. Even when a procedure applied in practice may benefit some other person, it remains an intervention designed to enhance the well-being of a particular individual or groups of individuals; thus, it is practice and need not be reviewed as research.

(3) Because the problems related to social experimentation may differ substantially from those of biomedical and behavioral research, the Commission specifically declines to make any policy determination regarding such research at this time. Rather, the Commission believes that the problem ought to be addressed by one of its successor bodies.

*National Institutes of Health  
Bethesda, Maryland 20892*

## Appendix D

### NIH IRB Review Process - IRB PROTOCOL REVIEW STANDARDS

Minimal regulatory requirements for IRB review, discussion and documentation in the meeting minutes

Regulatory review requirement	Check*	Suggested questions for IRB discussion
1. The proposed research design is scientifically sound & will not unnecessarily expose subjects to risk.		(a) Is the hypothesis clear? Is it clearly stated? (b) Is the study design appropriate to prove the hypothesis? (c) Will the research contribute to generalizable knowledge and is it worth exposing subjects to risk?
2. Risks to subjects are reasonable in relation to anticipated benefits, if any, to subjects, and the importance of knowledge that may reasonably be expected to result.		(a) What does the IRB consider the level of risk to be? (See risk assessment guide on back of form.) (b) What does the PI consider the level of risk/discomfort/ inconvenience to be? (c) Is there prospect of direct benefit to subjects? (See benefit assessment guide on back of form.)
3. Subject selection is equitable.		(a) Who is to be enrolled? Men? Women? Ethnic minorities? Children (rationale for inclusion/exclusion addressed)? Seriously-ill persons? Healthy volunteers? (b) Are these subjects appropriate for the protocol?
4. Additional safeguards required for subjects likely to be vulnerable to coercion or undue influence.		(a) Are appropriate protections in place for vulnerable subjects, e.g., pregnant women, fetuses, socially- or economically-disadvantaged, decisionally-impaired?

5. Informed consent is obtained from research subjects or their legally authorized representative(s).	(a) Does the informed consent document include the eight required elements? (b) Is the consent document understandable to subjects? (c) Who will obtain informed consent (PI, nurse, other?) & in what setting? (d) If appropriate, is there a children's assent? (e) Is the IRB requested to waive or alter any informed consent requirement?
6. Subject safety is maximized.	(a) Does the research design minimize risks to subjects? (b) Would use of a data & safety monitoring board or other research oversight process enhance subject safety?
7. Subject privacy & confidentiality are maximized.	(a) Will personally-identifiable research data be protected to the extent possible from access or use? (b) Are any special privacy & confidentiality issues properly addressed, e.g., use of genetic information?
<b>Additional considerations</b>	
1. Ionizing radiation.	If ionizing radiation is used in this protocol is it medically indicated or for research use only?
2. Collaborative research.	Is this domestic/international collaborative research? If so, are SPAs or other assurances required for the sites involved?
3. FDA-regulated research	Is an IND or IDE involved in this protocol?
4. Other	

**\*Check indicates topics in first column discussed & will be documented in the minutes**

PI: \_\_\_\_\_

Date of IRB review: \_\_\_\_\_

Protocol Title:

\_\_\_\_\_

## **Risk/Benefit Assessment**

### **RISK**

Regulatory definition of minimal risk: Minimal risk means that the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests (45 CFR 46.102(h)(i)).

Check appropriate risk category:

1. \_\_\_\_\_ The research involves no more than minimal risk to subjects.
2. \_\_\_\_\_ The research involves more than minimal risk to subjects.

\_\_\_\_\_ The risk(s) represents a minor increase over minimal risk, or

\_\_\_\_\_ The risk(s) represents more than a minor increase over minimal risk.

### **BENEFIT**

Definition: A research benefit is considered to be something of health-related, psychosocial, or other value to an individual research subject, or something that will contribute to the acquisition of generalizable knowledge. Money or other compensation for participation in research is not considered to be a benefit, but rather compensation for research-related inconveniences.

Check appropriate benefit category:

1. \_\_\_\_\_ The research involves no prospect of direct benefit to individual subjects, but is likely to yield generalizable knowledge about the subject's disorder or condition.
2. \_\_\_\_\_ The research involves the prospect of direct benefit to individual subject.

**Appendix E**  
**McKendree University**  
**Research Institutional Review Board Procedure**

The Institutional Review Board (IRB) at McKendree University has been established to review research involving human participants in order to assure adequate safeguards for those who voluntarily choose to engage in research projects.

**Steps in the IRB Review Process:**

1. Complete an IRB form and submit to the IRB coordinator. Note: students must have a faculty sponsor sign and submit the form. The form can be initially submitted electronically but before final approval is given one hard copy with signature(s) must be submitted to the IRB coordinator.
  
2. The IRB coordinator will determine if an expedited or full review is necessary. If there is any question as to an expedited or full is necessary, a full review will be conducted. The coordinator will then submit the forms to the necessary IRB members. The IRB members can approve the document, ask for further information, or call for a formal committee review (requiring the members of the committee and the investigator to have a meeting). Decisions will be based on a majority. For full reviews, the IRB form must be completed and received by the IRB coordinator for the following dates:

September 15	October 15	November 15	
January 15	February 15	March 15	April 15
  
- 3.) The coordinator will notify the investigator of the decision of the committee. Investigators have the right to revise and resubmit their proposal.
  
- 4.) Data collection may not begin until IRB approval has been received.
  
- 5.) Any grievances with the IRB decisions should be handled through existing student or faculty grievance committees and procedures.

# McKendree University Research Institutional Review Board Form

Date \_\_\_\_\_

Request for:

**Full IRB Review** \_\_\_\_

**Expedited IRB Review** \_\_\_\_

1.) Title of the Research Project:

2.) Name of the primary investigator and contact information

Name(s) of Collaborators

Phone

Address

e-mail

If a student, must have a faculty sponsor

3.) Purpose of the Research

4.) Who and approximately how many participants will be involved in the study? How will participants be recruited?

What is the age of the participants? (if age is less than 18, there will be full IRB review)

Are the groups a vulnerable group? (if the group is a group such as mentally challenged, etc., there will be a full IRB review)

5.) What will the participants be asked to do in the experiment? If the participants will be completing a survey or written material, please include a copy of the materials.

6.) What are the risks and benefits to the participants involved?

Risks to research participants posed by participation in research should be justified by the anticipated benefits to the participants or society. This requirement is clearly stated in all codes of research ethics.

**Minimal Risk is defined as:** A risk is minimal where the probability and magnitude of harm or discomfort anticipated in the proposed research are not greater, in and of themselves, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

Is there more than a minimal risk? If so, please explain. If there is more than a minimal risk, there will be a full IRB review.

7.) What will be done to reduce the risks to the participants and maintain the privacy and confidentiality of the data?

8.) How will you gather informed consent of the participants? Please attach a copy of the written document or of the verbal announcement of the informed consent.

9.) How will participants be debriefed? What will the participants be given or told at the end of their participation. Please attach a copy of the written document or of the verbal announcement of the debriefing.

10.) The primary investigator should read and sign the following statement:

I am familiar with the ethical principles on the research with human participants. I have read the policies for obtaining approval from the institutional review board at McKendree University. I certify that the information provided on this form is accurate and complete. I also certify that if the conditions or procedures in this proposal undergo substantial change, I will submit a new form. I also realize that this form allows me to conduct this research for a time period no longer than two years. Approval of this research does not remove liability from the responsible investigator.

\_\_\_\_\_ Signature \_\_\_\_\_ Date

If a student, must have a faculty sponsor:

\_\_\_\_\_ Signature \_\_\_\_\_ Date

Date submitted \_\_\_\_\_

Date received by IRB coordinator \_\_\_\_\_

Date submitted to IRB members \_\_\_\_\_

Date decision relayed to investigator \_\_\_\_\_

Date approved by IRB \_\_\_\_\_

**Appendix F: Faculty Handbook Document**  
**(To be inserted after Technology Advisory Committee—2.9.7.13)**

**2.9.7.13 INSTITUTIONAL REVIEW BOARD (IRB)**

**Purpose**

McKendree University shall have an Institutional Review Board (the “IRB”) whose purpose shall be to act as a responsible overseer of research involving human participants that is conducted under the auspices of the University.

**Membership**

The McKendree University IRB shall have six members nominated by the FAC and elected by the entire faculty. The members will have varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. The IRB shall be sufficiently qualified through the experience and expertise of its members, and the diversity of the members, including consideration of race, gender, and cultural backgrounds and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human participants. In addition to possessing the professional competence necessary to review specific research activities, the IRB shall be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice.

Every nondiscriminatory effort will be made to ensure that the McKendree IRB does not consist entirely of men or entirely of women, including the institution's consideration of qualified persons of both sexes, so long as no selection is made to the IRB on the basis of gender. The IRB may not consist entirely of members of one profession.

The IRB shall include at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas.

The IRB shall include at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.

The IRB may not have a member participate in the IRB's initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the IRB.

The IRB may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that available on the IRB. These individuals may not vote with the IRB.

## **Responsibilities**

The IRB shall review research involving human participants. Specifically, the IRB shall have responsibility for

1. Approval of proposals for research involving human participants. The IRB may deem a proposal unacceptable and fail to approve or ask for revisions and more information;
2. Determining which projects require review more often than annually; determining which projects need verification from sources other than the investigator(s); and determining that no material changes in the proposed research have occurred subsequent to an IRB review.

In case changes in a research activity involving humans become necessary, the IRB shall develop policy guidelines for

3. Ensuring prompt reporting to the IRB of proposed changes in approved research; and ensuring that proposed changes in approved research not be initiated without IRB review except when necessary to eliminate apparent immediate hazards to the participant(s).

The IRB shall further be responsible for

4. Ensuring the prompt reporting to the IRB and appropriate institutional officials of
  - a) any problems involving risk to participants or others not anticipated in the original proposal;
  - b) any noncompliance with IRB guidelines or guidelines specific to the project;
5. Ensuring the timely notification of its findings and actions to the investigator.

## **Meetings**

The IRB shall review proposals for research involving human participants at regularly convened meetings. The presence of four (4) members shall constitute a quorum. For a proposal to be approved it shall require the approval of a majority of those present and voting. Whenever possible, a meeting of the IRB shall take place in person.

Teleconference or on-line meetings may be convened provided members are in timely receipt of all pertinent material prior to the meeting and can actively participate in the discussion of all protocols.