

STATEMENT OF PRINCIPLES AND RESPONSIBILITIES FOR COMPLIANCE WITH DHHS REGULATIONS FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Bowling Green State University (BGSU) has given assurance, via a Federalwide Assurance (FWA), that it will comply with the Department of Health and Human Services (DHHS) regulations for the protection of human research subjects, 45 CFR Part 46, as amended to include provisions of the Federal Policy for the Protection of Human Subjects (56FR28003) as Subpart A, and as may be further amended during the period for which the FWA is approved.

PART 1 – PRINCIPLES, POLICIES, AND APPLICABILITY

I. Ethical Principles

- A. BGSU is guided by the ethical principles regarding all research involving humans as research subjects, as set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (entitled: Ethical Principles and Guidelines for the Protection of Human Subjects of Research [the “Belmont Report”]), regardless of whether the research is subject to Federal regulation or with whom conducted or source of support (i.e., sponsorship).
- B. All institutional and non-institutional performance sites for BGSU, domestic or foreign, will be obligated by BGSU to conform to ethical principles which are at least equivalent to those of BGSU, as cited in the previous paragraph or as may be determined by the DHHS Secretary.

II. Institutional Policy

- A. All requirements of Title 45, Part 46, of the Code of Federal Regulations (45 CFR 46) will be met for all federally-sponsored research, and all other human subject research regardless of sponsorship, except as otherwise noted in the FWA. Federal (all departments and agencies bound by the Federal Policy) funds for which the FWA applies may not be expended for research involving human subjects unless the requirements of the FWA have been satisfied.
- B. All research covered by the FWA will be reviewed and approved by the Human Subjects Review Board (HSRB), which has been established under an FWA with OHRP or as may be otherwise agreed to by OHRP (see Part 1, II, G). The involvement of human participants in research covered by the FWA will not be permitted until the HSRB has reviewed and approved the research protocol and informed consent has been obtained from the participant or the participant's legal representative (see 45 CFR 46.111, 116, and 117), unless properly waived by the

HSRB under 45 CFR 46.116(c), (d) or by any applicable waiver under 45 CFR 46.101(i).

- C. This institution assures that before human participants are involved in nonexempt research covered by the FWA, the Human Subjects Review Board (HSRB) will give proper consideration to:
1. The risks to the participants,
 2. The anticipated benefits to the participants and others,
 3. The importance of the knowledge that may reasonably be expected to result, and
 4. The informed consent process to be employed.
- D. Certification of HSRB review and approval for all Federally-sponsored research involving human participants will be submitted to the Office of Sponsored Programs and Research (SPAR) for forwarding to the appropriate Federal department or agency. Compliance will occur within the time and in the manner prescribed for forwarding certifications of IRB review to DHHS or other Federal departments or agencies for which the FWA applies.

As provided for under 45 CFR 46.118, applications and proposals lacking definite plans for involvement of human participants will not require HSRB review and approval prior to award. However, no human participants may be involved in any project supported by such awards until HSRB review and approval has been certified to the appropriate Federal department or agency.

As required under 45 CFR 46.119, the HSRB will review proposed involvement of human participants in federal research activities undertaken without prior intent for such involvement, but will not permit such involvement until certification of the HSRB's review and approval is received by the appropriate Federal department or agency.

- E. Institutions that are not direct signatories to the FWA are not authorized to cite it. BGSU will ensure that such other institutions and investigators not bound by the provisions of the FWA will satisfactorily assure compliance with 45 CFR 46, as required (see Part 2, I, D and II, I), as a prior condition for involvement in DHHS-sponsored human subject research which is under the auspices of BGSU (see Part 1, III, A).
- F. BGSU will ensure that any collaborating entities (i.e., those entities engaged in human subject research by virtue of subject accrual, transfer of identifiable information, and/or in exchange of something of value, such as material support [e.g., money, drugs, or identifiable specimens], co-authorship, intellectual property, or credits) materially engaged in the conduct of non-federal sponsored research involving human participants will possess mechanisms to protect human research participants that are at least equivalent to those procedures provided for in the ethical principles to which BGSU is committed (see Part 1, I).
- G. BGSU will comply with the requirements set forth in 45 CFR 46.114 of the regulations regarding cooperative research projects. When research covered by the

FWA is conducted at or in cooperation with another entity, all provisions of the FWA remain in effect for that research. BGSU may accept, for the purpose of meeting the HSRB review requirements, the review of an IRB established under another DHHS Multiple Project Assurance (MPA) or FWA. Such acceptance must be (a) in writing, (b) approved and signed by the HSRB Chair or designee, and (c) approved and signed by correlative officials of each of the other cooperating institutions (i.e., a Cooperative Amendment to the FWA). The agreement will serve as an addendum to the FWA and will be kept on file in the Office of Research Compliance (ORC) and available for review by OHRP upon request.

- H. BGSU will exercise appropriate administrative overview to ensure that the institution's policies and procedures designed for protecting the rights and welfare of human research participants are being effectively applied in compliance with the FWA.
- I. Description of BGSU's policy for the protection of human participants is contained in its internal written procedures which are available to OHRP and other Federal departments or agencies, upon request and are also posted on the HSRB web site.

III. Applicability

- A. The FWA applies to all research involving human participants, and all other activities which even in part involve such research, regardless of sponsorship, if one or more of the following apply:
 - 1. The research is sponsored by BGSU, or
 - 2. The research is conducted by or under the direction of any employee or agent of BGSU in connection with his or her institutional responsibilities, or
 - 3. The research is conducted by or under the direction of any employee or agent of BGSU using any property or facility of this institution, or
 - 4. The research involves the use of BGSU's non-public information to identify or contact human research participants or prospective participants.
- B. All human subject research which is exempt under 45 CFR 46.101(b)(1-6) or 101(i) will be conducted in accordance with: (1) the Belmont Report, (2) BGSU's administrative procedures, and (3) orderly accounting for such activities.
- C. Components of BGSU are bound by the provisions of the FWA. Those components which can be expected to participate in human subject research sponsored by DHHS or other Federal departments or agencies for which the FWA applies are identified in section 2 of the FWA. The FWA will be revised as changes occur and updates will be forwarded to OHRP.
- D. The FWA must be accepted by other Federal departments or agencies that are bound by the Federal Policy for the Protection of Human Subjects when appropriate for the research in question and therefore applies to all human subject research so sponsored. Research that is neither conducted nor supported by a Federal department or agency but is subject to regulation as defined in 45 CFR 46.102(e) must be reviewed and approved, in compliance with 45 CFR 46.101, 102, and 107 through 117.

Part 2 – RESPONSIBILITIES

- I. Institution (Bowling Green State University – BGSU)
 - A. BGSU acknowledges that it bears full responsibility for the performance of all research involving human participants, covered by the FWA, including complying with federal, state, or local laws as they may relate to such research.
 - B. BGSU will require appropriate additional safeguards in research that involves: (1) fetuses, pregnant women, or human ova in vitro fertilization (see 45 CFR 46 Subpart B), (2) prisoners (see 45 CFR 46 Subpart C), (3) children (see 45 CFR 46 Subpart D), (4) the cognitively impaired, or (5) other potentially vulnerable groups.
 - C. BGSU, including all its named components (see FWA section 2), acknowledges and accepts its responsibilities for protecting the rights and welfare of human participants of research covered by the FWA.
 - D. BGSU is responsible for acquiring appropriate Assurances or Amendments, when requested, and certifications of IRB review and approval for federally sponsored research from all its standing affiliates and Assurances or Agreements for all others, domestic or foreign, which may otherwise become affiliated on a limited basis in such research.
 - E. BGSU is responsible for ensuring that no performance site cooperating in the conduct of federally sponsored research for which the FWA applies does so without Federal department or agency approval of an appropriate assurance of compliance, in whatever appropriate form, and satisfaction of IRB certification requirements.
 - F. In accordance with the compositional requirements of 45 CFR 46.107, BGSU has established the Human Subjects Review Board (HSRB). Certain research supported by the U.S. Department of Education will be reviewed in accordance with the requirements of Title 34 CFR Parts 350 and 356 which require that the HSRB include at least one person who is primarily concerned with the welfare of handicapped children or mentally disabled persons.
 - G. BGSU will provide both meeting space and sufficient staff to support the HSRB's review and record-keeping duties.
 - H. BGSU recognizes that involvement in research activities of any OHRP-recognized Cooperative Protocol Research Programs (CPRPs) will involve additional reporting and record-keeping requirements related to human participant protections.
 - I. BGSU is responsible for ensuring that it and all its affiliates comply fully with all applicable Federal policies and guidelines, including those concerning notification of seropositivity, counseling, and safeguarding confidentiality where research activities directly or indirectly involve the study of human immunodeficiency virus (HIV).
- II. Office of Research Compliance (ORC)

- A. HSRB, administered through ORC will receive from investigators, all research protocols that involve human participants and keep investigators informed of decisions and administrative processing.
- B. The HSRB Administrator or designee will make the preliminary determination of eligibility for expedited review procedures (see 45 CFR 46.110). Expedited review of research activities will not be permitted where full board review is required (e.g., research submitted for external funds from federal agencies or where required by the funding organization; research involving more than minimal risk).
- C. SPAR will review all research (whether reviewed by the HSRB through expedited or full Board review) and decide whether the institution will permit the research. If approved by the HSRB, but not permitted by SPAR, SPAR will promptly convey notice to the investigator and the HSRB Chair and Administrator. No research involving human participants recruited from or by any members of the university community shall be initiated or conducted prior to review by SPAR and review and approval by the HSRB. The HSRB can accept the review of another IRB established under a DHHS MPA or FWA. If no such review is available demonstrating approval of the proposed research, the HSRB must review the proposed research. Neither ORC nor any other office of the institution may approve a research activity that has been disapproved by the HSRB.
- D. For projects and funding agencies requiring IRB review, ORC will forward certification of HSRB review and approval to SPAR for forwarding to the appropriate funding agency. Certification of HSRB approval of proposed research will be forwarded to SPAR only after all HSRB-required modifications have been incorporated to the satisfaction of the HSRB.
- E. ORC will maintain and arrange access for inspection of IRB records as provided for in 45 CFR 46.115.
- F. ORC is responsible for ensuring constructive communication among the research administrators, department heads, research investigators, clinical care staff, human participants, and institutional officials as a means of maintaining a high level of awareness regarding the safeguarding of the rights and welfare of the participants.
- G. ORC will arrange for each individual who conducts or reviews human subject research to have ready access to a copy of the Federalwide Assurance, as well as to 45 CFR 46, regulations of other Federal departments or agencies as may apply, the Belmont Report, and all other pertinent Federal policies and guidelines related to the involvement of human participants in research.
- H. ORC will report promptly to the HSRB, appropriate institutional officials, the Office for Human Research Protections (OHRP), and any other sponsoring Federal department or agency head:
 - 1. Any injuries to human participants or other unanticipated problems involving risks to participants or others,
 - 2. Any serious or continuing noncompliance with the regulations or requirements of the HSRB, and

3. Any suspensions or terminations of HSRB approval of research.
 - I. ORC will ensure (a) solicitation (or confirmation where applicable assurances to comply already exist), receipt, and management of all assurances of compliance (whatever the appropriate format), and certifications of IRB review (where appropriate) for all performance sites to this institution (as listed in the FWA) and (b) subsequent submission of new documents to the proper Federal department or agency authorities (e.g., OHRP for DHHS) as a condition for involvement of each site in human subject research activities sponsored by DHHS or any other Federal department or agency for which the FWA applies.
 - J. ORC will ensure that all affiliated performance sites that are not otherwise required to submit assurances of compliance with Federal regulations for the protection of research participants at least document mechanisms to implement the equivalent of ethical principles to which BGSU is committed (see Part 1, I).
 - K. When the HSRB of this institution accepts responsibility for review of research which is subject to BGSU's FWA and conducted by any independent investigator who is not otherwise subject to the provisions of the FWA, ORC will either: (a) obtain and retain a Noninstitutional Investigator Agreement (NIA) for CPRP activities (with copy to the investigator and the authorizing CPRP) or (b) obtain the investigator's signed commitment to abide: (1) by the same requirements for the protection of human research participants as does BGSU and (2) the determinations of the HSRB.
 - L. ORC assumes responsibility for ensuring conformance with special reporting requirements for any OHRP-recognized CPRPs in which the signatory institution participates.
 - M. ORC will be responsible for procedural and record-keeping audits not less than once every year for the purpose of detecting, correcting, and reporting (as required) administrative and/or material breaches in uniformly protecting the rights and welfare of human participants as required at least by the regulations and as may otherwise be additionally required by this institution.
 - N. ORC will ensure compliance with the requirements set forth in the FWA and 45 CFR 46.114 regarding cooperative research projects. In particular, where the IRB of another institution with a DHHS MPA or FWA is relied upon, ORC will ensure that documentation of this reliance will be (a) in writing, (b) approved and signed by the correlative officials of each of the other cooperating institutions, and (c) retained by ORC for at least three years past completion of the research project, if limited in scope to a specific research project or retained as a permanent addendum to the FWA if not restricted to a specific project. For all Cooperative Amendments (CAs), ORC will forward an update to the FWA to OHRP, reflecting the inclusion of the IRB of the cooperating institution in section 5 (Designation of Institutional Review Boards) into the FWA.

III. Human Subjects Review Board (HSRB)

- A. The HSRB will review, and have the authority to approve, require modification to, or disapprove all research activities, including proposed changes in previously approved human subject research. For approved research, the HSRB will determine which activities require continuing review more frequently than every twelve months or need verification that no changes have occurred if there was a previous HSRB review and approval.
- B. HSRB decisions and requirements for modifications will be promptly conveyed to investigators in writing. Written notification of decisions to defer a decision or disapprove will be accompanied by reasons for the decision with provision of an opportunity for reply by the investigator, in person or in writing.
- C. Initial and continuing HSRB reviews and approvals for each project will occur in compliance with 45 CFR 46 and HSRB policies.
- D. The HSRB will observe the quorum requirements of 45 CFR 46.108(b). The HSRB has effective knowledge of participant populations, institutional constraints, differing legal requirements, knowledge of the local research context, and other factors which can foreseeably contribute to a determination of risks and benefits to participants and participants' informed consent and can properly judge the adequacy of information to be presented to participants in accordance with requirements of 45 CFR 46.103(d), 107(a), 111, and 116.
- E. The HSRB will determine, in accordance with the criteria found at 45 CFR 46.111 and Federal policies and guidelines for involvement of human participants in HIV research, that protections for human research participants are adequate.
- F. The HSRB will ensure that legally effective informed consent will be obtained and documented in a manner that meets the requirements of 45 CFR 46.116 and 117. The HSRB will have the authority to observe or have a third party observe the consent process.
- G. Where appropriate, the HSRB will determine that adequate additional protections are ensured for pregnant women, fetuses and newborns, prisoners, and children, as required by Subparts B, C, and D of 45 CFR 46. The HSRB will notify OHRP promptly when HSRB membership(s) is modified to satisfy requirements of 45 CFR 46.304 and when the HSRB fulfills its duties under 45 CFR 46.305(c).
- H. Scheduled meetings of the HSRB for review of research activity will occur on a monthly basis and may be more frequent, if required by the HSRB on the basis of degree of risk to participants. The HSRB may be called into an interim review session by the Chairperson at the request of any HSRB member or institutional official to consider any matter concerning the rights and welfare of any research participant. The dates of regularly scheduled HSRB meetings are published on the HSRB's web site (<http://www.bgsu.edu/offices/spar/hsrb>).
- I. The HSRB will prepare and maintain adequate documentation of its activities in accordance with 45 CFR 46.115.

- J. The HSRB will forward to the institutional official any significant or material finding or action, at least to include the following:
 - 1. Injuries or any other unanticipated problems involving risks to participants or others,
 - 2. Any serious or continuing noncompliance with the regulations or requirements of the HSRB, and
 - 3. Any suspension or termination of HSRB approval.
- K. In accordance with 45 CFR 46.113, the HSRB will have the authority to suspend or terminate previously approved research that is not being conducted in accordance with the federal regulations or the HSRB's requirements or that has been associated with unexpected serious harm to participants.
- L. The HSRB will ensure effective input (consultants or voting or nonvoting members) for all initial and continuing reviews conducted on behalf of performance sites where there will be human research participants. HSRB minutes will document attendance of those other than regular voting members.
- M. The HSRB will act with reasonable dispatch, upon request, to provide full board review of protocols of OHRP-recognized Cooperative Protocol Research Programs (CPRP). The HSRB will not employ expedited review procedures for CPRP protocols when they are to be entered into for the purpose of research. Although emergency medical care based on such protocols is permitted without prior HSRB approval, patients receiving emergency care under these conditions will not be counted as research participants and resultant data will not be used for research purposes.

IV. Research Investigator Responsibilities

- A. Research investigators acknowledge and accept their responsibility for protecting the rights and welfare of human research participants and for complying with all applicable provisions of the FWA.
- B. Research investigators who intend to involve human research participants will not make the final determination of exemption from applicable Federal regulations or provisions of the FWA.
- C. Research investigators are responsible for providing a copy of the IRB-approved and signed informed consent document to each participant at the time of consent, unless the IRB has specifically waived this requirement.
- D. Research investigators will promptly report proposed changes in previously approved human subject research activities to the HSRB. The proposed changes will not be initiated without HSRB review and approval, except where necessary to eliminate apparent immediate hazards to the participants. In such situations, proposed changes should be provided to the HSRB as soon as practicably possible.

- E. Research investigators are responsible for reporting progress of approved research to the HSRB, as often as and in the manner prescribed by the HSRB on the basis of risks to participants, but not less than once per year.
- F. Research investigators will promptly report to the HSRB any injuries or other unanticipated problems involving risks to participants.
- G. No research investigator who is obligated by the provisions of the FWA, any associated Inter-Institutional Amendment, or Noninstitutional Investigator Agreement will seek to obtain research credit for, or use data from, patient interventions that constitute the provision of emergency medical care without prior HSRB approval. A physician may provide emergency medical care to a patient without prior HSRB review and approval, to the extent permitted by law (see 45 CFR 46.116[f]). However, such activities will not be counted as research nor the data used in support of research.
- H. Research investigators will advise the HSRB, ORC and the appropriate officials of other institutions of the intent to admit human participants (e.g., into a hospital) who are involved in research protocols for which the FWA or any related Inter-Institutional Amendment or Noninstitutional Investigator Agreement applies. When such admissions are a planned part of DHHS-supported research, those institutions must possess an applicable OHRP-approved Assurance prior to involvement of such persons as human participants in those research protocols at those institutions.

V. Affiliated Institutions and Investigators (i.e., all performance sites, with or without IIAs)

- A. Each performance site to BGSU that is involved in federally sponsored research activities must provide to ORC an appropriate written assurance of compliance with the Belmont Report and the Federal Policy, to include Subparts B, C, and D or 45 CFR 46 where appropriate (or equivalent protections if a foreign site), for review and approval, as specified by the sponsoring Federal department or agency (e.g., by OHRP for DHHS), prior to involvement of human participants or expenditure of funds or other support to do so.
- B. Each institutional performance site must respond to a request by ORC of BGSU for an Inter-Institutional Amendment, or CPA (as appropriate), whichever is most suited to the circumstances.
- C. Each non-institutional performance site (e.g., a private practice physician not otherwise an employee of BGSU or who otherwise would not ordinarily be bound by the provisions of the FWA or any other applicable institutional Assurance) who is involved in human subject research of BGSU must respond to a request by ORC for either an Agreement for an Independent Investigator or a Noninstitutional Investigator Agreement, as appropriate, depending on the nature of the research activity.
- D. Performance sites that are legally separable from BGSU (whether an institutional or non-institutional performance site) are not authorized to cite BGSU's FWA.