

PROTOCOL VIOLATIONS

Federal regulations require the IRB to review proposed changes in any research activity and to ensure that the investigator does not initiate such changes in approved research without IRB review and approval except when necessary to eliminate apparent immediate hazards/risks to the subject [45CFR46.108(a)(3)(iii)]. Research activity includes all aspects of the conduct of the research study (e.g., recruitment methods, consent process, procedures used to protect privacy and confidentiality, etc.) and all of the information outlined in the IRB application/protocol reviewed and approved by the IRB.

DEFINITIONS

A protocol violation is any exception or deviation involving a single subject that is not approved by the IRB prior to its initiation or implementation. These protocol violations may be major or minor violations.

A major violation is one that may impact subject safety, make a substantial alteration to risks to subjects, or any factor determined by the IRB Manager, IRB Chair, or IRB member as warranting review of the violation by the convened IRB. Examples of major violations may include, but are not limited to:

- Failure to obtain informed consent, i.e., there is no documentation of informed consent, or informed consent is obtained after initiation of study procedures;
- Enrollment of a subject who did not meet all inclusion/exclusion criteria;
- Performing a study procedure not approved by the IRB;
- Failure to report serious unanticipated problems/adverse events involving risks to subjects to the IRB and (if applicable), the sponsor;
- Study visit conducted outside of required time frame that, in the opinion of the PI or IRB, may affect subject safety.

A minor violation is a violation that does not impact subject safety or does not substantially alter risks to subjects. Examples of minor violations may include, but are not limited to:

- Implementation of unapproved recruitment procedures;
- Missing signed and dated consent form;
- Missing pages of executed consent form;
- Inappropriate documentation of informed consent, including:
 - Missing subject signature;
 - Missing investigator signature;
 - Copy not given to the person signing the form;
 - Someone other than the subject dated the consent form; or
 - Individual obtaining informed consent not listed on IRB approved study personnel list.
- Use of invalid consent form, i.e., outdated/expired consent form;
- Failure to follow the approved study procedure that, in the opinion of the PI, does not affect subject safety or data integrity, such as:
 - Study procedure conducted out of sequence;
 - Omitting an approved portion of the protocol;
 - Enrollment of ineligible subject (e.g., subject's age was 6 years above age limit); or
 - Study visit conducted outside of required timeframe.
- Over-enrollment.

PROCEDURES

Submission of Protocol Violations

1. The PI submits any and all protocol violations that occur during the course of a study to the IRB immediately upon discovering them and within fourteen (14) calendar days of the occurrence. To submit the protocol violation, the PI completes the IRB Protocol Violation Reporting Form and submits it with required attachments to the IRB Office.
2. The PI also reports all protocol violations to the sponsor, if applicable, following the sponsor's requirements.

Screening of Submissions

1. IRB staff screen the IRB Protocol Violation Reporting Form for completeness and accuracy. If the submission is incomplete, IRB staff either return it to the PI or continue to process the submission but request additional information from the PI, which they forward to the IRB upon receipt.
2. IRB staff screen to determine whether the violations involve vulnerable populations or require documentation of specific regulatory findings. If either of the above applies, IRB staff advise the IRB of any regulatory requirements the IRB should address in conducting the review. The IRB is responsible for applying the regulatory requirements.

Determining Mechanism of Review (i.e., Expedited vs. Full)

1. IRB staff send the completed IRB Protocol Violation Reporting Form with any applicable attachments to the IRB Chair, if available, or to a voting member of the IRB.
2. The IRB Chair or IRB member makes a determination regarding whether the violation is major or minor and whether to review the violation using full or expedited review procedures, respectively, unless the sponsor/PI requests full review. If the violation is minor, the IRB Chair or IRB member conducts review using expedited procedures.
3. If the sponsor or the PI specifically requests full review procedures, IRB staff place the protocol report on an agenda for full review following procedures outlined in the Initial Full Review SOP.

Expedited/Full Review Procedures

1. The IRB Chair or a voting IRB member conducts expedited review using standard expedited review procedures. (See Expedited Initial Review SOP)
2. If the protocol report undergoes full review, the IRB Chair or IRB member has the option to invite the investigator to attend the meeting to answer any questions or concerns that the IRB may have concerning the protocol violation.
3. IRB staff notify the PI in writing if he/she must attend the IRB meeting. IRB staff schedule the submission for review and send IRB members a copy of the IRB Protocol Violation Reporting Form in the agenda packets.
4. If the IRB determines that the violation is reportable to external agencies, IRB staff prepare a report to the applicable federal agency and maintains records.

REVIEW OUTCOME(S)

1. The IRB may, if appropriate, make a determination that the protocol violation(s) constitute “serious” or “continuing noncompliance”, or an “unanticipated problem involving risks to subjects or others”.
2. If the PI has concerns regarding the IRB decision, he/she may submit them to the IRB in a written document that includes justification for changing the IRB decision.