

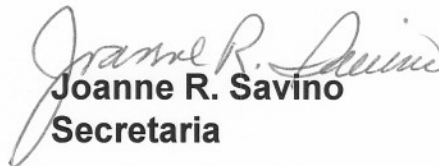


Universidad de Puerto Rico
Recinto Universitario de Mayagüez
JUNTA ADMINISTRATIVA

CERTIFICACIÓN NÚMERO 04-05-157

La que suscribe, Secretaria de la Junta Administrativa del Recinto Universitario de Mayagüez de la Universidad de Puerto Rico, **CERTIFICA** que en reunión ordinaria celebrada el día 21 de diciembre de 2004, este organismo **APROBÓ** el **ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATIONS FOR THE PROTECTION OF HUMAN RESEARCH SUBJECTS** (versión revisada 2004). El documento forma parte de esta certificación.

Y para que así conste, expido y remito la presente certificación a las autoridades universitarias correspondientes, bajo el Sello de la Universidad de Puerto Rico, a los catorce días del mes de enero del año dos mil cinco, en Mayagüez, Puerto Rico.


Joanne R. Savino
Secretaria

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**ASSURANCE OF COMPLIANCE WITH THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATIONS
FOR THE PROTECTION OF HUMAN RESEARCH SUBJECTS**

**UNIVERSITY OF PUERTO RICO
MAYAGUEZ, PUERTO RICO**

The University of Puerto Rico at Mayagüez, referred to as "Institution", hereby assures that it will comply with the Department of Health and Human Services (DHHS) Regulations for the Protection of Human Research Subjects [Title 45 Code of Federal Regulations, Part 46 as revised on June 18, 1991, and effective on August 19, 1991].

I. Statement of Applicability, Principles, and General Policies

A. Applicability

1. Except as noted in item 2 below, this assurance applies to all activities (laboratory, fieldwork, or classroom) which, as a whole or in part, involve research with human subjects if:
 - a. the research is sponsored by this institution (UPR at Mayagüez) or any other institution; or
 - b. the research has to do with institutional responsibilities and is conducted by or under the direction of any employee or agent of this institution, who is connected with institutional responsibilities; or
 - c. the research is conducted by or under the direction of any employee or agent of this institution using any property or facilities of this institution; or
 - d. the research involves the use of this institution's unpublished information to identify or contact human research subjects or prospective subjects.
2. Only provisions II.A.1-5, II.C.1.a,b,c,d,c, e, and III of this assurance apply to the activities listed above if the only involvement of human subjects will be in one or more of the categories exempted or waived under 45 CFR46.101(b), 1-6.

B. Ethical Principles

1. This institution is guided by the ethical principles which apply to all research involving humans as subjects. In 1979, the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research published its very well known report entitled "Ethical Principles and Guidelines for the Protection of Human Subjects of Research" (better known as The Belmont Report; April 18, 1979). The general principles identified by the National Commission in the Belmont Report are respect for persons, beneficence and justice. Although the Belmont Report included the prohibition to do harm within its principle of beneficence, later bioethical reflection has distinguished between the principles of beneficence and non maleficence (Cf. T. L. Beauchamp and James F. Childress, Principles of Biomedical Ethics, 5th, 2001). We adopt the later formulation, setting forth four general overarching principles for the guidance of all biomedical research with human subjects at this Institution:

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- a. respect for persons
 - b. beneficence
 - c. justice
 - d. non maleficence
2. In addition, the requirements set for the 45 CFR 46 (as amended) will be met for all applicable DHHS-funded research, -except for the requirement of reporting information to the DHHS-, and all other research without regard to the level and source of funding.

C. Institutional Policy

1. This institution acknowledges and accepts its responsibilities for protecting the rights and welfare of human research subjects covered by this assurance.
2. It is the policy of this institution to have an Institutional Review Board (IRB) -established by this assurance- review and approve all research covered by said assurance, except by those specifically exempted by 45 CFR 46. The involvement of human subjects in research will not be permitted until the IRB has reviewed and approved the research protocol*, insuring that informed consent is obtained in accordance with and to the extent required by 45 CFR 46.116. Certification of IRB review and approval of all research protocols involving human subjects submitted to the DHHS will be either included with the proposal or as soon as approved by the IRB. Furthermore, IRB review of all approved research activities will be conducted at appropriate intervals, but not less than once per year.
3. It is the policy of this institution that unless informed consent has been specifically waived by the IRB in accordance with 45 CFR 46.116 (c) and (d), no principal investigator shall use humans as research subjects unless the principal investigator has obtained the legally effective informed consent of the subject or his/her legally authorized representative.
4. This institution acknowledges that it bears full responsibility for the execution and outcome of all research activities involving human subjects covered by this assurance.
 - a. This institution will comply with the requirements set forth in 45 CFR 46.114 regarding

* The phrase "research protocol" is generally regarded as any scientific plan of experimental observation, medical treatment, or human/animal testing designed to obtain data. The protocols submitted to the IRB for review may be independent research activities, without the need for external funding, or part of fund-seeking grant applications commonly known as research proposals. No attempt is made here to distinguish between the two, and the word "protocol" is used throughout the text to identify the research plan or activity intending to use human subjects.

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cooperative research projects. When research covered by this assurance is conducted at or in cooperation with another entity, all provisions of this assurance remain in effect for that research. This institution may accept, for the purpose of meeting the IRB review requirements, the review of an IRB established under another assurance of compliance. Such acceptance must be in writing, and approved and signed by the corresponding official of the cooperating institutions. For those cases involving DHHS-funded projects, a copy of the signed agreement will be forwarded to the Office for Protection from Research Risks (OPRR).

- b. This institution will provide each individual conducting or reviewing research involving human subjects (i.e., principal investigators, department heads, clinical care staff, administrators, IRB members) a copy of this assurance and of any future revisions, with the exception of changes in IRB membership.
5. This institution bears full responsibility for complying with all federal and local laws as they may relate to research covered by this assurance.
 6. This institution has established and will maintain an IRB in accordance with 45 CFR 46. The IRB will have the authority and responsibility to review, approve, disapprove, or require changes to research protocols involving human subjects.
 7. This institution will provide both meeting space and sufficient clerical staff to support all IRB activities.
 8. This institution encourages constructive communication among principal investigators, IRB members, other institutional officials, and human subjects in order to protect the rights and welfare of the subjects.
 9. This institution will maintain documentation of IRB activities as required by 45 CFR 46.115.
 10. This institution will supervise the administration to oversee, at least once a year, to insure that its practices and procedures -designed for protecting the rights and welfare of human subjects- are being effectively applied and are in compliance with the requirements of 45 CFR 46 and this assurance.
 11. This institution will comply with the policies set forth in 45 CFR 46 Subpart B, which provide additional protection for research, development, and related activities that involves fetuses, pregnant women, *in vitro* fertilization of human ova, and human *in vitro* fertilization.
 12. This institution will comply with the policies set forth in 45 CFR 46 Subpart C, which provide additional protection for biomedical and behavioral research that involves prisoners as subjects.
 13. This institution, in addition to complying with the requirements of 45 CFR 46 Subpart D,



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will consider additional protection when the research involves children, mentally disabled individuals, and other potentially vulnerable groups.

II. Implementation

A. Responsibilities of Principal investigators

1. Determination of human subject involvement

- a. Principal investigators shall make an initial determination as to whether or not their research will involve human subjects as defined in 45 CFR 46.102.
- b. When the involvement of human research subjects defined in 45 CFR 46.102 is not clear, principal investigators should seek assistance from the IRB in making this determination.

2. Preliminary determination of eligibility for exemption

- a. Principal investigators shall make a preliminary determination if the research which involves human subjects is exempted from coverage under 45 CFR 46.101 or if expedited review procedures are justified in accordance with 45 CFR 46.110.

3. Preparation of the research protocol

- a. Principal investigators shall prepare a protocol giving a complete description of the proposed research. In the protocol, principal investigators shall make provisions for the adequate protection of the rights and welfare of prospective human subjects and insure that pertinent laws and regulations are observed. This requirement applies even in cases where the research is exempt under 45 CFR 46.101.
- b. Principal investigators shall include a sample of a proposed informed consent form with the protocol.

4. Submission of the research protocol to the IRB

- a. Principal investigators shall submit all research protocols involving human subjects to the IRB on time allowing careful IRB review prior to submission of the protocol to the funding agency.

5. Submission of a supplement of an original protocol to the IRB

- a. Principal investigators shall submit a supplement of an original protocol to the IRB when:
 - 1) it is proposed to involve human subjects, and the original activity had only indefinite plans for the involvement of human subjects;



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- 2) it is proposed to involve human subjects, and the original *activity* had no plans for the involvement of human subjects; or
 - 3) it is proposed to change the involvement of human subjects, and that involvement is significantly different from that which was initially approved by the IRB.
6. Complying with IRB decisions
- a. Principal investigators shall comply with all IRB decisions, conditions, and requirements pertaining to their protocols.
 - b. Principal investigators may appeal IRB decisions as specified in Section II.E.5.a.
7. Obtaining informed consent
- a. Principal investigators shall obtain informed consent in accordance with 45 CFR 46.116, and insure that no human subject will be involved in the research prior to obtaining such consent.
 - b. Although Informed Consent must, as a rule, be documented in writing, it is important to remember that the requisite of Informed Consent is not to be reduced to its written documentation. Informed Consent is a process of communication between the investigator and the research subject or his/her legal representatives. Through this process the researcher provides the subject or his/her proxy the information necessary for the subject to make an autonomous choice to participate or not to participate in the experiment.
 - c. Unless otherwise authorized by the IRB, principal investigators are responsible for insuring that the legally effective informed consent is:
 - 1) obtained from the subject or, when appropriate from the subject's legally authorized representative;
 - 2) both the oral and the written information provided to the subject or his/her proxy such be presented in a language understandable to the subject or his/her representative;
 - 3) obtained under circumstances that offer the subject or his/her representative sufficient opportunity to consider whether or not he or she should participate; and
 - 4) free from exonerative language in which the subject or his/her representative is made to waive or appear to waive any of his/her legal rights; and release or appear to



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release the principal investigator, sponsor, institution or its agents from, liability for negligence.

8. Providing basic elements of informed consent

a. Unless otherwise authorized by the IRB, principal investigators shall provide, as a minimum, the following information to each subject:

- 1) a statement that the study involves research, an explanation of the purpose of the research, the expected duration of the subjects' participation, a description of the procedures to be followed, and identification of any experimental procedures;
- 2) a description of any reasonably foreseeable risks or discomforts to the subject;
- 3) a description of any benefit to the subject or to others that may be reasonably expected from the research;
- 4) a disclosure of appropriate alternative procedures or treatment, if any, that may be beneficial to the subject;
- 5) a statement describing the extent to which the confidentiality of records identifying the subjects will be maintained;
- 6) in research involving more than minimal risk, an explanation as to whether or not compensation and medical treatment will be available either through the grant or to the extent permitted by institutional regulations should injury occur;
- 7) an explanation of whom to contact for answers to relevant questions about the research and the subject's rights, and of whom to contact in the event of a research-related injury to the subject;
- 8) a statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue his/her participation at any time without penalty or loss of benefits to which he/she is otherwise entitled;
- 9) a statement indicating that any change in the conditions under which the subject was accepted as a participant may disqualify him/her as a research subject.

9. Providing additional elements of informed consent

a. When required by the IRB, the principal investigator shall provide one or more of the following additional elements of information to each subject:

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- 1) a statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable;
- 2) anticipated circumstances under which the subject's participation may be terminated by the principal investigator without the subject's consent;
- 3) the consequences of a subject's decision to withdraw from the research and procedures for his/her orderly termination of participation;
- 4) a statement that significant new findings obtained during the course of the research, which may relate to the subject's willingness to continue participation, will be provided to the subject; and
- 5) the approximate number of subjects involved in the study.

10. Documentation of informed consent

- a. Principal investigators shall insure that informed consent is documented by using a written consent form approved by the IRB and signed by the subject or his/her legally authorized representative, unless this requirement is specifically waived by the IRB.
- b. Principal investigators shall insure that each person signing the consent form is given a copy of that form.
- c. Principal investigators may use a consent form stipulated by the IRB, if considered appropriate by the IRB. This IRB stipulated form may have one or two formats:
 1. a "long form" consent document that embodies the elements of informed consent required by 45 CFR 46.116. This form may be read to the subject or his/her legally authorized representative. However, the principal investigator shall give either the subject or his/her representative adequate opportunity to read the form before signing it; or
 2. a "short form" consent document stating that the elements of informed consent required by 45 CFR 46.116 have been read to the subject or his/her legally authorized representative. When the "short form" is used, principal investigators shall insure that:
 - a) a witness is present at the oral presentation;
 - b) the document is signed by the subject or his/her representative;

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- c) the witness signs both the document and a copy of the written summary of the oral presentation, which was received prior IRB approval;
 - d) the principal investigator obtaining consent signs both the document and a copy of the summary; and
 - e) a copy of both the signed document and summary is given to the subject or his/her representative.
11. Retention of signed consent documents
- a. Principal investigators shall place the consent documents signed by the human research subjects in a repository approved by the IRB.
12. Submission of research progress reports to the IRB
- a. Principal investigators shall report the progress of the research involving human subjects as often as and in the manner prescribed by the IRB.
13. Submission of injury reports and reports of unanticipated problems involving risks
- a. Principal investigators shall report promptly to the IRB and to their department head any research-related injuries to the human subjects.
 - b. Principal investigators shall report promptly to the IRB and to their department head any unanticipated problems, which involve risks to the human subjects or to other project participants.
14. Reporting changes in the research
- a. Principal investigators shall report promptly to the IRB and to their department head any proposed changes in a research activity which affect the subjects' protection from risks. Changes in research activities during the period for which IRB approval has already been given shall not be initiated by the principal investigators without IRB review and approval, except where necessary to eliminate immediate hazards to the subjects.
15. Attending IRB meetings
- a. Principal investigators, department heads, and other interested parties are encouraged to attend IRB meetings whenever invited by the IRB. However, such invited guests should be ready to leave the meeting room if so requested by IRB chairperson.



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16. Notifications to the IRB concerning investigational new drugs

- a. Principal investigators shall notify the Food and Drug Administration (FDA) and the IRB whenever it is anticipated that an investigational new drug or device exemption will be required as part of the research protocol involving human subjects.

B. IRB Structure

1. Institutional establishment of the IRB

- a. The IRB is established under this assurance at the University of Puerto Rico at Mayagüez, to review all research protocols involving human subjects. IRB members are appointed by the Dean of Academic Affairs. The Academic Colleges representatives are appointed upon the recommendation of the corresponding Deans. (See Section II.B.3 below).
- b. All appointments and reappointments will be for terms of three years. Members may not be reappointed for more than two consecutive terms.
- c. The IRB chairperson will be elected to a three-year term by the appointed members. To encourage equal sharing of responsibilities, chairpersons may not be elected to serve consecutive terms.

2. IRB membership requirements

- a. The IRB will consist of members from diverse backgrounds to promote complete and adequately review all research protocols covered by this assurance. IRB members will have the professional competence necessary to review all protocols submitted to them.
- b. The IRB will be sufficiently qualified through the experience, expertise, and diversity of background of its members (including consideration of the racial and cultural backgrounds of members and sensitivity to issues such as community attitude) to promote respect for its advice and counsel in safeguarding the welfare of human subjects.
- c. When research protocols involving a category of vulnerable subjects (i.e., prisoners, children, mentally disabled individuals) are reviewed, the IRB shall include in its reviewing body one or more individuals who have as a primary concern the welfare of these subjects. However, only the appointed IRB members will have the right to vote on all issues pertaining to such protocols.
- d. The IRB will include both male and female members.

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- e. The IRB will include members representing a variety of professions.
- f. The IRB will include at least one member whose primary expertise is in a non-science area.
- g. The IRB will include at least one member who is not affiliated with the institution and who is not part of the immediate family of a person affiliated with the institution.
- h. The IRB will include at least one member with research experience with human subjects in each one of the following areas: social sciences and biomedical sciences. It will also include an ethicist.

3. IRB membership and qualifications

- a. The IRB will consist of:

one faculty representative from the College of Agricultural Sciences (nominated by the Dean and Director/College of Agricultural Sciences);

one faculty representatives from the College of Arts and Sciences (nominated by the Dean/College of Arts and Sciences);

one faculty representative from the College of Business Administration (nominated by the Dean/College of Business Administration);

one faculty representative from the College of Engineering (nominated by the Dean/College of Engineering);

one representative from the institutional administration (nominated by the Dean of Academic Affairs);

one external representative to the institutional community (nominated by the Dean of Academic Affairs); and

All nominations must be certified by the Dean of Academic Affairs.

If it is necessary, in order to comply with the requirement established in 2 (h) above, up to three additional members could be appointed. Therefore the IRB could consist of no less than six and no more than nine members.

The names and qualifications of the IRB members are appended to this document in accordance with the 45 CFR 46.103(b)(3).

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C. IRB Responsibilities

1. Institutional determinations concerning exemptions, sponsorships, and certifications.

- a. The IRB shall receive from the principal investigators all research protocols which involve human subjects.
- b. Department heads shall review the preliminary determinations of principal investigators on whether or not research protocols qualify for exemption from coverage under 45 CFR46.101.
- c. All exempted research protocols and those approved by the IRB which are being submitted for DHHS funding shall be forwarded to the DHHS by the principal investigator. If the IRB requires modifications to a research protocol, the principal investigator must not forward the protocol to the DHHS until the IRB has determined that such modifications are made. Each protocol submitted to the DHHS must include one of the following:
 - 1) certification that the research was reviewed and approved by the IRB established under this assurance;
 - 2) certification that the research was reviewed and approved by an IRB established under another assurance (a copy of the signed agreement stipulated under I.C.4.a above must be included with the certification); or
 - 3) notification that the research was determined to be exempt from coverage under 45 CFR 46.101.
- d. The IRB shall keep principal investigators informed of administrative decisions and procedures affecting their protocols, and shall return all disapproved protocols to the principal investigators.

2. Compliance with the investigational new drug or device certification requirement

- a. The IRB shall identify the test article (investigational new drug or device) in the certification to the DHHS when the research protocol involves said test article, and state whether the 30-day interval between submission of applicant certification to the FDA and its response has elapsed or been waived, and/or whether use of the test article has been withheld or restricted by the FDA.
- b. If the 30-day interval has not expired and a waiver has not been issued, the principal investigator shall notify the DHHS upon expiration of the interval.



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3. Certification requirement in cases of supplements to DHHS-funded protocols

- a. The IRB shall submit a certification to the DHHS, and when otherwise required by the DHHS, a supplement to an original protocol, when:
- 1) it is proposed to involve human subjects, and the original activity had only indefinite plans for the involvement of human subjects;
 - 2) it is proposed to involve human subjects, and the original activity had no plans for the involvement of human subjects; or
 - 3) it is proposed to change the involvement of human subjects, and that involvement is significantly different from that which was initially approved by the IRB. In addition, the IRB shall insure that no human subjects are involved in research projects for which the filing of a supplement is required by the DHHS, prior to review and approval of the submitted supplement by appropriate DHHS officials.

4. Reporting requirements

- a. The IRB shall report promptly information, as appropriate, to the Chancellor, OHRP, principal investigators, and department heads on a variety of issues. Information may flow from sources such as human subjects, principal investigators, or other institutional staff. Specifically, the IRB shall:
- 1) report promptly to the OHRP any instances of research-related injuries to the subjects and unanticipated problems involving risks to subjects or other project participants;
 - 2) maintain documentation concerning the reasons for the suspension or termination of IRB approval of research protocols involving human subjects; and
 - 3) report promptly any changes in IRB membership to the Chancellor and to all principal investigators with active IRB-approved protocols.
- a. Any individual may report to the IRB any serious or continuing noncompliance with the requirements of this assurance or of any IRB determinations.

D. IRB Authorities

1. IRB review and approval of research protocols

- a. The IRB shall have the responsibility to review and the authority to approve, require modification of, or disapprove research protocols or proposed changes in previously approved protocols involving human subjects.

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b. The IRB shall approve research protocols provided that the following requirements are satisfied:

- 1) Risks to subjects are minimized:
 - a) by using procedures which are consistent with sound research design and which do not unnecessarily place the subjects at risk; and
 - b) whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes.
- 2) Risks to subjects are justified according to the anticipated benefits and to the importance of the knowledge expected. In evaluating risks and benefits that may result from the research, the IRB shall not consider 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 risk/benefits that fall within the purview of its responsibility.
- 3) Selection of subjects is equitable. In making this assessment, the IRB shall take into account the purpose of the research, the setting in which the research will be conducted, and the special problems of research involving vulnerable populations such as children, prisoners, pregnant women, mentally disabled persons, or economically or educationally disadvantaged individuals.
- 4) Informed consent will be sought from each prospective subject or his/her legally authorized representative, in accordance with, and to the extent required by 45 CFR 46.116.
- 5) Informed consent will be appropriately documented, in accordance with, and to the extent required by 45 CFR 46.117.
- 6) Where appropriate, the protocol makes adequate provision for monitoring the data collected to insure the safety of subjects.
- 7) Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

2. Documentation of informed consent

- a. In accordance with 45 CFR 46.117, the IRB shall require documentation of informed consent by use of a written consent form, or may waive this requirement for some or all of the subjects if the IRB determines that:

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- 1) the only record linking the subject and the research would be the consent documents and the major risk will be potential harm resulting from a breach of confidentiality. Each subject will be asked whether or not he/she wants documentation linking the subject with the research, and the subject's wishes will prevail; or
 - 2) the research presents minimal risk of harm to the subjects, and involves no procedures for which a written consent form is normally required outside the research context.
- b. When the documentation requirement is waived, the IRB may require the principal investigator to provide the subjects with a written statement describing the research.
3. Waiver or alteration of informed consent
- a. The 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 45 CFR 46.116 (b), (c) & (d), or waive the requirement to obtain informed consent provided the IRB finds and documents that:
 - 1) the research involves minimal risk to the subjects;
 - 2) the waiver or alteration will not adversely affect the rights and welfare of the subjects;
 - 3) the research could not be carried out without the waiver or alteration; and
 - 4) whenever appropriate, the subjects will be provided with additional pertinent information during their participation.
4. Observation of the consent process and the research
- a. The IRB shall have the authority to observe or have a third party observe the informed consent process and all research activities in which humans participate as subjects.
5. IRB meeting
- a. All convened IRB meetings shall be conducted under and pursuant to *Robert's Rules of Order*.
 - b. Convened IRB meetings shall occur:
 - 1) at least three times per semester



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- 2) at the call of the chairperson, when he/she deems the meeting necessary; and
- 3) upon the request of the chairperson or upon receiving a joint written request of three or more members, within three weeks of such requests.

6. Frequency and continuing review

- a. The IRB shall review at least annually all approved research protocols and determine which projects require increased frequency of observation.
- b. The IRB shall conduct continuing review of its approved research activities at intervals appropriate to the degree of risk to the subjects, but not less than once per year.

7. Verification of change

- a. The IRB shall determine which projects need verification from sources other than the principal investigators to insure that no significant changes have occurred since the previous IRB review. When necessary, the IRB will appoint, with the consent of the Dean of Academic Affairs, a person to conduct said review.

8. Suspension or termination of research approval

- a. The IRB shall have the authority to suspend or terminate approval of a research activity that is not being conducted in accordance with IRB decisions, conditions, and requirements, or that has been associated with unexpected serious harm to the subjects.

9. Information, dissemination, and reporting requirements

- a. The IRB shall have the authority and be responsible for promptly reporting information to OHRP on issues such as:
 - 1) any serious or continuing noncompliance by principal investigators with IRB requirements; this information shall be reported promptly to the Chancellor who is responsible for reporting to the OHRP;
 - 2) injuries to human subjects; information received by the IRB concerning injuries to subjects shall be reported promptly to the Chancellor who is responsible for reporting to the OHRP;
 - 3) unanticipated problems; information received by the IRB concerning unanticipated problems involving risks to subjects or other project participants shall be reported promptly to the Chancellor who is responsible for reporting to the OHRP; or



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- 4) suspension or termination of IRB approval; suspension or termination of approval of research protocols shall include a statement of the reasons for the IRB's action. The IRB shall report its decision promptly to the principal investigator, the Chancellor, and the OHRP.

In conjunction with this requirement, the IRB must be prepared to receive and act on information received from a variety of sources such as human subjects, principal investigators, or other institutional staff.

10. IRB records

- a. The IRB shall prepare and maintain adequate documentation of its activities, including the following:
 - 1) copies of all research protocols submitted, scientific evaluators, if any, that accompany such protocols, approved sample consent documents, progress reports submitted by principal investigators, reports of injuries to subjects, signed copies of consent documents, and all other documents the IRB may consider relevant;
 - 2) minutes of IRB meetings including the names of attendees, actions taken, the vote on these actions (including the number of members voting for, against, and abstaining), the reasons for requiring changes in or disapproving research protocols, a written summary of the discussion of issues and their resolution, and dissenting reports and opinions. if a member in attendance has a conflict of interest regarding any research protocol, minutes shall show that this member did not participate in the review, except to provide information requested by the IRB;
 - 3) records containing review activities,
 - 4) copies of all correspondence between the IRB and the principal investigators;
 - 5) a list of IRB members as required by 45 CFR 46. 103(b)(3);
 - 6) written procedures for the IRB as required by 45 CFR 46. 103(b)(4); and
 - 7) statements of significant new findings provided to subjects, as required 45 CFR 46.116(b)(5).
- b. The IRB shall maintain all records pertaining to a specific research activity for at least three years after the last IRB approval period for the activity has elapsed.
- c. IRB records shall be accessible for inspection and copying by authorized DHHS representatives at reasonable times and in a reasonable manner, or shall be copied and



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forwarded to the DHHS when requested by authorized DHHS representatives.

E. IRB Procedures


1. Review procedure

- a. The IRB chairperson shall receive research protocols involving human subjects from the principal investigators and make copies available to all IRB members.
- b. The IRB chairperson shall determine whether or not the research protocol meets the criteria necessary for an expedited review process.
- c. The IRB chairperson shall refer all research protocols to either expedited review or full committee review.

2. Expedited review

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- a. The eligibility of some research protocols for review through the expedited procedure is in no way intended to negate or modify the policies of this institution expressed in this assurance or the other requirements of 45 CFR 46.
 - b. The IRB may use the expedited review to review minor changes in previously approved research protocols during the period for which approval is authorized.
 - c. The only other research for which the IRB may use an expedited review procedure is that which involves minimal risk to the subjects, and in which the only involvement of human subjects will be in one or more of the following categories:
 - 1) collection of hair and nail clippings, in a no disfiguring manner, as well as of deciduous and permanent teeth if patient care indicated a need for extraction;
 - 2) collection of excrement/feces and external secretions including sweat, uncannulated saliva, placenta removed at delivery, and amniotic fluid at the time of rupture of the membrane prior to or during labor;
 - 3) recording of data from subjects 18 years or older using noninvasive clinical procedures. These include the use of physical sensors applied either to the surface of the body or at a distance, and do not involve input of matter or significant amounts of energy into the subject or an invasion of his/her privacy. It also includes procedures such as weighing, testing sensory activity, electrocardiography, electroencephalography, thermography, detection of radioactivity, echography, and elctroretinography. It does not include exposure to electromagnetic radiation outside the visible range (for example, X-rays and microwaves);


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- 4) collection of blood samples by qualified personnel, in amounts not exceeding 450 milliliters in an eight week period and no more than two times per week, from subjects 18 years or older and who are in good health and not pregnant;
 - 5) collection of both supra and sub gingival dental plaque and calculus, provided the procedure is not more invasive than routine prophylactic scaling of the teeth and the process is performed in accordance with accepted prophylactic techniques;
 - 6) voice recordings made for research purposes such as investigations of speech defects;
 - 7) moderate exercise by healthy volunteers;
 - 8) the study of publicly available data, documents, records, pathological specimens, or diagnostic specimens;
 - 9) research on individual or group behavior or characteristics of individuals, such as studies of perception, cognition, game theory, or test development, where the principal investigator does not manipulate the subject's behavior and the research does not involve stress to the subjects;
 - 10) research on drugs or devices for which an investigational new drug or device exemption is not required; or
 - 11) any other category specifically added to this list by the DHHS and published in the Federal Register.
- d. Expedited review shall be conducted by the IRB chairperson or by one or more of the experienced IRB members designated by the chairperson to conduct the review.
 - e. The IRB member(s) conducting the expedited review may exercise all the authorities of the IRB, except that the reviewer(s) may not disapprove the research protocol. The reviewer(s) shall refer any protocol which the reviewer(s) would have disapproved to the full committee for review. The reviewer(s) may also refer other protocols to the full committee whenever he/she believes that full committee review is warranted.
 - f. When the expedited review procedure is used, the IRB chairperson or member(s) conducting the review shall inform all other IRB members of research protocols which have been approved using this procedure.
 - g. Any member may request that a protocol, which has been approved under the expedited procedure, be reviewed by the full IRB in accordance with non-expedited procedures.

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A vote of the members present at the convened meeting will be taken concerning the request and the majority shall prevail.

3. Full committee review

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- a. Research protocols scheduled for review shall be distributed to all IRB members prior to the meetings.
 - b. The IRB may request the advice and recommendation of external, experts or consultants who will provide their services voluntarily. When it is determined that such individuals will be required to advise the IRB in its review of a protocol, the document shall also be distributed to the experts or consultants prior to the meeting. The experts or consultants may be present at the convened IRB meeting when the protocols are reviewed, but may not vote on any IRB issues.
 - c. The IRB's initial and continuing review of research protocols shall be conducted at convened meetings and at timely intervals.
 - d. A majority of the IRB membership constitute a quorum and is required in order to convene a meeting for the review of research protocols.
 - e. An IRB member whose concerns are primary in non-scientific areas must be present at the convened meeting before the IRB can conduct its review of research protocols.
 - f. For a research protocol to be approved, it must receive the approval of a majority of those members present at the convened meeting.
 - g. No IRB member may participate in the initial or continuing review of a protocol in which he/she has a conflict of interest, except to provide information requested by the IRB.
 - h. In cases where research protocols were initially approved under expedited procedures and subsequently reviewed by non-expedited procedures, the decisions reached at the convened full IRB meeting shall supersede any decisions made through the expedited review.

4. IRB notification to principal investigators

- a. The IRB shall notify principal investigators its decisions, conditions, and requirements related to their research protocols.
- b. The IRB shall also provide the principal investigator the reasons for its decision to disapprove a research protocol, giving him/her adequate opportunity to respond.

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5. Appeal of IRB decisions and re-referral to the IRB

- a. Appeals of IRB decision shall be directed to the Chancellor who will notify the IRB of such request. In each case, the Chancellor may name an appeals officer or committee to review the appeal and submit recommendations. If necessary, the appeal will be re-referred to the IRB as the final decisional authority. Institutional officials may not approve research protocols disapproved by the IRB (45 CFR 46.112).

This assurance will be revised/updated by the IRB and submitted to the administrative Board for certification every three years. However, amendments to specific line items or sections may be issued upon certification by the Administrative Board whenever appropriate.

III. Institutional Endorsement

A. Authorized Institutional Official (primary contact):

Signature: _____

Date: March 10, 2005

Name: Jorge I. Vélez Arocho Ph.D.

Title: Chancellor of the University of Puerto Rico at Mayagüez

Signature: _____

Date: _____

Name: Mildred Chaparro, Ph.D.

Title: Professor and Dean of Academic Affairs

Address: P.O. Box 9020

Mayagüez, PR 00681-9020

Phone: (787)265-3807, (787) 265-3803

Fax: (787)831-2085

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B. IRB Chairperson:

Signature: Celia R. Colón-Rivera

Date : _____

Name: Celia R. Colón-Rivera R.N., Ph.D.

Title: Professor

Address: University of Puerto Rico at Mayagüez

Department of Nursing

P.O. Box 9015, Mayagüez, PR 00681

Phone: (787)832-4040 ext. 2098 or 3842

Fax: (787)832-3875

APPENDIX: IRB MEMBERSHIP AND QUALIFICATIONS

Name	Highest Degree	Institution	Field	Year	Current Position	Academic Status	Certifications and Licenses	Ext.	e-mail
Celia R. Colón Rivera	PhD	University of Wisconsin - Madison	Continuing and Vocational Education	1989	Professor	Tenured	Register Nurse; Adult and Aging Nurse Practitioner; Social Gerontology	2098	celiacr@ece.uprm.edu
Julio Briano	PhD	University of Pennsylvania	Chemical Engineering	1983	Professor	Tenured	N/A	2545	J_briano@rumac.uprm.edu
Mildred Chaparro	PhD	Texas A & M University	Food Science and Technology		Professor	Tenured		3808 3807	chaparro@uprm.edu
Jorge J. Ferrer	Ph.D	University of Comilla, Madrid, España	Moral Theology	1992	Assistant Professor	Tenured Track			jjferrer@uprm.edu
José Martínez	PhD.	University of Massachusetts, Amherst	Rural Sociology	2004	Assistant professor	Tenured Track		3793	jmartinez@uprm.edu
Miguel Seguí	MBA, JD		Business Administration	1994	Professor	Tenured		2034	msegui@uprm.edu
Nancy Rodríguez Sosa	BA	University of Puerto Rico	High Education, Spanish Major and English Minor	1951	Retired	N/A	High School Teacher	(787) 831-2302	mdar12@hotmail.com