November 11, 2004

UCLA COMMUNITY

Re: UCLA institutional message regarding the IRBs, ARC and the OPRS

Introduction

The University of California, Los Angeles (UCLA), faculty, research staff and administration share the collective responsibility for the ethical conduct of research. In keeping with UCLA’s commitment to excellence, this collaboration must exist in a culture of trust, complete openness, and honesty by upholding the highest ethical principles in the conduct of research. By upholding the highest standards, we build public support for the pursuit of greater knowledge in a safe research environment.

As Federally mandated, UCLA designates and impanels the Animal Research Committee (ARC) to ensure animal care and welfare in teaching and research, and the Institutional Review Boards (IRBs) to protect the rights and welfare of human research subjects. Both Boards provide crucial support for the overall University research mission. The Office for Protection of Research Subjects (OPRS) at UCLA was created to support investigators and to staff the ARC/IRBs.

UCLA Commitment

The UCLA commitment to the highest ethical and legal standards is expressed through our Federal-Wide Assurance (FWA)¹ and Animal Welfare Assurance (AWA)² with the Department of Health and Human Services (DHHS). To this end, our Federal Assurances require that the University provide infrastructure and administrative support systems to ensure the protection of research subjects, ethical treatment of animals used in research, and the upholding of our compliance responsibilities. UCLA recognizes that the ARC/IRBs can only carry out their regulatory, educational, and ethical functions to ensure adequate protections of subjects through oversight, including continuing review and monitoring of approved research, when there are sufficient resources, adequate membership of scientific

¹ [http://www.oprs.ucla.edu/human/hspcregmanual/FWA.htm](http://www.oprs.ucla.edu/human/hspcregmanual/FWA.htm)
² [http://www.oprs.ucla.edu/animal/02awa.pdf](http://www.oprs.ucla.edu/animal/02awa.pdf)
experts on the committees, and high level support staff to communicate effectively with the research community.

These investments in regulatory compliance notably reflect our commitments to the highest ethical standards in research, but also serve a practical purpose. UCLA received in FY 03/04 more than $750M in extramural funding. Approximately 70% of these extramural research funding is for animal or human research. Clearly, failure to adhere to the Federal Assurances and compliance regulations that can lead to suspension of research, or can result in delayed and/or reduced funding, would be much to the detriment of our institution.

Regulatory Compliance

Institutions, like UCLA, that have a FWA and AWA with the DHHS assure the federal government and by extension the public that research with human and animal subjects will be conducted in compliance with the federal regulations and will be carried out in an ethical fashion.

A successful human and animal research program recognizes that protection of research subjects is a responsibility both of the investigators and of the institution. The system of checks and balances outlined in federal regulations is a self-regulating process based on the honesty and integrity of the participants, namely, the institution, the researchers, the sponsors, and the ARC/IRBs. If this system goes awry, the public's trust in scientific research will be eroded and result in a greater demand for broader and stronger regulation and oversight.

The federal regulations require three levels of compliance: 1) investigator compliance; 2) ARC/IRB compliance and veterinary oversight, and; 3) institutional compliance.3, 4

1. Investigator Compliance:
Investigators must comply with all ARC/IRB requirements, institutional policy, Federal regulations, and State laws. The most common lapses in investigator compliance include:
   a. failure to submit protocols to the ARC/IRB in a timely fashion or ignoring this requirement,
   b. unreported changes in approved research;
   c. misuse or non-use of the informed consent document for human subjects research.

2. IRB/ARC Compliance:
The IRBs/ARC must ensure that all appropriate and required review procedures are followed. Non-compliance occurs whenever the ARC/IRB deviate from the duties imposed

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upon it by the federal regulations, State law, or the Institution's Assurances. Deviations may include:

a. inadequate review of human subjects research protocols by failing to ensure that the consent document and process provide sufficient information to allow prospective subjects to make an informed decision whether to participate in the research;
b. failing to ensure that the research design includes adequate monitoring of the data and any additional safeguards necessary;
c. failing to conduct continuing review of research at intervals appropriate to the degree of risk;
d. failing to maintain adequate records of ARC/IRB business or to adequately review research appropriate to the degree of risk, or as specified by federal requirements;
e. failing to conduct semiannual program and facility reviews.

3. Institutional Compliance:
The institution must ensure that the ARC/IRBs are properly constituted and function in accordance with the regulations and the Assurances, and that they receive appropriate institutional support and adequate staffing. In addition, the institution must ensure that the investigators meet their obligations to submit research protocols to the ARC/IRBs, when these are required to carry out their research.

Systemic failure to abide by the terms and conditions of an institution's AWA/FWA can result in withdrawal of approval of the Assurance and, effectively, can stop all research involving animals/human subjects on campus.

Role of the IRBs

IRBs were established as public awareness and concern about the treatment of human subjects in research increased. The IRBs are responsible for ensuring that all approved research complies with the letter and spirit of the human subject research regulations and local law, as well as the ethical principles in The Belmont Report.

- By Federal regulation UCLA cannot conduct human research without IRB review.
- The IRBs must comply with Federal regulations for the protection of human research subjects.
- IRB responsibilities fall into these main areas:
  o Initial review,
  o Continuing review and oversight of research,
  o Effective communication with investigators,
  o Review and approve, require modifications in (to secure approval) or withhold approval of proposed activities or proposed significant changes in ongoing activities,
Suspend or terminate research activities that are not conducted in accordance with their approval, applicable Federal regulations, State law, or the FWA.

- The IRBs are required to ensure:
  - risks to subjects are minimized
  - risks to subjects are reasonable in relation to anticipated benefits, if any, to the subjects and the importance of the knowledge that may reasonably be expected to result
  - selection of subjects is equitable
  - informed consent is understandable, sought, and freely given from each subject or the subject's legally authorized representative;
  - informed consent is appropriately documented, in accordance with, and to the extent required by the Federal regulations and California law.

- Federal regulations require that IRBs have sufficient scientific expertise to review submitted research. At least one member must have primary nonscientific interests, and one must be otherwise unaffiliated with the institution in which the IRB resides. A quorum, with at least one member whose interests are primarily nonscientific present, is needed for voting.

- Two agencies within HHS share primary responsibility for IRB oversight: the Office for Human Research Protection (OHRP) and the Food and Drug Administration (FDA). Both agencies audit the human research protection program, specifically the OPRS, and the FDA also audits investigators and sponsors.

Role of the ARC

The ARC must follow guidance established by PHS Policy on Humane Care and Use of Laboratory Animals, legislation, and USDA animal welfare regulations. ARCs were established as public awareness and concern about the treatment of animal subjects in research increased.

- The ARC is charged with the responsibility to oversee and evaluate the entire animal care and use program at UCLA. Components of the program include ARC functions and records, veterinary care, personnel qualifications and training, and occupational health and safety of personnel.

- The ARC’s functions include:
  - Review and approve, require modifications in (to secure approval) or withhold approval of proposed activities or proposed significant changes in ongoing activities related to the care and use of animals.
  - Inspect at least once every six months all of the institution’s animal facilities, including all satellite facilities, using the USDA Animal Welfare Act Regulations and the Guide for the Care and Use of Laboratory Animals (Guide) as the bases for evaluation.
io Review at least once every six months the institution's program for humane care and use of animals, using the USDA Animal Welfare Act Regulations and the Guide as the bases for evaluation.
- Prepare reports of the semiannual evaluations
- Authority to suspend an activity involving animals if the activity is not being conducted in accordance with applicable federal requirements and the institution's Assurance.
- Conduct continuing review of each previously approved, ongoing activity at appropriate intervals as determined by the ARC, but not less than annually (USDA), with a complete de novo review no less than every three years (PHS Policy).

- Federal regulations require that the ARC have sufficient experience and expertise to oversee the institution's animal program, facilities, and procedures. The size of the institution and the nature and extent of the research, testing, and educational programs will determine the number of ARC members. At a minimum, ARC membership must include at least one practicing scientist experienced in animal research; at least one laboratory animal veterinarian with direct or delegated program authority and responsibility for activities involving animals at the institution; at least one member with primary concerns in a nonscientific area; and at least an individual who is otherwise unaffiliated with the institution in which the ARC resides. A quorum of the ARC is required for voting.
- Two federal agencies are responsible for ARC oversight: the US Department of Agriculture (USDA) and the NIH Office of Laboratory Animal Welfare (OLAW).

Role of the Institutional Official

The Institutional Official (IO) has the legal authority to act and speak for the institution, and ensures that UCLA will effectively fulfill its research oversight function and responsibility. By delegation from the Chancellor, the Vice Chancellor for Research serves as the IO for both the animal research programs and the human subject research programs.

The local system of review, embodied by the UCLA ARC/IRBs, is only effective when the IO sets the highest ethical standards for the research community and insists on an institutional culture that demonstrates support for the charge of the ARC/IRB. The IO is accountable for:

a. All research involving animal or human subjects performed under the auspices of UCLA,
b. Creating a campus culture that promotes and upholds the highest ethical and scientific principles in the review and conduct of animal and human research,
c. Committing the institution to compliance with HHS regulations and local law for the protection of animal and human subjects,
d. Designating one or more ARC and IRB to fulfill the requirements of the Federal regulations,
c. Ensuring that the ARC/IRBs are properly constituted and function in accordance with the regulations,

d. Ensuring the ARC/IRBs receive appropriate institutional support and adequate staffing to support the IRB/ARC review and record keeping duties,

e. Ensuring that the investigators meet their obligations to the ARC/IRBs,

f. Ensuring that the ARC/IRBs have the authority to approve, require modifications, or disapprove all UCLa animal and human research activities, including proposed changes in ongoing, previously approved, animal and human subjects research,

i. Ensuring that the investigators meet their obligations to the ARC/IRBs,

h. Ensuring that the ARC/IRBs have the authority to approve, require modifications, or disapprove all UCLa animal and human research activities, including proposed changes in ongoing, previously approved, animal and human subjects research,

i. Ensuring that the investigators meet their obligations to the ARC/IRBs,

j. Making sure that there is sufficient communication, training and education of the research community, the ARC/IRBs and the OPRS staff.

Role of the Human Research Policy Board

The Human Research Policy Board (HRPB) is an administrative board advisory to and appointed by the Executive Vice Chancellor. The HRPB is a standing committee of senior administrators, IRB chairs, senior faculty from the biomedical, social, and behavioral sciences, and an Academic Senate observer. The Board addresses institutional human research related policy issues but does not assess research proposals or serve as an additional IRB. The HRPB is also not authorized to accept or consider appeals of IRB decisions.

Role of the Vivarium Research Resources Advisory Committee

The Vivarium Research Resources Advisory Committee (VRRAC) is a standing committee consisting of senior administrators and senior faculty who are involved in research with animals. VRRAC acts in an advisory capacity and enables timely improvements recommended by ARC and/or the Campus Veterinarian. This group assures rapid communication related to animal welfare.

Role of the OPRS

The OPRS serves an important and valuable function as the administrative arm for the ARC/IRBs. The UCLA leadership and the ARC/IRBs work in partnership with the OPRS to maintain the federal assurances governing human and animal subjects research conducted by UCLA investigators and students.

The OPRS is responsible for the creation of a smoothly working and cost-efficient system that facilitates the review of research and communication between the research community.

545 CFR 46.103(b)(2)

6 Human Research Policy Board, Policy Statements:
http://www.oprs.ucla.edu/oprs/OtherDoc/Pticy%20Statements%20Amended%20April%202003.pdf
and the ARC/IRBs. In addition, the OPRS handles special problems and participates in audits under the direction of the ARC/IRBs.

The OPRS is a critical UCLA asset and serves an important risk management function. OPRS' responsibility is to successfully assist the ARC/IRBs in preserving compliance, while collaborating and providing service to the research community. OPRS must, in addition, provide effective support to the research enterprise by ensuring timely handling of all research protocols. UCLA leadership expects the OPRS to both rigorously maintain compliance standards while providing solid informed counsel and judgment to support the university's research mission. The OPRS staff provides the ARC/IRB with an in-depth understanding of federal research regulations and the ability to direct and manage all aspects of the ARC/IRB process. OPRS communicates and supports ARC/IRB decisions but does not make such research decisions.

The ARC/IRBs depend on OPRS for information on issues ranging from policy creation to the management of routine committee functions. The ability of OPRS to work as an administrative team informs the efficiency and effectiveness of the ARC/IRB process at UCLA.

These responsibilities include:

- Liaison between the ARC/IRBs and the research community,
- Collaboration with the ARC/IRBs and policy boards in drafting and implementing institutional policy,
- Providing expertise and guidance to the university,
- Advising departments on policy related to research activities,
- Advising risk management, legal counsel, and compliance officials regarding institutional policy and federal guidelines,
- Advising investigators on issues related to the ethical and legal conduct of research,
- Documenting ARC/IRB decisions to demonstrate effective program accountability and successful audit and accreditation with Federal and other agencies,
- Develop education programs in support of the ARC/IRB activities and compliance with applicable Assurances,
- Provide quality improvement in program accountability.
- Strategically deploying technology to optimize workflow and meet University needs.

Sincerely,

Roberto Peccei
Vice Chancellor for Research