Approved by IRB 10/2/09

Cornell University
Office of Research Integrity and Assurance
Human Research Participant Protection Program

SOP 14: INTERNATIONAL HUMAN RESEARCH

1. Subject of Policy & Procedure

International human research refers to research conducted outside the United States using participants from the local community. Such research involving Cornell investigators remains subject to the review and approval authority of the Cornell Ithaca IRB and the obligations undertaken by Cornell in its Federal Wide Assurance on file with the OHRP.

Both the U.S. and host country standards for protecting human participants must be respected during the IRB's review and approval process and the conduct of the research. Where the two sets of standards present a conflict, the research must meet the higher standard. Thus, in addition to the meeting the ethical standards for human participant protection of the local community, the Cornell Ithaca IRB will maintain the ethical standards and meaningful consent process that apply to human research conducted in the United States, including additional protections applicable to vulnerable participant populations (*e.g.*, children, pregnant women). All of the SOPs of Cornell's Human Research Protection Program apply to international research just as they do to U.S.-based research.

Furthermore, in keeping with its role to ensure respect for the dignity and welfare of human participants, the Cornell Ithaca IRB may require the Protocol PI to provide some form of local approval from each international site where the research will be conducted, just as U.S.-based research conducted outside of Cornell may require permission from the research site. Should the IRB require such approval, the Protocol PI must provide documentation of approval either from a local review body equivalent to the IRB or, if no such body exists, from a local community leader or expert who can attest to the host country standards for human participant protection and the protocol's conformity to those standards. *See below,* Section 8: Local Review and Approval.

The Cornell Ithaca IRB also will ensure that the informed consent process is meaningful in terms of the local cultural standards and comports with international standards of ethical research. Special attention will be given to local customs and to local cultural and religious norms in reviewing written consent documents or proposed alternative consent formats. The Protocol PI, therefore, will need to provide pertinent information in the protocol application. *See below,* Section 9: Informed Consent/Assent.

Given the additional documentation and review requirements for international research, investigators are strongly encouraged to plan ahead to allow greater time for putting together the protocol application and obtaining IRB approval.

2. Scope of Policy & Procedure

This Policy & Procedure applies to all on-going and future human participant research projects conducted by Cornell faculty, staff, or students or by anyone conducting a research activity supported by Cornell or on property maintained by Cornell.

3. Terms and Definitions

All parties to whom this policy applies (*e.g.*, faculty, students, staff, IRB members) should consult the IRB Glossary at http://www.irb.cornell.edu/glossary/.

4. See Also

Affected researchers and employees should also consult:

1. Cornell University Federal Wide Assurance Registration: http://www.irb.cornell.edu/regulations/fwa.htm

2. Cornell IRB SOP 10: Informed Consent Options, Processes, and Documentation, Sections 9, 10, & 11 (addressing, respectively, Documentation of Informed Consent, Oral Informed Consent, and Obtaining Informed Consent from Non-English-Speaking Participants): http://www.irb.cornell.edu/policy

3. Cornell International Gateway's Travel Resources Page, at http://www.international.cornell.edu/topic/travel, providing information about legal, procedural, and practical matters related to international student travel

4. OHRP: International Issues, at http://www.hhs.gov/ohrp/international, listing the laws, regulations, and guidelines that govern human participant research in many countries around the world

5. Regulations Applicable to International Human Research

5.1. 45 CFR 46.101(h): To What does this Policy Apply, stating "When research covered by this policy takes place in foreign countries, procedures normally followed in the foreign countries to protect human subjects may differ from those set forth in this policy….In these circumstances, if a [federal] department or agency head determines that the procedures prescribed by the [foreign] institution afford protections that are at least equivalent to those provided in this policy, the department or agency head may approve the substitution of the foreign procedures in lieu of the procedural requirements provided in this policy."

5.2. 45 CFR 46.401(a)(2), Subpart D (Additional Protections for Children Involved as Subjects in Research): To What do these Regulations Apply, stating that the additional protections for children apply even to "research conducted or supported by the Department of Health and Human Services outside the United States," unless the HHS Secretary waives some or all of the requirements.

5.3. Protocol PIs should consult the OHRP website, International Issues, at http://www.hhs.gov/ohrp/international, to see a listing of the laws, regulations, and guidelines that govern human participant research in many countries around the world and to verify which countries have review bodies and additional human protection requirements.

5.4. U.S. export controls and sanctions laws apply to international research activities. Export Controls are those federal laws and regulations that govern the transfer or disclosure of goods, technology, software, services, and funds originating from the United States to persons or entities in foreign countries OR to foreign nationals anywhere. For further information, please consult ORIA's export controls website, http://www.oria.cornell.edu/export/, or contact ORIA directly.

6. Roles and Responsibilities of the Protocol PI

6.1. Researchers planning to conduct human research outside the United States should plan ahead to allow adequate time to comply with the additional requirements of this policy. The approval requirements can be time consuming, such as translating consent forms, obtaining approval from the international research site, obtaining review and approval by a local ethics review board equivalent to an IRB, and, if appropriate, obtaining approval from institutional officials at Cornell.

6.2. A Protocol PI seeking to conduct research outside the United States which is sponsored by a federal agency should consult that agency to learn of any special requirements that may apply.

6.3. The Protocol PI should investigate and learn about cultural and political differences that may bear on the conduct and purpose of the proposed research and communicate these findings to the IRB in the protocol.

6.4. The Protocol PI should submit with the protocol application verification that all key personnel (including all those recruited from the research site) who are participating in the international research study have received human research training *before* the study is initiated. The training options are: Cornell's online training (http://www.irb.cornell.edu/training/menu_soc.html) or (2) a local training program. If locally recruited personnel are not proficient in English, the assistance of a translator may be required. If the locally recruited personnel elect to use a local training program, documentation from the provider of that training program must be provided to the IRB as part of their review. This training is in addition to any specific protocol instructions that the IRB may require the Protocol PI to provide to any key personnel recruited from the research site.

7. Key Ethical Considerations for the Protocol PI and the IRB

7.1. Respect: As set forth in the Belmont report, research with human participants must be conducted with an awareness of the dignity and freedom of every person. In research sites outside the United States, showing respect for dignity and freedom may require different actions, protections, and attitudes. For example, in certain societies, approval from a family head or

local leader may be warranted. Individual customs and mores relevant to recruitment and informed consent must be investigated and observed before contact with potential participants is initiated. In addition to the consent process that is standard for the host country, the U.S. standards for informed consent must also be followed by the research team. Written informed consent may be required or the IRB may waive the requirement for informed consent or the documentation of informed consent.

7.2. Beneficence: As set forth in the Belmont Report, the Protocol PI is obligated to maximize benefits and minimize harms to human research participants. This principle requires that the risks of research are reasonable in light of the expected benefits, the study design is sound, and the investigators are competent to conduct the study and protect the participants' welfare in keeping with local culture and mores. Requesting that the IRB waive the documentation of informed consent may be appropriate to minimize the harm to human research participants.

7.3. Protecting Vulnerable Communities: Human participants in countries less developed than the United States may be vulnerable to coercion and undue influence due to a lack of locally available services or insufficient education and knowledge of U.S. human research requirements such as informed consent. Their local institutions may not have established formal human participant protection programs. In these cases, the Protocol PI and the IRB should consider additional safeguards against coercion and exploitation.

7.4. Payment to Participants: In any human research project, every effort should be made to minimize opportunities for coercion and to ensure that participation is truly voluntary. If a person is to be paid in cash or goods at a value that far surpasses what would be commonly available in the local community, such payment could be coercive. The IRB should carefully review the appropriateness of any incentives or reimbursements to be paid to international participants.

8. IRB Criteria for Local Review and Approval

8.1. The IRB may require the Protocol PI to provide in the protocol application a letter of cooperation from each international site where the research will be conducted. Examples include NGOs, universities, schools, or other institutions. In some instances (such as anthropological research in smaller tribal communities) Protocol PIs should plan to establish local contact. Investigators should provide the IRB with an explanation of how they will be invited into the community.

8.2. As appropriate to the research design and local environment, the Protocol PI may also be required to provide some form of documentation of review and approval by a local review body equivalent to the IRB. The Protocol PI should state in the protocol application the qualifications of the local review body (*e.g.*, source and scope of authority, location, membership).

If no local review body is available, the IRB may elect to require the Protocol PI to provide some documentation from an independent local community expert or leader (*e.g.*, NGO director, university professor) indicating that the research protocol is in keeping with local social standards and expectations. This leader or expert should be familiar with the culture, mores,

and attitudes of the community from which participants will be drawn and must not be associated with the conduct of the research. This leader or expert may not receive compensation of any kind from the Protocol PI. To be clear, a local community leader or expert cannot provide approval if the country has promulgated standards and a local review body.

9. IRB Criteria for Informed Consent/Assent

9.1. Written informed consent is required from each international human research participant, unless a waiver of the requirement is approved by the Cornell IRB. The Protocol PI should consult, if possible, with a local culture expert to determine an appropriate informed consent process.

If the Protocol PI, or local expert or leader, has indicated that written informed consent is not standard or appropriate in the host country, the study may go forward only if: (1) the protocol meets the Cornell IRB's requirements for waiver of informed consent or a waiver of the documentation of informed consent, (2) all elements of 45 CFR 46 have been met, in the estimation of the Cornell IRB, and (3) the Cornell IRB elects to waive informed consent or the documentation of informed consent.

To support a request for an oral consent process, the Protocol PI must: (1) explain in the protocol application the circumstances warranting a waiver of written informed consent (*e.g.*, the local community uses no written language or considers the signing of documents problematic), (2) propose an alternative consent format that is in keeping with 45 CFR 46, and (3) and submit with the protocol application a written statement of what information will be orally disclosed to the participants. *See* SOP 9, Informed Consent Options, Processes, and Documentation Sections 9-11.

If a waiver of informed consent is being requested, the debriefing of the research participants must be described in the research protocol that is submitted to the IRB.

9.2. Written or oral informed consent information must be presented in a language and at an educational and cultural level that will be understood by study participants.

9.3. Protocol PIs should consult SOP 9 for informed consent/assent/short form translation requirements.