Columbia University IRB
Guidance for Protocol Deviations and Violations
October 14, 2016

All requests for deviations from, and reports of violations of, IRB policies or IRB determinations, including departures from the requirement for adherence to the approved protocol, must be reported to the IRB.

Procedures will vary based on whether a Columbia IRB is the Reviewing IRB, i.e., the IRB that has reviewed and approved the study. A non-Columbia IRB will be the Reviewing IRB when Columbia has agreed to rely on a non-Columbia IRB for review and approval of the protocol through a reliance agreement.

Definitions

- Protocol **deviation:** a divergence from the approved protocol, IRB determinations or IRB policies for one subject or to address a temporary situation that is identified by the research team and approved by the IRB before implementation.
- Protocol **violation:** a divergence from the approved protocol, IRB determinations or IRB policies that was implemented without prospective approval by the IRB and was not implemented to avoid or minimize imminent harm[1].

Deviations

When a Columbia IRB is the Reviewing IRB:

Requests for Protocol Deviations should be submitted via the Modification module in Rascal as soon as the study team becomes aware of the need for the deviation. For sponsored projects, approval from the sponsor should be provided with the Modification. For time-sensitive Deviation requests, the investigator should follow his or her submission to the IRB with an e-mail outside of Rascal to the Manager of the IRB that approved the study.

If a Modification to request a Protocol Deviation cannot be submitted because there is already a Modification or Renewal under review by the IRB, the investigator should consult the Manager of the applicable Columbia IRB for guidance.

When a non-Columbia IRB is the Reviewing IRB:

Requests for Protocol Deviations should be submitted to the Reviewing IRB in accordance with procedures established by the Reviewing IRB. Documentation of the request and the decision of the Reviewing IRB should be submitted in Rascal when available.

Note that multiple, similar Protocol Deviation requests suggest that the protocol may need to be revised to accommodate such situations, particularly if additional deviations may compromise the safety of participants or the scientific integrity of the data.

[1] At any time during the conduct of a study, if it is discovered that there is the potential for imminent harm to subjects, the investigator should implement any change(s) necessary to reduce or remove such harm and subsequently submit a report of the situation via the Modification module so that such change(s) are documented and acknowledged by the IRB.

Violations

When a Columbia IRB is the Reviewing IRB:

Each violation must be assessed by the study team to determine if it is an Unanticipated Problem Involving Risks to Subjects or Others (UP) and, if it is not, whether it is a major or minor violation. The Principal Investigator (PI) is responsible for making the initial assessment, in order to determine the manner and timing of submission to the IRB. The IRB will independently make these determinations during the review process, taking the PI's assessment into account.

If a Protocol Violation is unexpected, at least possibly related to the research, and involves risks to subjects or others, it is considered an UP and must be reported to the IRB within one week (5 business days) using the UP functionality in Rascal. If the UP results in a modification to the protocol, consent form or other study related documents, those changes should be submitted as a Modification. Details are provided in the Columbia IRB Policy, Reporting to the IRB of Unanticipated Problems Involving Risks: https://research.columbia.edu/sites/default/files/content/HRPO/Unanticipated%20Problems%20Policy.FINAL%20VERSION.012408.pdf. Note that not all UPs are violations.

Protocol Violations that are not UPs are categorized as Minor or Major Violations.

Major Violations

Major Violations are those that violate the rights or welfare of subjects, negatively affect the integrity of the study or result in the need for a change to the protocol or consent document(s). In most cases, they will be reported to the IRB as a Modification. However, when reporting of the major violation coincides with submission of a Renewal, the violation may be reported within the Renewal application.

Modification submissions to report Major Violations should include the PI's assessment that the event does not meet the UP criteria.

Major violations must be reported to the IRB promptly, generally within one week (5 business days) of occurrence or, if it is not known to the PI at that time, of discovery by the PI, to provide an opportunity for the IRB to assess, within a reasonable timeframe relative to protection of subjects, whether the study should continue, and whether changes to study procedures are required.

Minor Violations

Minor violations are violations that are not UPs and do not meet the criteria to be considered major violations. These should be reported to the IRB at the time of continuing review, in a list or log that includes all UPs, deviations, and violations. The log should reflect when individual submissions of each UP, deviation, or major violation were made.

When a non-Columbia IRB is the Reviewing IRB:

Reporting of violations to a non-Columbia Reviewing IRB should be in accordance with the requirements of the Reviewing IRB.

At the time of submission of a Renewal application in Rascal, which facilitates tracking of all local requirements and uploading of recent approval documents from the Reviewing IRB, an accounting of all violations that were reported to the Reviewing IRB should be provided, with documentation of the outcome of the Reviewing IRB's determinations.

Information to provide, when a Columbia IRB is the Reviewing IRB, for Deviations and Violations

The description of the circumstances surrounding the deviation or violation should be clearly stated in the summary section of the Modification Information form, or in the Violation and/or Modification sections of the Renewal Form, as applicable.

The following information should be included for all deviation requests and violation reports:

a. a complete description of the deviation/violation;
b. an explanation of why the deviation is necessary, or why the violation occurred;
c. whether the deviation affects, or the violation affected, the risk/benefit ratio for subjects, integrity of the research data, and/or subjects' willingness to continue study participation;
d. a plan to inform the subject if the deviation may change the subject's willingness to participate in the research study.

For protocol violations, a description of the measures that will be taken to correct or mitigate the situation and measures that will be taken to prevent a recurrence of the same or similar violations must also be submitted.

For protocol deviations, the following information should also be included, or addressed:

a. when applicable, the sponsor's concurrence, e.g., that an individual who does not meet eligibility criteria may be enrolled, should be provided with the submission.
b. if the Deviation involves an Investigational Device under an Investigational Device Exemption, FDA approval is required prior to submission for Columbia IRB approval;
c. if the Deviation involves an Investigational New Drug, documentation that the FDA has been notified should be submitted to the IRB at the time of renewal.

Supporting documentation may be attached electronically, and should be provided whenever available or pertinent.

Frequently asked questions

What if the violation constitutes noncompliance?

Noncompliance is defined in the Noncompliance Policy as any failure to comply with (a) federal, state or local laws or regulations or institutional policies governing the protection of human subjects in research or (b) the requirements or determinations of the IRB. If a violation constitutes Noncompliance, the IRB Noncompliance in Human Subjects Research Policy will be followed. The Noncompliance Policy can be found online at: https://research.columbia.edu/system/files/HRPO/NoncompliancePolicy030116FINAL_000.pdf. A violation for which the cause was beyond the control of the research team is not generally considered to be noncompliance.

How should medication variances be reported?
Any departure from the protocol requirements for medication administration, whether they are errors or justifiable variances, must be submitted to the IRB. The manner in which they are reported will depend on whether the variance has already occurred (e.g., violation or UP) or is anticipated (i.e., deviation) and, in the case of violations, whether it constitutes an UP or a major or minor violation. The applicable procedures described above should be followed.

Are scheduling delays violations?
Scheduling delays due to state or federal holidays, inclement weather, or circumstances that are beyond the control of the research team and/or the subject, and do not meet either the UP or major violation criteria, are considered minor violations and are not generally considered to be noncompliance. A summary of such situations should be submitted at the time of renewal.

How should sub-site deviation requests to a Columbia Sponsor-Investigator (SI) be handled?
When the Columbia PI is a SI, and a sub-site has requested a Protocol Deviation, this request must be submitted by the SI to the Columbia IRB for review and approval. Once approval is obtained, the PI at the sub-site must follow his or her institutional policies with respect to submission to his or her institutional IRB.

This guidance document replaces the IRB Guidance for Protocol Violations and Deviations dated October 29, 2013.