Signatures and Dates:

Author:	Signature on file	Human Subjects Protection Branch	Date
QA Review:		Human Subjects Protection Branch	Date
Approving Authority:		Human Subjects Protection Branch	Date

Review/Approval for unchanged documents

	Author/Date	QA Review/Date	Approving Authority/Date
1			
2			

1. **Purpose and Applicability**

   This Standard Operating Procedure (SOP) documents the procedures used by the Walter Reed Army Institute of Research (WRAIR) Institutional Review Board (IRB) whereby investigators can file an appeal. This process is available to all Investigators and Sponsors/ Contract Research Organizations (CROs) by request.

2. **Responsibilities**

   Those taking responsibility for the actions in this SOP are the WRAIR IRB Chair, the WRAIR IRB Members, the WRAIR IRB Administrative Director, Human Subjects Protection Branch (HSPB) Staff, and the WRAIR Commander (Institutional Official; IO). These persons are responsible for understanding the process outlined in this SOP.

3. **Materials and Equipment**

   Not Applicable.

4. **Investigator Guidance**

   a. Upon receipt of documentation describing the WRAIR IRB's decision/opinion, including, but not limited to, disapprovals or requested modifications to a research activity, denial of a publication request or disqualification of the credentials of an investigator, a thirty (30) calendar day window is initiated, in which an investigator may appeal the WRAIR IRB's decision. This window allows the investigator to discuss the WRAIR IRB's decision with the research team and/or Sponsor(s) and to prepare a rebuttal, if desired. Appeals after thirty (30) days will only receive consideration in rare circumstances and are at the discretion of the Commander, WRAIR, or IRB Chair.

   b. Investigators are encouraged to have an informal discussion with the WRAIR IRB Chair and WRAIR IRB Administrative Director to provide additional information regarding the context of the IRB's decision.

   c. Investigators who wish to submit an appeal should do so by submitting a written report to the WRAIR HSPB within thirty (30) calendar days from receipt of the WRAIR IRB's request/determination and provide adequate reasons or data for asking the IRB to reconsider its decision(s). Reports can be submitted in person or by email. If submitted by email, receipt of the report will be acknowledged by a HSPB staff member.

d. An Investigator or Sponsor may appeal a determination two times. Additional appeals are granted on a case-by-case basis, and only with compelling justification as determined by the WRAIR Commander, WRAIR IRB Chair or the WRAIR IRB Administrative Director.

e. If the study required headquarters-level administrative review (HLAR) by the U.S. Army Medical Research and Development Command (USAMRDC) Office of Research Protections (ORP) Human Research Protections Office (HRPO), the Investigator or Sponsor may ask for a ruling by the USAMRDC ORP HRPO as part of the appeal. The Investigator or Sponsor request for a ruling by the USAMRDC ORP HRPO should be submitted as part of the appeal to the WRAIR IRB and/or the WRAIR Commander.

5. **Procedures**

a. When the Investigator or Sponsor notifies the HSPB or an IRB member of the intent to appeal, the notification is forwarded to the HSPB Human Subjects Protection Scientist (HSPS) to assist the Investigator or Sponsor with the process and timelines documented in this SOP.

b. Upon receipt of a written appeal or rebuttal, the HSPB staff member notifies the WRAIR IRB Administrative Director and the WRAIR IRB Chair. The HSPS member logs the appeal in the database for the study.

c. The HSPS member adds the appeal or rebuttal and supporting documentation to the next IRB meeting agenda, and a time is arranged for the Investigator to present his/her rebuttal to the IRB, if appropriate.

d. At a fully convened IRB meeting, the IRB Members vote to accept or reject the appeal. They may also ask for additional information before making a final determination (Refer to WRAIR SOP UWS-HP-610, IRB Meetings and Voting Requirements,). Requests for additional information are documented in the WRAIR IRB meeting minutes and communicated to the Investigator by the HSPB (Refer to WRAIR SOP UWS-HP-628, Review of Human Subjects Research by the Fully Convened WRAIR IRB).

e. When the Investigator or Sponsor requests USAMRDC ORP HRPO review (for studies that required HLAR by the USAMRDC ORP HRPO), the HSPS member forwards the appeal or rebuttal and supporting documentation for HLAR review. The USAMRDC ORP HRPO forwards its review, which endorses or denies the appeal, with written justification to the WRAIR IRB for their consideration. The

opinion of the USAMRDC ORP HRPO Point of Contact is forwarded to the fully convened WRAIR IRB for consideration.

f. If a study is minimal risk and has not been reviewed in any capacity by the USAMRDC ORP HRPO, the WRAIR IRB's decision is final. The determination as to whether to send the appeal forward to the USAMRDC ORP HRPO is determined by the fully convened WRAIR IRB and/or the WRAIR Commander. If so determined, then all documentation of the appeal and determination(s) by the IRB is forwarded to the USAMRDC ORP HRPO to ensure transparency. The USAMRDC ORP HRPO forwards its review, which endorses or denies the appeal, with written justification to the WRAIR IRB for their re-consideration. The opinion of the USAMRDC ORP HRPO is forwarded to the fully convened WRAIR IRB for consideration.

g. The WRAIR Commander receives the IRB's determination and is the final authority in ensuring any required actions have been taken. The Commander's assessment is submitted to the HSPB and the Investigator in writing. The decision of the IRB to approve a study or research activity may be overruled by the WRAIR Commander (meaning he/she may disapprove a study that has been approved by the IRB); however, neither the WRAIR Commander nor the Sponsor have the authority to overrule the IRB rejection of a study or activity, or suspension of investigator credentials.

h. If the investigator proceeds with the research in direct violation of the IRB's or Commander's determination, this action is considered serious non-compliance (Refer to WRAIR SOP UWS-HP-606, Non-Compliance Procedures).

i. The WRAIR HSPB HSPS ensures that all documentation and communication pertaining to the appeal are archived in the WRAIR IRB meeting and study files.

j. Results of the appeal will be provided to the PI and his/her Branch Director and Center Director, in writing, by the HSPS, the WRAIR Administrative Director, or the WRAIR IRB Chair.

6. Explanation of Abbreviations, Acronyms, and Definition of Terms

Contract Research Organization (CRO)	A person or organization (commercial academic, or other) contracted by the sponsor to perform one or more of the sponsor's trial-related duties and functions
HLAR	Headquarters-Level Administrative Review conducted by USAMRDC ORP HRPO

Human Subjects Protection Branch (HSPB)	Human Subjects Protection Branch, WRAIR, is the administrative branch of the WRAIR IRB.
Human Subjects Protection Scientist (HSPS)	The HSPB Point of Contact for a protocol
Human Subjects Research	Activities that include both a systematic investigation designed to develop or contribute to generalizable knowledge AND involve a living individual about whom an investigator conducting research obtains data through intervention or interaction with the individual, identifiable private information, or identifiable biospecimens.
Institutional Official (IO)	Individual ultimately responsible for implementation of the U.S. Department of Health and Human Services (DHHS) Federal Wide Assurance and DOD Assurance of Compliance for the Protection of Human Research Subjects and the associated Human Research Protection Program (HRPP) at an institution engaged in research involving human subjects. Within the USAMRDC, the Commander of the institution/organization engaged in research is the IO.
Institutional Review Board (IRB)	A committee that has been formally designated to review, approve, and monitor biomedical and behavioral research involving humans with the aim to protect the rights and welfare of the research subjects. Selection for the board is in accordance with Federal guidelines outlined in 21 CFR 56.107, 32 CFR 219, and 45 CFR 46.
Research	A systematic investigation, including research development, and testing and evaluation, designed to develop or contribute to generalizable knowledge.
Serious Non-Compliance	Serious non-compliance includes intentional departure from established human subject protection or other IRB policies, or rulings of the IRB specific to a research activity; unintentional departure from established human subject protection or other IRB policies, or rulings of the IRB specific to a research

	activity where the departure seriously jeopardized the rights and/or welfare of the subjects; human subject research conducted without IRB review and approval; human subject research conducted without legally effective informed consent; or substantive modifications to IRB-approved research without IRB approval.
SOP	Standard Operating Procedure
Sponsor	An individual, company, institution, or organization that takes responsibility for the initiation, management, and/or financing of a clinical trial.
USAMRDC ORP HRPO	United States Army Medical Research and Development Command, Office of Research Protections, Human Research Protections Office serves as the Command Headquarters for the WRAIR.
WRAIR	Walter Reed Army Institute of Research

7. **References**

Reference Number or Authors	Document Title
AR-70-25	Use of Volunteers as Subjects of Research, 25 January 1990
WRAIR IRB Charter	Walter Reed Army Institute of Research (WRAIR) Institutional Review Board (IRB) Charter, 20 December 2012
ICH-GCP-E6	Guideline for Good Clinical Practice.
OHRP Guidance	Institutional Review Board (IRB) Written Procedures: Guidance for Institutions and IRBs, May 2018, https://www.hhs.gov/ohrp/regulations-and-policy/guidance/institutional-issues/institutional-review-board-written-procedures/index.html

Titles 21, 32, and 45	Codes of Federal Regulations
Amdur, R. J. and Bankert, E. A.	Institutional Review Board Management and Function (2nd Edition). (2006). Boston: Jones and Bartlett Publishers.
WRAIR SOP UWS-HP-606	Non-Compliance Procedures
WRAIR SOP UWS-HP-610	Institutional Review Board Voting Requirements
WRAIR SOP UWS-HP-616	Walter Reed Army Institute of Research (WRAIR) Institutional Review Board (IRB) Meetings
WRAIR SOP UWS-HP-625	Walter Reed Army Institute of Research (WRAIR) Institutional Review Board (IRB) Meeting Minutes
USAMRDC, ORP, IRBO	Headquarters, United States Army Medical Research and Materiel Command (HQ USAMRMC), Office of Research Protections, Institutional Review Board Office HQ USAMRMC Institutional Review Board Policies and Procedures, Reflecting 2018 Common Rule Requirements, https://mrdc.amedd.army.mil/assets/docs/orp/irbo/IRB_Policies_Procedures_2018_Common_Rule.pdf

8. **Appendices and Attachments**

Appendix or Attachment Number	Title
	None

9. Document Revision History

Version Number	Brief Description of Changes	Effective Date
.00	Original SOP	18 May 2007
.01	Biennial review, to include organization name updates and updates for consistencies with current policies and procedures.	12 August 2009
.02	Biennial review, to include minor corrections and clarifications.	28 September 2011
.03	Review and revisions to include updated guidance, policies and regulations, and minor corrections and clarifications.	