

SOP Title	Informed Consent Requirements and Documentation
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Approvals

Name and Title of Signatories	Signature	Date mm/dd/yyyy
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1. PURPOSE

This Standard Operating Policy and procedure (SOP) describes the requirements for obtaining and documenting initial and ongoing informed consent.

2. GENERAL POLICY STATEMENT

Free, continuous, and informed consent lies at the heart of ethical research involving human research participants. The Non-Medical Research Ethics Board (NMREB) must review all consent documents and procedures, including recruitment methods. Investigators must obtain informed consent from the potential research participant or from his/her substitute decision maker prior to conducting any study-related procedures, unless a waiver of informed consent has been granted by the NMREB.

3. RESPONSIBILITY

This SOP applies to all Non-Medical Research Ethics Board (NMREB) members including the Chair and Vice-Chair(s) and to all Office of Human Research Ethics (OHRE) staff.

The Investigator is responsible for providing the NMREB with a detailed description of the consent documents, the consent process and recruitment methods.

The Investigator, the sponsor and the NMREB are jointly responsible for ensuring that the consent form contains all of the basic elements and the applicable additional elements. The NMREB is responsible for verifying that the consent documents contains the required elements.

The Investigator is responsible for providing appropriately translated consent documents if applicable.

The NMREB is responsible for determining whether informed consent exemptions or waivers are applicable and appropriate.

The NMREB Chair or designee is responsible for reviewing consent forms or changes to consent forms if the changes meet the criteria for delegated review.

4. DEFINITIONS

See glossary of terms.

5. SPECIFIC POLICIES AND PROCEDURES.

5.1 Required Elements of Informed Consent

- 5.1.1 All informed consent documents are available in the online system to all NMREB members (in the case of full NMREB review), or to the applicable reviewers (under the delegated NMREB review process);
- 5.1.2 The NMREB members will review the proposed consent process for appropriateness, and the proposed consent form(s) for general readability, for appropriateness of the language and content, and for the inclusion of the applicable elements per the NMREB *Consent Form Template and Guidance document*;
- 5.1.3 Following the review, the NMREB may approve the consent form(s) as submitted, or require changes;
- 5.1.4 When changes are required by the NMREB and are made by the Investigator, the Ethics Officer (EO) reviews the revised consent form(s) to confirm that the required changes have been made and that the version date has been updated;

5.2 Translation

- 5.2.1 The informed consent document should be in language understandable to the participant (or acceptable representative);
- 5.2.2 When a study participant is non-English speaking, documentation of informed consent can be by one of two methods:
 - Written consent: The NMREB approved English version of the informed consent document is translated into the participant's native language. Translated informed consents must be accompanied by an attestation from the translator certifying that the translated informed consent accurately reflects the NMREB approved English informed consent. This method is preferred if it is anticipated that a significant percentage of the prospective study population is non-English speaking. A translated informed consent document does not replace the need for an interpreter to be present during the consent process and throughout the study. The participant will sign the translated version of the informed consent form document,
 - Oral consent: A qualified interpreter fluent in both English and the participant's native language orally interprets the NMREB approved English consent form to the participant. The interpreter should be an impartial person (i.e., not a friend or family member). When the person obtaining consent is assisted by an interpreter, the interpreter must sign and date the consent form;
- 5.2.3 The NMREB requires that the translated materials be submitted for review and approval prior to use in enrolling non English-speaking participants. The Investigator must include a certificate or statement signed by the translator indicating that the translated materials are a true and accurate translation of the NMREB-approved English materials;
- 5.2.4 The NMREB may follow delegated review procedures to review and approve translated materials if the English language materials have already been approved and the signed translation certificate or statement is on file;
- 5.2.5 An interpreter should be available to the study participant throughout the study;
- 5.2.6 The interpreter must sign and date the consent form attesting that the study was accurately explained to, and appeared to be understood by the participant;

- 5.2.7 If a participant is unable to read, an impartial witness must be present during the entire informed consent discussion. Verbal consent is obtained from the participant after the informed consent document and any other written information is read and explained to the participant. Signatures will be obtained from the participant (if capable) and the impartial witness on the informed consent document, where applicable. The signature of the impartial witness attests that the information was accurately explained to, and apparently understood by the participant, and that informed consent was freely given by the participant.

5.3 Consent update form for ongoing and completed study participants

- 5.3.1 The Investigator must inform research participants of any new information that might affect their willingness to continue their participation in the research or that may affect their long-term health even if they have completed their participation in the study, including those who have been withdrawn from the study;
- 5.3.2 The Investigator must obtain the currently enrolled participant's consent to continue to participate if there is a significant change to the protocol or risk;
- 5.3.3 If required, written documentation of ongoing consent for currently enrolled participants may be obtained by having the participant sign or capture their electronic signature on an NMREB approved consent update form;
- 5.3.4 If applicable, oral information for the implementation of the consent update form may be provided by contacting the participant by phone and by documenting their agreement to continue;
- 5.3.5 The nature of the provision of the new information to currently enrolled participants and the documentation required will be determined by the NMREB;

5.4 Recruitment Methods

- 5.4.1 **Research on Your own Students / Employees:** If the potential participant is taught by or employed by the Investigator, the Investigator should not approach the potential participant directly so that the potential participant does not feel pressured or obligated in any way. In this instance, the potential participant's consent should also be obtained by an individual other than the Investigator. Any exceptions to this procedure must be appropriately justified and submitted to the NMREB for review;
- 5.4.2 **In circumstances where the Investigator will obtain consent:** The Investigator must ensure that the consent has been obtained without undue coercion or influence (actual, apparent, perceived or potential) and that there is no likelihood of therapeutic misconception, if applicable;
- 5.4.3 **Timing of Consent:** The amount of time required for a participant to consider whether or not they wish to participate in research is contextual. For most low- to moderate-risk studies, participants can provide consent in a limited time, including on the same day as an intervention. However, for high-risk studies, more time is usually required for participants to weigh the advantages and potential disadvantages of participating in the research. Generally, Investigators should endeavor to provide as much time as is feasible for participants to make a decision about participation in research.
- 5.4.4 **Advertising:** The NMREB must first review and approve the text and the use of any advertisements, notices or media messages per 5.6 below.

5.5 Recruitment Materials

- 5.5.1 The NMREB reviews the recruitment materials (e.g., advertisements, letters, notices) for accuracy and for evidence of coercion or undue influence and consistency with the NMREB approved protocol and informed consent document;
- 5.5.2 Advertisements should be limited to the information that the prospective participant needs to determine their potential eligibility and interest. When appropriately worded, the following items may be included:
- Full study title
 - The name of the Investigator,
 - The condition under study and/or the purpose of the research,
 - In summary form, the eligibility criteria that will be used,
 - The time or other commitment required of the participants,
 - The location of the research,
 - The name and phone number of the person or office to contact for further information,
 - A clear statement that this is research,
 - Any payment and/or cost for study participants;
- 5.5.3 Advertisements may indicate that participants will be reimbursed for out-of-pocket expenses (e.g., parking) but this information should not be overly emphasized;
- 5.5.4 All recruitment materials must be approved by the NMREB and by each Institution per local practice prior to their use.

5.6 Documentation of Informed Consent

- 5.6.1 The NMREB requires documentation of informed consent by the use of a written and/or electronic informed consent form approved by the NMREB and signed and dated by the participant or the participant's substitute decision maker, and by the person obtaining consent;
- 5.6.2 A copy of the signed consent form will be provided to the participant;
- 5.6.3 The NMREB may approve a process that allows the informed consent document to be delivered by regular mail, email or facsimile to the potential participant, and to conduct the consent interview by telephone when the participant can read the consent document as it is discussed. All other applicable conditions for documentation of informed consent must also be met when using this procedure.
- 5.6.4 In some types of research, and for some groups or individuals where written signed consent may be felt by the participants as mistrust on the part of the Researcher, the NMREB may approve an alteration to standard written consent (e.g., oral consent, verbal agreement or a handshake);
- 5.6.5 Where consent is not documented in a signed consent form, Researchers may use a range of consent procedures (e.g., oral consent, field notes, implied consent through the return of a completed questionnaire). The procedures used to seek consent must be documented by the Researcher and approved by the REB;
- 5.6.6 Whenever possible, the research participant should have written documentation of participation in a research project unless it may compromise their safety or confidentiality.

5.7 Consent Monitoring

- 5.7.1 In considering the adequacy of informed consent procedures, the NMREB may require monitoring of the consent process by an impartial observer;
- 5.7.2 Such monitoring may be particularly warranted where the research presents significant risks to participants, or if participants are likely to have difficulty understanding the information to be provided;
- 5.7.3 Monitoring may also be appropriate as a corrective action where the NMREB has identified problems associated with a particular Investigator or a research project.

5.8 Waiver of Informed Consent

- 5.8.1 The NMREB may approve a consent procedure that does not include, or which alters, some or all of the elements of informed consent, or waive the requirement to obtain informed consent, provided that the NMREB finds and documents that:
 - The regulatory framework supports the waiver,
 - The research involves no more than minimal risk to the participants,
 - The waived or altered consent does not involve an intervention,
 - The waiver or alteration is unlikely to adversely affect the rights and welfare of the participants,
 - The research could not practicably be carried out without the waiver or alteration,
 - The information is used in a manner that will ensure its confidentiality,
 - The public interest in conducting the research exceeds the public interest in protecting the privacy of the individuals,
 - Whenever appropriate, the participants will be provided with additional pertinent information after participation;
- 5.8.2 Debriefing should be a part of all research involving an alteration to consent requirements whenever it is possible, practicable and appropriate;
- 5.8.3 Participants should have the opportunity to refuse consent and request the withdrawal of their data whenever possible, practicable and appropriate;
- 5.8.4 These findings and their justifications shall be clearly documented through the REB review process (e.g., in the application form) when the NMREB exercises this waiver provision.

5.9 Waiver of Informed Consent Requirements for Emergency Research.

- 5.9.1. The NMREB may approve research that will be performed in emergency settings without requiring informed consent from participants, under certain circumstances. For example, when:
 - obtaining informed consent is not feasible;
 - the intervention under investigation must be administered before consent from the participants Substitute Decision Maker (SDM) is feasible;
 - participation in the research must hold out the prospect of direct benefit to the participants in the study.

6. REFERENCES

- 6.1. Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS2);
- 6.2. US Department of Health and Human Services (HHS) CFR Title 45 Part 46.116, 46.117;

7. SOP HISTORY

SOP Number.Version	Key Changes	Effective Date mm/dd/yyyy
N701.001	Original	07/08/2016
N701.002	Update to NMREB Chair & Administrative Corrections	05/11/2018
N701.003	Update to NMREB Chair; Removal of Sections 5.1.5 and 5.1.6; Addition of Sections 5.6.4, 5.6.5, 5.6.6, 5.8.2, and 5.8.3; and Administrative Corrections	03/03/2025