

The Intelligent Scholar's Guide to the Use of Human Subjects in Research

Since its inception, the Standing Committee on the Use of Human Subjects has tried to keep its procedures simple and unbureaucratic. An unanticipated result has been to persuade some of you that its workings are inscrutable and hence potentially threatening. This brief manual (which does not pretend to be exhaustive) is an attempt to allay such apprehensions. We want to be, and to appear to be, both scrupulous *and* scrutable.

What is the rationale for the system of independent Committee review?

At least three parties have legitimate interests in any research venture involving human subjects: the investigator who initiates it, the society that provides the conditions for it, and the subjects who participate in it. Ultimately, if the study is important, their interests do not conflict, but in the short range they can and often do. Sad experience has demonstrated that able and conscientious scholars sometimes fail to give proper weight to considerations that are salient to the interests of either the public or the subjects. To leave all the decisions solely in the hands of one of the parties involved is not wise. For this reason the Faculty of Arts and Sciences set up its committee review system early in the sixties. Since then, for the same reason, most federal agencies have mandated similar review systems for grantees.

No one has illusions that the committee system—or any other set of institutionalized procedures—is a substitute for ethically-alert scientists who are sensitive to the well-being of their subjects. That is the *sine qua non* of meaningful protection and no system relieves the investigator of the *primary* responsibility for securing subject's rights and welfare. The committees serve only to remind all concerned of the network of interdependence that exists and to interpose a disinterested judgment where necessary.

What does the Committee need to know about a proposed study?

Enclosed with this pamphlet is the application form we ask you to use in submitting plans to us for approval. We have tried to provide an outline that will elicit the information we need to make an intelligent judgment. It is important that you respond to each question, if only to say “not applicable,” and that the information be presented in this format, although you

need not type on the form itself—you may follow the format using your word processing software. (We have tried to use copies of grant applications in order to spare you an extra step, but we quickly discovered that they were unmanageable—they told us both too much and too little.)

As you complete the application, consider that the members of the Committee come from a variety of disciplines, and some members are not academics at all. Vis-à-vis your specialty, most of us are laymen and need to be addressed in non-technical language if we are to understand what you are trying to convey. Like much of the public we are committed to the proposition that scientific research is valuable and important; but like most of the public (and most of the scientific community) we also believe that research should not be done at the expense of subjects who are unaware of or misled about how they are being used.

Our questions are aimed at finding out (1) whether there is anything about the study that is likely to harm the subject, either grossly or subtly; (2) if so, whether the risk of such harm is at the absolute minimum level consistent with pursuing the work; and (3) whether the benefits anticipated are sufficient to justify exposing the subject to any risk that may be involved. We believe the questions to be reasonable, and in most cases they elicit what we need to know; however, we still depend on you to volunteer other information (unique, perhaps, to your project) that a committee like ours should have if it is to act wisely.

Much of the mystery, and perhaps even resentment, that some feel about the Committee would dissipate, we believe, if investigators would look at their plans from the point of view of a wary subject, or a disinterested observer concerned about responsible research. Who are the subjects? How are they recruited? Is it through an institution that may have responsibilities toward them and should be consulted? Might they feel under undue pressure to volunteer? Do they understand, in advance, what participation entails? What will they actually do, and what is done to them, during the study? Is it conceivable that the experience might be injurious, painful, uncomfortable, needlessly boring, embarrassing, offensive, or otherwise stressful? Might there be long-term consequences? Could the subject be endangered or compromised if information collected leaked out? The possible considerations are myriad, but not difficult to perceive in any particular case if one assumes the subject's perspective.

The need for consideration does not imply—nor does it excuse—timidity on the part of scholars or the institution. In many areas the advance of knowledge requires the use of human subjects, just as their humanity requires procedures for their protection. It is the responsibility of (first) the investigator and (second) the Committee to ensure that good research proceeds and that it proceeds without unnecessary risk to its subjects. If this is sometimes difficult it is rarely impossible, and the difficulty is insufficient reason to back off from work that should be done.

What about "informed consent?"

The belief that people should not exploit other people makes the concept of informed consent prominent in any consideration of subject protection. Based on widely shared ideas about human dignity, the need for voluntary, informed consent strikes most of us as self-evident, but its implementation quickly runs into practical difficulties. Many scientific studies involve considerations so technical in nature that the subject may find it difficult to

weigh their implications. In such a case how can consent be truly "informed?" (Perhaps this is seen most clearly when the subject is also a patient in treatment and lacks the medical training that would be helpful in weighing the physician's advice). A second difficulty occurs when studies depend on the use of subjects who are naïve or are deliberately misled about the research. Fully informed consent is then inconsistent with obtaining the desired results. How is one to weigh the value of the putative findings against such an affront to the individual subject?

Tangential to the necessity of ensuring that subjects participate voluntarily and with full understanding is the problem of documenting their consent—a matter of considerable self-interest to investigators in today's climate. It is important to remember that the consent form is simply a written confirmation of the agreement between investigator and the subject concerning the content and terms of the proposed activity. Our Committee insists upon such documentation only when the study appears to involve some degree of risk (though we strongly advise written parental consent for *all* studies of infants or minors). And, in some research supported by federal funds, written consent may be required by regulation. Otherwise we are content with an oral exchange.

When written consent is indicated, the form the subject signs must include a brief, clear statement of exactly what is involved so that there can be no question later as to whether the individual was properly informed. (See Appendix A.) The form itself should be written in the second person ("You will be asked to complete the following tests...") so that it accurately reflects the exchange between investigator and subject. The written consent form should make it clear, also, that the subject is free to withdraw from the study at any time and without prejudice. It must not include "exculpatory" language suggesting that the subject waives any rights—the right, for instance, to sue!

How can one weigh the "benefits" against the "risks?"

Always a problem, this becomes especially difficult when the potential benefits devolve on "science," or the general public, whereas the risks fall on the individual subject. Fortunately the research typically conducted outside the medical setting seldom poses risk of harm—though we hope it is of some benefit. But, unfortunately, that which *is* risky rarely promises immediate, obvious benefits. In actual practice our Committee shrinks from making judgments about the substantive merit of the projects it considers; whatever the field only some of us will be expert in it and, for the most part, we accept the implied judgment of the sponsoring faculty member that the work is worthwhile. Still, we are bound both legally and logically to make the calculus whenever the research holds the possibility of harm for its subjects: legally because Harvard's rules and those of most funding agencies impose the responsibility on us; logically because, unless the research promises discernible benefit, how can one justify asking subjects to suffer inconvenience, let alone the risk of significant damage?

Let us dwell on this a bit. It is rare for any scholar to confront the critical experiment: "Eureka! If x, then y, and the planet is saved!" Very rare. More commonly, knowledge grows organically and the ripe fruit appears only as the result of the cumulative effect of many efforts. Few investigators can assert, in conscience, that their work will produce a certain benefit, nor do we expect them to. All that is needed is reasonable evidence that the study proposed may add an iota to our knowledge in some area of demonstrable interest. In

most cases the benefits (if modest) are apparent and the risk (if any) so minor that the Committee has little difficulty approving. As the seriousness of the risk increases, however, our concern for establishing the likelihood of significant benefit must increase also. We must satisfy ourselves that the knowledge sought is important to someone other than the investigator and that the study is well designed to elicit it. When necessary we seek advice beyond our own membership, among specialists in the area with no vested interest in the particular project. (In the analogous case of studies involving special subject populations that the Committee is not well constituted to represent, we do likewise.) Armed with such advice we consult our own consciences and decide.

Finally, a very difficult problem is posed by studies that require subjects who are naïve or are purposely misled about the aims and procedures of the research. We have been willing in the past to approve some studies involving deception, but always reluctantly and only if the risks appeared to be negligible and the potential findings important. We cannot persuade ourselves that research involving that dimension is appropriate as a training exercise for students, and we urge members of the Faculty to consider that opinion when advising on theses or when setting field problems in courses. Even if no risk of lasting injury exists but only the possibility of offending someone, we think the ethics of the case are clear and that the decision should be negative.

The hardest ethical question arises when an experienced investigator encounters an important problem that cannot be resolved except by using subjects who may be hurt in the process, who will themselves gain no benefit, and who cannot be fully informed and therefore freely consenting. Is anyone competent to decide for them that they will accept the risk?

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So brief a guide can only scratch the surface and a multitude of questions that might be raised remain unanswered here. Please feel free to call the Research Officer or any member of the Committee about particular problems that may occur to you. The Research Officer's telephone is 495-5459 and the extensions of other members can be found in the Directory or through Harvard Information.

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Appendix A

SUGGESTIONS FOR CONSENT FORM

The Committee on the Use of Human Subjects requires written evidence of informed consent whenever the research may involve a risk of harm to subjects; in addition, we ordinarily require written parental consent for studies of infants or minors. (Otherwise an oral exchange is sufficient. It should, however include the information that would be contained on a written form.) The following paragraphs suggest some language that may be appropriate for studies where written consent is indicated.

There are two major parts to a written consent form, the description section and the signatures and names

1. Description

Try to be succinct. Begin with a description—in layman's language—of what participation will involve. The essential elements in the description are:

- a. A brief summary of the research objectives, e.g., "This research may help us learn more about how babies think at age 6 months and a year."
- b. A clear explanation of the procedures to be followed. Write as though you were speaking to your subjects, not as if they were speaking to you, i.e. use the second person singular voice—"You will be asked to come to our laboratory on three different occasions, for about half an hour each time, and fill out a questionnaire about" Remember, it is you who are the expert doing the explaining here! Also, be sure to take your subjects' age and reading and comprehension skills into account.
- c. A description of any possible discomforts or risks that may exist. Explain how confidentiality will be assured if that is a potential problem. Explain what will happen to data collected, including any video or audio recordings, once the study is completed.
- d. A description of benefits that the subject may receive (including payment for participation).

2. Signatures and names

In this section, you may write as though you and your subject were each speaking for yourselves, i.e. in the first person singular, "I".

- a. In addition to what is written on the form you should discuss the procedures with each subject and be in a position to add the following countersignature:

I have discussed with _____ the above procedures, explicitly pointing out potential risks or discomforts. I have asked whether any questions remain and have answered these questions to the best of my ability.

(date) (investigator's signature)

- b. Subject's signature:

The nature and purpose of this research have been satisfactorily explained to me and I agree to become a participant in the study as described above. I understand that I am free to discontinue participation at any time if I so choose, and that the investigator will gladly answer any questions that arise during the course of the research.

_____ (date) _____ (subject's signature) _____ (print name)

- c. The investigator's name and contact information, and the name of any assistant(s) who may be actually working with the subjects, should be included on the form. Both the investigator and the subject should keep a copy of the signed form.

3. We suggest that you add this paragraph at the bottom of the form:

There is a Standing Committee on the Use of Human Subjects in Research at Harvard University to which complaints or problems concerning any research project may, and should, be reported if they arise. Committee telephone: 617-495-5459.

4. Under Federal regulations, when the Committee has ruled that there is risk of physical harm to subjects, the following statement shall be included on the consent form:

If you are injured during the course of the study and as a direct result of this study, you should contact the investigator at the number provided. Although compensation is not available, Harvard will assist you in obtaining medical treatment, including first aid, emergency treatment, and follow-up care as needed. Your insurance carrier should be billed for the cost of such treatment. If your insurance carrier denies coverage, Harvard is under no obligation to pay for the treatment but may do so in its sole discretion. By providing financial or other assistance, neither Harvard nor the researchers are stating that they are legally responsible for the injury.

Further information regarding compensation for injured research subjects may be obtained from Jane Calhoun, Research Officer for the Committee at the above number.

5. Finally, here are things to avoid:

- a. The consent form should not be deceptive in any way. There may be legitimate reasons for withholding information from subjects until the debriefing session, but the consent form itself must neither deceive nor mislead subjects.
- b. The letterhead should not imply that the consent form is a Harvard University consent form, nor that the study is sponsored by Harvard University. (See Item 10 of "The Vote".) Department letterhead may be used with permission, but in that case the "consent form" heading should be clearly separate.
- c. The form should not include any "exculpatory" language, i.e., anything that suggests that the subjects waive their rights by signing.

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