TITLE: Investigator-Sponsored Research		
POLICY #: RCO-100	**Page:** 1 of 5	**Effective Date:** 8/1/2023

1. POLICY STATEMENT:

A DF/HCC investigator who is also the sponsor of the research has additional responsibilities that must be fulfilled to properly conduct the research.

2. BACKGROUND:

The FDA regulations establish specific responsibilities of sponsors for ensuring (1) the proper conduct of research for submission to the FDA and (2) the protection of the right and welfare of subjects involved in this research.

An investigator who holds an Investigational New Drug Application (IND) or an Investigational Device Exemption (IDE) is considered the sponsor of all research under the IND/IDE by the Food and Drug Administration (FDA).

3. RESPONSIBLE PERSONNEL:

3.1. DF/HCC Principal Investigators (PI) acting as Sponsors of Human Subject Research

4. DEFINITIONS:

4.1. **Investigator:** An individual who actually conducts the research. In the event the research is conducted by a team of individuals, the investigator is the responsible leader of the team. For DF/HCC sites, this term is also known as the Principal Investigator (PI) who is responsible for the conduct and oversight of research at their site.

4.2. **Sponsor:** An individual, company, institution, or organization that takes responsibility for the initiation, management, and /or financing of a trial. When research is conducted under an IND/IDE, the IND/IDE holder is the Sponsor. This is sometimes referred to as the "Regulatory Sponsor".

4.3. **Sponsor-Investigator:** An individual who both initiates and conducts an investigation, and when applicable, under whose immediate direction the investigational drug is administered or dispensed is referred to as a sponsor-investigator. This individual is acting as both the Sponsor and an Investigator on the same protocol.

4.4. **Investigator-Initiated Protocol:** A protocol where an investigator was pivotally involved with the initial design and development of the research.

4.5. **Investigator-Sponsored Protocol:** An Investigator-Initiated protocol where an investigator also serves as the regulatory Sponsor.

4.6. **Investigational New Drug (IND):** IND means an investigational new drug application. "IND" is synonymous with "Notice of Claimed Investigational Exemption for a New Drug." An IND is necessary for a drug or biological drug that has not been approved by the FDA for clinical use and which is used in a clinical investigation. FDA approval may also be required for a biological product that is used in vitro for diagnostic purposes, especially if this test will be used with the new agent if it is approved.

4.7. **Investigational Device Exemption (IDE):** Sponsor and investigators of certain device studies are allowed to use an investigational device in a clinical study in order to collect safety and effectiveness data. The exemption only applies to investigations in which 510(k) products are being used in accordance with the labeling cleared by the FDA.

4.8. **Sponsor Regulatory File:** The compilation of specific Essential Documents for a clinical investigation. Essential Documents individually and collectively permit evaluation of the conduct of a trial and the quality of the data produced. These documents serve to demonstrate the compliance of the sponsor and monitor with the standards of Good Clinical Practice (GCP) and with all applicable regulatory requirements.

5. POLICY:

5.1. Typically, a DF/HCC investigator serving as the Sponsor also serves as the PI at the DF/HCC Core Site, and is, therefore, a sponsor-investigator. The responsibilities of a sponsor-investigator include those of both a sponsor and investigator. Investigator responsibilities are defined in RCO-102. A DF/HCC investigator who is the sponsor of human subject research takes on additional responsibilities that include:

5.1.1. Study design and development of the protocol, including all protocol amendments, and the template informed consent document.

5.1.2. Selecting qualified investigators to participate in the research, performing feasibility assessments for potential sites, and establishing and enforcing accrual requirements Should the DF/HCC sponsor select non-DF/HCC investigators and sites to participate in the research, additional DF/HCC requirements apply (see MULTI-100).

5.1.3. Ensuring all necessary contracts, budgets, and agreements are executed and enforced. This may include payments to participating sites and vendors.

5.1.4. Providing participating investigators with the information they need to conduct an investigation properly. This may include ongoing communication through email, phone, site visits, meetings, teleconferences, newsletters, etc.

5.1.5. Obtaining and maintaining an effective IND/IDE, when necessary, with respect to the investigations by complying with all applicable regulations.

5.1.5.1. For DF/HCC investigators holding an IND, obtaining FDA approval/study may proceed memo prior to submitting to iRIS for SRC/IRB review.

5.1.5.2. Submitting any changes to active research to the FDA prior to submitting an amendment in iRIS for SRC/IRB review.

5.1.6. Ensuring that the investigation(s) is conducted in accordance with the general investigational plan, protocol, IRB requirements, and IND/IDE requirements (as applicable) at all participating sites. This includes ensuring that any deviations or violations are reported appropriately.

5.1.7. Conducting a prompt review of all new information relevant to the safety of the research in order to determine the significance of the information in light of previous, similar reports or any other relevant information. Ensuring prompt and appropriate reporting of significant new adverse effects or risks with respect to the research to other investigators, IRBs, and regulatory authorities per the applicable regulations and RCO-204.

5.1.8. Protecting the rights, safety, and welfare of subjects

5.1.8.1. Ensuring proper control and labeling of any investigational product(s) or investigational device(s). Assuring return or other authorized disposition of unused investigational product(s) and device(s) from each investigator whose participation in the clinical study is discontinued or terminated.

5.1.8.2. Ensuring that all participating sites obtain and maintain active IRB approval, and all investigators obtain the informed consent of each human subject.

5.1.8.3. Maintaining up-to-date sponsor regulatory files as per RCO-203.

5.1.8.4. Ensuring proper registration (and randomization, when applicable) of research subjects.

5.1.8.5. Ensuring appropriate monitoring of the investigation in accordance to the study monitoring plan.

5.1.8.6. Maintaining the Clinicaltrials.gov registration, including results reporting (when applicable), as per REGIST-200.

5.1.8.7. Managing all databases related to the research, including those that capture research data (including CRFs), safety information, and/or biospecimen collection.

5.1.8.8. For Research Funded by the Department of Defense (DoD), the sponsor-investigator is responsible for ensuring that all obligations for the research are fulfilled as required by the specific DoD Component. See OHRS Information Sheet - Research Funded or Supported by the Department of Defense.

5.2. DF/HCC investigators may collaborate with academic institutions, industry, and cooperative groups in the design and conduct of human subject research. When this occurs, the transfer of certain sponsor responsibilities may occur. However, the DF/HCC is unable to allow the transfer of certain responsibilities due to the risk, infrastructure strain, and resource consumption that may result.

5.2.1. Any transfer of sponsor responsibilities between a DF/HCC Investigator and an external party must occur through a written agreement of obligations and responsibilities (i.e. Transfer of Obligations) that clearly identifies the sponsor of the research, the responsibilities transferred, and the party accepting the transferred responsibilities. For each trial, the Transfer of Obligations document must be approved by the institutional clinical trials office, sent to the FDA under a Form 1571 (when under and IND), and attached to the contract as an appendix.

5.2.2. When agreeing to a Transfer of Obligations, DF/HCC Investigators must follow the current Requirements for DF/HCC Collaborations with Third Parties available on the DF/HCC website.

5.2.3. Any responsibility not specifically transferred in writing remains with the sponsor. Changes to the Transfer of Obligations requires a renegotiation of the contract and budget.

5.2.4. The protocol, informed consent document, and other study documents must clearly and correctly indicate the identity of the sponsor, even if some sponsor responsibilities have been transferred to another party.

6. APPLICABLE REGULATIONS & GUIDELINES:

21 CFR 50 – Protection of Human Research Subjects
21 CFR 54 – Financial Disclosure by Clinical Investigators
21 CFR 56 – Institutional Review Boards
21 CFR 809 – In-Vitro Diagnostic Products
21 CFR 312 - Investigational New Drugs – Drugs for Human Use
21 CFR 812 – Investigational New Device Exemptions
FDA Industry Guidelines and Information Sheets
FDA Compliance Policy Guidance Programs: 7348.809, 7348.810, and 7348.811

7. RELATED REFERENCES:

International Conference on Harmonisation – E6

8. RELATED RESOURCES:

RCO-OP-4: Obtaining and Maintaining an IND
RCO-OP-5: Obtaining and Maintaining an IDE
DF/HCC List of Institutional IND Contacts
Requirements for DF/HCC Collaborations with Third Parties
Form FDA 1571 (Investigational New Drug Application)
Form FDA 1572 (Statement of Investigator)
Form FDA 3500A (Mandatory MedWatch Form)
Form FDA 3674 (Certification of Compliance)