

TERMS OF REFERENCE

Purpose

Upon appropriate justification, the Research Ethics Appeal Board (REAB) will review and reconsider decisions made by the University of Calgary's two research ethics boards (REBs): the Conjoint Faculties Research Ethics Board and the Conjoint Health Research Ethics Board (except where appeals must be made to a Health Information Act Designated REAB). The REAB will also act as the appeal board for the review of ethics decisions from institutions that have contracted with the University of Calgary to use the REAB for appeals.

The REAB operates in accordance with the current Tri-Council Policy Statement (TCPS).

Jurisdiction

Researchers have the right to request an appeal of a REB decision, when, after reconsideration, the REB has refused to approve an ethics application or has provided approval conditional on revisions that the researcher believes will compromise the feasibility or integrity of the proposed research. Researchers and the REB must have fully exhausted the reconsideration process, and the REB must have issued a final decision before an appeal can be initiated. The appeal process is not a substitute for REBs and researchers working together to find solutions for issues with an ethics application, nor is it a forum for seeking a second opinion. An appeal can be launched based on procedural grounds (e.g., alleged noncompliance with the REB's terms of reference or procedures) or substantive grounds (e.g., alleged noncompliance with a specific article of the TCPS). Dissatisfaction with a REB decision is not a sufficient ground for appeal. The onus is on researchers to justify in writing the ground(s) for requesting an appeal.

The REAB has the authority to review a REB decision. In so doing, it may uphold the REB decision, reject the REB decision, or issue approval of a version of the application that has been appropriately modified by the researchers subject to the limits and/or modifications specified by the REAB. The REB will manage applications once approved. The REAB's decision on behalf of the institution is final.

The REAB shall develop procedures governing the conduct of its hearings, which shall be in accordance with principles of natural and procedural justice, the current TCPS, the Collective Agreement, and other relevant University agreements. The REAB procedures are subject to review by the Office of the Vice-President (Research).

Membership

- A Chair, knowledgeable in research ethics, to be appointed by the General Faculties Council (GFC) Executive Committee, on the recommendation of the Vice-President (Research). The Chair shall serve a three-year term, renewable.

- If there are *prima facie* grounds for an appeal as outlined in the Jurisdiction section, the REAB Chair shall establish an ad hoc appeal committee appropriate to the research under consideration and consistent with other relevant regulatory documents. Membership (when formed) should reflect a range of expertise, knowledge similar to that of the REB, and diversity, including equity-seeking groups (e.g., women, racialized minorities, Indigenous peoples, persons with disabilities, and persons from LGBTQ2+ communities). TUCFA may appoint one non-voting member. Current REB members whose decision is under appeal cannot serve on the appeal committee.

Duties

- To serve as the University's final independent decision-making body with regard to appeals in the area of research ethics.
- To inform the Vice-President (Research) when an appeal has been received.
- To report in writing (in print or by electronic means) the decision of the REAB to the appellant, the Vice-President (Research), and the Chair of the relevant REB.

Approved by the GFC Executive Committee, 2020-09-16