



THE UNIVERSITY OF CALGARY
RESEARCH ETHICS APPEAL BOARD
PROCEDURES

APPROVED – December, 2007

REVISED – September 5, 2014

1. PROCESS

- A. An appeal of a decision of a University of Calgary research ethics board (REB) (“Appeal”) that meets the conditions specified in the Research Ethics Appeal Board’s (REAB) Terms of Reference (TOR) must be initiated within 10 business days of receipt of the relevant REB’s final decision. To initiate an Appeal the appellant submits a letter to the REAB Chair as outlined in the REAB TOR.
- B. The REAB Chair shall inform the relevant REB and the University’s Vice-President (Research) that an Appeal has been received.
- C. In consultation with at least two members of a REB whose decision is not under appeal, the REAB Chair shall determine if there are *prima facie* grounds for the Appeal, normally within 10 business days of receipt of the Appeal. If the determination is negative, the REAB Chair shall deny the Appeal summarily and will so inform the appellant, the REB, and the Vice-President (Research) in writing.
- D. If there are *prima facie* grounds for the Appeal, the REAB Chair will inform the appellant, the REB, and the Vice-President (Research) in writing that the Appeal will proceed. The REAB Chair shall then establish an ad hoc appeal committee (REAB Committee) as outlined in the REAB TOR. The appellant shall be informed in writing of the REAB Committee’s composition, normally within 30 business days of receipt of the Appeal. The appellant can request changes to the REAB Committee’s composition in writing within 10 business days. Requests must be justified with reference to the REAB TOR and must be sent to the REAB Chair and the Vice President (Research). The REAB Chair, in consultation with the Vice President (Research) or his or her designate, will consider the requested changes and will inform the appellant in writing of the REAB Committee’s final composition, normally within 10 business days of the appellant’s written request for changes.
- E. The REAB Chair shall schedule the hearing (“Hearing”) and will inform the appellant and the REB in writing of the Hearing’s date, time, and location. The letter will also invite the appellant to provide any additional supporting evidence within 15 business days of the Hearing. The REAB Chair shall provide the REB with a copy of the Appeal and accompanying documents,

shall indicate the ground(s) for the Appeal, and shall invite the REB to respond with accompanying documentation. The REB can submit a written response to the REAB Chair within 10 business days of notice of the Hearing.

- F. The REAB Chair shall ensure that the REB, the appellant, and the REAB Committee have all relevant Appeal documents within 5 business days of the Hearing.

2. THE HEARING

- A. The Hearing is intended as an opportunity for the REAB Committee to understand the Appeal.
- B. All available REAB Committee members shall be present at the Hearing. Both the appellant and a representative of the REB shall be present and each may be accompanied by an advisor who is a member of the University's academic staff.¹ The REAB Chair shall be notified of the name of any such advisor at least 5 business days prior to the Hearing. No other persons may attend the Hearing.
- C. The REAB Chair shall allow the appellant and the REB representative, in this order, an opportunity to highlight points in their written submissions and to respond to the submissions of the other. The REAB Chair may limit the time for such presentations, but will normally set out such limitations in advance of the Hearing. No new grounds of the Appeal may be introduced at the Hearing.
- D. The REAB Committee shall then have an opportunity to ask questions of the appellant and the REB representative.
- E. The REAB Chair shall then allow brief closing remarks by the appellant and the REB representative.

3. THE DECISION

- A. The decision of the REAB Committee will be made by majority vote. The REAB Chair will vote. The vote count will not be a matter of public record.
 - B. The REAB Committee may:
 - 1. Deny the Appeal (uphold the REB decision);
 - 2. Grant the Appeal (reject the REB decision) and issue approval of the application; or
 - 3. Grant a variation of the Appeal such that the REAB will 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.

Note: The REB will manage applications once approved (e.g., reports, modifications).
 - C. The decision of the REAB Committee is final. University of Calgary academic staff members have recourse to the grievance procedures under the *Collective Agreement*.
 - D. The REAB Chair shall produce its written decision, with reasons, within 15 business days of the Hearing. The REAB Chair shall send a copy of its decision to the appellant, the REB, and the Vice-President (Research).
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