

Established:

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Next Review:

Responsible Unit: Research Ethics Board

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1. Reconsideration of REB Decision

Researchers shall have the right to request, and the REB shall have an obligation to provide, reconsideration of decisions by the College Research Ethics Board affecting their protocols. If a Principal Investigator asks for reconsideration, the REB will provide that Investigator with a reasonable opportunity to rebut the reasons given for the REB's opinion or decision. The nature of the opportunity provided to the researcher will be at the discretion of the REB. These opportunities may include, but are not limited to discussions with the REC, written submissions, attendance at the REB meeting, or bringing in experts. The REB will then reconsider the information provided and provide reasoned and written grounds for its reconsidered opinion or decision.

2. Appeals

2.1 Terms of Reference

Principal Investigators have the right to request an appeal of an REB decision to reject or require substantial modification of a protocol submission once the REB has issued a final decision. The Appeal Committee will determine whether the REB acted outside its mandate and/or committed a breach of the process for ethics review as set out in the most recent version of the Conestoga College policy on the "Ethical Conduct in Research Involving Humans" and the TCPS. It should be stressed that the Appeal Committee is not a substitute for the REB and the researcher working closely together to ensure high quality research, nor is it a forum for a second opinion.

2.2 Process

- 2.2.1 Researchers shall have the right to request, and the REB shall have an obligation to provide, reconsideration of decisions by the College Research Ethics Board affecting their protocols.
- 2.2.2 Where the project director and the College Research Ethics Board cannot reach agreement through discussion and reconsideration, and the project director wishes to appeal the decision of the REB, he/she shall so notify the Chair of the College Research Ethics Board and the Chair of the Research Board.

2.3 Appeals Committee

- 2.3.1 In cases when a researcher wishes to appeal a negative decision of the REB following reconsideration, the institution shall permit review of an REB decision by an Appeals Committee, provided that the Appeal Committee follow the membership and procedures as outlined in this Policy, and in conformity with Article 6.18 of the TCPS. This Appeal Committee may be either an ad hoc or a permanent committee.
- 2.3.2 Written appeals must be made within 30 days of receipt of the written decision of the REB to the Chair of the Research Board. The appeal letter must contain all supporting documentation and be signed by the project director.
- 2.3.3 The role of the Chair of the Research Board in the appeal process will be that of an administrator. The Chair will be responsible for convening the appeals committee and ensuring that the appeals committee meets the requirements as set out in Article 8.1 if an alternative format is chosen.
- 2.3.4 The Chair of the Research Board shall transmit to the Appeals Committee the full documentation on the protocol under appeal.
- 2.3.5 The Appeals Committee, by majority vote, may confirm or modify the decision of the College Research Ethics Board and may impose its own conditions for approval of the project, or for its continuation.
- 2.3.6 The decision of the Appeals Committee is final and will be communicated promptly in writing to the applicant.
- 2.3.7 The deliberations of the Committee will be held in camera.
- 2.3.8 Current members of the REB shall not be eligible for membership on the Appeals Committee.