

**Research Ethics Board (REB) Appeals Process –
*recommended guidelines***
Produced by the Research Ethics Board Working Group

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PURPOSE

In 2022, the TAHSN Research Committee (TAHSNr) established a Research Ethics Board Working Group to develop recommendations related to seven priority areas.

Over the 2022-23 academic year, the Research Ethics Board Working Group – composed of representatives from research ethics offices across TAHSN – prepared recommendations in consultation with the TAHSN REB Chairs group and the TAHSN Research Committee. These recommendations are fully endorsed by TAHSNr.

This document provides recommendations for the priority area outlined below. Each institution is encouraged to consider and incorporate the recommendations into their processes and governance to the extent that they can.

PRIORITY

Research Ethics Board (REB) Appeals Process

SITUATION

Institutions eligible to receive Tri-Agency Funds must comply with the current version of the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans. This policy¹ states:

- **Article 6.19** Institutions shall have an established mechanism and a procedure in place for promptly handling appeals from researchers when, after reconsideration, the REB has refused ethics approval of the research.
- **Article 6.20** The appeal committee shall have the authority to review negative decisions made by an REB. In so doing, it may approve, reject or request modifications to the research proposal. Its decision on behalf of the institution shall be final.

It will be up to each TAHSN institutional authority to decide whether to accept/endorse these proposed recommendations.

BACKGROUND

In 2021/2022, representatives of TAHSN REB Chairs developed an REB Appeals Process. The Priority 6 working group was tasked with reviewing this document toward making a recommendation for

ASSESSMENT

The REB Appeals Process was circulated to members of the TAHSN REB Working Group for input. Feedback received was reviewed and incorporated into document revisions. The proposed revisions were presented to the TAHSN REB Chairs and further feedback incorporated. The revised REB Appeals Process document forms the basis of this recommendation.

OVERARCHING PRINCIPLES

1. Appeals are rare events
2. The researcher and the REB must have fully exhausted the reconsideration process and the REB must have issued a final decision before the researcher initiates an appeal
3. Researchers may appeal a REB decision on the grounds of:
 - a. lack of due process
 - b. perceived bias
 - c. apparent conflict of interest
 - d. disagreement over an interpretation of the TCPS 2
 - e. issues of procedural fairness and/or inconsistency with policies, guidelines, regulations and accepted ethical guidance or other scientific principles
 - f. systematic failures or misunderstandings
4. Mechanisms to approve and operationalize these recommendations are the responsibility of individual TAHSN institutions.
5. The same authority that established the institution's REB shall establish or appoint an appeal committee and decide whether to endorse these recommendations.
6. Each TAHSN institution using this process will create a Board of Record Agreement with the Appeals Committee chosen to decide each individual appeal.

RECOMMENDATIONS

It is recommended that TAHSN institutions consider adopting the TAHSN REB Appeals Process as written in the attached document.

REFERENCES

¹Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans – TCPS 2 (2022):
https://ethics.gc.ca/eng/policy-politique_tcps2-epc2_2022.html

ATTACHMENTS

[TAHSN REB Appeals Process March 8, 2023](#)