

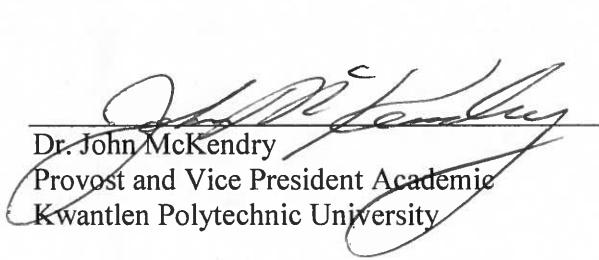
**Memorandum of Understanding Between
Kwantlen Polytechnic University and the University of the Fraser Valley
Concerning:**

Research Ethics Board Appeals
Dated March 2, 2011

Whereas Kwantlen Polytechnic University and the University of the Fraser Valley are publicly funded postsecondary education institutions equally committed to ensuring the highest ethical standards in research involving human participants, the parties agree to this Memorandum of Understanding under which:

- a) The duly constituted Research Ethics Board (REB) of each institution shall be available to hear appeals arising from the other REB consistent with the guidelines attached as an addendum to this MOU and subsequent amendments.
- b) The decision of the Research Ethics Appeal Board (REAB) shall be final and binding on the original REB.
- c) Any "out of pocket" costs incurred by the REAB shall be borne by the originating institution.
- d) This revised Memorandum of Understanding shall take effect on March 1, 2011.
- e) Either signatory may terminate its involvement in this MOU, with six months' written notice to the other signatory.

Signatories for this Memorandum of Understanding:



Dr. John McKendry
Provost and Vice President Academic
Kwantlen Polytechnic University

Date



Dr. Mark Evered
President and Vice-Chancellor
University of the Fraser Valley

Date

April 11, 2011

Guidelines for Research Ethics Board Appeals
(An addendum to the Memorandum of Understanding)
Dated February 21, 2011

- 1) The determination of when an appeal shall be referred to the REAB and the process of initiating the appeal shall be made according to relevant policy at the originating institution.
- 2) The REAB has the authority to review negative decisions made by the REB at the originating institution. In so doing, it may approve, reject or require modifications to the research proposal. Its decision shall be final and binding on the originating institution.
- 3) Appeals may be heard on the basis of either:
 - a) a procedural error that materially and adversely influenced the decision of the originating REB, including real or reasonably apprehended bias, or undeclared conflict of interest on the part of one or more members of that REB, or
 - b) a substantive error by the originating REB in applying or interpreting the Research Ethics policy of the originating institution.
- 4) The Appellant Researcher shall supply to the REAB a written statement of appeal of the decision of the originating REB, indicating the grounds for the appeal (procedural, substantive, or both) and the rationale for the appeal. The onus is on the Appellant to justify the grounds on which an appeal is made and to indicate any breaches to the research ethics review process or any elements of the REB decision that are not supported by policy
- 5) The originating institution shall supply to the REAB a written statement of the final decision and a written rationale for the decision. The originating institution shall supply to the REAB copies of the minutes of the meeting at which their decision was taken and copies of any materials consulted by the originating REB. This material will be provided on a confidential basis and will remain the property of the originating institution. All copies shall be returned once the appeal is completed.
- 6) The REAB shall function impartially, provide a fair hearing to those involved, and provide reasoned and appropriately documented opinions and decisions. Both the Appellant and a representative of the originating REB shall be granted the opportunity to address the REAB, but neither shall be present when the REAB deliberates and makes a decision
- 7) The REAB does not have jurisdiction to make binding determinations concerning the duly approved policies of the originating institution.
- 8) Appeals shall be heard by the full REAB (*i.e.* a quorum, as specified in the policy of the REAB's institution, must be present).
- 9) The decision of the REAB and the minutes of the appeal meeting shall be conveyed simultaneously in writing (in print or by electronic means) by the Chair of the REAB to the

Appellant, to the referring administrator at the originating institution, and to the Chair of the originating REB.

- 10) Subsequent amendments to these guidelines shall be approved, signed and dated by appropriate signatories at each institution.