

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

**Research Ethics Board Appeals**

Whereas Kwantlen Polytechnic University and the University of the Fraser Valley are publicly funded post-secondary education institutions and signatories to the *Agreement on the Administration of Agency Grants and Awards by Research Institutions* and are both committed to ensuring the highest ethical standards in research involving humans in accordance with the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (as may be updated from time to time) (the "TCPS"), the institutions agree to this reciprocal Memorandum of Understanding (the "MOU") under which:

- a) The duly constituted Research Ethics Board (REB) of each institution will be available to hear appeals arising from the other institution's REB, consistent with the applicable TCPS *and* interpretation bulletins from the *Panel on Research Ethics*.
- b) When a REB is acting in an appeal capacity, as contemplated by this MOU, it shall be referred to as the "Research Ethics Appeal Board" or "REAB".
- c) The decision of a REAB shall be final and binding on the original REB.
- d) Any out-of-pocket costs incurred by the REAB will be borne by the originating institution.
- e) This MOU shall take effect on December 12, 2022 and supersedes all previous Memoranda of Understanding between the two institutions concerning REB Appeals.
- f) Either institution may terminate their involvement in this MOU by providing six months' written notice signed by the signatory (or the then current holder of the office of the signatory) of one institution and provided to the signatory (or the then current holder of the office of the signatory) at the other institution. The MOU will terminate at the end of the six-month notice period.

Appeals heard by a REAB as provided for in the MOU shall be handled in accordance with the following guidelines for Research Ethics Board Appeals:

- 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 and in accordance with Section 3 below.
- 2) The REAB has the authority to review negative final decisions made by the REB at the originating institution. In so doing, it may approve, reject, or require modifications to the research proposal. The decision of the REAB shall be final and binding on the originating institution.
- 3) Appeals may only 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 the REB; and/or
  - b) A substantive error by the originating REB in applying or interpreting the applicable TCPS or 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 institution's 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.
- 5) The originating institution shall supply to the REAB a written statement of the final decision its REB and a written rationale for the decision. The originating institution shall supply to the REAB copies of the minutes of the meeting of its REB at which the 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 physical copies shall be returned to the originating institution once the appeal is completed. All electronic copies of such materials shall be deleted 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 its decision.
- 7) The REAB does not have jurisdiction to make binding determinations concerning duly approved policies of the originating institution.
- 8) Appeals shall be heard by the full REAB (that is, 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 referring administrator, the Chair of the originating REB, and to the appellant.
- 10) Subsequent amendments to this MOU shall be approved, signed, and dated by appropriate signatories at each institution.

IN WITNESS WHEREOF, the parties have executed this MOU to be effective as of the date specified above.

December 12, 2022

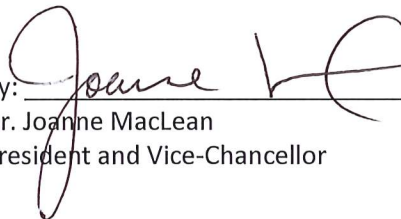
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Date Signed:

KWANTLEN POLYTECHNIC UNIVERSITY

By:   
\_\_\_\_\_  
Dr. Alan Davis  
President and Vice-Chancellor

January 3, 2023  
\_\_\_\_\_  
Date Signed:

UNIVERSITY OF THE FRASER VALLEY

By:   
\_\_\_\_\_  
Dr. Joanne MacLean  
President and Vice-Chancellor