A. Preamble

1. This appeal procedure is made by the Central University Research Ethics Committee (CUREC) under the authority of Part 13 of Council Regulations 15 of 2002 and pursuant to regulation 13.5. Unless otherwise stated, references to regulations are to the regulations in that Part.

2. This procedure applies to staff members, students, or any other person engaged in or interested in a University-led research project to which the University’s Policy on the Ethical Conduct of Research involving Human Participants and Personal Data applies. For ease of reference that person is called the ‘Researcher’ in this procedure. It is immaterial whether or not the research is conducted on the University’s premises or using the University’s facilities.

3. If the Researcher is dissatisfied with the decision of one of the subcommittees named in regulation 13.7 (the ‘Subcommittee’) to withhold, suspend or withdraw ethical approval of research involving human participants or personal data, s/he may appeal that decision.

4. The review process shall be carried out in accordance with the Subcommittee’s standing orders and is described on CUREC’s website, https://researchsupport.admin.ox.ac.uk/governance/ethics/apply. In accordance with regulation 13.12 (3), a Subcommittee may withhold, suspend or withdraw approval of research (whether or not the approval was given by anybody established by these regulations) if it is considered to be in contravention of the University’s policies and procedures on research involving human participants or personal data.

4.1. In practice, the decision to withhold approval will be made on the basis of completed CUREC documentation that has been submitted to the Subcommittee for approval: a completed checklist, a completed full application form if the checklist indicates that this is necessary, and supporting documentation (in some cases, the application may also be supported by an existing protocol or a new protocol submitted for approval with the other application materials).

4.2. Once approval has been given (whether or not by a body established by Part 13 of Council Regulations 15 of 2002), any Subcommittee may, at its own discretion and at any time during the approval’s term, suspend or withdraw its approval.

B. Appeal procedure

1. If the Researcher wishes to appeal a decision made as part of the approval process described in paragraph A4 above (an ‘Appeal’), s/he must notify the Chairman of CUREC in writing, setting out the reasons for appeal, within fourteen days of being notified of that decision. The notification should be sent by email to curec@admin.ox.ac.uk or by post to ‘CUREC Chairman, c/o Council Secretariat, University Offices, Wellington Square, Oxford OX1 2JD’.

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1 Other interested parties might include the Researcher’s head of department, or another university with whom Oxford University is jointly undertaking research.

2 CUREC protocols are statements about general research methods which raise particular ethical questions and which specify how risks to participants in projects using those methods are to be minimised. The prime purpose of a protocol is to allow projects which would, without the protocol, fail the CUREC 1 or CUREC 1A checklist to be undertaken without the need to complete a CUREC 2 full application form.

3 Throughout this procedure, the reference to days is to calendar days.
2. Once the Chairman has been notified, he/she shall appoint a person to act as Secretary of the Appeal (the ‘Secretary’) as soon as practicable, who shall normally be the Secretary of CUREC.

3. The CUREC Chairman shall within fourteen days of receipt of the request for the Appeal appoint an appeal panel of three or five members (the ‘Panel’), one of whom he/she shall appoint as chairman of the Panel and none of whom shall have had prior involvement in the decision that is the subject of the Appeal or any other conflict of interest in hearing the Appeal. The membership of the Panel shall be at the discretion of the CUREC Chairman but shall normally be drawn from the following:

3.1. a person with research experience from the same field as the Researcher;

3.2. a person with research experience from an unrelated field;

3.3. an external member of CUREC or one of its Subcommittees whose primary personal or professional interest is not in research involving human participants or personal data;

3.4. a member of CUREC (including the CUREC Chairman).

4. In the event that the CUREC Chairman was involved in the Subcommittee decision being appealed, the role of Chairman shall be taken by a person appointed by the Pro-Vice-Chancellor (Research and Innovation).

5. The Secretary shall obtain all relevant documentation from the Secretary of the Subcommittee within seven days of receipt of the Researcher’s request for an appeal.

6. The Secretary must:

6.1. notify the relevant Subcommittee (or, where an Appeal is being made in connection to paragraph A4.2 above, any relevant body not established by Council Regulations 15 of 2002) of the request for an Appeal within seven days of receipt of that request; and

6.2. give both the appellant Researcher and the relevant Subcommittee (or relevant body) a period of seven days in which to provide any additional information that may be relevant to the Researcher’s application or the factual basis upon which approval was subsequently suspended or withdrawn; and

6.3. ensure that any relevant contractual obligations to research funding bodies and partner institutions are fulfilled, which may involve notifying them of the Appeal and its outcome.

7. Once the Panel has been established, the Secretary must:

7.1. set a date for the Appeal hearing (the ‘Hearing’) and notify the Panel and the Researcher of that date, telling the latter that he/she may attend the Hearing in order to explain his position if he/she considers that it would materially assist his/her case, but that he/she will not be permitted to be present for the Panel’s deliberations; and

7.2. circulate to the Panel all relevant documentation for review.

8. Unless the Researcher agrees to a later date, the Panel must convene for the Hearing no later than twenty-eight days after the Chairman’s receipt of the Researcher’s request for an Appeal, in order to consider the Researcher’s original application or the facts upon which approval was either suspended or withdrawn.
9. At the meeting the Panel is not confined to considering the issues considered by the Subcommittee or the outcome reached by the Subcommittee. The Panel is to consider the research proposal and other issues afresh and reach its own decision.

10. Once the Panel has reached its decision, the Panel Chairman must notify both the relevant Subcommittee or external body and the appellant Researcher of that decision and the reasons for it, in writing within five days. This marks the completion of CUREC’s, and the University’s, appeal procedure.

11. Researchers should note that an Appeal made in this way must relate to a decision made as part of the approval process described in paragraph A4 above. This means that the following decisions cannot be appealed using this procedure:

11.1. Decisions reached by bodies other than the Subcommittees. Decisions made under the Health Research Authority procedures, for example, are outside CUREC’s jurisdiction and therefore the remit of this procedure, except in circumstances where approval granted by such a body has been withdrawn or suspended by a Subcommittee in accordance with paragraph A4.2.

11.2. CUREC or its Subcommittees may decide to respond to an application by asking that the Researcher change his/her research procedures to meet the relevant Subcommittee’s concerns, and resubmit. Requests of this kind also fall outside the scope of this appeal procedure (although the withholding of approval on the basis that a Researcher refused to change his research procedures upon request may be the subject of an Appeal).