

## Central University Research Ethics Committee: Appeal Procedure

### 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<sup>1</sup> 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, the Researcher may appeal that decision.
4. The appeal process shall be carried out in accordance with the Subcommittee's [standing orders](#) and is described on [Research Support website](#). In accordance with regulation 13.13 (3), a Subcommittee may withhold, suspend or withdraw approval of research 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.
  - 4.2. Once ethics approval has been given, any Subcommittee may, at its own discretion and at any time during the approval's term, suspend or withdraw its ethics approval.

### B. Appeal procedure

1. If the Researcher wishes to appeal an IDREC or OxtREC decision made as part of the approval process described in paragraph A4 above (an 'Appeal'), the Researcher must notify the Chair of CUREC in writing, setting out the reasons for appeal, within fourteen days<sup>2</sup> of being notified of that decision. The notification should be sent by email to [curec@admin.ox.ac.uk](mailto:curec@admin.ox.ac.uk) or by post to 'CUREC Chair, c/o Council Secretariat, University Offices, Wellington Square, Oxford OX1 2JD'.
  - 1.1 If the appeal relates to a decision made by a Departmental Research Ethics Committee (DREC), the Researcher must notify the Chair of the appropriate Interdivisional Research Ethics Committee (DREC) instead of the Chair of CUREC. The notification should be sent by email to the IDREC's [email address](#) or by post to the 'IDREC Chair, c/o IDREC Secretariat, Research Services, University of Oxford, Boundary Brook House, Churchill Drive, Headington, Oxford, OX3 7GB', within fourteen days of being notified of that decision.
2. Once the CUREC or IDREC Chair has been notified, the Chair shall appoint a person to act as Secretary of the Appeal (the 'Secretary') as soon as practicable, who shall normally

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<sup>1</sup> Other interested parties might include the Researcher's Head of Department, or another university with whom Oxford University is jointly undertaking research.

<sup>2</sup> Throughout this procedure, the reference to days is to calendar days during term time. While every effort will be made to follow this schedule for appeal made outside term time, the process may take slightly longer.

be the Secretary of their committee.

3. The committee Chair 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 the Chair shall appoint as chair 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 committee Chair 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 the committee investigating the appeal (including the committee's Chair).

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

4.1 For appeals against DREC decisions, in the event that the IDREC Chair was involved in the Subcommittee decision being appealed, the role of Chair shall be taken by a person appointed by the CUREC Chair.

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, providing the Researcher with an opportunity to comment on all of the documentation upon which the Appeal Panel will base its decision.; 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 Researcher that they may attend the Hearing in order to explain their position if they consider that it would materially assist their case, but that they will not be permitted to be present for the Panel's deliberations; and

7.2. circulate to the Panel all relevant documentation for review. If there are several versions of the application, the Panel will consider the version that the Committee's decision was based upon.

8. Unless the Researcher agrees to a later date, the Panel must convene for the Hearing no later than twenty-eight days after the CUREC Chair'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 chair 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 or Safety Office procedures, for example, are outside CUREC's jurisdiction and therefore the remit of this procedure.

11.2. CUREC or its Subcommittees may decide to respond to an application by asking that the Researcher change their 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 their research procedures upon request may be the subject of an Appeal).