

## SOP 7: Decision Appeal Process

The South African College of Applied Psychology Research Ethics Committee (SACAP REC)	
<b>Title</b>	SOP 7: Decision Appeal Process
<b>SOP No.</b>	SOP 7_SACAP REC_7.1
<b>Date of approval</b>	January 2022
<b>Revision date</b>	October 2021
<b>Pages</b>	3

### 1. COMPILATION AND AUTHORIZATION

Action	Designated person	Date	Signature
<b>Compiled for SACAP by</b>	Dr Malesa Kgashane	6 August 2021	
<b>Amended for SACAP by</b>	REC Office	26 October 2021	K. J. Young
<b>Checked by</b>	Academic Manager	10 November 2021	C.E. Ford
<b>Authorised by</b>	Academic Dean	20 January 2022	J.O. Lotter

### 2. DOCUMENT HISTORY

Date	Version no	Reason for revision
July 2021	1	Development of the document

### 3. ABBREVIATIONS AND DEFINITIONS

Abbreviation	Definition
<b>SACAP REC</b>	The South African College of Applied Psychology Research Ethics Committee
<b>SOP</b>	Standard Operating Procedure/s
<b>REC</b>	Research Ethics Committee
<b>NHREC</b>	National Health Research Ethics Council

### 4. PURPOSE OF THE SOP

Researchers have the right to apply for the review of a decision, in relation to significant amendments requested to a research proposal for ethics approval, by a constituted ethics review committee provided that sufficient motivation for such an objection exists. The purpose of this SOP is to provide a framework for the establishment of an appeal procedure to promote standard and uniform appeal practices based on integrity, dignity (fairness, transparency, care and respect) and accountability.

## 5. SCOPE

The scope of this document covers the establishment of a standardised appeal procedure aligned with college-wide application to all RECs. It covers the responsibilities and procedure(s) to be followed by the relevant RECs.

## 6. RESPONSIBILITIES

The SACAP REC Chair, Vice Chair and Administrator of an REC should be aware of the appeal procedure to ensure a standardised approach. Similarly, appealing researchers should be informed about the appeal procedure.

## 7. PROCEDURE(S)

**7.1. Grounds for Appeal:** An applicant may appeal in writing against a decision concerning their application, on the grounds that there are significant requested amendments or changes to the proposal/application documentation. Note: Dissatisfaction with the decision of a REC alone is not a ground for an appeal.

**7.2. Appeal Process (general):**

7.2.1. Where researchers are dissatisfied with an REC decision, they have the right to obtain from the REC written reasons for its decision and should exercise this right before launching an appeal.

7.2.2. An informal discussion with the REC Chair and/or Administrator should be the first step before launching an appeal.

7.2.3. If an oral, informal resolution cannot be achieved, a formal appeal process is initiated which allows for the case to be escalated to the next level of research ethics review being guided by the college's line of authority in terms of reporting.

7.2.4. The appellant writes a memo stating the grounds for the appeal within three weeks of receiving the committee's decision. The appeal is addressed to the SACAP REC Chair.

7.2.5. Should the appeal not be successful and the appellant has exhausted all the institution's channels, a researcher retains the right to appeal or complain to the National Health Research Ethics Council (NHREC), if the research falls under the jurisdiction of this council i.e. fulfils the definition of Health Research as defined in the National Health Act No. 61 of 2003. NOTE: A researcher/appellant may not directly appeal to a REC with higher authority without following the appropriate reporting channels.

**7.3. Appeal Process (SACAP REC):**

7.3.1. The basis of the appeal and all the relevant documentation must be submitted in writing to the SACAP REC.

7.3.2. The appeal is acknowledged within two working days by the REC Administrator.

7.3.3. Composition of the appeal panel:

7.3.3.1. The SACAP REC Chair appoints an appeal panel made up of three to five members to review the substance of the application together with any additional information put forward by the researcher.

7.3.3.2. The panel must obtain at least one independent, external, expert review

of the research and the substance of the appeal.

- 7.3.3.3. The independent, external review can be obtained either internally from a member of any REC that is not directly affiliated to the REC dealing with the appeal, or externally from a person with the necessary expertise from another university or college.
- 7.3.3.4. Additional reviews should be obtained if deemed appropriate i.e. in cases where special expertise might be needed.
- 7.3.4. Members of the appeal panel sign a conflict of interest and confidentiality agreement on acceptance of membership to the panel.
- 7.3.5. The SACAP REC Chair responsible for the appointment of the appeal panel draws up timelines for the submission of documentation, for the hearing of the appeal and for delivery of the panel's decision.
- 7.3.6. After deliberation of all the information placed before it, the panel must either:
  - 7.3.6.1. Uphold the appeal;
  - 7.3.6.2. Reject the appeal; or
  - 7.3.6.3. Refer the matter to the SACAP REC and/or College leadership for consultation.
- 7.3.7. In the event of an 7.3.6.1 or 7.3.6.2 outcome, the decision of the SACAP REC is final. However, researchers conducting 'health research' retain the right to complain or appeal to the National Health Research Ethics Council in the event that they remain dissatisfied with the outcome of the appeal<sup>1</sup>.
- 7.3.8. The appeal panel is authorised to:
  - 7.3.8.1. Request further information if needed;
  - 7.3.8.2. Interview the parties; but if it does so, it must be in the presence of both parties, failing which, it must report to the other party the substance of the submissions or answers given and allow an opportunity to rebut;
  - 7.3.8.3. Require the parties to seek to resolve the matter through mediation or seek some other route as to a possible resolution of the dispute; and to recommend to the REC that the appeal be upheld; or
  - 7.3.8.4. Recommend to the REC to dismiss the appeal.

## 8. REFERENCE DOCUMENTS

University of Stellenbosch (2016) Standard Operating Procedures and Guidelines, V4: Health Research Ethics Committee 1 & 2.

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<sup>1</sup> The National Health Research Ethics Council has been given the mandate by the National Health Act No.61. 2003 (NHA) to investigate and manage complaints related to the review and approval of 'health research' as defined in the NHA, by research ethics committees.