

Personal Information Protection Policy

1. Introduction

1.1. Quest University (“Quest”) encourages and expects members of the academic community at Quest to undertake research as an important means of both contributing to the search for truth and enhancing the learning experience which lies at the heart of Quest’s purpose. Quest expects all research undertaken by every member of its academic community to reflect the highest ethical standards.

1.2. In this regard, in connection with research involving human subjects, Quest expressly adopts and endorses the principles set out in the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (“Tri-Council Policy”) as amended from time-to-time. The Tri-Council Policy identifies the principles and values that underlie ethical Human Research. These principles and values include respect for human dignity, respect for free and informed consent, respect for vulnerable persons, provision for maintaining the privacy and confidentiality of subjects and researchers, respect for justice and inclusiveness, and the balancing of potential harms and benefits with an emphasis on minimizing harm and maximizing benefits.

1.3. The purpose of this Policy is to describe the policies and procedures that will govern the establishment and operation of a Research Ethics Board (“REB”) and the process for obtaining ethical approval of Human Research at Quest. Quest expects that the Policy will be interpreted and applied in conformity with the Tri-Council Policy.

2. Definitions

2.1. Academic Community: every employee and student of Quest and all persons who are in any form of recognized collaboration with one or more of them for the purpose of undertaking Human Research;

2.2. Applicant: a member of the Academic Community who submits an Application;

2.3. Application: an application to the REB for ethical approval of Human Research;

2.4. Human Research: any form of Research that involves one or more human subjects;

2.5. Research: any systematic investigation the goal of which is to establish facts, principles, or specific or general knowledge but always excluding quality assurance studies, performance reviews, and testing within normal educational requirements.

3. Requirement for Ethical Approval

3.1. Every member of the academic community at Quest who proposes to undertake Human Research must first obtain a certificate of ethical approval (“Certificate”) from the REB. The REB may only grant a Certificate if the Applicant has made an application to the REB in conformity with both the requirements set out in this Policy and with such additional requirements as the REB may reasonably establish from time to time.

3.2. Human Research conducted by students under the supervision of a member of Quest’s faculty as part of the academic program at Quest is subject to the delegated ethical approval process set out in this Policy always provided that such Human Research otherwise meets the requirements for such approval. If such Human Research does not otherwise meet the requirements for such approval, then it must be submitted for approval under the generally applicable provisions of this Policy.

4. Establishment of the Research Ethics Board

4.1. Appointment

4.1.1. The President of Quest will, after consulting with the members of Quest’s faculty, appoint the members of the REB.

4.2. Composition

4.2.1. The REB shall be made up of at least six regular members, including both men and women, of whom:

- (a) at least four are employed as tutors by Quest who have broad expertise in the methods or areas of research that will be reflected in applications for ethics approval made to the REB;
- (b) at least one is knowledgeable in ethics;
- (c) at least one is a member of the community served by Quest but who has no formal affiliation with Quest; and
- (d) at least one is capable of alerting the REB to the presence of legal issues which may require specific further consideration in an application for ethics approval.

4.2.2. The President may appoint alternates for one or more regular members of the REB to ensure that the expertise required to address applications for ethical approval is reasonably available. If the President appoints an alternate member of the REB, he/she will identify in writing the member of the REB for whom the person is an alternate and provide the alternate and all members of the REB with a copy of the document containing that identification.

4.3. Duration of Appointments

4.3.1. Each appointment to the REB will be made for a period of three years and may normally be renewed once. In cases where a member of the REB provides a highly specialized or scarce form of expertise to the REB, the President may renew his/her appointment more than once. To ensure continuity of expertise and experience, the President, acting in his/her sole discretion, may make the initial appointments to the REB for periods of between one and four years.

4.4. Chair and Vice-Chair

4.4.1. After consultation with the members of the REB, the CAO will designate a regular member of the REB who is also a member of Quest's faculty to act as Chair of the REB for a period of up to three years.

4.4.2. After consultation with the members of the REB, the CAO will designate a regular member of the REB who is also a member of Quest's faculty to act as Vice-Chair of the REB for a period of up to three years.

5. Authority and Responsibility of the Research Ethics Board

5.1. The REB will have the authority and responsibility to:

5.1.1. approve, reject, propose modifications to, or terminate any proposed or ongoing Human Research which is conducted by a member of the Academic Community. For all such purposes, the procedures and principles set out in this Policy will constitute the minimum applicable standards of review;

5.1.2. develop and implement such policies and procedures as may be required or advisable to assist the REB in the effective discharge of its responsibilities always provided that no such policy or procedure may contradict or supersede the provisions of this Policy;

5.1.3. undertake an annual review of Quest's and the REB's policies and procedures related to Human Research to ensure that such policies and procedures remain current and to report to the CAO about the REB's findings;

5.1.4. address such matters related to Human Research as may be referred to the REB from time to time by the CAO;

5.1.5. participate in continuing professional development programs offered by Quest to the Academic Community when such programs include matters related to ethics in Human Research; and

5.1.6. prepare and submit to the CAO an annual report about the REB's activities.

5.2. The REB is responsible to the CAO for the effective discharge of its authority and responsibility under this Policy. However, in discharging its authority and responsibility under this Policy, the REB will enjoy a high degree of autonomy. All members of the Academic Community are expected and required to respect and support that autonomy.

6. Meetings of the Research Ethics Board

6.1. Timing

6.1.1. The REB will meet at such intervals as are required to ensure the business of the REB is conducted in a timely and efficient manner.

6.1.2. The Chair will decide on and publish an annual schedule of the REB's meetings in September of each calendar year. In addition, the Chair may call such additional meetings as may be required from time to time.

6.2. Quorum

6.2.1. To constitute a quorum at a meeting at which the REB will consider one or more applications for the ethical approval of Human Research, a majority of the regular members of the REB must be present including both a member representing the community and a member capable of alerting the REB to the presence of legal issues which may require specific further consideration in an application for ethics approval.

6.2.2. To constitute a quorum at any other meeting of the REB, at least four members of the REB must be present of whom at least three must be regular members and one of whom must be the Chair or Vice-Chair.

6.3. Voting

6.3.1. All matters arising from applications for ethical approval of Human Research shall be put to a vote of the REB. Such votes shall be conducted on the basis of a motion expressed in positive terms which shall be decided by a show of hands. In the event of a tie vote, the motion will fail. The minutes of the REB will record all motions and the outcome of the vote to which the motion is put.

6.4. Conflict of Interest

6.4.1. If the REB is reviewing an Application in which a member of the REB has a personal interest, whether direct or indirect, he/she will declare that interest promptly to the Chair who must then decide whether or not the interest in question creates a conflict of interest. For the purpose of making this decision, the Chair may consult with the CAO and with the lawyer who advises the REB. The Chair must make his/her decision as expeditiously as possible.

6.4.2. If the Chair decides that a member of the REB has a conflict of interest, the member will refrain from participating in any way in the REB's review of the application giving rise to the conflict of interest.

6.4.3. If the member of the REB who has a potential conflict of interest is the Chair, then the Vice-Chair will assume the Chair's responsibilities under this provision.

6.4.4. A member of the REB who had been found by the Chair to have a conflict of interest may appeal the Chair's decision to a quorum, excluding the Chair, of the regular members of the REB. The quorum will hear from both the member of the REB and the Chair concerning the Chair's finding that the member is in a conflict of interest and decide whether or not the Chair's decision should stand. The Appeal must be conducted as expeditiously as possible.

7. Applications for Ethical Approval

7.1. A member of the Academic Community who proposes to undertake Human Research must first obtain ethical approval from the REB using the procedures and forms established from time-to-time by the REB.

7.2. The REB will undertake the approval process in conformity with the following standards:

7.2.1. All research that involves living human participants constitutes Human Research and requires review and approval by the REB under the terms of this Policy before the research starts except when such research is expressly subject to an exemption or a modified procedure under this Policy;

7.2.2. Research that involves human remains, cadavers, tissues, biological fluids, embryos or foetuses, including situations when such materials have first been obtained routinely but are later used for educational purposes, must also be reviewed and approved by the REB under the terms of this Policy;

7.2.3. Research about a living individual who is involved in the public arena or an artist which is based exclusively on information in the public domain including documents, records, works, performances, exhibitions, and archival materials or third-party interviews constitutes Human Research but does not require approval under the terms of this Policy. However, this exception does not apply when such research includes a direct approach to the subject of the research for the purpose of undertaking interviews or obtaining access to private papers or both. In this event, the research must be submitted for review to ensure that any such approach is conducted according to appropriate professional protocols;

7.2.4. Research that involves naturalistic observation will be subject to review unless the observations are made exclusively of participants in public activities such as demonstrations, political rallies, and public meetings where it may be reasonably expected that the participants are seeking public visibility;

7.2.5. Research that involves only quality assurance studies, performance reviews, or testing within normal educational requirements does not have to be submitted for review under the terms of this Policy.

8. Review

8.1. Delegated Review

8.1.1. The ethical review process for Human Research which is conducted directly under the supervision of a tutor by a student member of the Academic Community as a part of his/her educational experience in a class will, in most cases, be undertaken by the tutor acting as a delegate of the REB.

8.1.2. To qualify for delegated review, the Human Research must be minimally invasive, must not be undertaken in any way in the public domain, must not be intended for publication in any form in the public domain, and must be undertaken entirely on Quest's campus. To obtain approval from the REB for a delegated review, a tutor must submit a letter outlining the purpose and scope of the Human Research and obtain confirmation that the REB has approved a delegated review before any such Human Research begins. A delegated review must take place in conformity with both the requirements of this Policy and any specific directions given by the REB in conjunction with the REB's approval of a delegated review. The tutor undertaking the delegated review must report the result of the review to the REB in a timely way.

8.1.3. Any Human Research which is not approved by the REB for delegated review must be the subject of an Application.

8.2. Proportionate Review

8.2.1. When reviewing an Application, the REB will use a model based on the general principle that there should be a proportionate relationship between the degree of scrutiny by the REB and the invasiveness of the proposed Human Research.

8.3. Peer Review

8.3.1. The design of the Human Research proposed in an Application which is subject to the standard review process must be peer reviewed to ensure that it is capable of addressing the question(s) which are being asked. For this purpose, acceptable forms of peer review include any one of the following measures:

- (a) The issuance of a Certificate if the proposed Human Research falls within the expertise of the REB;
- (b) Funding of the proposed Human Research by a granting agency which uses peer review when determining which grant applications should be funded;
- (c) Independent peer review conducted on an ad hoc basis, the results of which are reported directly to the REB.

8.3.2. In the case of an Application which involves biomedical Human Research that poses no more than a minimal degree of risk, the extent of the peer review will vary according to the nature of the proposed Human Research.

8.3.3. Human Research undertaken in the Humanities and the Social Sciences which poses no more than a minimal degree of risk will not normally be peer reviewed unless the design of the proposed Human Research is experimentally based.

8.3.4. Certain types of Human Research, notably in the Humanities and the Social Sciences, may have an unavoidable but legitimate negative impact on either organizations or individuals with a public profile who are the subject(s) of such Human Research. Ethical approval of such Human Research should not be refused based on either the application of the principle that potential harms and benefits must be balanced with an emphasis on minimizing harm and maximizing benefit or concern about the potentially negative findings of such Human Research.

8.4. Standard Review Process

8.4.1. An Application will be referred to the standard review process unless it qualifies for an expedited review because it poses no more than a minimal degree of risk.

8.4.2. The REB will develop the policies and procedures that govern the standard review process and make those readily available to the Academic Community.

8.4.3. At a minimum such policies and procedures will:

- (a) require a quorum of the REB to meet in person to review, discuss, and make decisions about such Applications as may have been submitted to the REB;
- (b) provide, especially in the case of a controversial or an unusually complex Application, for the REB to meet in person with an Applicant to discuss the Application;
- (c) require the REB to keep minutes of all of its meetings and to file a copy of the relevant minutes in the file associated with an Application which has been discussed by the REB at a meeting;
- (d) require the REB to maintain an appropriate and secure filing system containing a separate and identifiable file for each Application which will remain the property of Quest at all times and which must include all material coming into the REB's possession that relates to that Application;
- (e) identify the minimum information, including any required forms, which must be submitted to the REB to constitute an Application;
- (f) require an Applicant to provide the REB with all requested or required information about the Application in a timely manner;
- (g) require an Applicant who has made an Application which has received a Certificate to notify the REB when the Human Research contemplated by the Application has been completed; and
- (h) provide for the terms on which the REB may refuse or delay ethical approval including the provision by an Applicant of inadequate or insufficient information.

8.5. Expedited Review Process

8.5.1. If either of the following criteria is satisfied, an Applicant may but is not required to ask the REB for an expedited review of the Application:

- (a) the proposed Human Research obviously involves no more than a minimal risk, as that term is defined in the Tri-Council Policy Statement and the Applicant has expressly acknowledged to the REB that he/she is aware of the requirement that an Application subject to expedited review must involve no more than minimal risk; or
- (b) the Applicant is seeking only to renew an existing Certificate without significant changes to the ongoing Human Research, the Applicant has complied fully any existing requirements imposed by the REB, and the relevant file is complete and current.

8.5.2. On receipt of a request for an expedited review of an Application, the Chair will consider the request and decide whether to allow it. Acting in his/her sole discretion, the Chair may refuse a request for an expedited review in which case he/she will refer the Application to the standard review process unless the Applicant withdraws the Application.

8.5.3. If the Chair decides to refer the Application to the expedited review process, the Chair and two regular members of the REB will conduct an expedited review of the Application. They do not need to meet in person for this purpose. Normally, the REB will complete an expedited review of an Application within two weeks of receiving a completed Application.

8.5.4. At appropriate intervals, the Chair will report to the REB about requests for expedited review of Applications and the outcome of such requests.

8.6. Continuing Review

8.6.1. If the Human Research continues for a period in excess of the period for which the REB has issued a Certificate, the Applicant must submit, in the form required by the REB, an application for renewal and amendment of the Certificate. The Chair of the REB will first review the application for renewal and amendment. If it does not contemplate any material change to the Research Plan or Research protocol for which the REB has previously issued a Certificate, then the Chair of the REB may extend the existing Certificate for a maximum period of one year. However, if, on review, the Chair of the REB forms the opinion that the application for renewal and amendment contemplates a material change to the Research Plan or the Research protocol for which the REB has previously issued a Certificate, the Chair will require the Applicant to submit a new Application to the REB.

8.6.2. Human Research which is ongoing in nature will be subject to continuing review by the REB to ensure that appropriate ethical standards are maintained. To facilitate such review, an Applicant must notify the Chair promptly about any material change in the Research plan or the Research protocol for which the REB first issued a Certificate. In addition, in such cases an Applicant must propose means by which the subjects of the Human Research may contact the Chair directly and efficiently with concerns or complaints about the conduct of the Human Research. The REB will take seriously any such concerns or complaints and may require an Applicant to modify the ongoing Human Research in response to such concerns or complaints.

9. Decision

9.1. Decision

9.1.1. At the conclusion of a review, REB will:

- (a) issue a Certificate for a maximum period of one year;
- (b) refuse to issue a Certificate; or
- (c) refuse to issue a Certificate but provide directions to an Applicant about the revisions to the Application that will be required before the REB will consider issuing a Certificate.

9.2. Reconsideration

9.2.1. An applicant may request and, on receipt of a request, the REB will undertake a reconsideration of any decision affecting the conduct of Human Research by the Applicant. For this purpose, unless the REB decides to issue a Certificate for a period of one year, the REB will provide the Applicant with both the reasons for its intended decision and an opportunity to comment on those reasons before reaching a final decision. Subject only to the provisions of this Policy, the REB's decision will then be final.

10. Appeal

10.1. Appeal Board

10.1.1. For the purpose of permitting appeals from the REB's decisions to be heard, the President will establish a panel ("Appeal Board") consisting of three faculty members holding positions at Quest as Coordinators. The three members of the Appeal Board will choose a Chair from among themselves and advise the CAO of the name of the Chair.

10.1.2. Unless the Applicant who is appealing the decision of the REB asks for his/her appeal to be heard by the whole Appeal Board, an appeal under this Policy will be heard by a single member of the Appeal Board, to be chosen by the Chair. The person(s) hearing an appeal will do so using such procedures as are established from time-to-time by the Appeal Board always provided that such procedures must give the Applicant a fair and reasonable opportunity to present his/her appeal and that the Appeal Board may choose to hear an appeal orally or in writing.

10.2. Starting an Appeal

10.2.1. An Applicant may appeal any decision of the REB other than a decision to grant a Certificate for a period of one year. To start an appeal, an Applicant must, within 60 calendar days of the date on which the REB published the decision under appeal, provide the CAO with a letter setting out in reasonable detail the grounds on which he/she is appealing.

10.3. Grounds for Appeal

10.3.1. The grounds for an appeal will be limited to the following:

- (a) one or more allegations that the REB committed a procedural error of sufficient importance that it probably affected the outcome of the Application;
- (b) a significant disagreement between the Applicant and the REB about the correct interpretation of the Tri-Council Policy; or
- (c) both.

10.4. Hearing an Appeal

10.4.1. If the CAO receives an appeal within the permitted time, he/she will forward the appeal to the Chair of the Appeal Board. The Chair of the Appeal Board will then arrange for the appeal to be heard and decided in conformity with the requirements of this Policy. The decision of the Appeal Board will be final.

10.5. Reporting

10.5.1. The Chair of the Appeal Board will provide the Chair of the REB and the CAO with a copy of each decision the Appeal Board makes and will prepare and provide to the CAO an annual report about the Appeal Board's activities.

10.6. Maintenance of Files

10.6.1. The Chair of the Appeal Board will ensure that the Appeal Board maintains an appropriate and secure filing system containing a separate and identifiable file for each appeal which it hears. All such files will remain the property of Quest at all times and the file for each appeal must include all material coming into the Appeal Board's possession that relates to that appeal.

11. Sanctions for Non-Compliance

11.1. The Chair of the REB has the authority to refuse permission to a member of the Academic Community either to open a research account at Quest or to access research funding controlled by Quest or both if the member of the Academic Community does not comply with either the requirements of this Policy or the requirements of the Tri-Council Policy or both.

11.2. The Chair of the REB will bring any such cases to the attention of both the REB and the CAO. The CAO will then decide whether any further sanctions are warranted by the facts of each particular case.

11.3. Before issuing a sanction under the provisions of this Policy, the Chair of the REB or the CAO or both will provide the member of the Academic Community who faces a sanction with a fair and reasonable opportunity to know and respond to the case for the imposition of a sanction. However, in cases of urgency, the Chair of the REB or the CAO or both may impose a sanction on an interim basis until such time as it is possible to provide the member of the Academic Community with a fair and reasonable opportunity to know and respond to the case for a sanction.

11.4. A member of the Academic Community who is subject to a sanction imposed by either the Chair of the REB or the CAO or both under the terms of this Policy may appeal the imposition of the sanction to the Appeal Board. The Appeal Board will hear such an appeal using procedures analogous to those it uses for an appeal related to the issuance of a Certificate. The decision of the Appeal Board will be final.

12. Reporting Requirements

12.1. The Chair must:

12.1.1. issue a signed Certificate to every Applicant who is entitled to receive one;

12.1.2. provide a copy of every issued Certificate to the CAO in a timely way;

12.1.3. report every decision he/she makes to permit minor amendments to a Certificate without review by the REB to the REB and ensure that all such decisions are recorded in a timely way in the minutes of the REB;

12.1.4. report every decision he/she makes to extend an existing Certificate under the Continuing Review provisions of this Policy to the REB; and

12.1.5. ensure that the REB provides an annual report of its activities to the CAO.

12.2. The CAO must:

12.2.1. arrange for the REB's annual report to be published electronically at an appropriate location on Quest's website;

12.2.2. take reasonable steps to notify the Academic Community that the REB's annual report is available for review;

12.2.3. arrange for the Appeal Board's annual report to be published electronically at an appropriate location on Quest's website; and

12.2.4. take reasonable steps to notify the Academic Community that the Appeal Board's annual report is available for review

13. Provision of Resources to the Research Ethics Board

13.1. General Responsibility

13.1.1. Quest, acting through the CAO, will ensure that the REB has access to such budgetary and operational resources as may be reasonably required to permit the REB to discharge its authority and responsibility under this Policy. Such resources must include appropriate and timely access to independent legal advice.

13.2. Administrative Support

13.3. CAO

- 13.3.1. The CAO will provide the following forms of administrative support to the REB:
- (a) distribution to members of the Academic Community of such forms and associated informational materials as are used from time to time to make an Application;
 - (b) collection of and distribution to REB members of Applications;
 - (c) storage of applications and related materials in a secure location;
 - (d) logistical support to the REB in connection with the discharge of its educational mandate;
 - (e) acting as the designated point-of-contact for the Tri-Council Advisory Group;
 - (f) such other duties related to the support of the REB as Quest may reasonably assign to the CAO from time to time.

13.3.2. The CAO will provide sufficient administrative and operational support to the Appeal Board to allow the Appeal Board to discharge its functions in an appropriate and timely manner.

13.4. Coordinators

- 13.4.1. Coordinators will provide the following forms of administrative support to the REB:
- (a) logistical support to the REB in connection with the discharge of its educational mandate;
 - (b) managing the system by which Human Research activities will be brought to the attention of the REB;
 - (c) ensuring that members of the Academic Community are applying for Certificates when they are required; and
 - (d) advising members of the Academic Community of the need to adhere to the requirements of the Tri-Council Policy when undertaking Human Research.

13.5. Tutors

- 13.5.1. Tutors will provide the following forms of administrative support to the REB:
- (a) educating student members of the Academic Community about the need to conduct Human Research in an ethical manner, the existence and requirements of the Tri-Council Policy, and the existence and requirements of this Policy; and
 - (b) screening Applications from student members of the Academic Community on a preliminary basis to ensure compliance with the requirements of this Policy.