

Health Research Ethics Board of Alberta

Terms of Reference

1. Definitions

- 1.1. “Applicable Regulations” means the laws and guidelines that regulate the conduct of research in the province of Alberta.
- 1.2. “Board of Alberta Innovates” means a governing body of Alberta Innovates consisting of directors appointed by the Lieutenant Governor in Council.
- 1.3. “CEO of Alberta Innovates” means the Chief Executive Officer of Alberta Innovates.
- 1.4. “Designate of the CEO” means the person or persons designated from time to time by the CEO of Alberta Innovates to be responsible for and carry out the functions specified in these Terms of Reference.
- 1.5. “HIA” means the Health Information Act (Alberta), R.S.A 2000, c. H-5 as amended.
- 1.6. “HREBA” means the Health Research Ethics Board of Alberta.
- 1.7. “HREBA Committee” means the research ethics committees within HREBA, being: the Cancer Committee, Clinical Trials Committee and Community Health Committee.
- 1.8. “HREBA Committee Chair” means the person appointed as chair of a HREBA Committee in accordance with Section 6 of these Terms of Reference.
- 1.9. “HREBA Research Ethics Office” means the group within Alberta Innovates that provides integrated support for and administration of all aspects of the ethics review and approval processes.
- 1.10. “Management of Alberta Innovates” means any individual who is accountable for managing a functional area or business unit, managing and evaluating the performance of employees and contractors, and forecasting and managing their functional area budgets.
- 1.11. “REB” means a research ethics board or research ethics committee and includes HREBA and the other committees and board designated as research ethics boards of the purposes of Par 5, Division 3 of the HIA.
- 1.12. “Reciprocity Agreement” means the Research Ethics Reciprocity Agreement made effective December 1, 2016 among Alberta Health Services, Alberta Innovates, the College of Physicians and Surgeons of Alberta, The Governors of the University of Alberta and the Governors of the University of Calgary.

- 1.13. "TCPS 2" means the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, December 2014, including any revisions, amendments and supplements from time to time included as part of the officially approved version.

2. Mandate and Authority

HREBA was formed in January 2014 by Alberta Innovates-Health Solutions (as it then was) to assess and ensure that all research projects involving human subjects as outlined in the Reciprocity Agreement meet the highest ethical standards prior to their inception and during their execution.

HREBA is built upon the guiding core ethical principles, as discussed by the TCPS 2, of: respect for persons, concern for welfare, and justice. From a research ethics perspective, HREBA is vested with the authority and responsibility to approve, modify or reject protocols for research involving human subjects, monitor ongoing research projects, and to suspend or terminate any ongoing research involving human subjects that is non-compliant.

Alberta Innovates requires that research involving human participants carried out within the jurisdiction of Alberta Innovates or under the auspices of Alberta Innovates be reviewed and approved by a REB prior to initiation of any research related activities.

HREBA is formally designated by the Minister of Health, Government of Alberta to review research involving health information as defined by the HIA. HREBA's minimum standards for ethics review shall be:

- the considerations included but not limited to TCPS 2,
- HIA,
- International Conference on Harmonisation Good Clinical Practice Guidelines (ICH-CGP),
- Part C Division 5 of the *Food and Drugs Act* and applicable *Regulations of Health Canada*,
- Code of Federal Regulations for U.S. studies, and
- Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects,
- HREBA Policies and Standard Operating Procedures, as adopted and revised when necessary.

An appeal of a decision of an HREBA Committee shall be conducted in accordance with the applicable HREBA Standard Operating Procedure.

3. Purpose

Recognizing the importance of research and the need to ensure the ethical conduct of research in Alberta, the independent functioning of an REB requires REB members and researchers to navigate a course between the two main goals of providing the necessary protection of participants and serving the legitimate requirements of research through a transparent and accountable process for review of the ethical acceptability of research.

The Board of Alberta Innovates has established HREBA to ensure competent and independent research ethics review (TCPS 2 Article 6.4). HREBA will review the ethical acceptability of research involving humans where the type of study is such that HREBA is entitled or required to conduct the review in accordance with the Reciprocity Agreement, regardless of where the research is conducted, in accordance with the TCPS 2 and all Applicable Regulations. HREBA may review the ethical acceptability of research involving humans where the type of study is such that Alberta Innovates requires or permits HREBA to conduct such review.

An REB approval applies to the ethical acceptability of the research and does not, in itself, constitute authorization for the research to proceed. Additional approvals may be required external to HREBA. Decisions of HREBA are binding on Alberta Innovates only with respect to the ethical acceptability of research involving humans.

4. Independence

In its decision-making with respect to its mandate under the TCPS 2 and HIA, HREBA is not to be subject to political or governmental interference and is independent of Management of Alberta Innovates. All other entities, units and offices shall respect the accountability and authority delegated to HREBA and may not override a HREBA decision to issue or refuse to issue an ethics approval. Alberta Innovates, in consultation and collaboration with the HREBA Committees Chairs, shall implement appropriate structures and procedures to permit each HREBA Committee to function independently of Management of Alberta Innovates with respect to its decision-making.

5. Accountability

Each HREBA Committee Chair is responsible for ensuring that the research ethics review process conforms to the requirements of applicable regulations. HREBA and the HREBA Committee Chairs are accountable to the CEO of Alberta Innovates for the integrity of HREBA's research ethics review process. For oversight and risk management purposes, each HREBA Committee Chair will notify the CEO of Alberta Innovates or the Designate of the CEO who will notify the CEO of Alberta Innovates. For administrative matters, each HREBA Committee Chair will be the point of contact with Alberta Innovates administration. As necessary, matters may be escalated to the CEO or CEO Designate.

Each HREBA Committee Chair shall prepare an Annual Report on the activities of their respective HREBA Committee and shall provide the Annual Report to the CEO of Alberta Innovates. The Annual Report shall include such information as is requested by the CEO of Alberta Innovates. The CEO of Alberta Innovates may provide the Annual Report to the Board of Alberta Innovates.

These Terms of Reference can be reviewed at any time, and suggestions for changes brought forward for discussion.

Alberta Innovates will conduct an annual assessment of the HREBA Committee Chairs and Vice-Chairs, such assessment to be conducted by a person or persons designated by the CEO of Alberta Innovates. The HREBA Committee Chairs will assess the committee members.

6. HREBA Committee Membership and Meetings

Composition and Appointment of Members

To promote complete and adequate review of the type of research commonly reviewed by an REB, the REB must include appropriate diversity; therefore, selection of members must include a consideration of professional expertise (including both scientific and non-scientific) to assess the research submitted for review. Important considerations are also race, sex, cultural backgrounds, clinical and research experience, organizational affiliation, and sensitivity to such issues as broad representation from organizations served by the REB. The membership of the REB should be designed to ensure competent and independent research ethics review.

Annually, each HREBA Committee determines the need for expertise in relevant research disciplines in order to ensure competent independent research ethics review (TCPS 2 Article 6.4). Members shall be appointed by the CEO of Alberta Innovates or Designate of the CEO on recommendation of the applicable HREBA Committee Chair. Appointments are for three-year terms, which may be renewed subject to review by the applicable HREBA Committee Chair. Each HREBA Committee Chair may make extensions to the term of a member of that HREBA Committee where reasonably necessary. To maintain continuity, terms are to be staggered. A member may withdraw at any time upon written notification to the applicable HREBA Committee Chair.

The composition of each HREBA Committee will be determined by the ongoing needs. The minimum requirements (TCPS 2 Article 6.9, 6.4) are as follows:

- At least two members who have expertise in relevant research disciplines, field and methodologies covered by the HREBA Committee (for biomedical clinical trials, this will include at least one member who practices medicine or dentistry and who is in good standing with their regulatory body),
- At least one member who is primarily experienced in non-scientific disciplines
- At least one member who is knowledgeable in ethics,
- At least one member who is knowledgeable in the relevant law. This is mandatory for biomedical research and is advisable, but not mandatory, for other areas of research, and
- At least one community member who has no affiliation with the organization or the sponsor, and who is not part of the immediate family of a person who is affiliated with the organization;

Ad hoc advisors may be consulted in the event that the HREBA Committee lacks the specific expertise or knowledge to review the ethical acceptability of a research proposal competently.

HREB Committee Chairs

Each HREBA Committee Chair will be appointed by the CEO of Alberta Innovates or the Designate of the CEO. Each HREBA Committee Chair is responsible for ensuring that the research ethics review process conforms to the requirements of the TCPS 2 and all

Applicable Regulations. Each HREBA Committee Chair is to provide leadership and to facilitate the research ethics review process, based on HREBA and Alberta Innovates policies and procedures, TCPS 2 and all Applicable Regulations. Each HREBA Committee Chair should monitor the HREBA Committee's decisions for consistency and ensure that these decisions are recorded accurately and communicated clearly to researchers in writing as soon as possible by the HREBA Committee Chair or the person or persons designated by the HREBA Committee Chair (TCPS 2 Article 6.8).

On behalf of each full HREBA Committee, the applicable HREBA Committee Chair is delegated the authority to review and approve minimal risk applications, review and approve amendments and renewals that are considered no greater than minimal risk, monitor reports of adverse events as well as oversee other activities as defined by HREBA's policies and procedures. Finally, for protocols that have been reviewed by the full HREBA Committee, the HREBA Committee may delegate the responsibility to the HREBA Committee Chair or such other designated person or persons to assess responses from investigators to concerns raised by the HREBA Committee and issue approval or further requests for modification to the investigators. All such actions will be reported to the full HREBA Committee at the next available opportunity.

Vice-Chair

One or more Vice Chairs for each HREBA Committee will be appointed by the CEO of Alberta Innovates or the Designate of the CEO. Each HREBA Committee Vice Chair is also responsible for ensuring that the research ethics review process conforms to the requirements of the TCPS 2 and all Applicable Regulations. The Vice Chair will fulfil the role of the HREBA Committee Chair when the HREBA Committee Chair is either not available, or there is a conflict of interest declared by the HREBA Committee Chair. The HREBA Committee Chair may delegate some or all of the HREBA Committee Chair's responsibilities to the Vice Chair of that HREBA Committee.

Meeting Decisions and Quorum

Decisions related to each HREBA Committee's mandate shall be made by consensus as declared by the HREBA Committee Chair. In accordance with the TCPS 2 and all Applicable Regulations, in the event that a minority of the HREBA Committee's members considers a research project unethical, even though it is acceptable to a majority of members, an effort should be made to reach consensus. Consultation with the researcher, external advice, peer review or further reflection by the HREBA Committee may be helpful. Where voting is required on a HREBA Committee decision, each member of the HREBA Committee is entitled to one (1) vote and in the event of a tie, the member chairing the HREBA Committee meeting shall be entitled to a second, tie-breaking vote.

When there is less than full attendance, decisions requiring full review should be adopted only when the HREBA Committee members in attendance at that meeting have the specific expertise, relevant competence and knowledge necessary to meet regulatory requirements as determined by the HREBA Committee Chair. This will ensure an adequate research ethics review of the proposals under consideration.

Consistent with the requirement for the review of US-regulated studies, quorum will consist of a simple majority of the HREBA Committee members (50% + 1), who collectively have sufficient expertise in the scientific, methodological and clinical areas of the research under review and are knowledgeable about relevant ethical and legal matters. The quorum will require at least one community member and a member whose primary experience and expertise are in a non-scientific discipline.

Members of each HREBA Committee may participate by telephone or videoconference or other communication facilities, as permits all persons participating in the meeting to communicate adequately with each other. A HREBA Committee member participating in such a meeting by any such means is deemed to be present at the meeting. The HREBA Committee Chair shall ensure active participation of any members not present in person.

Quorum may include alternate HREBA Committee members substituting for regular HREBA Committee members in the same membership category. Members of each HREBA Committee may also serve as alternates for members of the other HREBA Committees in the same membership capacity.

Ad hoc advisors, observers, research ethics administration staff and others attending HREBA Committee meetings shall not be counted in the quorum and shall not be allowed to vote on HREBA Committee decisions (TCPS 2 Article 6.9).

Decisions made without quorum are not valid or binding.

Meeting Attendance

Where a member is absent for more than 50% of the meetings that they have been assigned to attend in each calendar year, the HREBA Committee Chair shall review whether that member should continue to serve on the HREBA Committee in a report to the CEO of Alberta Innovates or designate.

Administrative Support

The meeting dates will be set by the HREBA Research Ethics Office. Additional meetings will be held whenever necessary.

At the direction of the HREBA Committee Chairs, the HREBA Research Ethics Office will coordinate the ethics review process and all related activities for the HREBA Committees. In addition, the HREBA Research Ethics Office will advise investigators and study teams on their applications for ethical review, and be part of facilitating the review process.

7. Conflicts of Interest

HREBA is subject to all Alberta Innovates policies, policy directives and procedures related to conflict of interest, and any HREBA Committee member who has a personal/professional interest or a real, potential or perceived conflict of interest with a research proposal under review (as Principal Investigator, Co-Investigator, Supervisor,

student, funder) shall not be present when the HREBA Committee is making its decision. In addition to signed conflict of interest forms, members should declare any real or perceived conflict of interest prior to the start of each meeting.

Management of Alberta Innovates or members of the Board of Alberta Innovates shall not serve on any HREBA Committee, or directly or indirectly influence any HREBA Committee decision-making process.

8. Coordination with Other Alberta Innovates Policies

Because HREBA is administratively housed within Alberta Innovates, by default it is subject to all Alberta Innovates policies. However, certain policies are not germane to HREBA's current operations and are therefore inapplicable at this time. Presently, HREBA appointees are required to comply with the following policies unless these Terms of Reference state otherwise:

1. Code of Conduct and Conflict of Interest Policy
2. Communications Policy
3. Information Management Policy
4. Whistleblower Policy

In circumstances where Alberta Innovates policies conflict with Section 4 of these Terms of Reference, these Terms of Reference are to be followed.

The CEO of Alberta Innovates or Designate of the CEO shall determine any controversy.

9. Approval

These Terms of Reference were approved by the Board of Alberta Innovates on March 27, 2019.