

GUIDELINES FOR ACTIVITIES REQUIRING RESEARCH ETHICS BOARD REVIEW

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1. Purpose

The purpose of this guideline is to provide researchers with information about (a) the types of projects that require Research Ethics Board (REB) review and approval, and (b) the types of projects that do not require REB review and approval. Examples of both types of projects are provided. The final section of this guideline includes possible (significant) implications for failing to receive REB approval for a project that requires it.

2. Background

The Tri-Council Policy Statement (TCPS 2) states that “research involving living human participants [and] research involving human biological materials, as well as human embryos, fetuses, fetal tissue, reproductive materials and stem cells” requires ethics review by an REB before research can commence (p. 13).ⁱ *

Following the TCPS 2, “research” will be understood as “an undertaking intended to extend knowledge through a disciplined inquiry or systematic investigation” (p. 15). “Human participants” will be understood as “those individuals whose data, or responses to interventions, stimuli or questions by the researcher, are relevant to answering the research question” (p. 13).

3. Research Requiring REB Review

All research involving human participants – except for the exemptions listed below in Section 4 – requires ethics review and approval by the REB before research activities (including recruitment) may begin.

All research involving human biological materials, including tissues, fluids, cadaveric remains, embryos, and fetuses shall also be reviewed by the REB before research activities may begin.

The following are examples of types of research projects that require REB review:

- A researcher seeks to conduct in-person and skype interviews with newly arrived immigrants in order to better understand the experiences of individuals resettling in the GTA.
- A researcher plans to use human biological materials in her experiments in order to gain new insights into possible cancer treatments.
- A researcher intends to conduct a focus group aiming to better understand the challenges faced by a particular marginalized group within his community.

- A researcher seeks to explore the barriers to entry into the gaming industry by distributing an online survey to gaming company startups in North America.
- A researcher intends to use non-public records that contain identifying information previously gathered to write a report on the ethical practices of local politicians.
- A researcher at Ryerson University is teaming up with a researcher at the University of Toronto – where REB approval has already been received – to look into the responses of various Indigenous communities to the Truth and Reconciliation Final Report. (While the project has received REB approval at another institution, it must also receive approval by the Ryerson REB before research activities may begin.)
- A researcher seeks to explore whether extrinsic or intrinsic rewards are more likely to shape children’s behavior. To this end, she asks children to participate in various activities, and observes their responses and interactions.
- A researcher embarks on an autoethnographic project seeking to explore his own experience with family reunification.

If you are unsure whether your research requires REB review, you should consult the REB for clarification and guidance. Failing to secure REB review and approval for a project that requires it can have serious consequences. (See Section 5 below for more details)

4. Types of Research That May Be Exempt from REB Review

There are five types of research involving humans that may fall outside of the scope of the REB, and thus may not require REB review and approval. They are as follows:

- (i) Research that relies exclusively on public information where either the information is legally accessible or where there are no reasonable expectations of privacy;
- (ii) Research involving the observation of people in public places (see stipulations, below);
- (iii) Research involving secondary and unidentifiable data;
- (iv) Research designed for quality assessment/performance and educational testing; and
- (v) Research pertaining to creative practices.

Please read all of section 4 below for guidance on whether a particular type of research is exempted from REB review.

I. Research Based Solely on Publicly Available Information Where Either Information is Legally Accessible or Where There Are No Expectations of Privacy (2.2. of the TCPS 2)

Research that is based solely on publicly available information that is either (a) legally accessible to the public and appropriately protected by law or (b) where there are no reasonable expectations of privacy is exempt from REB review and approval.

Publicly available information “is any existing stored documentary, records or publications, which may or may not include identifiable information” (p.15).

II. Research Involving the Observation of People in Public Places (2.3. of the TCPS 2)

Research involving the observation of people in public places is exempt from REB review in cases where the research involves (a) no direct interaction with individuals, (b) no identifying information, and (c) where the individuals observed have no reasonable expectation of privacy. Two examples should suffice to highlight the types of research that typically do not require REB approval.

Example A: Suppose a researcher is interested in the behavioural patterns of individuals who discover that an escalator is out of order in a public mall. Given this aim, the researcher sits on a bench and counts the number of people who walk up the escalator and the number of people who take an alternative route. While this research involves human participants, and their actions serve as data for the researcher’s study, given that there is no direct interaction with individuals, no identifying data recorded, and the fact that individuals (typically) have no reasonable expectation of privacy in shopping centres, this study would not require REB review.

Example B: Suppose a researcher is interested in exploring the stories of teenagers living with anxiety in North America. To this end, she enters into a public chatroom – i.e., one that is accessible to anyone with internet access, where there is no reasonable expectation of privacy – and simply observes teenagers openly discussing their experiences living with anxiety, while using pseudonyms. Though this study involves human participants, and their data serves as the basis for the researcher’s study, given that there is no direct interaction with individuals, no identifying data recorded, and the fact that individuals in publicly accessible chatrooms have no reasonable expectation of privacy, this study typically would not require REB review.

III. Research Involving Secondary and Unidentifiable Data (2.4 of the TCPS 2)

Research that relies exclusively on the use of secondary data – i.e., data that has been collected for a purpose other than the current research purpose – where that data is unidentifiable need not undergo REB review. Here, unidentifiable data is to be understood as information that even if made known, could not reasonably be used in and of itself or in combination with other

accessible information to identify an individual. For example, suppose a researcher wants to collect and analyze data from Statistics Canada on the employment rates by province across the country. In this case, given that the information that is being used has not been collected for the sake of such analysis, and that the data contains no identifiable information, REB review is not required.

IV. Research Designed for Quality Assessment/Performance and Educational Testing (2.5 of the TCPS 2)

Research involving the assessment, management, and improvement of existing organizational practices and performances are exempt from REB review. This includes “quality assurance and quality improvement studies, program evaluation activities and performance reviews ... [as well as] testing within normal educational requirements when used exclusively for assessment, management or improvement purposes.” (p.20)

The following are a few examples of projects that may not require REB review:

- An employer decides to conduct exit interviews with employees leaving his company in order to create a better work environment for his current employees.
- An instructor disseminates course comment cards with the sole aim of improving the course in the future.
- A researcher seeks to explore whether varying the style and font of a current mobile application would make the product more user friendly.
- An HR manager wants to know whether a new HR policy is having its intended effect of increasing productivity in the workplace.
- A supervisor wishes to conduct in-person performance reviews with her staff bi-annually.

V. Research Pertaining to Creative Practices (2.6. of the TCPS 2)

Creative practices – i.e., processes through which an artist makes, interprets or studies works of art – do not typically require REB review. For example, if an individual seeks to form a band in order to create music, or if a painter decides to recruit individuals to paint portraits, such activities fall outside of the scope of the REB. However, if a researcher wishes to incorporate various creative practices into her project design and seeks to collect data from her participants in these projects in order to further human knowledge, then such activities do require REB review. For example, if a researcher wants to know whether painting is more likely to reduce stress levels in young adults, or, say, whether singing can help to mitigate certain effects characteristic of Alzheimer’s disease, given that the focus of these types of projects is to collect

data from participants with the aim of furthering human knowledge, they must undergo REB review.

It is important to note that if you are unsure whether your project falls under one of the exemptions mentioned above, you should consult the REB for clarification and guidance. It is also worth noting that research projects that fall outside the scope of the REB may nonetheless benefit from consultation with the REB. While the REB has clear jurisdiction with respect to those research activities that fall under its purview, researchers may wish to consult the REB for guidance on ethical matters with research projects that fall outside of its domain.

5. Implications for Failing to Submit a Protocol for REB Review

The importance of ensuring that activities that require REB review and approval receive REB review and approval cannot be overstated. In the event that researchers do not receive REB approval when it is required, they have committed research misconduct. As a result, they may find themselves in one or more of the following situations:

- Researchers may find that they are unable to publish the results of their research as a result of not receiving ethics approval for their project. In fact, many publishers insist that researchers provide confirmation of their ethics approval along with submission of their work.
- Researchers who are conducting studies in order to meet degree requirements may find out from their supervisor or Department that irrespective of their work completed, given that they did not receive ethics approval, none of their work can be used to satisfy their degree requirements.
- Researchers may find themselves unable to access their research funds or grants if they conduct research without receiving ethics approval. Not submitting a project for ethics approval when it is appropriate can lead to funds being frozen, expiring, or having an offer of funds rescinded altogether as a result of research misconduct.

In order to avoid any of these situations, researchers are strongly encouraged to ensure that all of their research projects that require REB review and approval, receive REB review and approval. If unsure, it is always best to consult with the REB chair or staff. In the event that a researcher begins to conduct a project that falls outside of the scope of REB review, but as a result of various changes to the project now requires REB review, the researcher should submit an ethical protocol to the REB as soon as possible.

ⁱ *All page number references refer to the Online version of the TCPS 2 (2014).

Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, December 2014.*