

Original Approval Date: January 11, 2010

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Parent Policy: [Animal Ethics Policy](#)

Animal Care and Use Committee Appeal Procedure

Office of Administrative Responsibility:	Research Ethics Office (REO)
Approver:	Vice-President (Research)
Scope:	Compliance with this university procedure extends to all academic, support and excluded staff, postdoctoral fellows, and academic colleagues as outlined and defined in the Recruitment Policy (Appendix A and Appendix B: Definitions and Categories); undergraduate and graduate students; emeriti; visitors to campus, including visiting scholars; third party contractors; and volunteers who use animals for research, teaching or testing.

Overview

A **Principal Investigator** (PI) has the right to request, and the Animal Care and Use Committee (ACUC) has an obligation to provide reconsideration of a negative decision by ACUC. If the PI and ACUC cannot achieve agreement through reconsideration, the PI may appeal the disputed decision of ACUC to the University Animal Policy and Welfare Committee (UAPWC) in accordance with this Procedure.

Purpose

To specify the grounds for an appeal of a decision by an ACUC and to detail the procedures to be followed in the event of an appeal.

PROCEDURE

1. If a PI, after exhausting all reasonable attempts to resolve disagreements cooperatively, disputes an ACUC decision, the PI (appellant) may appeal that decision to UAPWC.
2. Only UAPWC may hear an appeal of a decision of an ACUC of the University of Alberta. An appeal may only be made on the grounds that there has been a miscarriage of justice, such as an error in process, procedural irregularity, lack of due process, and exceptions to precepts of natural justice such as bias.
3. The decisions of UAPWC are final and binding.
4. UAPWC shall hear an appeal from the same appellant against the same decision only once.
5. A written appeal of an ACUC decision, outlining the grounds for the appeal and accompanied by supporting documentation, must be submitted by the PI to the Director of REO within thirty (30) working days of receipt of the written ACUC decision.
6. UAPWC members will be asked in advance of a hearing to declare any possible bias and, if bias is declared, will not be called upon to hear the appeal. No UAPWC member will hear an appeal if s/he participated in the ACUC decision being appealed. The appellant may request that any UAPWC member not be part of the appeal process on the grounds that the member's presence would bias and prevent a fair hearing. If the UAPWC Chair is, for any reason, unable to chair the appeal hearing, the Director of REO will identify another member of UAPWC to serve as chair for the appeal hearing. Quorum for an appeal hearing shall be a minimum of five members, including a veterinarian, a community member and at least two scientists who may also be ACUC Chairs.
7. The Director of REO will acknowledge receipt of the appeal in writing to the appellant, and will forward the appeal and current procedures for appeal to the Chair of UAPWC, and the Chair of ACUC concerned.
8. The Chair of ACUC (respondent) must provide a written response to the appeal within ten (10) working days. This written response will include the following information:

- a. All documents available at the ACUC meeting(s) related to the appeal;
 - b. All minutes of the ACUC meeting(s) related to the appeal;
 - c. A response to the PI's grounds for appeal; and
 - d. Any comments on the alleged miscarriage of justice and on the relief requested.
9. For the purposes of an appeal hearing, the Chair of UAPWC may augment UAPWC's membership by adding faculty members who serve on University of Alberta ACUCs. These special members will be asked in advance of a hearing to declare any possible bias; if any such bias is present the member will not be called upon to hear the appeal. Both the appellant and the respondent will have the right to challenge these additional members.
 10. REO will convene a meeting of UAPWC, with provisions for presentations by the appellant and the respondent, within thirty (30) working days of receipt of the appeal. The appellant will present the grounds for the appeal and speak to the issues. The respondent will present the reasons for the decision of ACUC and speak to the issues. Both sides may call witnesses and question the other parties. Both sides may have an advisor present during the hearing; however, the advisors may not be called as witnesses or participate in the presentations and questions.
 11. UAPWC, having heard the oral presentations of both parties and having reviewed the written and supporting documentation, shall be the sole judge of the facts and shall, by majority vote, reach a decision before adjourning the appeal hearing. The Chair of UAPWC will, within ten (10) days of the appeal hearing, provide a written decision to REO. REO will transmit the decision to the appellant, the respondent and to such other parties as deemed appropriate.
 12. If the appeal is upheld, UAPWC will immediately review the animal use application in question.

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [[▲Top](#)]

Animal	Any living non-human vertebrate and any living invertebrate of the class of cephalopoda, including free-living and reproducing larval forms, used for research, teaching, or testing by University staff or trainees.
Principal Investigator (PI)	A member of the academic staff who is responsible for the design, conduct, supervision and oversight of the care and use of animals in research, teaching or testing as describe in an approved animal use protocol.

FORMS

No forms for this Procedure. [[▲Top](#)]

RELATED LINKS

Should a link fail, please contact uappol@ualberta.ca. [[▲Top](#)]

[Animal Protection Act](#) (Government of Alberta)

[Animal Protection Regulation](#) (Government of Alberta)

[Canadian Council on Animal Care Guidelines](#) (CCAC)

[On-line Research Ethics System](#) (University of Alberta)

[Recruitment Policy \(Appendix A\) Definition and Categories of Academic Staff, Postdoctoral Fellows, Academic Colleagues and Excluded Academic Staff](#) (UAPPOL)

[Recruitment Policy \(Appendix B\) Definition and Categories of Support Staff](#) (UAPPOL)



U of A Policies and Procedures On-Line (UAPPOL)

[Research and Scholarship Integrity Policy](#) (UAPPOL)

[Research Ethics Office](#) (University of Alberta)

[University Animal Policy and Welfare Committee](#) (University of Alberta)