

VAAL UNIVERSITY OF TECHNOLOGY (VUT)

RESEARCH ETHICS COMMITTEE (REC)¹

TERMS OF REFERENCE

1. REPORTING LINE

- 1.1 The Vaal University of Technology's Research Ethics Committee (REC) is a standing committee of the University's Senate.
- 1.2 The REC reports to the Institutional Official (IO), who is appointed by Senate. The Institutional Official shall be the relevant Deputy Vice Chancellor of the university, or someone of equal or higher standing in the university, as decided upon by Senate.
- 1.3 All decisions made by the REC are confirmed by the IO, who presents the reports of the working of REC to Senate for further and final ratification.
- 1.4 The sole function of the REC is to assess, approve and grant ethical clearance or an ethical waiver for all research undertaken under the aegis of VUT and/or where research impacts on VUT staff and students.
- 1.5 The following committees are standing committees of the REC and report to that body:
 - 1.5.1 Each Faculty shall procedurally constitute a Faculty Research Ethics Committee (FREC) that shall be independent of the Faculty Research and Innovation Committee of that Faculty and any other Faculty.
 - 1.5.2 As deemed necessary by Senate, the Management, Administrative and Support domains of VUT may establish an Ethics Committee along the same reporting lines and having the same functions as the FRECs, but catering for those domains.

2. FUNCTIONS AND RESPONSIBILITIES:

- 2.1 Senate appoints the Institutional Official (IO) whose task it is to oversee and confirm all the relevant research ethical matters pertaining to the university, as laid out in the various Terms of Reference documents, Policies and Standard Operating Procedures in the university. The IO is responsible for the appointment of the REC and FREC members, the necessary funding required to run the research ethics processes, and the required training, re-training and development of the research ethical environment in the university. Under circumstances as laid out in the Policy, the IO also serves as an ethical final arbiter for specific disputes.
- 2.2 The REC is mandated to provide ethical clearance (i.e. approval, non-approval or waiver) of all research that is undertaken under the aegis of VUT, in a process of

¹ This Terms of Reference document has been drafted drawing extensively on the Tshwane University of Technology's Terms of Reference Document, for which grateful acknowledgement is noted.

independent review of applications that undertake research that may impact on humans, animals and the environment.

- 2.3 All such research must fall within the aegis of the VUT insurance policy compliance. Any research that is undertaken *without* the REC ethical clearance is deemed to be private research and is (a) not covered by such an insurance policy in the case of Serious Adverse Events (SAEs) and (b) where such research is deemed to be contrary to the vision and mission of the university can lead to disciplinary procedures being undertaken against the researchers.
- 2.4 The REC is also mandated to provide ethical clearance (as defined in 2.1 and used below) of all questionnaires that are to be distributed to staff and students of VUT, either for academic research or developmental or non-academic evaluative purposes. This includes all contract research and any research undertaken by outside bodies or institutions where the process and results of research might impact on the university.
- 2.5 It is also the duty and responsibility of the REC to track, document and archive all research ethical applications, decisions and processes as described in the relevant approved documentation, as well as the progress and deviations from the proposed approved research, and the results of that research.
- 2.6 The REC may devolve functions and responsibilities to, and mandate the FRECs to carry out the ethical clearance of research ethics under certain conditions. Such conditions include:
 - 2.6.1 All decisions that are taken at FREC are to be noted in minutes of the REC, and the documents archived with the REC;
 - 2.6.2 The FREC may make decisions on matters deemed as minimal risk research, where minimal risk is defined as the potential harm that could be created for humans, animals and the environment where such harm is typically within the normal scope of their lives and conditions, except for the following, where research ethical approval **must** be taken at the REC level:
 - I. Research that uses the staff and students of VUT as participants or subjects in the envisaged research project;
 - II. Research that engages with potential life-threatening conditions for individuals, animals and the environment;
 - III. Research that engages with genetic harvesting, manipulation and storage;
 - IV. Clinical trials of any nature;
 - V. Research that relies on deception to achieve results, or the non-mandated observation of behaviour or any related research where Informed Consent is extremely difficult or impossible to obtain;
 - VI. Any research where animals are involved;
 - VII. Any research that might lead to breaches in environmental legislation.
 - 2.6.3 Under other circumstances the FREC can make the approval decisions for ethical clearance or can decide to escalate an application for consideration to the REC. The REC can also overturn such decisions made by the FREC. Such decisions are particularly pertinent under the following conditions:

- I. Research that involves participants under the age of 18, who are deemed by law not to be capable of consenting to participation and where participation shows minimal risk and clear parental consent;
- II. Research that engages with vulnerable populations (for example prisoners, the elderly (where there may be the danger of diminished capacity), participants who are mentally or physically impaired or differently abled, and pregnant women);
- III. Research that engages with Indigenous Knowledge Systems and/or may contain potential Intellectual Property, Patent, copyright or Design exploitation issues. Under these circumstances, advice on the matter must be sought from the relevant VUT domains, and such advice and procedures must be documented.

3. MEMBERSHIP OF THE REC

- 3.1 All members of the REC must be officially appointed by the IO. Such members must demonstrate proficiency to make the necessary research ethical conditions for the running of ethical research.
- 3.2 All members shall serve a term of three years and may be re-appointed.
- 3.3 Each Faculty shall submit for appointment the names of a primary representative and a *secundus* of that Faculty, where such appointees have experience or training in research ethics².
- 3.4 The Management, administrative and support domains may submit a representative and *secundus* for appointment to the REC who have experience in matters of research ethics.
- 3.5 It is assumed that either the primary or the *secundus* will be chairperson of the relevant Faculty's FREC.
- 3.6 One representative of the Research Directorate.
- 3.7 One member that is sufficiently versed in the laws of the country and the statutes, regulations and policies of the university to offer guidance when required.
- 3.8 One member who is steeped in Quantitative Research Methods and/or Statistical methods, who may also function as a Faculty representative or any other portfolio representative.
- 3.9 One member who is steeped in Qualitative Research Methods who may also function as a Faculty representative or any other portfolio representative.
- 3.10 Two members of the community who are not affiliated to the university and who represent the interests of the community (such members are entitled to an honorarium for each meeting they attend).
- 3.11 The Committee may co-opt on an *ad hoc* basis expertise to assist in the committee's deliberations. Such expertise will not have voting rights, but will be subjected to the same full confidentiality agreements as all the standing members of the committee are.
- 3.12 The IO or an officially appointed nominee of the IO, as an *ex-officio* member.

² It is generally accepted that such persons shall be the chair and co-chair of the relevant FREC.

- 3.13 The administration Officer (Non-voting).
- 3.14 The chair of the REC is nominated by the REC and appointed by the IO.

4. MEMBERSHIP OF THE FACULTY RESEARCH ETHICS COMMITTEES (FRECS)

- 4.1 The FREC, as an independent body that reports to the REC, is mandated by the REC to grant ethical clearance (as defined) to research under conditions stipulated above. Such research projects may only be scrutinised for clearance once the relevant FRIC has approved the research aspect of the project and has submitted the approved project to the FREC.
- 4.2 Each member of the committee is officially nominated by the Executive Dean of the Faculty, as a delegated authority from the IO who approves the nomination, to serve on the committee, but the committee stands independent of the Faculty and its or any other FRIC in its decision-making, and reports to the REC. Such a nomination can only be approved by the IO once evidence has been provided that the nominee has attended a two day workshop that deals with ethics philosophy, relevant policies, and has practice (as a minimal requirement).
- 4.3 Each department within the respective Faculty shall nominate to the Executive Dean a primary member and a *secundus* to be appointed to the committee, but only one of them shall represent the department at any given meeting.
- 4.4 Where the elected chair comes from a particular department, such a department may have the *secundus* also serve at any particular committee meeting.
- 4.5 The committee may co-opt members to serve on the committee, based on their particular expertise and the needs of that particular faculty, where such co-opted members have voting rights.
- 4.6 The committee may co-opt expertise on an *ad hoc* basis where such expertise is required, but such an *ad hoc* appointment, although needing to fulfil complete confidentiality agreements, has no voting rights.
- 4.7 The Chair of the REC is an *ex officio* member of the committee.
- 4.8 The administrative officer has a non-voting position on the committee.
- 4.9 The Chair of the FREC is nominated by the FREC and appointed by the IO.

5. REPORTS

- 5.1 The FRECs submit copies of all their minutes and approval letters for research ethical clearance to the REC on a regular basis. Such minutes served on the REC meetings for notification, or, where considered necessary, the re-evaluation of decisions made.
- 5.2 The FRECs submit annual reports to the REC for provisional ratification.
- 5.3 The REC submits annual reports to the IO for confirmation.
- 5.4 The IO submits annual reports to Senate for ratification.