Process for referrals to and review by the Funding Arbitration Panel

Arbitration process

Administrative support and co-ordination are provided as a special function by the Central Executive. People can communicate directly with the Funding Arbiter by e-mail (fundingarbiter@cochrane.org).

Referrals to the Funding Arbiter should be made by registered Cochrane groups, on behalf of individuals or groups, using the appropriate online form; the referral submission will be checked by the Central Executive, who will liaise with the sender for any additional or incomplete information. Once the referral information is complete, the Central Executive forwards the submission to the Funding Arbiter.

The Funding Arbiter(s) will work with the Funding Arbitration Panel to resolve cases. The Funding Arbiter(s) may determine that the referral is clearly not in breach of the current commercial sponsorship policy, and may give a ruling to this effect without referring to the full panel. The Funding Arbiter may nominate a member of the Funding Arbitration Panel to manage the case. The funding arbiter/sor panel members may wish to communicate with the entities involved in the referral or case directly, if this facilitates information exchange or case resolution. All decisions will be determined by the Funding Arbiter and Funding Arbitration Panel after referring to the current Cochrane Collaboration policy on commercial sponsorship.

If the Funding Arbiter or panel member managing the case determines that the issue is equivocal, or if the issue will result in refusal of funding or the cancelling of a review or protocol, or is otherwise contentious, then the full Funding Arbitration Panel will consider the matter, first independently, and subsequently in committee. This Central Executive will be responsible for distributing relevant information to the funding arbiter and panel members.

The Funding Arbitration Panel will decide on each referral after individual panel members have considered it, and then reach a consensus (either by e-mail discussion or teleconference). The final decision must have the agreement of the majority of panel members. In circumstances in which one member of the panel is unable to participate (e.g. due to a conflict of interest) the final decision must have the agreement of remaining majority of panel members. If the panel members are unable to reach a consensus, then the Funding Arbiter will request the Cochrane Board Co-Chairs to nominate a third party to mediate. The nominated person could be either a
member of the Board, one of the Co-Chairs, or an active contributor to the work of The Cochrane Collaboration, or someone outside of the collaboration.

Regular Funding Arbitration Panel meetings will be coordinated by the Central Executive, in addition to any interim meetings requested by the Funding arbiter/s. All deliberations will be documented. The Central Executive maintains a database of all referrals and decisions, which forms part of the case law. The database of past cases, deliberations and judgements will be available to all panel members.

Should the Funding Arbitration Panel find it necessary to recommend withdrawal of a review from *The Cochrane Library* because of breach of the commercial sponsorship policy, the procedure should be as follows:

1. The contact author and CRG should be informed of the Panel’s decision.
2. The contact author and CRG should be given the opportunity to appeal to the Board if they wish.
3. The appeal should be made within one calendar month.
4. The Board should respond within two calendar months.

**Appeals**

*This policy is under review for potential revision as of January 2017.*

Appeals against decisions made by the Funding Arbiter should be made directly to the Board, using the following procedure:

1. Written appeals should be submitted through the Funding Arbiter e-mail address ([fundingarbiter@cochrane.org](mailto:fundingarbiter@cochrane.org)).
2. The written appeal and all relevant correspondence are forwarded to all the members of the Board who are given a deadline by which to provide feedback. Any Board members who are also members of the Funding Arbitration Panel will excuse themselves from discussion of the appeal.
3. The Board Co-Chairs (or another member of the Board if there is a conflict) review the collated feedback, and come to a decision as to the most appropriate response to the appeal. They communicate this decision directly to the appellant(s).