

has a conflicting interest except to provide information as requested by the IACUC.” Perhaps the dean recognized this conflict of interest and that is why she elected not to be a member. However, even though she is not a member of the IACUC and therefore would not have a vote, she is an authority figure and her presence as IACUC Chair could influence the voting of junior faculty members on the IACUC.

In conclusion, we believe that the dean serving as Chair of the IACUC is not in the best interest of the institution. Although

it technically may be legal for her to do so, the potential for conflict of interest is great and she would likely be unable to fulfill some responsibilities typically assigned to the Chair, such as determining whether a proposed animal use or protocol modification requires IACUC review. If Pleasant Gorge College decided to explore research using USDA-covered species in the future, then the Chair would be required to be a voting member of the IACUC and the institution’s Assurance would need to be amended.

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
2. Animal Welfare Act Regulations. Code of Federal Regulations. Title 9, Chapter 1.
3. Institute for Laboratory Animal Research. *Guide for the Care and Use of Laboratory Animals* 8th edn. (National Academies Press, Washington, DC, 2011).

Gumbis is IACUC Administrator, Mayfield is Quality Assurance Officer, Sweeney is Post Approval Monitor, and Barrett is Animal Care and Use Program Office Chief, Centers for Disease Control and Prevention, Atlanta, GA.

A word from OLAW and USDA

In response to the questions posed in this scenario, the Office of Laboratory Animal Welfare (OLAW) and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Care (USDA, APHIS, AC) offer the following guidance:

The Public Health Service *Policy on Humane Care and Use of Laboratory Animals* (PHS Policy) does not specify whether the Chair must be a member of the Committee. The PHS Policy, in section V.A.4., charges OLAW with “advising...awardee institutions concerning implementation of this Policy”¹. OLAW’s interpretation is that the Chairperson must be a member of the Committee. The Chair is expected to vote unless there is a direct conflict of interest (i.e., involvement in a protocol or another reason to recuse). OLAW’s interpretation is supported by the PHS Policy in section IV.A.3.b., which requires the institution to provide the name, position title and credentials of the Chairperson in the Assurance document¹. Further, in Part VIII of the sample domestic Assurance, the Chairperson is identified as one of the members of the IACUC².

Institutions must have an Assurance on file with OLAW in order to receive PHS funding. If an institution does not have an Assurance, the funding component will ask OLAW to negotiate an Assurance before the grant, contract or cooperative agreement is awarded. OLAW contacts the institution to negotiate an Assurance. (OLAW does not accept or process unsolicited applications.) The institution prepares an Assurance document and submits it to OLAW. OLAW negotiates with the institution until the Assurance document meets the standards of the PHS Policy³. During the negotiation, OLAW advises the institution on the proper constitution of an IACUC. This includes the point that the Chairperson is a voting member of the committee.

Because of the dean’s senior leadership position within the institution, service as Institutional Official (IO) may be more appropriate than appointment as IACUC Chair. The IO is the key person in the organization with the administrative and operational authority to commit institutional resources to ensure that the animal care and use program complies with the requirements of the PHS Policy⁴.

For USDA-registered research facilities, there are several issues in this scenario to be addressed. The first is whether the chair can be a non-voting member. The only non-voting persons involved in IACUC activities are consultants who are not members of the Committee⁵. The Animal Welfare Act Regulations (AWARs) under section 2.31b describe the minimum requirements for IACUC member make-up as a Chair, a veterinarian and a non-affiliated member⁵. By virtue of being a member of the IACUC, the Chair is engaged in the activities of the IACUC as outlined in section 2.31c-e of the AWARs and therefore must vote⁵.

The second issue is whether the Chair needs to be affiliated with the institution. The AWARs are silent on this. A third issue, though not directly stated, is whether the dean is also the IO. Although there is no regulatory prohibition against the IO also being Chair of the IACUC, because of the high potential for a conflict of interest, this dual role is discouraged. Animal Care Policy #15 on Institutional Official and IACUC Membership provides guidance on this matter⁶.

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
2. Public Health Service. *Sample Animal Welfare Assurance for Domestic Institutions* (US Department of Health and Human Services, Washington, DC, 2012).
3. Public Health Service. *Obtaining an Assurance* (US Department of Health and Human Services, Washington, DC, 2012).
4. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals—Frequently Asked Questions*. Institutional Responsibilities, Question No. G.5. (US Department of Health and Human Services, Washington, DC, 2013).
5. Code of Federal Regulations. Title 9, Ch. 1, Part 2, Subpart C, §2.31.
6. Animal and Plant Health Inspection Service. *Animal Care Policy Manual*. Policy No. 15: Institutional Official and IACUC Membership. (United States Department of Agriculture, Washington, DC, 2011).

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