

addition, if any IACUC member objected to the e-mail process of voting on meeting minutes, or if the process was not adequately described in Great Eastern University's Assurance, then Covelli would need to wait until the next fully convened meeting before the minutes could be approved.

1. US Department of Agriculture. Animal Welfare Act Regulations, 9 CFR (Chapter 1, Subchapter A, Parts 1, 2 and 3).
2. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
3. Garnett, N. & Potkay, S. Use of electronic communication for IACUC functions. *ILAR J.* 37, 190–192 (1995). <<http://grants.nih.gov/grants/olaw/references/ilar95.htm>>

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RESPONSE

Convened meeting for approval

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IACUC minutes are frequently inspected by US Department of Agriculture Veterinary Medical Officers during their unannounced visits and are also reviewed by site visitors from the Association for Assessment and Accreditation of Laboratory Animal Care as part of the accreditation process. Both Section 2.35 of the Animal Welfare Act (AWA)¹ and the Public Health Service *Policy on Humane Care and Use of Laboratory Animals* (PHS *Policy*)² mandate that the IACUC maintain minutes (although neither document specifies that minutes must be reviewed and approved at convened meetings). The IACUC Meeting Minutes are thus an important regulatory document. Unlike the minutes of most ordinary societies, which record only the decisions taken at the meeting, the AWA and PHS *Policy* require that IACUC meeting minutes also record the deliberative process involved in reaching decisions² and document major issues discussed “in sufficient detail for an outsider to ascertain the nature of the discussion and the conclusions reached”³. It is therefore important that not only the facts but the nuances of the deliberations be recorded

accurately and in accordance with the recollections of a majority of the IACUC.

Covelli is correct in stating that both the AWA¹ and PHS *Policy*² specify only two IACUC actions that require a quorum at a convened meeting: full committee review and suspension of an activity. By convention, however, most IACUCs consider that all business with a regulatory mandate requires a quorum (e.g., conducting the semi-annual Program Review, categorizing deficiencies as major or minor, setting correction dates), as does all substantial business such as approving new policies. Reading and approval of the minutes is conventionally the first order of business at any meeting, according to Robert's Rules⁴; it is not an administrative activity but important official business of the Committee. It is unwise to begin a meeting without first reviewing and approving the minutes of the previous meeting, to remind IACUC members of the deliberations and decisions made at the preceding meeting that may have a bearing on the current meeting.

Covelli also draws an analogy to the polling process used for Designated Member Review. In the case of Designated Member Review (which is not used by all institutions), the IACUC must have made a decision in advance to adopt this procedure and to designate a Reviewer. In this case involving minutes, the IACUC has not previously discussed or adopted a formal policy authorizing approval of the minutes outside of a convened meeting. We believe that neither the AWA¹ nor the PHS *Policy*² would prohibit the IACUC from adopting such a policy but that in the absence of such a policy, minutes cannot be approved by this method. We also believe that it would be a bad idea to adopt the Designated Member Review polling model or a procedure of circulating and re-circulating drafts with iterative changes. In fact, if there is substantial debate about the content of the minutes, that discussion should be captured in the minutes of the subsequent meeting, per the AWA¹ and PHS *Policy*².

In sum, we believe that circulating meeting minutes ahead of time in order to collect feedback and comments to be discussed at the IACUC meetings is helpful and desirable but that the actual approval requires a majority vote of a quorum at a convened meeting. Polling outside of convened meetings, or in

the absence of a quorum, should be limited to Designated Member Review by previously approved IACUC policy or to non-business activities, such as eliciting feedback on meeting dates, times and lunch selections.

1. Animal Welfare Act Regulations, 9 CFR (Chapter 1).
2. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
3. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals – Frequently Asked Questions*. IACUC Composition, Functions and Authority, Question B-7. (US Department of Health and Human Services, Washington, DC, 2006; revised 2010). <<http://grants.nih.gov/grants/olaw/faqs.htm#b7>>
4. Robert, S.C., Robert III, H.M., Evans, W.J., Honemann, D.H. & Balch, T.J. *Robert's Rules of Order Newly Revised In Brief* p14 (Perseus Publishing, Cambridge, MA, 2004).

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RESPONSE

Quorum requires convened meeting

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Covelli is correct that there are only a few specified functions where a quorum is required by the Animal Welfare Act Regulations¹ or the Public Health Service *Policy on Humane Care and Use of Laboratory Animals* (PHS *Policy*)²: full committee review of a research project (PHS *Policy* IV.C.2 and 9 CFR Part 2 subpart 2.31(d)(2)) and suspension of an activity (PHS *Policy* IV.C.6 and 9 CFR Part 2 subpart 2.31(d)(6)). However, it can be inferred from the regulations and communications by the regulatory bodies that approval of minutes by the IACUC requires a vote of a quorum at a convened meeting. This is because the IACUC is required to maintain “minutes of IACUC meetings, including records of attendance, activities of the Committee, and Committee deliberations” (PHS *Policy* IV.E and 9 CFR Part 2 subpart C 2.35 (a)(1)).

Ultimately, the question at hand goes back to what is considered acceptable electronic communication in order to meet