

Confidentiality & conflict: can one member serve two IACUCs?

Rose Rubin, a grant administrator at Great Eastern University, had been serving for many years as a nonscientific member of the school's IACUC. She attended almost all the committee's meetings and had become very familiar with reviewing protocols, inspecting laboratories and animal facilities, and reviewing allegations of protocol noncompliance. Prior to joining Great Eastern, Rubin was a grant administrator at Starling College, a nearby private institution.

Rubin kept in touch with some former colleagues at Starling, including Dr. Melinda Marx, who recently had become the chair of Starling's IACUC. Knowing that

Rubin was currently serving on the Great Eastern IACUC, Marx asked Rubin if she had the time to serve as the nonaffiliated member on the Starling IACUC. Rubin said that she could arrange her time to serve in that position, but she was not sure if her past employment at Starling would be considered as having some form of allegiance to the college even though she did not receive any financial or other benefit from the school after she left. Rubin also wondered if serving on two different IACUCs would raise questions from both IACUCs about maintaining confidentiality of IACUC activities. On the other hand, she reasoned, her knowledge of IACUC operations and her many community

service activities would make her an ideal nonaffiliated member. Marx told her that she would have to sign a confidentiality agreement similar to the one used at Great Eastern, but she believed that Rubin would be an ideal nonaffiliated member on the Starling IACUC.

What is your opinion about Rubin serving on the Starling College's IACUC? ☐

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Finding 'qualified' nonaffiliated members...the struggle is real

The regulatory requirements that should be reviewed are available and reliable to utilize when considering recruitment of qualified nonaffiliated IACUC members. Yet finding the perfect person who aligns to the cookie cutter version of what it means to be a nonaffiliated IACUC member is not an easy task in spite of the resources. Starling College, like many of us, reached out to those we know or have connections with for assistance.

There are a couple of things for both Starling College and Great Eastern University to consider before Rubin gets an appointment to Starling's IACUC. First, as far as I know, there are no regulations that would prohibit someone from serving on more than one IACUC as long as the IACUC organizations are at two different institutions.¹ The issue of leakage of scientific ideas or procedures (proprietary information) may be a concern; however, both institutions should address this armed with proper training in the concerns of confidentiality. In most cases where this is an issue, institutions should follow the protocol of having the individual(s) sign a formal nondisclosure agreement, which would then properly address the issues related to disclosures. Second,

both institutions need to discern the spirit in which the regulations define the term "nonaffiliated."

There are three distinct criterion used by regulatory bodies to define a 'nonaffiliated member': first, the member is not a laboratory animal user or former user; second, they are not affiliated with the institution; and third, they are not an immediate family member of an individual affiliated with the institution^{2,3}. In this scenario, the Starling IACUC would need to deliberate on the perceived conflict of interest by utilizing a former employee to fulfill the nonaffiliated role. In this situation, Rubin is not receiving any financial or other benefits from Starling even though she is a former employee. In addition, she is not serving on any other committee at Starling—her affiliation is strictly with its IACUC. This is an important consideration; because her income comes from Great Eastern University, any opinions or remarks that she may make during a Starling IACUC meeting would not put her at odds with her employer. Opinions also indicate that having someone familiar with the institution could lead to greater participation and a better quality of discussion during meetings.⁴

Rightfully so, utilizing a former employee can certainly be a gray area for some regulatory agencies. Where possible, it would be in the best interest of Starling College to find someone who is *unmistakably nonaffiliated*. If that is not the case, then I would recommend that both the IACUC and Institutional Official meet with Rubin on the record so that she can assure Starling College that she can fulfill the requirements of the nonaffiliated member as noted by the regulations. ☐

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References

1. Silverman, J., Suckow, M.A. & Murthy, S. (eds.) *The IACUC Handbook* Section 5:37 (CRC Press, Washington, DC 2014).
2. National Institutes of Health. Notice. NOT-OD-15-109. *Guidance on Qualification of IACUC Nonscientific and Nonaffiliated Members*.
3. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
4. Silverman, J., Suckow, M.A. & Murthy, S. (eds.) *The IACUC Handbook* Section 5:35 (CRC Press, Washington, DC 2014).