Welcome that community member

This scenario is regarding whether a nonscientific member of the IACUC of one academic institution (Great Eastern University) can serve as

the nonaffiliated (community/public) member of another academic institution (Starling College), of which the person is a former employee.

Assuming Starling College is subject to USDA, OLAW, and AAALAC oversight, the requirements for the nonaffiliated member are:

- Not affiliated with the institution in any other way than as a member of the IACUC^{1–5}
- Not in any way obligated to the institution⁵
- Not a member of the immediate family of a person who is affiliated with the institution^{1–5}
- Not a current or former laboratory animal user^{1,5} (this restriction only applies if Starling College does not receive PHS funding and is not seeking AAALAC accreditation)

Nonaffiliated IACUC members are meant to represent general community interests in the proper care and treatment of animals^{2–5}. Both AAALAC and OLAW have advised that appointing someone with no prior ties is preferred, to avoid any ambiguities and overcome the perception of any conflicts of interest; however, appointing a prior employee is not disallowed—as long as the institution can clearly justify their decision. Silverman et al. have actually noted advantages in appointing a prior employee: “fidelity to the institution appeared to engender robust participation, yielding very honest and critical questions, review and commentary.”⁶

According to the AWA, all IACUC members should be made aware that they are obligated to treat material reviewed by the IACUC as privileged or confidential. It should be expected that a member serving on multiple IACUCs would not leak details from one group to the other—or at all⁷.

It is well recognized by research institutions that identifying and retaining an experienced and conscientious community member is difficult. Challenges faced by institutions include identifying individuals that do not pose animal activism risks, are available when needed and possess aptitude for serving on the IACUC. We feel that Rubin would be an ideal community member given that she:

- is well aware of the perceived conflict of interest
- has not received any financial or other benefits from Starling since her departure

A WORD FROM OLAW AND USDA

In response to the issues posed in this scenario, the U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) and the National Institutes of Health Office of Laboratory Animal Welfare (NIH-OLAW) provide the following clarifications.

Response from NIH-OLAW

In this scenario, a nonscientific member of one research institution's IACUC is asked to serve as the nonaffiliated member of her former employer's IACUC. As noted by other reviewers, such an arrangement is acceptable because the member in question qualifies as a nonscientist and is not currently affiliated in any way other than as the proposed IACUC member¹. In similar circumstances (e.g. an alumnus, former employee or former student), the IACUC should review any potential conflicts of interest due to past affiliation and if determined that no discernable tie or ongoing affiliation exists, recommend the appointment to the Institutional Official and maintain a record of the determination². Institutions with questions about a prospective IACUC member's suitability are encouraged to contact OLAW for guidance or to visit OLAW's website for expanded guidance on PHS Policy requirements for IACUC membership³.

Response from USDA-APHIS

Under the Animal Welfare Act (AWA) and regulations, the IACUC is required to have at least three members consisting of a Chair, the Attending Veterinarian, and a member that is not affiliated in any way with the facility with the intent that the nonaffiliated member represent the public interest regarding the proper care of animals⁴. In this scenario, a non-scientific member of one research institution's IACUC is asked to also serve as the nonaffiliated member on the IACUC of her former employer.

The institution seeking to use the former employee is required to ensure all of the regulatory criteria are met namely, the person is not affiliated with the institution other than being a member of the IACUC, and there are no immediate family member

affiliations⁴. We recommend the institution take into consideration as many factors as possible to ensure there is no element of affiliation. These factors include but are not limited to whether the former employee received certification /degree from the institution, and whether the person continues to receive any type of benefit after the employment ended.

The AWA and regulations are silent regarding a person serving on more than one IACUC concurrently. Should someone elect to serve on more than one IACUC, maintaining confidential information becomes especially important. Under the AWA, it is unlawful for any member of an IACUC to release or wrongfully use confidential information such as trade secrets, processes, identities, data, profits, losses, and expenditures⁵. As a result, the institution should ensure the nonaffiliated member receives instruction that covers responsibilities in accordance with the regulatory requirements for personnel training⁶. Lastly, the Chief Executive Officer of the institution is required to appoint the person to the IACUC⁷. □

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4. Title 9 Chapter 1 Subchapter A § 2.31 (b)(3)
5. United States Code Title 7 Chapter 54 §2157
6. Title 9 Chapter 1 Subchapter A § 2.32 (a)
7. Title 9 Chapter 1 Subchapter A § 2.31 (b)(1)