

Version No: 1.1 Effective Date: 4/1/2022	IACUC MEMBERSHIP	Supercedes: 2/1/2015
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I. BACKGROUND / PURPOSE

The Animal Welfare Act (AWA), Public Health Service (PHS) Policy and the “Guide for the Care and Use of Laboratory Animals” (Guide) require the Institutional Animal Care and Use Committee (IACUC) to provide oversight of animal care and use activities. The roles and duties of the IACUC – known at UC Berkeley as the Animal Care and Use Committee (ACUC) – are described in the documents listed above.

II. POLICY

The role of ACUC members is to be engaged in fulfilling the institution’s responsibilities to the NIH/PHS, USDA, AAALAC, the researchers, the animals, and the public. In order to fulfill their duties, ACUC members are expected to:

- 2.1** Uphold the precepts of humane and compassionate animal care and use in their research laboratories, in teaching courses and in the review and approval of UCB investigators’ use of animals in research and teaching.
- 2.2** Identify real or potential ‘Conflicts of Interest’ that could impact the integrity of the ACUC process of animal care and use oversight.
- 2.3** Be aware of real or potential ‘Confidentiality’ conflicts that could impact the integrity of the ACUC process of animal care and use oversight.

III. SPECIFIC EXPECTATIONS

3.1 Duty to the University of California at Berkeley

The ACUC is appointed as an Institutional Committee by the Institutional Official (IO). As such, the ACUC members serve the institution as a whole, rather than a particular school or department. Therefore, members must not allow their own interests or those of their department to supercede their duty to protect the animal’s welfare and follow the 3-R’s of animal use: reduce, refine and replace as appropriate for all projects using animals in research or teaching.

3.2 ACUC Members

- a. ACUC Members will receive appointment letters from the IO documenting their service prior to the beginning of their terms of service. All new members must attend training sessions on regulations, including but not limited to protocol review and facility site inspections. New members must also complete the CITI training module, “Essentials for IACUC Members”.
- b. ACUC Members are expected to participate in business of the ACUC while serving a three (3) year term that is renewable at the discretion of the IO. After such regular term of service, said members may be re-appointed as alternates annually. Absence due to a sabbatical is not counted when considering the total length of term of service.
- c. Individuals serving in the capacity of a Community Member (unaffiliated with UCB) on ACUC may serve for an unlimited number of three (3) year terms contingent upon annual re-appointment by the IO.
- d. Targeted, regular participation includes:

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- i. Attendance at scheduled ACUC Meetings: Must attend a minimum of eight (8) ACUC meetings each fiscal year.
- ii. Serving as the Primary or Secondary reviewer on full committee or designated member protocol reviews. When a member is unable to participate, the Primary or Secondary reviewers are expected to notify the Office for Animal Care and Use (OACU) staff in a timely manner so an Alternate Member can be engaged to fulfill the obligations of being a reviewer in their absence.
- iii. Facility Inspections: Participate in a minimum of one (1) Facility Inspection each semi-annual (six month) cycle.
- iv. Programmatic Review: Participate in a minimum of one (1) Semi-Annual Program Review meeting each fiscal year.
- e. Participate in post approval monitoring activities and/or ad hoc subcommittees as appointed by the ACUC Chair to investigate animal incidents, review animal concerns, draft policies and/or guidelines as well as address other items that come before the ACUC.
- f. The Attending Veterinarian at UC Berkeley serves as a voting member of the ACUC by virtue of regulatory requirement for veterinary membership on the IACUC and institutional policy through appointment by the IO. The Alternate Member for the AV must be a licensed veterinarian also.
- g. The Director of the Office of Animal Care and Use serves as a voting member of the ACUC per institutional policy through appointment by the IO.

3.3 ACUC Officers (Chair and Vice-Chair)

- a. The Officers are expected to participate in ACUC member duties as described above; as well as participate in other meetings or activities pertaining to the Animal Care and Use Program (e.g. ACUC Executive Meeting, Animal Occupational Health and Safety program meetings, etc.).
- b. An officer normally serves a three (3) year term of service with re-appointment at the discretion of the IO.

3.4 Alternate Members

ACUC Members are expected to participate regularly in business of the ACUC. However, the Alternate Member will assume all decision and voting privileges of the Regular Member for whom they are substituting, in the absence of the Regular Member. If the Regular and Alternate are both present at a meeting, both can express opinions but only the designated reviewing member can present recommendations and/or vote).

Note: Any alternate member can attend any, as many, or all ACUC meetings as a participant in all aspects of ACUC business, except the Alternate Member may not present a recommendation (motion) or vote (be part of the decision) when the Regular Member is present. Alternate members may review and present protocols if the Primary Member is present but the (regular) member does not vote (e.g. due to a COI).

3.5 Failure to Achieve ACUC Member Expectations

Those members (regular or alternate) who are not able to meet the expectations and requirements of serving may be encouraged to reconsider their role on the Committee.

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- a. Members may choose to increase their participation or may choose to withdraw or resign from the ACUC.
- b. With continued disengagement, the ACUC Executive Committee may recommend the Institutional Official (IO) reconsider the appointment to the ACUC of the disengaged member.
- c. Potential reasons for requesting reconsideration of the ACUC Appointment, may include, ACUC members that are:
 - i. On extended leave (not a sabbatical); or,
 - ii. No longer members of the UCB campus or local community (if the non-affiliated member moves away); or,
 - iii. Having continued disengagement.

IV. POTENTIAL CONFLICTS OF INTEREST

The ACUC membership is engaged in fulfilling the institution's responsibilities to the NIH/PHS, USDA, AAALAC, the researchers, the animals and the public. The ACUC must remain above conflicts of interest to assure the integrity of the institution's animal care and use program. ACUC members are responsible for making known any potential or perceived conflict of interest (COI) concerning all business conducted by the ACUC. Recusals due to a potential COI will be noted in the minutes of the meeting.

1. Member Roles Where a Conflict of Interest Could Occur: While no list can be exhaustive, ACUC member participation in any of the following categories could result in a COI for a specific protocol under review or a COI for specific business issues under discussion:
 - a. Principal Investigator (PI);
 - b. Co-Investigator, Sponsor or a member's graduate student is affiliated with the lab or protocol in question;
 - c. Family member of PI; and/or
 - d. ACUC members listed on the accompanying award supporting the protocol under review; and/or
 - e. A financial interest (as defined by the UCB COI Committee Policy) in the sponsor funding the project; and/or
 - f. A conflict between the private interests and the official responsibilities of a person in a position of trust.

Note: Peripheral knowledge, prior collaborations or indirect involvement in certain activities may not rise to the level of a COI but might result in recusal from discussion and abstention from a vote.

2. Procedure

- a. If a committee member recognizes a potential COI when s/he is assigned a protocol review s/he should notify the OACU staff immediately so said conflict can be addressed. However, if a COI is not recognized at this initial point of the review process, the following actions pertain.

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- b. Committee members should make known any COI recognized prior to discussion of the issue/protocol by ACUC. This can be accomplished by notifying the ACUC Chair or the Director of OACU. Members with a specific conflict are obligated to leave the meeting prior to the Committee's deliberation and vote on the protocol or issue and they do not count toward quorum in conducting business on this item.
- c. If a Committee member recognizes a potential conflict during the discussion, they should declare such conflict and depart the meeting for the remainder of the discussion and vote on the topic at hand.
- d. If a specific request is made by a PI to exclude an ACUC member from the AUP review process, this appeal must be submitted in writing to the ACUC prior to the pre-review (in the case of revisions reviewed by the Designated Member Review or DMR process) or the full review of the AUP (in the case of new protocols, *deNovos*/continuing reviews, and revisions reviewed by Full Committee Review or FCR). The ACUC Chair will forward the request to the IO, who has final responsibility for deciding whether the request will be granted. If granted and the protocol is reviewed by FCR, the ACUC member identified in the request may not be present for the discussion nor be present during the vote.
- e. In cases where the IO grants the request, the identified ACUC member will otherwise be excluded from discussion of the AUP, will cease to contribute to the constitution of a quorum, and will not be present when the AUP is voted on by the remaining members of the committee.

V. DELEGATION OF RESPONSIBILITIES

The Chair is responsible for managing committee discussion and deliberation and ensuring that all members who may wish to comment, do so. The Vice Chair is expected to participate on a regular basis in assisting the Chair with his or her ACUC duties and stand in for him/her if absent from a meeting or if recused for a potential conflict of interest.

The Chair may appoint an ACUC member to assist or act on his or her behalf in particular ACUC matters on a case-by-case basis (e.g., If the Chair must recuse him/herself from the vote on a particular protocol and a Vice Chair is not present to lead the meeting. This action would be noted in the minutes of a convened meeting).

VI. SCOPE

These policies and procedures apply to all ACUC members.

VII. RESPONSIBILITY

The IO is responsible for appointing the Chair, Vice Chair(s), and members of the committee and deciding requests as described in IV.2. iv. above.

The IO and AVCR-RAC are responsible for providing resources to support continuing education of ACUC Chair, Vice Chair(s) and ACUC members.

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The IO (or his or her designee), the ACUC Chair and/or OACU Director are responsible for clearly articulating all ACUC members' duties to potential and current ACUC members, periodically reviewing members' duties to ensure that members are carrying out their expected functions, and evaluating whether there is adequate staff support to ensure members are able to function as documented.

References

- A. The Regents of the University of California. "Code of Conduct".
<https://ethics.berkeley.edu/code-conduct>
- B. University of California Office of the President.
 1. "UC Conflict of Interest Awareness".
<https://www.ucop.edu/ethics-compliance-audit-services/compliance/coi-awareness.html>
 2. "Business and Finance Bulletin G-39, Conflict of Interest Policy and Compendium of Specialized University Policies, Guidelines, and Regulations Related to Conflict of Interest". <https://policy.ucop.edu/doc/1220367>
 3. "Vice Chancellors for Research – Campus Conflict of Interest Coordinators". Retrieved 28 August 2012, from <https://researchcoi.berkeley.edu/coiMTA.pdf>.
- C. University of California Vice Chancellor for Research.
 1. "Campus Policy on Gifts/Grants Distinction".
https://researchcoi.berkeley.edu/calmessages/gifts_grants.html.
 2. ACUC's Policy on Animal Care and Use. Current version available at https://acuc.berkeley.edu/policies/acu_program.pdf.