


<b>Institutional Animal Care &amp; Use Program</b>		
<b>Title: Quality Animal Care and Noncompliance Complaints at UTSA</b>		
<b>Policy#:</b> IACP 001	<b>Date in Effect:</b> 05/15/08	
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<b>In Effect</b> <input checked="" type="checkbox"/> <b>Rescinded</b> <input type="checkbox"/>	<b>Date Rescinded:</b>	

#### A) APPLICATION

This policy outlines the steps which will be followed to handle complaints concerning mistreatment of animals and noncompliance with applicable policies, including, but not limited to UTSA IACUC policies and federal and state laws and regulations. Any person may file a complaint about the treatment and conditions of animals at UTSA. Complaints shall be taken seriously and reviewed in accordance with this policy.

To the extent that there is any conflict between the contents of this policy and the attached Summary Chart, the contents of this policy will prevail over the Summary Chart in each instance.

At any stage in this policy, the IACUC Chair may designate an individual to act for the Chair if the Chair is unavailable for any reason. Likewise, the University Veterinarian may also designate an individual to act for the University Veterinarian if the University Veterinarian is unavailable for any reason. Allegations made against the University Veterinarian or IACUC Chair will be handled by the IACUC Institutional Official (IO).

#### B) PROCEDURES

##### 1) Reporting a Complaint

- a) Any person who believes in good faith that a laboratory animal(s) is subject to mistreatment, or that there is a potential violation of IACUC policy (even if immediate harm to animals is not present), is encouraged to report allegations of mistreatment or policy violations to the IACUC or in the case of allegations against the University Veterinarian or IACUC Chair to the IO.
- b) A complaint may be reported either orally or in writing, to any member of the IACUC. The IACUC member **shall** immediately contact the University

Veterinarian at (210) 458-6321 and/or the IACUC Chair or Alternate Chair, and if the IACUC Chair has not been notified, the University Veterinarian will inform the Chair of the allegation. The Complainant may also report a complaint through the university hotline by calling (210) 458-5365 or submitting a web report (<https://www.utsa.edu/compliance-and-risk-services/report-it/>) or if a complaint involves the University Veterinarian or IACUC Chair to the IO.

- c) The IACUC Chair or IO (if a complaint involves the University Veterinarian or IACUC Chair) will inform in writing the person who is the subject of the complaint that a complaint has been received and provide a summary of the complaint.
- d) The IACUC Chair or IO will also notify in writing the person reporting the complaint (Complainant) that the complaint has been received, unless the Complainant chooses to remain anonymous or does not provide sufficient contact information. Further communications with the Complainant are at the discretion of the IACUC Chair or IO.
- e) A complaint should include a description of the mistreatment or violation(s), the time and location of the alleged mistreatment of the animal(s) involved, the type of animal(s) involved, and any other items which are relevant to the complaint.
- f) To the extent possible, a Complainant is expected to cooperate with investigating the complaint and may be asked to provide a written report or appear before an investigating committee. A thorough investigation of a complaint may not be possible without adequate information.
- g) Investigation of and communications about the complaint shall be documented in writing and maintained in the IACUC files, including but not limited to information to or from the Complainant, the person who is the subject of the complaint, the Principal Investigator (if applicable), IACUC, University Veterinarian and Institutional Officer (IO).

## **2) Initial Investigation by University Veterinarian**

- a) The University Veterinarian will evaluate the complaint to determine whether there is sufficient information to investigate further. If mistreatment of animals is found, the University Veterinarian will take all necessary action which may include suspension of use of animals by any and all individuals involved in the reported mistreatment. If suspension of use of animals is implemented, the University Veterinarian will notify the person who is the subject of the complaint in writing. All appropriate actions will be taken, to include reporting to applicable federal agencies. The University Veterinarian also will submit his/her initial findings and recommendations to the IACUC Chair. The IACUC Chair and University Veterinarian will consider the initial findings and recommendations for further action as set forth below. If the IACUC Chair is the subject of the complaint, the University Veterinarian and the IO will consider the initial findings and recommendations for further action.
- b) If the University Veterinarian is the subject of the complaint, the IO will appoint an individual to conduct the initial investigation under this section.

### **3) Action Following Investigation**

As determined by the University Veterinarian and the IACUC Chair, there are three general findings and recommendations that may lead to the following actions. (Other appropriate actions are not precluded.)

- a) **No Violation**. (No findings of mistreatment of animals or policy noncompliance.)
  - (1) The IACUC Chair or IO will inform in writing both the Complainant (if contact information has been provided), the University Veterinarian and the person who is the subject of the complaint of the findings and recommendations and that no further action is needed.
  - (2) If the Complainant disagrees with the response by the IACUC Chair, the complaint will be further processed as a “Disputed Violation” as described in B.3.c) below.
- b) **Minor Violation(s)** (One instance of policy noncompliance but no inhumane treatment of animals.)

- (1) The IACUC Chair or IO will inform in writing the person who is the subject of the complaint and his/her Department Chair or supervisor of the findings and recommendations and of any required remediation including a time frame in which corrections are to be completed.
  - (2) The IACUC Chair is responsible to report the complaint, the findings and recommendations, and any remedial action to the IACUC. The IACUC Chair has discretion with respect to reporting information to the Complainant.
  - (3) The IACUC Chair will be responsible to verify that remediation's are completed within the established time frame.
  - (4) If either the Complainant or the person who is the subject of the complaint disagree with findings, or if the person who is the subject of the complaint disputes or refuses the remedial actions, the complaint will be further processed as a "Disputed Violation" as described below in B.3.c).
- c) **Major Violation(s) and/or Disputed Violations** (Two or more instances of policy noncompliance, inhumane treatment of animals, and/or a referral from 3) a) (2) or 3) b) (4) above)
- (1) The IACUC Chair will schedule a meeting of the IACUC Protocol Violations Subcommittee (Subcommittee) within **10 business days** from receipt of University Veterinarian's findings and recommendations. The Subcommittee is an *ad hoc* committee with members appointed by the IACUC Chair. All Subcommittee members will be expected to attend this meeting. If essential duties require absences, a majority of the standing subcommittee members must be present.
  - (2) The Subcommittee will review the complaint and the initial findings and recommendations of the UV and obtain additional information as needed.
    - (a) The Complainant may be requested to meet with the Subcommittee. If the Complainant is unwilling or unable to make a personal appearance, the Complainant may submit a written statement to the IACUC Chair prior to the meeting. The IACUC Chair shall provide a copy of the statement to the person who is the subject of the complaint.

- (b) The person who is the subject of the complaint will be given an opportunity to meet with the Subcommittee to respond to the complaint and ask questions of the Complainant and any other witnesses. At least five (5) business days prior to the meeting, the person who is the subject of the complaint will be provided a copy of any written complaint or other written documentation pertaining to the complaint. If the person who is the subject of the complaint is not the Principal Investigator (PI), the complaint may be forwarded, at the discretion of the IACUC Chair or Alternate Chair, to the PI or other supervisor directly responsible for the animal(s) subject to the complaint. If a verbal complaint is made, the person who is the subject of the complaint will be informed of the substance of the complaint at least five (5) business days prior to the meeting.
- (c) The Complainant and the person who is the subject of the complaint may have an advisor at the meeting with Subcommittee, provided that written notice is given to the IACUC Chair at least two (2) business days in advance of the meeting with the Subcommittee. Advisors are present in an advisory capacity only and are not permitted to speak or present information directly to the Subcommittee.
- (d) If the Complainant and/or the person who is the subject of the complaint elect not to meet with the Subcommittee, the complaint will be reviewed on the basis of information available, and a recommendation will be made by the Subcommittee. No inference may be drawn against the Complainant and/or the person who is the subject of the complaint for failure to appear before the Subcommittee.
- (e) At the meeting, the Subcommittee may call the University Veterinarian or any witnesses as it deems necessary.
- (f) When the Subcommittee concludes that all pertinent information has been received, anyone who is not a member of the Subcommittee shall be excused, and the Subcommittee shall discuss, deliberate and prepare its findings and recommendations. By majority vote of those

present, the Subcommittee will determine whether or not mistreatment of animals or policy noncompliance has occurred (findings) and make recommendations. If the findings and recommendations are not unanimous, minority opinion(s) may be written and attached by those who differ with the majority's findings and recommendations.

- (3) The Subcommittee will present its findings and recommendations, including any minority opinion(s), to the IACUC at the next scheduled meeting. The IACUC will then determine final action(s) to be taken. IACUC action(s) may include, but are not limited to:
  - (a) Finding of no violation and/or the complaint was not substantiated, and filing this finding in the protocol file. If the person who is the subject of the complaint is not a PI, the written notification will be filed in the IACUC office.
  - (b) Reprimand to the person who is the subject of the complaint, which may include notice to the PI that if the same or similar circumstances which were the basis of the complaint are found to continue, this could result in suspension or complete revocation of the protocol approval under which animal(s) were obtained.
  - (c) Recommendation to the IACUC Institutional Official (IO) to suspend all vivarium access of the person who is the subject of the complaint for a stated period of time, or to take other action as the IO deems appropriate.
  - (d) Suspension of the protocol for a stated period of time, or immediate revocation of the protocol approval.
- (4) The IACUC Chair will report in writing, as appropriate, to the following individuals:
  - (a) The Complainant (if contact information is known).
  - (b) The person who is the subject of the complaint.
  - (c) The Departmental Chair or supervisor of the person who is the subject of the complaint.
  - (d) The IO.

(5) The IO will report the findings and actions taken to all appropriate external organizations and/or governmental agencies. UTSA faculty, staff and student employees who make complaints about animal mistreatment or policy noncompliance may be entitled to certain protections under law and/or UTSA/UT System policy. Reports found by the IACUC to be intentionally false may be reported to the IO for action as may be appropriate.

## Mistreatment of Animals/Policy Noncompliance Summary Chart

