

Jerald Silverman, DVM, Column Coordinator

New CEO, new IACUC?

There had been rumors for some time that the Board of Trustees was about to replace Edna Gordon as president of Great Eastern University. It wasn't that Gordon did anything wrong; it was more that she didn't do much of anything at all. The university had languished under her presidency and some board members had been hinting that new blood was needed. Then, unexpectedly, Gordon announced her resignation, saying that she would be leaving in six months to become the president of another academic institution.

None of this raised any eyebrows on Great Eastern's IACUC; the Committee members had seen presidents come and go over the years. For the IACUC, it seemed like business as usual, until one of the newer members raised an unusual issue. Doug Daniels,

who considered himself well-versed in the federal regulations governing IACUCs, asked if there would be any change to the Committee's membership.

"No, I haven't heard anything—but why are you asking?" said Dave Hammill, the IACUC Chairman.

"Well," said Daniels, "the Animal Welfare Act Regulations (AWRs) say that the Chief Executive Officer (CEO) appoints the IACUC, and since the new president will also be our CEO, doesn't the new president have to reappoint the IACUC?"

"I've never heard of anything like that," said Hammill. "In any case, President Gordon appointed Vice-President for Research John O'Connor as the Institutional Official (IO) and you may recall that under the Public Health Service *Policy on Humane*

Care and Use of Laboratory Animals (PHS *Policy*) O'Connor can appoint the IACUC as long as his delegation to do so is specific and in writing."

"Well," said Daniels once again, "that's only under the PHS *Policy*, not under the AWRs. But even under the PHS *Policy*, if the new CEO can delegate the authority to appoint the IACUC to the IO, I'd still like to know if O'Connor will have to be reappointed by the new president when he or she comes on board, and if O'Connor will in turn have to reappoint the IACUC."

What is your opinion on this matter? Will the new CEO (the new president) have to reappoint the IO or the IACUC? Under the AWRs, can the CEO delegate to the IO or someone else the authority to appoint the IACUC?

RESPONSE

New IACUC not needed

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Great Eastern does not need to reappoint the IO or the IACUC. As it says in 9 CFR 2.31(a), the CEO appoints the IACUC. Once the IACUC is properly appointed by a CEO—either past or present—there is nothing in the regulations that says the IACUC members must be reappointed when the CEO leaves or a new CEO joins an institution.

Senior management changes happen at an institution for many reasons and sometimes there is an interim CEO that precedes the appointment of a new CEO. In that case, should the IACUC get reappointed? Then, when the new CEO takes over from the interim CEO, should the IACUC get reappointed once again? The answer is obviously 'no' in both cases. The need for frequent reappointments would affect the

proper function of the IACUC. CEOs may come and go in an institution, but to maintain continuity and smooth operation, the organizational structure of an institution should not be altered. A CEO may not be familiar with the AWRs, PHS *Policy*, or structure and function of the IACUC. In such cases, it may be prudent to brief the new CEO about the IACUC's role in overseeing animal research.

Moreover, the CEO always retains the authority to change the IO or the composition of the IACUC. The AWRs state that the CEO (or IO) "shall appoint an [IACUC], qualified through experience and expertise of its members to assess the research facility's animal program, facilities, and procedures¹." PHS *Policy* defines the CEO as the "highest operating official of the organization (such as the President of a university)²" and allows the CEO to delegate the authority to appoint the IACUC. The AWRs define the IO as "the individual at a research facility who is authorized to legally commit on behalf of the research facility that the requirements of 9 CFR, Parts 1, 2, and 3 will be met¹." According to

the *Guide for the Care and Use of Laboratory Animals* (*Guide*), "the responsible administrative official at each institution must appoint an IACUC³." If this authority is delegated in writing to someone other than the CEO, then that individual should have the ability to appoint the IACUC. In some institutions the CEO delegates the authority for appointing the IACUC to a senior administrator, who also often signs the Animal Welfare Assurance⁴.

1. 9 CFR Subchapter A—Animal Welfare, Parts 1, 2, and 3.
2. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* A.3.a (US Department of Health and Human Services, Washington, DC, 1986; reprinted 2002).
3. Institute for Laboratory Animal Research, National Research Council. *Guide for the Care and Use of Laboratory Animals* 9 (National Academy Press, Washington, DC, 1996).
4. Silverman, J., Suckow, M.A. & Murthy, S. *The IACUC Handbook* 2nd edn. 20 (CRC Press, Boca Raton, FL, 2007).

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