



## VANCOUVER ISLAND UNIVERSITY

### ANIMAL CARE COMMITTEE Policy ACC-001 - Compliance

#### **PURPOSE**

1. Vancouver Island University (VIU), in accordance with Policy 31.10 (Integrity and Conduct in Research and Scholarly Activity) and Policy 32.05 (Student Conduct Code), is committed to providing an environment that supports the best research and scholarly practices and that fosters VIU Persons to act honestly, accountably, openly, and fairly in the search for, and dissemination of, knowledge. The VIU Community has always recognized the necessity for, and importance of, maintaining the highest ethical standards and compliance in working with animals, and everyone who work with animals are expected to uphold these standards and be compliant. VIU Persons are personally and directly responsible for the intellectual and ethical quality of their work with animals.
2. The purposes of this policy are to:
  - a) meet the requirements set out by the Canadian Council on Animal Care (CCAC), the Tri-Agencies, and relevant sections of the Criminal Code of Canada and the BC Prevention of Cruelty to Animals Act;
  - b) articulate the responsibilities and standards required of VIU Persons who work with animals; and,
  - c) provide a process for dealing with allegations of Non-Compliance.

#### **SCOPE**

3. This Policy applies to all VIU Persons.

#### **DEFINITIONS**

4. “Tri-Agencies” include the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council (NSERC), and the Social Sciences and Humanities Research Council (SSHRC), collectively.
5. “Work with animals” means all research, teaching or testing involving animals at VIU or governed by the VIU Good Animal Practice (GAP) Certificate issued by the Canadian Council on Animal Care (CCAC).

## **RESPONSIBILITIES AND AUTHORITIES**

6. VIU Persons must familiarize themselves with and adhere to VIU Policy 31.07 on Animal Care, and Animal Care Committee (ACC) Terms of Reference and policies. Generally accepted standards and practices include:
  - a) obtaining any necessary approvals, permits or certifications before conducting research, teaching or testing with animals;
  - b) reading and following an approved Animal Use Protocol (AUP);
  - c) ensuring all those listed on the AUP have the appropriate training;
  - d) housing, monitoring, and providing for the wellbeing of the animals; and,
  - e) being proactive in rectifying any Non-Compliance.
7. The Principal Investigator (PI) named on the AUP is ultimately responsible for the health and welfare of the animals listed on that protocol.
8. The ACC has the authority to:
  - a) request changes to an approved AUP;
  - b) request additional training of any VIU Persons working with animals;
  - c) stop any protocol if it considers that unnecessary distress or pain is being experienced by an animal;
  - d) stop any work with animals which deviates from approved use, which involves non-approved procedures, or which causes unforeseen distress to an animal; and,
  - e) have an animal humanely euthanized, if it considers it necessary.
9. This authority is also delegated to the University Veterinarian and his/her delegates.

## **NON-COMPLIANCE**

10. VIU Persons who work with animals must be in compliance of VIU Policy 31.07 (Animal Care).
11. “Non-Compliance” is any conduct that breaches the expectations set out in the above “Responsibilities and Authorities”, and includes, but is not limited to:
  - a) a *Major* one-time incident involving situations in which animals are left to be in pain, distress or suffering, without veterinary care, or where the health and welfare of the animals is seriously compromised by inadequate housing, maintenance or monitoring;
  - b) a *Serious* one-time incident which has the potential for animal health and welfare issues;

- c) a *Regular* one-time incident with limited or no animal health and welfare issues (e.g. administrative issues); or,
  - d) repeated Major, Serious or Regular incidents (as defined in a,b, and c above) indicating a more chronic issue with animal care or use standards.
12. The University will investigate allegations of Non-Compliance made against those to whom this Policy applies in accordance with the procedures established under this Policy and Policy ACC-002 on Reporting Animal Welfare Concerns.
13. All VIU Persons are personally and directly responsible for the intellectual and ethical quality of their work and must ensure that their work with animals meets the requirements of all applicable funding agreements, University or other policies, standards of the relevant profession or discipline, and laws and regulations. However, VIU Persons who have failed to exercise reasonable care in directing and supervising VIU Persons who are non-compliant may share in the responsibility and be subject to discipline accordingly.
14. VIU Persons are expected to report in good faith any information pertaining to possible Non-Compliance to the University and must cooperate fully with the University in any process under this Policy. The University will not tolerate any retaliation against anyone who, in good faith, makes an allegation, gives evidence, or otherwise participates in a process under this Policy.

## **PROCEDURE**

15. General
- a) The ACC will exercise its authority and discretion under these procedures in conformity with the principles of procedural fairness in the University context.
  - b) The PI or any party involved in an investigation may have a representative or support person present at any time during the process outlined under these procedures. Members of unions and employee associations have all rights to representation that their collective agreements confer.
  - c) Matters relating to Non-Compliance, including confidential inquiries, allegations of Non-Compliance, and information related to allegations, may be sent to University Veterinarian, Facility Managers, the Associate Vice-President of Scholarship, Research and Creative Activity (AVPSRC), any member of the ACC, or the Chair of the ACC at another institution in cases of collaborative work.
  - d) VIU may be required to report matters relating to Non-Compliance to the CCAC pursuant to its incident reporting requirements. Notification of the federal Secretariat

on Responsible Conduct of Research may be required for non-compliance matters that involve projects funded by the Tri-Agencies.

- e) The ACC respects the sensitive nature of the information that individuals may provide under these procedures. Such information will only be disclosed in accordance with these procedures or as otherwise authorized by law. All records are maintained by the University in accordance with the BC Freedom of Information and Protection of Privacy Act and other applicable laws and orders of the Courts, and other bodies having jurisdiction over such matters.

## 16. Allegations

- a) An allegation of Non-Compliance may come from various sources inside or outside the University. For example, the allegation may come from a VIU Person, a member of the general public, a media report, or an anonymous source.
- b) Procedures for VIU Persons to report animal welfare concerns are detailed in Policy ACC-002 (Reporting of Animal Welfare Concerns). An allegation may be made either orally or in writing, and may be made openly, confidentially, or anonymously. If a report is confidential, the anonymity of the individual providing the information will be maintained, to the extent allowable, within collective agreements and VIU policies and procedures.
- c) The ability of the University to investigate an allegation may be hampered if it is from an anonymous source, or if an allegation is not made in writing, and in some cases the University may be unable to proceed.
- d) Those who make an allegation or receive an allegation are asked to direct the allegation to the ACC.

## 17. The ACC will

- a) maintain a compliance log of all potential Non-Compliance reports;
- b) determine whether a Major, Serious or Regular Non-Compliance event (see definitions above) has occurred;
- c) resolve Serious and Regular Non-Compliance events by working with the VIU Person(s), laboratory or facility involved in the Non-Compliance;
- d) investigate Major Non-Compliance events, unresolved Serious and Regular Non-Compliance events, and chronic Non-Compliance;
- e) identify chronic Non-Compliance; and,
- f) monitor Non-Compliance report resolutions.

## 18. Inquiry

- a) Upon receipt of an allegation, the ACC will take the necessary steps to assess the risk and to conduct an inquiry to establish whether an allegation is reasonable, whether resolution can be found or if an investigation is warranted. A reasonable allegation is one that is made in good faith, is based on matters that have not been the subject of a previous allegation, and which falls within the jurisdiction of this Policy.
- b) If the concern leading to the allegation is a Serious or Regular Non-Compliance event and can be dealt with satisfactorily, the matter will be resolved with the PI, lab or facility staff member(s) involved in the Non-Compliance event, and the compliance log will be updated.
- c) If the Non-Compliance event is Major, or if no resolution can be found for a Serious or Regular allegation of Non-Compliance, or if chronic Non-Compliance has been identified, the ACC Chair, University Veterinarian and Animal Care Officer will investigate the allegation and/or chronic Non-Compliance and discuss possible resolution.
- d) If the ACC Chair or University Veterinarian is in conflict of interest with the allegation, the individual will be excluded from the inquiry and/or investigation and the AVPSRC will assign a replacement.

## 19. Investigation

- a) If the Non-Compliance event is Major, or if no resolution can be found for a Serious or Regular allegation of Non-Compliance, or if chronic Non-Compliance has been identified, the ACC Chair, University Veterinarian and Animal Care Officer will investigate the allegation and determine on a balance of probabilities the extent and severity, and the degree of misconduct on the part of the PI.
- b) The ACC Chair, University Veterinarian and Animal Care Officer will investigate the allegation using any means they deem appropriate in the circumstances, subject to the principles of procedural fairness in the University context. Such means may include the following:
  - i. requesting written submissions from the PI and any other parties with information that might be relevant to the allegations, including the party who made the allegation;
  - ii. interviewing the PI and any other parties, such as the Facility Manager, with information that might be relevant to the allegations, including the party who made the allegation;

- iii. obtaining documents relevant to the allegation; and,
  - iv. consulting with other University offices or seeking impartial expert opinions and advice.
- c) In all investigations, the PI will be informed of the allegation being made against them and will be given an opportunity to reply.
  - d) At the outset of each investigation, the ACC Chair will inform the PI of the process and timelines it intends to follow.
  - e) All VIU Persons must cooperate fully with the ACC Chair, University Veterinarian and Animal Care Officer, and make available any documents requested by them. PIs are expected to fully and sincerely cooperate in the review process. In the event of non-cooperation by the investigator, the ACC will revoke all protocols belonging to a PI until cooperation is received.

## 20. Investigation Report

- a) Upon completion of its investigation, the ACC Chair or delegate will prepare a written report that includes the following information:
  - i. the allegation;
  - ii. a list of the parties who provided information (subject to confidentiality, if applicable) and a summary of the information they provided;
  - iii. a summary of the relevant documents and other material reviewed;
  - iv. findings of fact based on the information gathered during the investigation;
  - v. a determination as to whether Non-Compliance occurred;
  - vi. if Non-Compliance is found to have occurred, a determination as to its extent and severity and the degree of intent on the part of the respondent; and,
  - vii. required remedial action to be taken and/or changes to ACC procedures or practices to avoid similar situations in the future.
- b) Remedial actions may include:
  - i. additional training;
  - ii. meeting or working with the University Veterinarian;
  - iii. post-approval monitoring audits (PAM Audits);
  - iv. operational changes;
  - v. suspension of a protocol (temporary or permanent) for more Major offences in which the PI is prohibited from conducting any further animal use activity under the suspended protocol. Suspensions may include: a) temporary suspension of an active protocol, b) permanent suspension of a single protocol, or c) temporary or permanent suspension of all protocols held by the PI; and/or,

- vi. any other appropriate action.
  
- c) If the recommendations are anything other than a suspension, the written report will be forwarded to the PI, the ACC, and ordinarily to the person who made the allegation.
  
- d) If suspension of the protocol(s) is the recommendation, the investigation report will be forwarded to the full ACC for review and determination of the seriousness of the incident(s) and subsequent courses of action, with quorum.
  
- e) A formal letter containing the decision, the justification for the ACC decision, the investigation report and the steps that must be taken to have the protocol reinstated, will be sent to the PI with copies to the AVPSRC. The ACC will update the compliance log and monitor the PI's future work with animals.
  
- f) If the ACC permanently suspends a PI's protocol(s), copies of the formal letter will be forwarded to the AVPSRC and the Vice-President Academic and Provost, which could lead to the initiation of a scholarly misconduct investigation under Policy 31.10 (Integrity and Conduct in Research and Scholarly Activity).
  
- g) If applicable, the Facility Manager will be informed of the resolution as necessary.
  
- h) If the problems are due to the actions of a facility animal care staff responsible for the animals in question, who are not under the direct supervision of the investigator, the ACC will document the problem to the University Veterinarian and the Facility Manager of the relevant facility. The Facility Manager will take the appropriate action to correct, re-train or remove the staff member responsible.
  
- i) The ACC may be required to report the Non-Compliance event to the CCAC. The CCAC requires certified institutions to self-report major animal welfare incidents within 10 days of their occurrence (refer to CCAC website for definitions of incidents that require reporting). Incidents reportable to the CCAC include:
  - i. disregard of, or unintended failure to follow approved practices or procedures; or,
  - ii. serious or repeated non-compliance with CCAC standards that leads to the suspension by the animal care committee or the institution of an animal-based activity that threatens animal health or welfare.
  
- j) The AVPSRC may be required to report the Non-Compliance event to the Tri-Agencies in cases involving funding from these agencies.

## 21. Recourse and Accountability

- a) The PI may request to meet with the full ACC through the ACC Chair to review the facts and, if there is a dispute about acceptable practice, to introduce documentation in support of the practices in question. The PI may be accompanied by a representative or support person.
- b) The PI may seek recourse in the form of a written request to the AVPSRC for a full review of the ACC recommendations and the reasons that led to them. The written decision of the AVPSRC, copied to the ACC, the University Veterinarian, the PI, and, if applicable, Head of Academic Unit (e.g. Dean), on the final disposition of the incident or incidents is binding and final.

## 22. Appeal

- a) In cases where a protocol is suspended, requirements for reactivation of a suspended protocol will vary depending on the nature of the incident(s).
- b) In some cases, reactivation can occur once the ACC receives a letter indicating that the PI will comply with the ACC decision. In other cases, the ACC may require that the PI and/or members of their lab or support staff receive further training, either theoretical or hands-on, to ensure competency in humane conduct of research, prior to or in conjunction with resumption of protocol activities.
- c) The ACC may also require follow-up visits and reports on the conduct of the reinstated research protocol by the University Veterinarian, the ACC Chair or a subset of the ACC. The PI may also be asked to meet with the full ACC or subset of the ACC to discuss the Non-Compliance situation and corrective measures, and to provide further information in the form of a follow-up report or visit.
- d) In some cases, reactivation may not be advised. In some cases, after permanent suspension, an investigator may only be permitted to transfer grants and activities to another lab which may continue to conduct his/her research with no hands-on, direct involvement by the PI or his/her personnel.
- e) The investigator has the right to appeal the ACC decision to the AVPSRC in accordance with VIU procedure 31.07.001 (Animal Care Committee). The AVPSRC will resolve the appeal in a timely manner by ensuring a separate, fair and impartial process, which may include expertise from appropriate external institutions.