

University of California, Merced
Institutional Animal Care and Use Committee Policy

Version No. 2

Policy No. 103

Reporting Allegations of Mistreatment or Other Noncompliance Issues

I. Purpose:

Both the Public Health Service Policy on Humane Care and Use of Laboratory Animals and the United States Department of Agriculture Animal Welfare Act require the Institutional Animal Care and Use Committee to review and investigate (if necessary) concerns involving the care and use of animals at the institution. This document describes the reporting structure.

II. Definition:

Mistreatment: Any action, physical or psychological, which results in wrongful or abusive treatment of an animal.

Noncompliance: Violation of University policy or noncompliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals ([PHS Policy](#)), the USDA Animal Welfare Act Regulations ([USDA AWAR](#)), and other applicable federal, state, and local laws or regulations governing animal care and use.

III. Policy:

A. Who May Report:

- Any person, including any University employee, student, volunteer, or member of the general public, may report concerns involving the care and use of animals at UC Merced. Such concerns may be reported *anonymously*. If the complainant identifies him/herself, protection of his/her identity will be maintained to the extent possible within the legitimate needs of law and the investigation.

B. When and What to Report:

- Based on federal requirements, the IACUC has identified several kinds of reportable incidents that may serve as examples to guide individuals in making their determinations. These incidents include, but are not limited to, the following: a condition that is or may be a threat to the health or safety of animals; the conduct of animal-related activities or protocol modifications without prior IACUC review and approval; continuing activities past the protocol expiration date; the conduct of activities by uncertified and/or unlisted personnel; continuing noncompliance.
- If you believe that mistreatment or noncompliance has occurred, timely reporting is essential to protect the animals involved and to facilitate the investigation of the allegations. Owing to the great diversity of potential problems, it is not possible to anticipate all of the incidents that may occur and provide an exhaustive listing of those considered reportable. As such, determination that a problem falls within the letter or spirit of either "mistreatment" or "noncompliance" requires a degree of judgment. These decisions can be made collaboratively by the IACUC, the chair, the IACUC Office, and/or the Attending Veterinarian (AV). Frequently, the attending veterinarian, animal care personnel, and investigators can work together to prevent or resolve a problem. When in doubt, it is better to submit a report, as this may well

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protect the institution, the complainant, the alleged violator(s) and, of course, the animals.

C. How to Report:

- Persons who would like to report are encouraged to do so in writing to assure a clear understanding of the issues raised, but may be made verbally. Such reports should contain as much specific, factual information as possible to allow for a full investigation and proper assessment of the nature, extent, and urgency of the concern. Information should include, but need not be limited to, the nature, date, time, and location of the occurrence; the person(s) against whom the allegation is being made; and any supporting documentation.
- Non-urgent concerns may also be reported through the UC Whistleblower page. More information regarding reporting animal concerns and UC Merced Whistleblower policy can be found on the RCI [website](#). Methods for how to report a concern are also posted in the vivarium.
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D. Whom to Contact:

Allegations may be reported directly to the IACUC, Interim Attending Veterinarian, or Director of operations (DACO).

	IACUC office	Interim AV	Director of Animal Care Operations (DACO)
Phone	209-228-4805	(530)-312-1839	209-756-8763
Email	iacuoffice@ucmerced.edu	kristinevans@ucmerced.edu	ewerner@ucmerced.edu
Mailing Address	5200 N. Lake Rd Merced, CA 95343	5200 N. Lake Rd Merced, CA 95343	5200 N. Lake Rd Merced, CA 95343

For information on investigative procedures, please refer to the IACUC Policy on Investigating Allegations of Mistreatment or Other Noncompliance Issues.

IV. Responsibility:

A. Statutory Authority:

- USDA AWAR §2.31(c)(4) "With respect to activities involving animals, the IACUC[1], as an agent of the research facility, shall... review, and, if warranted, investigate concerns involving the care and use of animals at the research facility resulting from public complaints received and from reports of noncompliance received from laboratory or research facility personnel or employees."
- USDA AWAR §2.32(c)(4) "Training and instruction of personnel must include guidance in methods whereby deficiencies in animal care and treatment are reported, including deficiencies in animal care and treatment reported by any employee of the facility. No facility employee, Committee member, or laboratory personnel shall be discriminated against or be subject to any reprisal for reporting violations of any regulation or standards under the Act."

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- PHS Policy IV.B.4. "As an agent of the institution, the IACUC shall... review concerns involving the care and use of animals at the institution."

V. Related Policies:

- Research and Instruction Using Animal Subjects (Policy 100)

VI. References:

- *The Animal Welfare Act* (Public Law 89-544, amended by Public Law 91-579, Public Law 94-279, and Public Law 99-198)
- Institutional Animal Care and Use Guidebook (OLAW 2nd edition)
- Guide for the Care and Use of Laboratory Animals (8th Edition)
- PHS Policy on Humane Care and Use of Laboratory Animals