

Superseded by F97-6

S90-8 POLICY AND ASSURANCE FOR HUMANE CARE AND USE OF ANIMALS; ETHICS; RESEARCH

Legislative History:

Document dated May 25, 1990.

At its meeting of May 7, 1990, the Academic Senate approved the attached Policy and Assurance for Humane Care and Use of Animals at San Jose State University presented by Sandra Kajiwara for the Curriculum and Research Committee.

Supersedes S 87-3

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved and Accepted as University Policy Effective Fall, 1990 and thereafter." Signed: Gail Fullerton, May 25, 1990.

POLICY AND ASSURANCE FOR HUMANE CARE AND USE OF ANIMALS

AT SAN JOSE STATE UNIVERSITY

S 90-8

Preamble: Ethics and the Care and Use of Animals

San Jose State University (SJSU) recognizes this statement as a common point of reference in addressing ethical concerns within discussions, evaluations and the implementation of all policies and procedures concerning the care and use of animals at SJSU by all SJSU personnel and students.

SJSU recognizes the legitimacy, importance and sensitivity of the public debate concerning the ethics of

animal care and use. We recognize that within this debate there are a number of legitimate and responsible perspectives and many unresolved issues. We recognize that legitimate concerns and views are expressed in various ways --including the concept of animal rights and the consideration of animal use as against the significant enhancement of human and animal life. We, therefore, commit ourselves to be a respectful and responsible party within this on-going public debate.

SJSU recognizes the relevance, value and significance to animal care and use of the tradition of humane treatment of animals. Therefore, we commit ourselves actively to incorporate this tradition into the care and use of animals at SJSU-including such guidelines as: actively to seek satisfactory means that do not entail the use of animals; and, actively to seek ways to minimize the number of animals used, the degree of physical and psychological discomfort caused, and the number of deaths entailed in our work.

SJSU holds that a fundamental basis for our ethical responsibilities in the treatment of animals rests with the relationships of care and use that obtain between us and the animals in our charge, and which are bounded by the life that we and the rest of the animal kingdom hold in common.

Therefore, we view our role in the care of animals to be one of stewardship -- which includes the responsibility actively to maximize the effectiveness and comprehensiveness of the means used to assess and meet the needs of animals in our charge that arise from their existence as living beings.

We view our role in the use of animals to be one that must reflect humility and see our corresponding responsibilities to include, in all instances of animal use, efforts to seek and employ methods that embody most fully both respect for the life of individual animals and reverence for that life that is the common possession of all the living.

Section I. Purpose

Animals are used for instruction and research at San Jose State University (SJSU). "U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research and Training" (Appendix A) governs all animal use and care at SJSU. Our faculty, staff, and students understand their ethical and scientific obligations with respect to animals. This policy sets forth the guidelines and procedures by which the university assures compliance with those principles and all appropriate governmental regulations applying to animal use and care. While this policy pertains specifically to vertebrate animals, San Jose State University affirms similar respect for invertebrates used in instruction and research.

Section II. References

The references used in developing this policy and assurance are the Animal Welfare Act (Public Law 89-544 as amended), the Guide for the Care and Use of Laboratory Animals (National Institutes of Health Publication No. 86-23, Revised 1985), and the Public Health Service Act (Public Law 99-158, 1985). Also included as references are applicable provisions and regulations of the Endangered Species Act

(Public Law 93-205, 1972), the Marine Mammal Protection Act (Public Law 92-522, 1972), and the State of California Departments of Health Services, Fish & Game, and Agriculture, and Title 9 of the California Administrative Code.

Section III. Definitions

A. **Animal:** Any live vertebrate non-human creature which is being used or is intended for use in research, experimentation, testing, training, education, demonstration or related purpose which includes the in vivo acquisition of tissue.

B. **Animal Facility:** Any and all buildings, rooms, areas, enclosures, or vehicles, including satellite facilities under the administrative control of SJSU, used for animal confinement, transport, maintenance, breeding or experiments inclusive of surgical manipulation. A satellite facility is any containment outside of a core facility or centrally designated or managed area in which animals are housed for more than 24 hours.

C. **Animal User:** Any faculty member, professional researcher, staff member, or any graduate or undergraduate student who uses animals, as defined in III-A, in a SJSU facility.

D. **Campus:** Any facility under the administrative control of SJSU.

E. **Animal Care and Use Committee (ACUC).** A committee (hereinafter referred to as the Committee) appointed by the University President, composed of nine persons to assure complete and adequate review of animal facilities and procedures under jurisdiction of San Jose State University. The Committee shall include:

(1) one Doctor of Veterinary Medicine, with training and experience in laboratory animal science and medicine, who has direct or delegated program responsibility for activities involving animals at the university as Campus Veterinarian;

(2) one faculty member from each school where animal use in the classroom or in research is current or probable [3], at least one of whom is a practicing scientist experienced in research involving animals;

(3) one faculty member whose primary concerns are in a nonscientific area;

(4) one individual who is not currently affiliated with the university in any way other than as a member of the committee, and is not a member of the immediate family of a person who is affiliated with the university; and

(5) one academic dean who represents the administration of the schools using animals;

(6) the Associate Academic Vice President for Undergraduate Studies, to represent curricular concerns;

and

(7) the Associate Academic Vice President for Graduate Studies and Research, to represent research policy.

Faculty members shall receive three-year appointments. Community members shall serve one-year terms. University administrators and the Campus Veterinarian shall serve ex-officio with vote.

The University Animal Care Facility Manager shall serve as staff to the committee.

Section IV. Policy

Humane care, use, and treatment of animals for instruction, research, or related purpose is a university-wide responsibility. It is the policy of San Jose State University to comply with federal, state, university, and other regulatory requirements as they relate to the acquisition, care, and use and treatment of animals in the performance of authorized instruction and research. The Campus Veterinarian, in association with the Committee, must provide assurance to a number of agencies that animals in all projects and activities are receiving humane care, and are used and treated in accordance with professionally acceptable standards. Accordingly, the Committee has been charged with oversight and review of all university animal care and use facilities and procedures.

In order to provide for the adequate discharge of this responsibility, all proposed projects or activities in which animals are involved must be reviewed by the Committee. This policy is applicable regardless of whether extramural funds or intramural funds are used, and includes those cases where no reimbursement for such study is involved.

Section V. Implementation

In order to insure proper implementation of this policy, areas of responsibility are hereby designated for those persons engaged in activities involving animals as subjects and for those persons involved in the administration of this policy.

1. The University President is charged with the overall administrative responsibility for implementing and maintaining a university animal care and use program to assure that all humane, ethical, and legal requirements are met. The Animal Care and Use Committee will carry out this responsibility.
2. The Associate Academic Vice President for Graduate Studies and Research will serve as the institutional official who will maintain the institutional assurance approved by the Department of Health and Human Services and records of accrediting body determinations, and will make required reports to governmental agencies.
3. The Campus Veterinarian will be appointed by the President and will have delegated responsibility

for the health of all animals involved in teaching and research. The Campus Veterinarian will have unlimited access to all animal facilities with due respect for the demands of research in progress and will approve all training programs for animal users.

4. The Dean of the School of Science (serving as representative for each academic school using animals in the classroom or in research) is charged with maintaining the record-keeping of the Committee. Responsibilities shall include maintaining: (1) minutes of Committee meetings, including records of attendance; (2) records of applications, protocols, and proposed significant changes in the care and use of animals in protocols, including whether Committee approval was given or withheld; (3) records of any Committee reports and recommendations forwarded to the institutional official.

All records shall be maintained for at least three years. Records that relate directly to applications, protocols, and proposed significant changes in ongoing activities reviewed and approved by the Committee shall be maintained for the duration of the activity and for an additional three years after completion of the activity. All other records shall be accessible for inspection and copying by authorized government officials at reasonable times and in a reasonable manner.

5. The Animal Care and Use Committee is charged with developing, recommending and monitoring university policies and standards relating to animal acquisition, care and use. The Committee shall have the responsibility and authority to:

- (1) review at least annually the university's program for humane care and use of animals;
- (2) inspect at least semi-annually all of the university's animal facilities;
- (3) make recommendations to the institutional official regarding any aspect of the university's animal program, facilities, or personnel training;
- (4) review and approve, require modifications in (to secure approval) or withhold approval of proposed sections of applications or protocols related to care and use of animals, as specified in the Committee's Principles of Animal Use (Appendix A);
- (5) review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities; and
- (6) suspend activities involving animals in accord with specifications set forth in the Animal Welfare Act and NIH Guide (see section II).

6. The University Animal Care Facility Manager is responsible for implementing professionally acceptable standards for the proper care and use of all animals within all animal facilities, and assuring that those standards are met. The University Animal Care Facility Manager shall report directly to the Dean of the School of Science. All animal users will coordinate their activities through the University

Animal Care Facility Manager.

7. Animal users must follow the procedures and guidelines set forth by the Committee and accept the responsibility that all animal use will be in accordance with the above-referenced policies and regulations and carried out with deliberate consideration of the statement on ethics and the care and use of animals in the preamble to this policy.

B. Procedures

Protocols

1. All research projects and classroom exercises using animal subjects must be approved by the Committee before the study or exercise begins. Prior approval is mandatory, whether the project is funded or not. Animal users shall submit research protocols for review using the university form (Appendix B) not less than 30 days prior to the proposed start date. Animal users are encouraged to review the protocol with the University Animal Care Facility Manager and, if necessary, the Campus Veterinarian before submitting materials to the committee.
2. All animal protocols must be reviewed by all members of the committee. Animal users must provide a project description, including all scientific procedures, as attachments to the protocol to be reviewed. Animal users have the primary responsibility for submitting the appropriate materials to the University Animal Care Facility Manager, who shall submit the documents to the Committee for review.
3. Any project involving animals and seeking external support must be submitted to the Committee for approval before being submitted for external funding. Verification of the Committee's approval may be filed at a time not to exceed sixty (60) days after submission of applications or proposals to funding agencies.
4. Once approved, no changes in the project plan may be made without prior approval of the Committee. For their own protection, animal users will bring to the Committee's attention, for action, any emergent problems or proposed procedural changes which may affect the conditions of the project.
5. All projects and classroom exercises involving animals, regardless of prior approval, must be reviewed and reapproved by the Committee every three years. Reviews at shorter intervals may be required by the Committee for externally funded projects or for classroom projects where the curriculum has undergone significant modification.

Committee Review

1. The Animal Care and Use Committee will meet each month for protocol review, as needed, and to conduct other appropriate business. Emergency meetings may be convened in the event that the Committee must address issues surrounding violations of approved protocols or animal health and safety

problems.

2. The Committee will evaluate each protocol and project description for:

- a. Adherence to the provisions and standards cited in the policy statement references (Section II above).
- b. Procedures with animals that avoid or minimize discomfort, distress and pain to the animals, consistent with sound research design.
- c. Procedures that may cause more than momentary or slight pain or distress to the animals performed with appropriate sedation, analgesia or anesthesia, unless the procedure is justified for scientific reasons in writing by the animal user.
- d. Assurance that the animals that would otherwise experience severe or chronic pain or distress that cannot be relieved will be painlessly euthanized at the end of the procedure or, if appropriate, during the procedure.
- e. Assurance that the number of animals to be used is at minimum and that alternatives to animal use have been considered seriously but cannot meet scientific or instructional need, and that continued effort will be made to find alternatives where appropriate.
- f. Written assurance that animal projects proposed for offcampus implementation will be governed by standards for animal use and care comparable to those that guide the university (appropriate living conditions, medical attention by a qualified veterinarian, proper training for personnel who will handle the animals).
- g. Assurance that methods of euthanasia used will be consistent with the recommendations of the American Veterinary Medical Association (AVMA) Panel on Euthanasia (JAVMA, 188(3): 252-268, 1986 or succeeding revisions), unless a deviation is justified for scientific reasons in writing by the investigator.

3. Each Committee member shall receive a copy of each protocol to be reviewed. Review may be completed by returning protocol evaluations with recommendation for approval to the University Animal Care Facility Manager, who will maintain the records for the Committee. Approval will be granted if the majority of the Committee recommends approval and there is no request for full Committee review. Any member of the committee may call for full Committee review for any reason, and requested alterations to the protocol will require automatic review by the full Committee. If full Committee review is requested or required, approval may be granted only after review at a convened meeting of a quorum of the Committee (5 members) and with the approval vote of a majority of the quorum present. No member may participate in the Committee review of a protocol in which the member has a conflicting interest, except to provide information requested by the Committee; nor may a member who has a conflicting interest contribute to the constitution of a quorum.

4. If a protocol is not approved, the animal user may appeal to the Committee by appearing at the next scheduled Committee meeting. The Committee will reconsider the protocol and re-vote, according to the rules in #3, above. The result of the postappeal vote will be final.

University Museums/Collections

The Animal Care and Use Committee requires appropriate permits from state and/or federal authorities, as appropriate, for all vertebrate species collections. Proper documentation regarding date, time, and circumstances of collection is mandatory. Serendipitous contributions to collections (e.g., roadkills) are also subject to appropriate record-keeping regulations. Inventory of museums and other collection sites will be reviewed annually as part of the Committee's responsibility for animal care and use at the university.

Facilities

The University Animal Care Facility presently occupies 6,240 sq. feet in Duncan Hall, Phase II. The seventh floor area takes up 4,440 sq feet, and includes three animal rooms, a feed storage area, a cage washing area, a cage storage area, and three research support areas. Animal support space includes 3,376 sq. feet (DH 740, 740A, 741A, 742, 743, and feed storage area); research support space includes 1,064 sq. feet (DH 739A, 739B, 741).

Complaints

1. Complaints regarding animal use and care at San Jose State University may be filed at any time by contacting either the Chairperson of the Animal Care and Use Committee or the Associate Academic Vice President for Graduate Studies and Research in person or in writing. Identity of the complainant will be held in confidence as complaints are investigated by at least two members of the Committee.

2. Review of complaints shall be made a matter of record and shall be reported to the Committee in writing.

3. If the investigation reveals information that requires full Committee review, the complainant and the investigator may be asked to meet with the Committee. The Committee may consider a wide variety of actions following such a meeting, including termination of an approved protocol.

4. If an approved protocol is terminated, or if there is a serious violation of university principles for use of animals (Appendix A), the institutional official will notify appropriate federal authorities (notice is required by federal guidelines) in writing regarding the issues involved and their resolution.

APPENDIX A

U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research and Training.

The following principles were developed by the U.S. Government's Interagency Research Animal Committee. Both PHS policy and SJSU policy require that all research and teaching uses of animals conform to these Principles, which are reproduced below:

- I. The transportation, care and use of animals should be in accordance with the Animal Welfare Act and other applicable Federal laws, guidelines and policies.
- II. Procedures involving animals should be designed and performed with due consideration of their relevance to human or animal health, the advancement of knowledge, and the good of society.
- III. The animals selected for a procedure should be of an appropriate species and quality and the minimum number required to obtain valid results. Methods such as mathematical models, computer simulation, and in vitro biological systems should be considered.
- IV. Proper use of animals, including the avoidance or minimization of discomfort, distress, and pain when consistent with sound scientific practices, is imperative. Unless the contrary is established, investigators should consider that procedures that cause pain or distress in human beings may cause pain or distress in other animals.
- V. Procedures with animals that may cause more than momentary or slight pain or distress should be performed with appropriate sedation, analgesia, or anesthesia. Surgical or other painful procedures should not be performed on unanesthetized animals paralyzed by chemical agents.
- VI. Animals that would otherwise suffer severe or chronic pain or distress that cannot be relieved should be painlessly killed at the end of the procedures, or, if appropriate, during the procedure.
- VII. The living conditions of animals should be appropriate for their species and contribute to their health and comfort. Normally the housing, feeding, and care of all animals used for biomedical purposes must be directed by a veterinarian or other scientist trained and experienced in the proper care, handling, and use of the species being maintained or studied. In any case, veterinary care shall be provided as indicated.
- VIII. Investigators and other personnel shall be appropriately qualified and experienced for conducting procedures on living animals. Adequate arrangements shall be made for their in-service training, including the proper and humane care and use of laboratory animals.
- IX. Where exceptions are required in relation to the provisions of these Principles, the decisions should not rest with the investigators directly concerned but should be made, with due regard to Principle II, by an appropriate review group such as the institutional animal research committee. Such exceptions should

not be made solely for the purposes of teaching or demonstration.