



Animal Care Committee Guideline

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Concerns and Complaints in the Animal Care and Use Program

Guideline

A. Introduction

Any individual or group may notify a member of the Animal Care Committee regarding a possible violation of this policy and/or its procedures which normally will be pursued either as a concern or as a complaint. Each of these categories has a discrete process. The policy provides an opportunity for resolution of issues without invoking formal proceedings; however, individuals/groups who wish to initiate the formal proceedings of a complaint may do so at any time.

If a concern or complaint suggests an immediate threat to the health or safety of animals protected under this policy and its procedures, and this threat is verified independently by the Director of ACS, the Director will take immediate action on behalf of the ACC under the provisions of Section B, part c) of this policy.

All participants in a concern or complaint procedure will be reminded by the Director of ACS that they are bound by the provisions of the Animal Care Policy and Procedures regarding presumption of innocence and bad faith allegations.

A concern is defined as an individual expressing, either in writing or verbally, uncertainty about a decision made by the Animal Care Committee in regard to the approval of an Animal Utilization Protocol, or that the treatment of an animal or animals under an approved protocol does not accord with the standards outlined by the Canadian Council on Animal Care. A complaint is the expression, in writing, of a claim that a decision by the Animal Care Committee, about the approval of animal use was unfair, or that the treatment of an animal or animals under an approved protocol does not adhere to the standards outlined by the Canadian Council on Animal Care.

An investigation and subsequent actions may follow as described in Sections C and D.

Matters which are addressed, either as concerns and complaints, should be regarded by all involved as confidential.

B. Concerns

1. A concern under these procedures, i.e., with regard to an animal facility or an activity involving animals as delimited in the Animal Care Policy and Procedures (Part I, Section 3.2), will be reviewed, first, by the Director of Animal Care Services (ACS) who will determine whether:
 1. the concern is based on a matter under the purview of this policy and its procedures;
 2. and, the alleged incident occurred recently (normally within the past six months).
2. If both of the foregoing criteria are met, and the Director of ACS is satisfied that the health and safety of animals is under no immediate and serious threat (Section A), three options are available:
 1. The principal parties to the concern may agree to meet to seek resolution. Such a meeting normally will include the Director of ACS.
 2. If either of the principal parties to the concern is unwilling to meet with the other party regarding the concern, the parties may agree to permit the Director of ACS to serve as an intermediary in seeking a resolution.
 3. If the concerned party is unwilling to permit his/her identity to be revealed to the respondent, the Director of ACS may assume the role of the concerned party. In this event, the person(s) originating the concern relinquish(es) any rights of involvement in the case that would normally accrue to a principal party, while retaining the responsibility to the Animal Care Policy and Procedures. The case will proceed only if the Director of ACS secures independent evidence consistent with the original statement of concern.
3. The Director of ACS will ensure that any resolution achieved through the foregoing options is consistent with this policy and its procedures. If, despite the exercise of these options, resolution to a concern is not achieved, the Director of ACS may initiate a complaint.
4. In the event that the Director of ACS is either the concerned party or a respondent in these proceedings, the role of the Director will be assumed by the Chair of the ACC.

C. Complaints

In the event that the Director of ACS is a complainant or a respondent in the complaint, or declares conflict of interest or bias, the role of the Director, as outlined in this section, will be assumed by a person appointed by the Vice-President (Research). Likewise, if the Vice-President (Research) is a party to the complaint or declares conflict of interest or bias, he/she will be replaced by the Provost and Vice-President (Academic). This is understood wherever a role is specified for either the Director of ACS or the Vice-President (Research) in relation to a complaint.

1. A complaint under these procedures, i.e., concerning an animal facility or an activity involving animals as delimited in the Animal Care Policy and Procedures (Part I, Section 3.2), must be put in writing, signed and dated. Further to the provisions of Section A of this policy, a complaint must be submitted to the Vice-President (Research) in order to stimulate a response. This requirement recognizes the role of the Vice-President (Research) as having final oversight for the process of responding to a complaint. Complaints will be reviewed, first, by the Director of ACS who will determine whether:
 1. The requirements for submission of a complaint have been fulfilled;

2. The complaint is based on a matter under the purview of this policy and its procedures but is not a matter of interpretation of the Animal Care Policy and Procedures as addressed in Part I, Section 4.2g;
 3. The alleged incident occurred recently (normally within the past six months).
2. If the three criteria are met, and the Director of ACS is satisfied that the health and safety of animals is under no immediate and serious threat (Section A), the Director of ACS will:
 1. Make a copy of the complaint document available to the respondent(s), normally within 3 University working days;
 2. Initiate discussion of the matter with the respondent(s), normally within 5 University working days of issuance of the complaint to him/her/them. This will be with a view to resolution of the complaint.
 3. If a complaint is not resolved through the initial actions of the Director of ACS, the Director will investigate the complaint, with a fact finding team of two parties who are independent to the complaint. The fact finders will be appointed by the Vice-President (Research). Upon completion of an investigation, the fact finders will submit a written report to the Vice-President (Research). The following types of evidence, only, may be considered in the investigation of a complaint:
 1. Signed and dated written submissions, including email communications;
 2. Printed material with attribution;
 3. Published information;
 4. Verifiable records;
 5. Personal testimony.

The complainant and the respondent each has the right to have a support person to counsel on the submission of evidence or to be present during an interview. A support person does not have the right to intervene in an interview directly, but may request time to speak, in private, with the person whom he or she is supporting. Conclusions will be based on a "balance of probabilities", i.e., the standard used in matters addressed under civil law.

4. The report of the fact-finding team normally must be received by the complainant and the respondent within 25 University working days of the conclusion of the fact finding. The report, normally will include the following:
 1. The allegation(s) that gave rise to the complaint;
 2. The findings of fact, including a description of the process of investigation on which each conclusion was based;
 3. The conclusions regarding the matter(s), including one of four recommendations:

- the case is closed on the basis of insufficient evidence of breach of ACC and/or CCAC Policies;
 - that a settlement be reached without the possibility of disciplinary action;
 - that procedures be initiated which could lead to disciplinary action of the respondent;
 - that disciplinary procedures be initiated against the complainant on the grounds of a malicious, vexatious or trivial complaint.
5. The complainant(s) and respondent(s) have ten University working days to respond to the report, in writing.
 6. The report of the fact-finding team, with the responses of the complainant and respondent, will be submitted to the Vice-President (Research). The recommendations of the fact-finding team are advisory. The final decision on the dispensation of a complaint resides with the Vice President (Research.)

D. Withdrawal of a Complaint

A complaint may be withdrawn at any time, but the withdrawal of the complaint must be done in writing, signed and dated. The withdrawal of a complaint will not terminate the procedures outlined in Section C if the investigation gives rise to a reasonable belief that:

1. The complaint was substantive;
2. The withdrawal of the complaint would prejudice the respondent;
3. The complaint was made in bad faith.

In such cases, the processes of investigating the complaint will continue.

In cases where the Vice-President (Research) believes that disciplinary action is appropriate, then she or he must refer the matter as appropriate. When the possibility of disciplinary action involves a member of faculty, the matter must be referred to the Provost; when the possibility of discipline involves a member of staff, the matter must be referred to the Vice-President (Finance and Administration).

Guideline approved by the University of Guelph Animal Care Committee on: April 13, 2012