**OFFICE OF RESEARCH AND DEVELOPMENT**

**VETERANS HEALTH ADMINISTRATION**

**Who Is Qualified to Serve**

**As The NSM or the NAM on the IACUC?**

DATE: April 23, 2025 Guidance Document: AR2015-004

It can be challenging to determine who is eligible to fill each of two critical voting positions on the IACUC: the non-affiliated member (NAM), and the non-scientific member (NSM).

In this guidance document, we will review the criteria provided by Office of Laboratory Animal Welfare (OLAW) in NOT-OD-15-109 as well as various OLAW FAQs. Specific VA criteria identified within Directive 1200.07 “VA Research with Animals” is also included. If you have any questions about this guidance, please contact Office of the CVMO ([VACVMO@va.gov](mailto:VACVMO@va.gov)), or OLAW Division of Assurances ([olawdoa@mail.nih.gov](mailto:olawdoa@mail.nih.gov) ).

Please review the criteria below and check to make sure that your NAM(s) and NSM(s) qualify for the positions they are appointed to. If any of them is not eligible, take immediate steps to recruit eligible person(s).

Why is this critical? If you don’t have qualified individuals in the NAM and NSM positions, your IACUC is improperly constituted and nothing that it does counts as an official action of the IACUC.  At best, that would mean that everything that requires IACUC action must wait until a qualified NAM and/or a qualified NSM are officially appointed. If this is not recognized in time, work that is done with animals, on the understanding that IACUC approval has been granted, may turn out to be work done without IACUC approval, which has to be self-reported. Even if no work has been done, the result can be far more aggravation than anyone wants to deal with: identifying all of the affected protocols and other actions, notifying investigators that protocols that they had been told were approved actually have not been approved after all, rescheduling all the business items for the IACUC to act on after it is reconstituted, and on and on.

Below are the criteria for NAM and NSM IACUC members (Keep in mind that individuals who are not qualified to serve as the NAM or NSM may still be eligible to serve on the IACUC as full regular voting members. The criteria below relate only to service in those specific roles.):

Non-Scientific Member (NSM, “Lay member”)

1.  General regulatory intent.  PHS Policy describes the NSM as one whose primary concerns are in a nonscientific area. The NSM should be a person whose appointment can reasonably be expected to reassure the public that the IACUC includes a member who can speak for the appropriate care and use of research animals, without bias in favor of the interests of scientists involved in animal research. According to OLAW guidance, a person who has “a naïve attitude with regard to science and scientific activities” and is “without scientific training” meets the Policy's intent. Keep in mind that the term “scientific” is used broadly when determining whether a candidate is eligible to serve as the NSM, and includes many more people than just those who qualify to serve as what is commonly referred to as the “scientific member”. The “scientific member” must have specific scientific qualifications (PHS Policy requires a “practicing scientist experienced in animal research“), while candidates with scientific qualifications, training, or education (even if they are not currently practicing and have not had experience with animal research) are disqualified as the NSM.

2.  The most common reasons for a candidate to be DISQUALIFIED for the role of NSM are listed below. If EITHER of these is true, the candidate definitely cannot serve as the NSM.

* The NSM candidate’s current primary occupation or prior training is related to carrying out research involving animals. This means that anyone who carries out research procedures on animals, has training in such activities, or is otherwise named on any protocol for performing research with animals, is disqualified from serving as the NSM. (This disqualifies animal technicians who perform even routine procedures like providing anesthesia, during research procedures.)
* The candidate is responsible for directing others to perform research procedures on animals. (This disqualifies the PI of a project involving animal research, even if the PI does not personally perform any of the procedures on the animals.)

3.  If neither of the descriptions in NSM item 2 (above) applies, consider whether the candidate meets the general regulatory intent (NSM item 1, above). The following are examples of individuals who OLAW considers not qualified to serve as the NSM because they would be perceived as likely to be biased in favor of the interests of scientists involved in animal research:

* the VMU Supervisor
* health care providers
* active scientists (even in a field that does not involve animal research, such as botany, geology, or mathematics)
* someone who was involved in animal research in the *past* (even if the person is no longer a practicing scientist).

4.  Because it can be unclear from an individual’s occupation or training whether or not he or she is qualified to serve as the NSM, OLAW says that “the institution should maintain written documentation of the reason for the categorization” for any NSM whose qualifications might be called into question.

Non-Affiliated Member (NAM, “Community Member”, “Public Member”)

1.  General regulatory intent: The PHS Policy describes the nonaffiliated member as “one individual who is not affiliated with the institution in any way other than as a member of the IACUC, and is not a member of the immediate family of a person who is affiliated with the institution.” The NAM should be a person whose appointment can reasonably be expected to reassure the public that the IACUC includes a member who can speak for the interests of the general community with regard to ensuring the appropriate care and use of research animals.  This excludes people who use or have used animals in research.

2.  The most common reasons for a candidate to be DISQUALIFIED for the role of NAM are listed below. If a NAM candidate meets any of the below criteria, they cannot serve in that role:

* Currently or previously worked with research animals.
* Is affiliated with the institution, or has an immediate family member who is affiliated (parent, spouse, child, sibling) with the institution. VA Directive 1200.07 gives further guidance on this exclusion to include:
  + A veteran who volunteers at the medical center is considered to have an affiliation with the institution and is disqualified from serving as the non-affiliated IACUC member; however, appointment of such veterans to the IACUC in another capacity, such as NSM, if they otherwise meet the qualifications for NSM, is strongly encouraged.
  + Neither the individual nor any immediate family member of the individual serves on any other committee or subcommittee of the VA facility.
  + Neither the individual nor any immediate family member of the individual serves on the IACUC of any other institution that functions as a single administrative unit with the VA facility, with regard to animal research.
  + Neither the individual nor any immediate family member of the individual is an employee otherwise involved in the animal research program of any other institution that functions as a single administrative unit with the VA facility, with regard to animal research.

In evaluating the qualifications of an individual to serve as a NAM, the IO should confirm the appointee has no discernible ties or ongoing affiliation with the institution.

If your committee needs to find a new NSM or NAM, it may be useful to make inquiries among individuals in the following groups, as they are likely to meet the qualification criteria above and be willing and able to serve:

* Local members of the clergy
* Insurance adjusters
* Librarians
* Business or finance workers
* Retirees
* Real estate agents
* Volunteer firefighters or security personnel
* Faculty members of the Ethics, English or History department of a local university

PHS Policy allows one individual to fulfill the requirement for both a NAM and a NSM as long as that individual meets the requirements for each position and the committee consists of no fewer than five members. Though this practice is allowed, it is discouraged as this means the potential loss of this one IACUC member results in the loss of two required roles.

Alternate NSM and NAM members are encouraged as these IACUC roles can be difficult to fill. There is no requirement that any alternate members be appointed, but the appointment of alternates increases the number of members available to achieve quorum (if the primary voting member is absent), provides a valuable training experience for training new members, and can help decrease the chances of an improperly constituted IACUC if the alternate assumes the role of the primary member in the event they leave the committee.

Do not hesitate to contact the office of the CVMO [VACVMO@va.gov](mailto:VACVMO@va.gov), or OLAW, if you have specific questions about your local situation.