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Responsible Offices: Center for Student Accessibility, Human Resources, and Public Safety

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Service Animals

Regulation Statement

Eastern Kentucky University (EKU) seeks to accommodate individuals with a Documented Disability(ies) in accordance with the Americans with Disabilities Act as amended (ADA) and Section 504 of the Rehabilitation Act who require use of a "Service Animal" to fully participate in and have equal access to University property, facilities or programs. This regulation sets forth the procedures, requirements and expectations for the University community as well as those who require use of a Service Animal.

A Service Animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Students or employees, or their dependents, requiring an "Assistance Animal" within their leased University or Family Housing unit only should refer to University Regulation 1.3.2R Assistance Animals in University Housing and Employee Housing.

Entities Affected by the Regulation

Students
Employees
Campus Guests
Center for Student Accessibility
Office of Environmental Health and Safety
Section 504 Coordinator
University Community
All University campuses
All University programs

Regulation Background

This regulation applies only to the use of Service Animals on the University's campuses and in University facilities and programs. ECU students or employees requiring the use of an "Assistance Animal" under the ADA, Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 for use only in University Housing or Family Housing should refer to University Regulation 1.3.2R, Assistance Animals in University and Employee Housing.

Regulation Procedures

Student and Employee Requests for Service Animal Accommodation

These procedures apply to requests made by students or employees to the University's Center for Student Accessibility (CSA) for a Service Animal in order to fully participate in and have equal access to University property, facilities or programs.

All student or employee requests for a Service Animal reasonable accommodation shall be made in writing and submitted to CSA using the [Service Animal Reasonable Accommodation Form](#) and shall include the following supporting documentation:

- 1) Provide CSA with an online [Application for Services](#) and provide current disability documentation that meets the disability guidelines set forth in the [Disability Documentation Guidelines](#).
- 2) Information confirming that the Service Animal is trained to meet the disability needs of the student or employee.
- 3) The Service Animal's appropriate vaccinations and licensing as required by state or local law.

This request should be made no later than 15 Business Days before the first time the Service Animal accompanies the student or employee on the University's property, facilities or in University programs. CSA may require additional information to be completed by the student or employee.

CSA will review all requests for Service Animal accommodations and determine if the documentation provided satisfies all of the requirements set forth above and that all

requirements are met. CSA will also obtain confirmation from the University Director of Environmental, Health and Safety that the appropriate state and local legal requirements for vaccinations and licensing have been satisfied.

Should CSA determine that the student or employee's request for a Service Animal meets all of the above requirements, CSA will engage in an interactive process with the requesting student or employee to determine the most appropriate accommodations best suited for the reasonable accommodation needs and University operations.

Should CSA determine that the student's or employee's request does not meet all of the above requirements, CSA may request additional or clarifying information. If the requesting student or employee fails to provide additional or clarifying information within 5 (five) Business Days of CSA's request or if CSA determines any such additional or clarifying supporting documentation does not meet the requirements specified above in this regulation, the request for a Service Animal will be delayed.

Service Animals Requests That Will Not Be Approved

A Service Animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

The following animals will not be approved as Service Animals:

- Any animal besides dogs trained as stated above, regardless of whether they are domestic or trained (miniature horses may be considered on a case by case basis);
- Animals that serve solely to provide a crime deterrent effect;
- Animals that solely provide emotional support, comfort or companionship animals.

Service Animals will not be approved if allowing the Service Animal would:

- (i) fundamentally alter the nature of the University's operations,
- (ii) pose a direct threat to the health and safety of others that cannot be reduced or eliminated by a reasonable accommodation, or
- (iii) cause substantial physical damage to the property of others that cannot be reduced or eliminated by a reasonable accommodation.
- (iv) pose an undue financial and administrative burden,

Reconsideration of Requests

A student or employee dissatisfied with CSA's determination that their Service Animal reasonable accommodation request does not meet one or more of the above requirements may make a written request for reconsideration to the University's Section 504 Coordinator (Dr. Laurence Hayes, Section 504 Coordinator, Combs 420 or Laurence.hayes@eku.edu).

All requests for reconsideration must be received by the Section 504 Coordinator within 5 (five) Business Days of the CSA determination.

The Section 504 Coordinator will either provide a response or refer the matter to the University's ADA Appeals Committee for a decision.

Campus Guests

Service Animals accompanying campus guests are welcome in all areas of campus that are open to the public (except those areas referred to within this regulation under the section Areas Prohibited to Service Animals).

All campus guests with Service Animals must abide by the procedures stated within this policy under the section Students or Employees Approved for Use of Service Animal and Areas Prohibited from Service Animals.

Any questions regarding Service Animal use by campus guests should be directed to the Center for Student Accessibility, Whitlock Room 361, 859-622-6794.

Students or Employees Approved for Use of a Service Animal

- Service Animal handlers are responsible for all damages caused by their Service Animal.
- Service Animal handlers should be in full control of the Service Animal at all times.
- The Service Animal, its health and safety, and proper waste disposal are the responsibility of the Service Animal handler.
- In the event the Service Animal's handler or the Service Animal's behavior or disruption poses a direct threat to health and safety of others, consistent with federal and state law, the Service Animal may be prohibited from certain University facilities or programs. The Service Animal handler may be subjected to corrective action under the University's policies.
- A Service Animal handler may be asked to remove a Service Animal if: (1) the Service animal is out of control and the handler does not take effective action to control it or (2) the Service Animal is not housebroken. When there is a legitimate reason to ask that a Service Animal be removed, the University must offer the

Service Animal handler the opportunity to obtain goods or services without the Service Animal's presence.

- Students or employees are required to suit their Service Animal with a restraining leash when utilizing their Service Animal. Exceptions are permitted when the Service Animal is performing a specific task for the benefit of the student or that requires the Service Animal be unrestrained.
- The Service Animal must wear appropriate identification tags as indication of ownership.
- Service Animals may be removed from the University property, facility or program for failure to comply with this regulation.

Areas Prohibited to Service Animals

Service Animals may be excluded from areas where their presence would constitute either a fundamental alteration of goods and services available for all or a direct threat to safety. Some areas on University property or in University facilities or programs may not be safe for Service Animals; therefore these areas may exclude Service Animals, on a case by case basis:

- Research laboratories and/or areas that require protective clothing
- An area with moving equipment or machinery (depending on the nature of the machinery)
- Food preparation areas, kitchens or food delivery areas.

The University Community

Members of the University community:

- Are not permitted to tease, harass or taunt the Service Animal and its owner. Intentional disruption of interaction between the Service Animal and its owner is prohibited and may result in disciplinary action.
- Should refrain from petting, feeding or deliberately startling a Service Animal.
- Must allow Service Animals to accompany their owners at all times and everywhere on campus, except for those places prohibited as stated herein.
- Report to the Office of Public Safety any Service Animal who misbehaves, or any owner who mistreats their Service Animal.

- If a member of the University community should suffer from a medical condition or allergies due to or exacerbated by the Service Animal, please report this information to CSA. CSA will resolve all such matters.

Trainers of Service Animals

Individuals qualified to train Service Animals are afforded the same rights as those who require the assistance of a Service Animals. Those who are training a Service Animal must contact CSA and comply with the requirements set forth in this regulation.

Definitions

Business Days:

Day(s) the University offices are open for business.

Campus Guest

Anyone who is not a student or employee of the University.

Documented Disability(ies):

Disability(ies) as defined in accordance with Section 504 of the Rehabilitation Act or the Americans with Disabilities Act as amended (ADA) and as documented in accordance with applicable law and University policy and procedure.

Service Animal:

Any dog that is individually trained to work or perform tasks for the benefit of an individual with disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

Responsibilities

Please see responsibilities in Procedures Section

Violations of the Regulation

Violations of this regulation will be handled on a case by case basis.

Interpreting Authority

Director, Center for Student Accessibility

Statutory or Regulatory References

Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act (2008)

Section 504 of the Rehabilitation Act (1973)

KRS 258.265 (Care and Control of Dog)

Relevant Links

<http://www.accessibility.eku.edu/>

[University Regulation 1.4.1 Non-Discrimination and Harassment](#)

[University Regulation 1.3.2R Assistance Animals in University Housing and Employee Housing](#)

Policy Adoption Review and Approval

Policy Revised

Date	Entity	Action
8/17/17	Director, Policy & Legal Operations	Editorial Revisions

Policy Issued

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