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Housing and Employee Housing
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Compliance and Governance
Responsible Office(s): OSID
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Assistance Animals in University Housing and Employee Housing

Statement

Eastern Kentucky University (EKU) seeks to accommodate individuals with Documented Disabilities who require the use of an Assistance Animal within a University or Employee Housing Dwelling as a reasonable accommodation to afford the individual an equal opportunity to use and enjoy the Dwelling.

This regulation applies to

- EKU students and EKU employees with Documented Disabilities who are eligible to lease and reside in University owned, rented or leased properties (Eligible Student or Eligible Employee);
- and
- Eligible Students and Eligible Employees who request an Assistance Animal for an individual with Documented Disabilities who is not an Eligible Student or Eligible Employee but who meets the Family Housing eligibility requirements to live with the Eligible Student or Eligible Employee in an Employee Housing Dwelling (Eligible Employee Housing Dependent) and who requires an Assistance Animal as a reasonable accommodation to afford such individual an equal opportunity to use and enjoy such Dwelling.

This regulation is intended to be consistent with the terms and provisions of ADA, Section 504 of the Rehabilitation Act and Titles II and III of the Fair Housing Act (FHA) applicable to Assistance Animals in University and Employee Housing Dwellings.

Eastern Kentucky University is an Equal Opportunity/Affirmative Action employer and educational institution and does not discriminate on the basis of age (40 and over), race, color, religion, sex, sexual orientation, disability, national origin, veteran status or genetic information in the admission to, or participation in, any educational program or activity which it conducts, or in any employment policy or practice.

Entities Affected by the Policy

Students
Employees
Department of Environmental, Health and Safety
Office of Services for Individuals with Disabilities
University Housing
Facilities Services (Employee Housing)

Policy Background

This regulation applies only to the use of Assistance Animals in University Housing and Employee Housing. EKU students or employees requiring the use of a "Service Animal" as defined in the ADA regulations, as amended, throughout any other portion of the EKU Richmond campus or any EKU extended campus should review the University's Service Animals on Campus regulation.

This regulation is developed in response to the U.S. Department of Housing and Urban Development's February 17, 2011 internal memorandum regarding New ADA Regulations and Assistance Animals as Reasonable Accommodations under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973.

Policy Procedures

Request for Assistance Animal Reasonable Accommodation

These procedures apply to an Eligible Student's or Eligible Employee's request to the University's Office of Services for Disabilities (OSID) for an Assistance Animal for (i) the requesting Eligible Student who desires to live or currently lives in University Housing or in the case of Employee Housing for the requesting Eligible Student or Eligible Employee or the requesting Eligible Student's or Eligible Employee's Eligible Dependent who desires to live and or currently lives in Employee Housing on a full time basis with the Eligible Student or Eligible Employee and (ii) has a Documented Disability(ies) that requires an Assistance Animal as a reasonable accommodation to afford such individual with a Documented Disability(ies) an equal opportunity to use and enjoy the Dwelling.

All requests for an Assistance Animal reasonable accommodation for an Eligible Student, Eligible Employee or Eligible Dependent shall be made in writing and submitted to OSID using the Application for Assistance Animal Reasonable Accommodation form available at <http://www.disabilities.eku.edu/> or in SSB 361 and shall include the following supporting documentation:

- 1) Information in support of the Documented Disability(ies) using the guidelines stated within: [DisDocuGuidelines.doc
- 2) Information detailing the necessity of the animal to afford the individual with the Documented Disability(ies) an equal opportunity to use and enjoy the University or Employee Housing Dwelling; and
- 3) Information detailing the identifiable relationship between the Documented Disability(ies) and the assistance the animal provides.

For Eligible Students or Eligible Employees making an initial application to live in University or Employee Housing with or without an Eligible Dependent, this request should be made no later than 15 Business Days before the Eligible Student or Eligible Employee and any Eligible Dependent is scheduled to move into University or Employee Housing. This request should be made no later than 15 Business Days before the desired date for the Assistance Animal to move into the University Housing or Employee Housing Dwelling if the Eligible Student or Employee currently lives in a University Housing or Employee Housing Dwelling.

Eligible Students or Eligible Employees must also provide with their request to OSID documentation of the Assistance Animal's appropriate vaccinations and licensing as required by state or local law.

OSID will review all requests for Assistance Animal accommodations and determine if the documentation provided satisfies each of the three requirements set forth above and that all three requirements are met for an Eligible Student, Eligible Employee or Eligible Dependent. OSID 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.

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

Should OSID determine that the Eligible Student's or Eligible Employee's request for an Assistance Animal meets all three of the above requirements, OSID will engage in an interactive process with the requesting Eligible Student or Eligible Employee and with University or Employee Housing, as applicable, to determine the most appropriate accommodations best suited for the reasonable accommodation needs and University operations. OSID will also forward to University or Employee Housing confirmation of the satisfaction of state and local vaccinations and licensing requirements.

Should OSID determine that the Eligible Student's or Eligible Employee's request does not meet any one of the above three requirements, OSID may request additional or clarifying information. If the requesting Eligible Student or Eligible Employee fails to provide additional or clarifying information within 5 Business Days of OSID's request or if OSID determines any such additional or clarifying supporting documentation does not

meet the requirements specified above in this regulation, the request for an Assistance Animal will be denied.

An Eligible Student or Eligible Employee dissatisfied with OSID's determination that her or his Assistance Animal reasonable accommodation request does not meet one or more of the above three requirements may make a written request for reconsideration to the University's Section 504 Coordinator (Dr. Kim Naugle, Section 504 Coordinator, Combs 420 or kim.naugle@eku.edu). All requests for reconsideration must be received by the Section 504 Coordinator within five Business Days of the OSID determination. Within five Business Days of the receipt of a timely submitted request for reconsideration, the Section 504 Coordinator will either provide a response or refer the request for reconsideration to the University's ADA Appeals Committee for a response. The Section 504 Coordinator's response or the ADA Appeals Committee's decision, as applicable on a case by case basis, will be the final decision on the request for reconsideration.

Responsibilities of Eligible Students or Eligible Employees Approved for Use of an Assistance Animal as A Reasonable Accommodation in University or Employee Housing

Eligible Students or Eligible Employees living in University or Employee Housing for whom an Assistance Animal reasonable accommodation request has been approved are responsible for the actions of the Assistance Animal, its health and safety, and proper waste disposal.

Eligible Students or Eligible Employees are responsible for all damages caused by their Assistance Animal including but not limited to the cost of cleaning carpets and draperies and/or fumigation of Dwellings. Such costs will not be assessed in the form of an advance pet deposit.

If the Assistance Animal is disruptive or poses a direct threat to the safety and health of others that cannot be reduced or eliminated by a reasonable accommodation, the Assistance Animal may be removed from the Dwelling; and the Eligible Student or Eligible Employee may be instructed not to bring the Assistance Animal into the Dwelling or the common areas of the Dwelling until and unless University Housing or Employee Housing has determined the problem is resolved. University housing and Employee Housing along with OSID and the University's Director of Environmental Health and Safety shall engage in an interactive process with the Eligible Student or Eligible Employee to attempt to resolve the Assistance Animal's disruption or direct threat. If the Assistance Animal's disruption or direct threat is not resolved through reasonable efforts, University Housing's or Employee Housing's decision to require the removal of the Assistance Animal that is creating the disruption or posing the direct threat will be final and such Assistance Animal will not be permitted to return to the Dwelling.

Assistance Animals are allowed only in University Housing or Employee Housing Dwellings including hallways and other common areas of such Dwelling. Assistance Animals will not be permitted in other areas or buildings on the EKU Richmond campus or any EKU extended campus unless such animal also qualifies as a "Service Animal" under

the University's Service Animals on Campus regulation. A separate request should be made for a "Service Animal" as defined under the ADA Regulations, as amended.

In necessary situations, dictated by health and safety concerns, Eligible Students or Eligible Employees may be required to suit their Assistance Animal with a restraining leash when utilizing their Assistance Animal in common areas of the University Housing or Employee Housing Dwelling. Exceptions are permitted when the Assistance Animal is performing a specific task for the benefit of the Eligible student, Eligible Employee, or Eligible Dependent that requires the Assistance Animal be unrestrained.

The Assistance Animal must wear appropriate identification tags as indication of ownership.

Definitions

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| Assistance Animal | An animal that is individually trained to work, perform tasks and or provide relief for the benefit of an individual with a disability, including physical, psychiatric, sensory, intellectual or other mental disability or emotional impairment or an animal that alleviates one or more identified symptoms or effects of a person's disability and is approved by the University for use within a student's or employee's University or Employee Housing Dwelling and common Dwelling areas |
| Business Day(s) | Day(s) University offices are open for business |
| 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. |
| Dwelling | See University Housing and Employee Housing definitions. |
| Eligible Employee | An employee of the University who is eligible to lease and reside in University owned, rented or leased properties |
| Eligible Dependent | An individual who is not an Eligible Student or Eligible Employee who meets the Employee Housing requirements to live with the Eligible Student or Eligible Employee in an Employee Housing Dwelling |
| Eligible Student | A student who is enrolled with the University for 12 or more hours and is eligible to lease and reside in University owned, rented or leased properties in accordance with University or Employee Housing eligibility requirements. |

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| OSID | Office of Services for Individuals with Disabilities |
| University Housing | A unit designed, occupied or intended for occupancy as a residency by one or more Eligible Students that is University owned, controlled or leased property and that is regulated by FHA. Hallways and common areas of the unit are included within this definition. |
| Employee Housing | A unit designed, occupied or intended for occupancy as a residence by Eligible Employees and their Eligible Dependents that is University or EKV Foundation owned, controlled or leased property, managed by EKV Facilities Services and that is regulated by FHA. Hallways and common areas of the unit are included within this definition. |
| University | Eastern Kentucky University |

Responsibilities

See Responsibilities in Procedures Section

Violations of the Policy

Violations of this regulation will be handled on a case by case basis and considered with input from all involved parties. Violations of this policy may result in the removal of Assistance Animal until violations can be amended and resolved.

Interpreting Authority

Director of the Office of Services for Individuals with Disabilities

Statutory or Regulatory References

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

Fair Housing Act (Titles II & III) (1968) and regulations

Section 504 of the Rehabilitation Act (1973) and regulations

KRS 258.265 (Care and Control of Dog)

This Assistance Animals in University and Employee Housing Regulation is not intended to be and shall not be interpreted to be a waiver by ECU of its Eleventh Amendment immunity to claims brought under these or any other statutes.

Relevant Links

http://www.nacua.org/documents/FHA_Memo_ServiceAnimals.PDF

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

Policy Adoption Review and Approval

Recommended by the Office of Policy, Compliance and Governance 5/18/11

Approved by the President 5/19/11