



Eastern Kentucky University Policy and Regulation Library

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Chapter 3, Americans with Disabilities Act/Section 504

Section 1, Animals on Campus

Approval Authority: Board of Regents

Responsible Executives: Dean of Students and Chief
Human Resources Officer

Responsible Offices: Center for Student Accessibility,
Division of Public Safety, Housing and Residence Life, and
Human Resources

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Animals on Campus

Statement

Eastern Kentucky University recognizes the importance of Service and Emotional Support Animals to individuals with disabilities, and is committed to providing reasonable accommodations; fulfilling its responsibilities under federal, state, and local laws and regulations; ensuring the health and safety of the University Community, Guests and Visitors; and preserving the integrity of University Property.

In accordance with the Americans with Disabilities Act as amended (ADA) and Section 504 of the Rehabilitation Act, the University is committed to allowing individuals with disabilities the use of a Service Animal on University Property to facilitate full participation and equal access to the University's programs and activities. Under federal law, individuals are not required to contact the University in order to have a Service Animal on University Property and may use such an animal without written permission.

In accordance with the Fair Housing Act (FHA), the University is committed to allowing Emotional Support Animals in University Housing Residences to provide for the emotional support of students with disabilities under certain conditions.

This policy is designed to provide the University Community, Guests and Visitors with guidelines for the use of Service Animals and Emotional Support Animals on University Property.

Entities Affected

The University Community, Guests and Visitors.

Background

Animals may pose a real or perceived threat to other members of the University community and may disrupt University activities. Consequently, animals brought into campus buildings present a liability for the University that is not normally associated with university operations. In order to promote a safe, non-threatening and healthy work environment for the members of the University community and to protect the University's physical assets, Eastern Kentucky University prohibits individuals from bringing animals on any University owned or controlled buildings, structures, or athletic fields. Members of the University Community and the public may bring animals onto public outdoor spaces (ie. sidewalks) if the animal is contained, controlled, and cleaned up after.

The University does allow service animals, service animals in training, emotional support animals, and certain other animals for uses described in this Policy. Service animals and all other animals allowed on campus by this Policy must be appropriately attended, restrained, and/or controlled by the animal's owner at all times. This policy does not apply to animals used for research or teaching activities, which are addressed under Policy 4.4.13P, or pets in residences owned by employees living in University owned or controlled buildings.

Procedures

I. Service Animals

Under federal law, service animals include dogs, (or in some circumstances, miniature horses), individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed must be directly related to the individual's disability.

A. Locations Open to Service Animals

Service Animals are permitted on all areas of University Property, and in University buildings and spaces otherwise open to the public.

B. Inquiries Regarding Service Animals

When it is not obvious what service an animal provides, only limited inquiries are allowed. Two questions may be asked of Handlers:

1. "Is your Service Animal required because of a disability?"
2. "What work or task has your Service Animal been trained to perform?"

Under federal law, University Community members cannot ask about the individual's disability, require medical documentation, require a special identification card or

training documentation for the Service Animal, or request that the Service Animal demonstrate its ability to perform the work or task.

C. Areas Prohibited to Service Animals

Service Animals may be excluded from areas due to a direct threat to the health and safety of others, when their use fundamentally alters a service or program, where service animals may be in danger, or where their use may compromise the integrity of research.

The Center for Student Accessibility is responsible for assisting Handlers in identifying prohibited areas.

D. Service Animal Control Requirements and Handler Responsibilities

1. Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal's work or the Handler's disability prevents using these devices. In that case, the Handler must maintain control of the animal through voice, signal, or other effective controls.
2. Service Animals must be accompanied by their Handler at all times and remain in close proximity.
3. Service Animals must be housebroken.
4. Service Animals must have all vaccinations and licenses required by state law and/or local ordinances and kept current, and must be produced to the University upon request.
5. Service Animals should be responsive to its Handler's commands at all times.
6. To the extent possible, Service Animals should be non-disruptive to other individuals and the learning, living, and working environment.
7. The care and feeding of Service Animals is the responsibility of the Handler.
8. Waste removal and cleanup is the responsibility of the Handler.
9. Service Animal Handlers residing in a University Housing Residence are financially responsible for the actions of the Service Animal, and will be assessed a fee for any property damage resulting from damage caused by the Service Animal.

E. Conduct Towards Service Animals and Handlers

The University Community, Guests and Visitors should avoid the following:

1. Petting, touching, or otherwise distracting a Service Animal.
2. Teasing, harassing or taunting a Service Animal. Intentional disruption of interaction between a Service Animal and its Handler is prohibited and may result in disciplinary action.
3. Feeding a Service Animal.
4. Deliberately startling a Service Animal.

5. Separating or attempting to separate a Handler from their Service Animal.
6. Making unwelcome or uninvited inquiries regarding the Handler's disability.

F. Identification

It is recommended, although not required, that the Handler of a Service Animal living in a University Housing Residence coordinate with Housing and Residence Life to have signage placed on the University Housing Residence door making anyone who might enter (e.g., facilities services for maintenance or emergency responders) aware that there may be a Service Animal present in the room.

It is also recommended, although not required, that Handlers provide information regarding the presence of a Service Animal in his or her University Housing Residence to the Division of Public Safety in the event of an emergency or evacuation.

G. Removal of Service Animals

Service Animals may be ordered to be removed under the following circumstances:

1. A Handler may be directed to remove an animal that is out of control and the Handler does not take effective action to control it. If the improper behavior repeatedly continues, the Handler may be prohibited from bringing the animal on University Property until the Handler can demonstrate effective steps have been taken to correct the behavior.
2. A Handler may be directed to remove an animal that is not housebroken.
3. A Handler may be directed to remove an animal that the Division of Public Safety determines to be a substantial and direct threat to the health and safety of individuals (including the Handler). This may occur as a result of illness on the part of the animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area (e.g., a medical facility or particular mechanical or industrial areas).
4. A Handler will be directed to promptly remove an animal that demonstrates aggression towards other service animals or people. In the event of a dog bite, ECU Police should be called and appropriate forms filed. If the offending animal is required to be quarantined, it cannot be quarantined on University owned or controlled property.

In the event a Service Animal is properly removed pursuant to this policy, the applicable university accessibility office will work with the Handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the Service Animal on University Property.

H. Service Dogs in Training

Pursuant to KRS 258.500, service dogs in training are permitted on University Property on the same basis as working Service Animals, under the following conditions:

1. The dog is being led or accompanied by a trainer for the purpose of training the dog.
2. The trainer must have in their personal possession identification verifying themselves as trainers of service dogs.
3. Handlers and trainers of service dogs in training must also adhere to the requirements of Service Animals as outlined in this policy and are also subject to the same responsibilities as outlined in Section I(D), Service Animal Control Requirements and Handler Responsibilities.

II. Emotional Support Animals

Emotional Support Animals are used for emotional support of students when recommended by a medical or mental health professional and can be any number of types of animals. Emotional Support Animals may be considered for access to University Housing, but are restricted from all other areas of University Property except those areas open to the public. These animals are not covered under the ADA but do have recognition under the FHA.

A. Requests for Emotional Support Animals Reasonable Accommodation

Requests for Emotional Support Animals in University Housing should generally be submitted at least 30 days prior to the anticipated arrival of the Emotional Support Animal to ensure an appropriate housing assignment. An Emotional Support Animal is prohibited in a University Housing Residence without prior approval from the Center for Student Accessibility. Approved Emotional Support Animals are not allowed in the Residence Halls before meeting with Residence Hall staff.

Requests for the use of an Emotional Support Animal should be made to the Center for Student Accessibility, either via the online application or in person, and should follow the documentation guidelines. The request must include documentation from a physician or therapist noting the diagnosis of a mental or emotional health issue and explaining how the Emotional Support Animal helps with the coping of the issue and/or improves the symptoms of the issue.

Should CSA determine that the Eligible Student's request does not meet the above requirements, CSA may request additional or clarifying information. If the requesting Eligible Student fails to provide additional or clarifying information within five (5) Working 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 policy, the request for an Emotional Support Animal will be denied.

An Eligible Student dissatisfied with CSA's determination that the Emotional Support Animal reasonable accommodation request does not meet the above requirements may make a written request for reconsideration to the University's Section 504 Coordinator within five (5) Working Days of notification of the CSA determination to:

ADA/Section 504 Coordinator
Eastern Kentucky University
Jones Building, Room 120
Richmond, KY 40475

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.

B. Responsibilities of Student Owner Approved for Emotional Support Animals

1. Owners are required to maintain full control of his or her Emotional Support Animal at all times.
2. Emotional Support Animals must be contained within the Owner's assigned room except to the extent the Owner is taking the animal out for relief. Emotional Support Animals are not to be in common spaces (ie. kitchens, living rooms, lobbies, etc.). When transported outside of the University Housing Residence, the Emotional Support Animal must be on a leash or transported in an animal carrier.
3. Emotional Support Animals must be housebroken.
4. Emotional Support Animals must have all vaccinations and licenses required by state law and/or local ordinances and kept current, and must be produced to the University upon request.
5. Emotional Support Animals should be non-disruptive to other individuals and the learning, living, and working environment.
6. Emotional Support Animals may not become the responsibility of another student living in a University Housing Residence. The Emotional Support Animal must be taken with the Owner if leaving campus for a prolonged period of time.
7. The care and feeding of Emotional Support Animals is the responsibility of the Owner.
8. Waste removal and cleanup is the responsibility of the Owner, whether in the University Housing Residence or on exterior University Property.
9. Owners are financially responsible for the actions of the Emotional Support Animal, including bodily injury or property damage, and the Owner will be assessed a fee for any property damage resulting from damage caused by the Emotional Support Animal.
10. If a service request is made for work inside a University Housing Residence, the Owner must be present and must contain the Emotional Support Animal in another

room or in an animal carrier for the University staff or contractors to complete the repair. The Owner must remain with the Emotional Support Animal until the repair is complete.

C. Removal of Emotional Support Animals

Emotional Support Animals may be removed in the same manner and under the same conditions as set forth in Section I(G), Removal of Services Animals.

It is also recommended that students who are approved to bring Emotional Support Animals into University Housing Residences coordinate with University personnel as to the presence of an Emotional Support Animal as set forth in Section I(F), Identification.

III. Pets

Pets are welcome to use public outdoor spaces (ie. sidewalks) on campus only. Owners/handlers are expected to clean up after their animals. Pets visiting campus must be kept on a leash at all times and may not be left unattended or tied to any objects. All damages caused by an animal are the responsibility of the owner/handler.

To maintain safety and avoid disruption, pets may not enter buildings, structures, or athletic fields owned or controlled by the University, except on rare occasions when used for educational purposes. A pet brought to campus for educational purposes may enter a University owned building or structure only under the following conditions:

1. The animal may not be kept in a University owned structure (ie. office) outside of the hours of the applicable classroom session.
2. The use of an animal in the classroom must be clearly stated within a course's syllabus and denote the specific dates that an animal will be present.
3. The animal must be registered with the Center for Student Accessibility and vaccination records must be provided.

Related Information

I. Conflicting Disabilities

Individuals may have allergic reactions to or phobias of animals that are substantial enough to qualify as disabilities. The University will consider the needs of both individuals in meeting its obligation and commitment to reasonably accommodate all disabilities and to resolve the conflict as efficiently and quickly as possible.

Allergy or phobia accommodations are provided in the same way as other disability accommodations. Students should contact the Center for Student Accessibility.

Faculty or staff requesting allergy or phobia accommodations should contact the Office of Human Resources.

II. Roommates/Suitemates/Apartment Mates

Students with a Service Animal or Emotional Support Animal who choose not to lease a single occupancy unit should be offered the following options:

- Housing and Residence Life will place the student with roommates/suitemates/apartment mates, but roommates/suitemates/apartment mates will be given notice that there will be an animal present in the housing unit.
- If a roommate/suitemate/apartment mate has issues living with the animal, they will be given priority for a room change within their current residence hall over others waiting for a room reassignment within the same residence hall.

It is recommended, although not required, that students intending to bring a Service Animal into a University Housing Residence notify Housing and Residence Life prior to bringing the animal into the University Residence. An Emotional Support Animal may not be brought into a University Housing Residence without approval of CSA.

III. **Animal Cruelty**

Instances of suspected animal cruelty should be promptly reported to the Madison County Animal Shelter at (859) 624-4744. Reports can also be submitted online.

Definitions

- **ADA/Section 504 Coordinator:** Reviews concerns and appeals of eligibility determinations and reasonable accommodation determinations for the University Community, Guests and Visitors.
- **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.
- **Eligible Student:** A student who is enrolled with the University and is eligible to lease and reside in University owned, rented or leased properties in accordance with University Housing eligibility requirements.
- **Emotional Support Animal:** An animal that provides therapeutic benefit(s) to their owner through support and companionship to help alleviate one or more identifiable symptoms associated with a mental or emotional health issue and is approved by the University for

inside use within a Student's University Housing Residence and common Residence areas only. For purposes of reasonable accommodation requests, there is no requirement that an Emotional Support Animal receive any special training. While dogs are the most common type of Emotional Support Animal, other animals can also be Emotional Support Animals.

- **Guests and Visitors:** Individuals who are not students or employees who participate in the University's programs and events.
- **Handler:** The individual responsible for the care and supervision of his or her Service Animal.
- **Owner:** An Eligible Student that is approved by the University to maintain an Emotional Support Animal in a University Housing Residence.
- **Pet:** Any animal, including amphibians, mammals, reptiles and birds that normally and customarily shares human habitat and is normally dependent on humans for food and shelter. Pets are kept for pleasure or companionship, and do not include feral or wild animals.
- **Service Animal:** A dog (or in some circumstances, a miniature horse) individually trained to do work or perform tasks for the benefit of an individual with a disability, including a sensory, psychiatric, intellectual, or other mental disability and meets the definition of "Service Animal" under the Americans with Disabilities Act (ADA) policy at 28 CFR 35.104. The work or tasks performed must be directly related to the individual's disability.
- **University:** Eastern Kentucky University.
- **University Community:** Students, faculty, staff, and Board of Regents members as well as anyone doing business for or with the University.
- **University Housing Residence:** A unit designed, occupied or intended for occupancy as a residence 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.
- **University Property:** Any real property, buildings, and facilities under the primary control of the University through ownership, lease, or other means.
- **Working Days:** Days the University is open for business.

Violations

Violations of this policy will be handled on a case by case basis under Policy 8.3.4, Progressive Disciplinary Action, and can result in the removal of the animal.

Interpreting Authority

University Counsel

Statutory or Regulatory References

Americans with Disabilities Act (ADA)
Rehabilitation Act of 1973 (Section 504)
Fair Housing Act (FHA)
KRS. 258.500

Policy Adoption, Review and Approval

Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
2/28/2020	Board of Regents	Adopted
10/8/2019	President Benson	Approved as Interim
6/25/2018	Board of Regents	Approved