

3362-5-43 Animals on campus.**(A) Purpose**

The university is committed to enabling qualified individuals with disabilities who benefit from being accompanied by a service animal and/or emotional support animal to enjoy equal benefits to employment, education, and enjoyment of its services, programs and activities. Accordingly, the university seeks to ensure accessibility to students, faculty, staff, and visitors with disabilities, consistent with federal and state law. The university also wishes to make its outdoor areas available for domesticated pets that are under a handler's control and whose handlers are respectful of the rights of others. This rule and the accompanying procedure set forth the rights and responsibilities of individuals with disabilities who have service animals and/or emotional support animals, and individuals who wish to bring domesticated pets on campus.

(B) Definitions

As used in this rule and any accompanying procedure(s), the following definitions will apply:

- (1) Direct threat: a significant risk to the health or safety of oneself or others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.**
- (2) Domesticated pet: an animal that is a member of a species that normally and customarily shares human habitat and is normally dependent on humans for food and shelter, typically dogs and cats.**
- (3) Emotional support animal (ESA): an animal that provides support, assistance or other service, including emotional support, comfort or therapy that mitigates the impact of a disability. An ESA need not have specialized training.**

- (4) Individual with a disability: a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual.
- (5) Service animal: dogs (and in some situations, miniature horses) that are 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. For the purposes of this definition, work and tasks do not include the provision of emotional support, well-being, comfort or companionship. The work or tasks performed by a service animal must be directly related to the individual's disability. Tasks performed by a service animal may include but are not limited to assisting the blind and visually impaired; alerting individuals who are deaf or hard of hearing; pulling a wheelchair; assisting during a seizure; retrieving medicine; and assisting with balance.
- (6) Service animal in training: an animal that is being 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.
- (7) Therapy animal: an animal that:
- (a) has received training appropriate for animal assisted therapy ("AAT") as evidenced by receipt of the canine good citizen ("CGC") certificate from the American kennel club ("AKC"), or registration by a national therapy animal organization, such as the delta society or therapy dogs international and
- (b) is used by a health care or mental health professional in a therapeutic setting. A therapy animal is not a service animal.

(C) Service animals

- (1) Individuals with disabilities are permitted to be accompanied by an approved service animal at all indoor and outdoor locations on property owned, leased or maintained by the university where members of the public, participants in services, programs or activities, and other campus visitors are permitted to be present,

provided that the animal is under the handler's control. A handler's control of the animal typically requires a harness, leash that is less than six feet in length, or other tether, unless the use of such restraint would interfere with the animal's safe, effective performance of work or tasks. In such instances, the service animal must be otherwise under the handler's control (e.g., by voice controls, signals or other effective means).

- (2) Exceptions: The university may ask an individual with a disability to remove a service animal from campus if:
- (a) The animal is out of control and the animal's handler does not take effective action to control it;
 - (b) The animal is not housebroken; or
 - (c) The animal poses a direct threat to the individual or others.
- (3) If a service animal is removed under the provisions of paragraph (C)(2) of this rule, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- (4) The university is not responsible for the care or supervision of a service animal. If a service animal is removed under paragraph (C)(2) of this rule, the individual with a disability is responsible for arranging for the animal's care and supervision.
- (5) The same rights and responsibilities set forth in this rule also apply to any service animals in training, provided that the animal wears a collar and leash, harness, or cape that identifies the animal as a service animal in training.

(D) Emotional support animals

- (1) In addition to the rights to have service animals, as discussed in paragraph (C) of this rule, a resident of university housing with a disability may be permitted to have an emotional support animal

(ESA) as a reasonable accommodation that is necessary to afford the individual equal opportunity to use and enjoy a dwelling, or to participate in the housing service or program. The right to have an ESA is conditioned on advance approval from the office of accessibility services and compliance with university procedures pertaining to ESAs.

- (2) An individual with an approved ESA may only have the animal in his/her housing unit, in designated areas where the animal can relieve itself, and (when applicable) in other areas where the ESA has been approved as a reasonable accommodation. The University may remove an ESA from any other area, including outside areas of campus where animals are not otherwise permitted. When the ESA is outside the housing unit or another permissible location, it must be in an animal carrier or controlled by a leash or harness.

(E) Surcharges/damage fees

The university will not require any individual with an approved service animal or emotional support animal to pay any additional fee, deposit, insurance or other surcharge, even if people accompanied by pets are required to pay such fees, or to comply with other requirements generally not applicable to people without pets. However, the university may require such individuals to pay for damages caused by their animals beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear.

(F) Therapy animals

The university counseling and health clinic or its equivalent may use therapy animals when doing so is consistent with best treatment practices and conforms with professional standards. Therapy animals may also be used for classes or demonstrations on campus with advance notice to and approval from the appropriate vice president or dean, as applicable.

(G) Domesticated pets

Domesticated pets typically include dogs and cats. Other species of pets may be permitted on the outdoor premises of university property with the written approval of the director of public safety or his/her designee.

Domestic pets that are leashed shall be permitted in open outdoor areas of campus, except as noted below. Domestic pets that are not service animals, emotional support animals, or otherwise approved as an accommodation for an individual's disability, shall not be permitted inside university owned, leased, or controlled buildings. Domestic pets shall not be permitted on outdoor athletic playing fields owned, leased or maintained by the university, irrespective of whether the playing field is then in use. Domestic pets may be removed from an organized outdoor performance, presentation, or event, when the organizer of such event determines that the animals' presence is or is likely to be disruptive.

(H) Special events and circumstances

With the approval of the director of public safety or a vice president, animals shall be allowed on campus for special events and circumstances, including but not limited to K-9 law enforcement demonstrations, other law enforcement investigations, bedbug detection, and animal shelter visits.

(I) Service animals in training

The university may enter into one or more agreements with recognized organizations that provide training of service animals. Such agreements may set forth requirements for individuals on campus who work with service animals in training as volunteers or otherwise.

(J) Compliance with laws and policies

The owner of any animal on campus must comply with current city, county, and state ordinances, laws, and regulations pertaining to licensing, vaccination, and other requirements for animals. The animal owner is responsible for knowing and understanding these ordinances, laws, and regulations. The university has the right to require documentation of compliance with such ordinances, laws, and regulations, which may include proof of licensure and/or vaccination.

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Certification

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Date

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