



EASTERN KENTUCKY UNIVERSITY



ANIMALS ON CAMPUS

2024



INTRODUCTION

The Office of University Counsel:

- Provides legal advice on matters affecting the University, including but not limited to:
 1. Interpretation of laws;
 2. Contract drafting, review, and negotiations;
 3. Managing all litigation involving the University;
 4. Policy development and implementation; and,
 5. Providing guidance and direction on internal and external matters.



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BACKGROUND

- Animals may pose a real or perceived threat to other members of the University community and may disrupt University activities.
- Animals brought into campus buildings present a liability for the University that is not normally associated with university operations.
- 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, EKU prohibits individuals from bringing animals on any University owned or controlled buildings, structures, or athletic fields, with a few notable exceptions under the law.
- 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.



UNIVERSITY POLICY 1.3.1POL: 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.

DEFINITIONS

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.

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.





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 must be directly related to the individual's disability.

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

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.

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.

WHAT IF YOU DON'T KNOW IF THE ANIMAL IS A SERVICE ANIMAL?

If it is not clear whether the animal is a service animal, you can begin by asking the following:

1. "Excuse me, there are no pets allowed in [insert location]."

If the handler tells you their animal is not a pet, but a service animal, you can then ask the two questions on the previous slide.

If they tell you it's an emotional support animal, you can ask them to leave, unless you're in a residence hall, which is the only place emotional support animals are allowed to be at ECU.

SERVICE ANIMALS: HANDLER RESPONSIBILITIES

- 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 service animal through voice, signal, or other effective controls.
- Service Animals must be accompanied by their Handler at all times and remain in close proximity.
- Service Animals must be housebroken.
- 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.
- Service Animals should be responsive to Handler's commands at all times.
- To the extent possible, Service Animals should be non-disruptive to other individuals and the learning, living, and working environment.
- The care and feeding of Service Animals is the responsibility of the Handler.
- Waste removal and cleanup is the responsibility of the Handler.
- Service Animal Handlers residing in 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.



SERVICE ANIMALS - 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 their University Housing Residence to the Division of Public Safety in the event of an emergency or evacuation.

REMOVAL OF SERVICE ANIMALS

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

- 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.
- A Handler may be directed to remove an animal that is not housebroken.
- 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).
- 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.

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:

The dog is being led or accompanied by a trainer for the purpose of training the dog

The trainer must have in their personal possession identification verifying themselves as a trainer of Service Animals

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.

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. Any animal or breed can qualify as an emotional support animal. 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 Fair Housing Act (FHA).

EMOTIONAL SUPPORT ANIMALS

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.



EMOTIONAL SUPPORT ANIMALS

Responsibilities of Student Owner Approved for Emotional Support Animals

Owners are required to maintain full control of their Emotional Support Animals at all times.

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 (i.e. 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.

Emotional Support Animals **MUST** be housebroken.

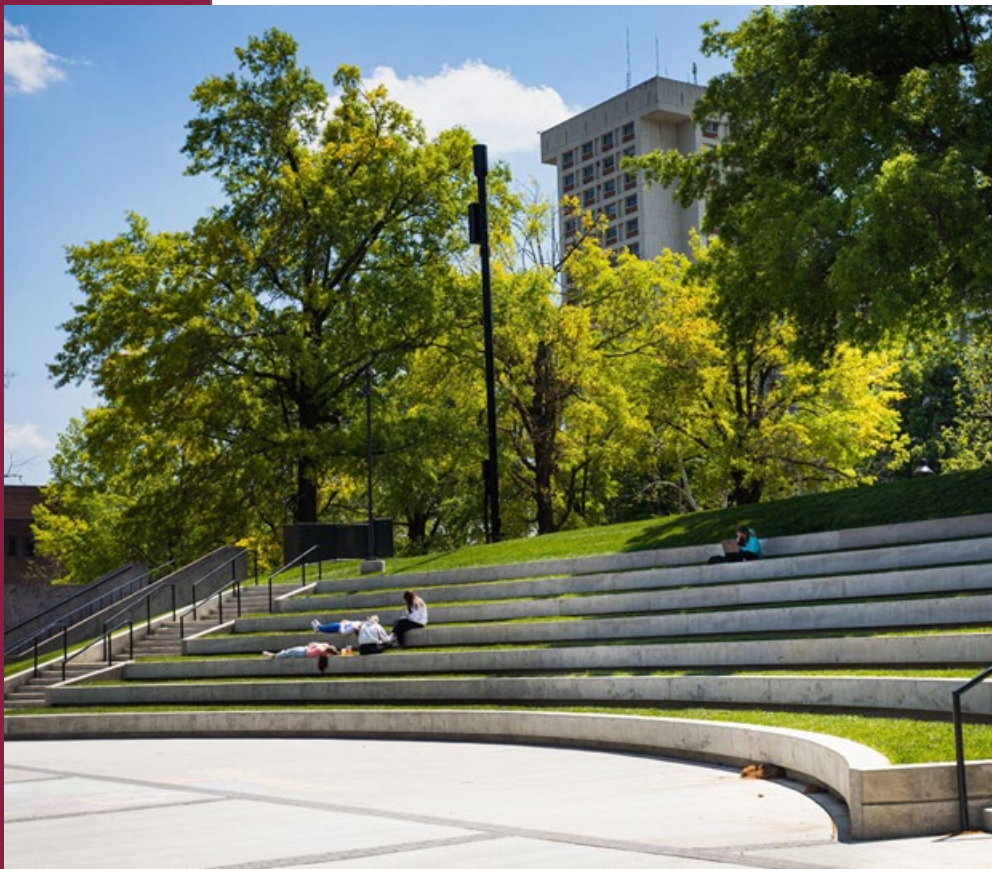
Emotional Support Animals **MUST** have all vaccinations and licenses required by state law and/or local ordinances and kept current, and must be produced to the University upon request.

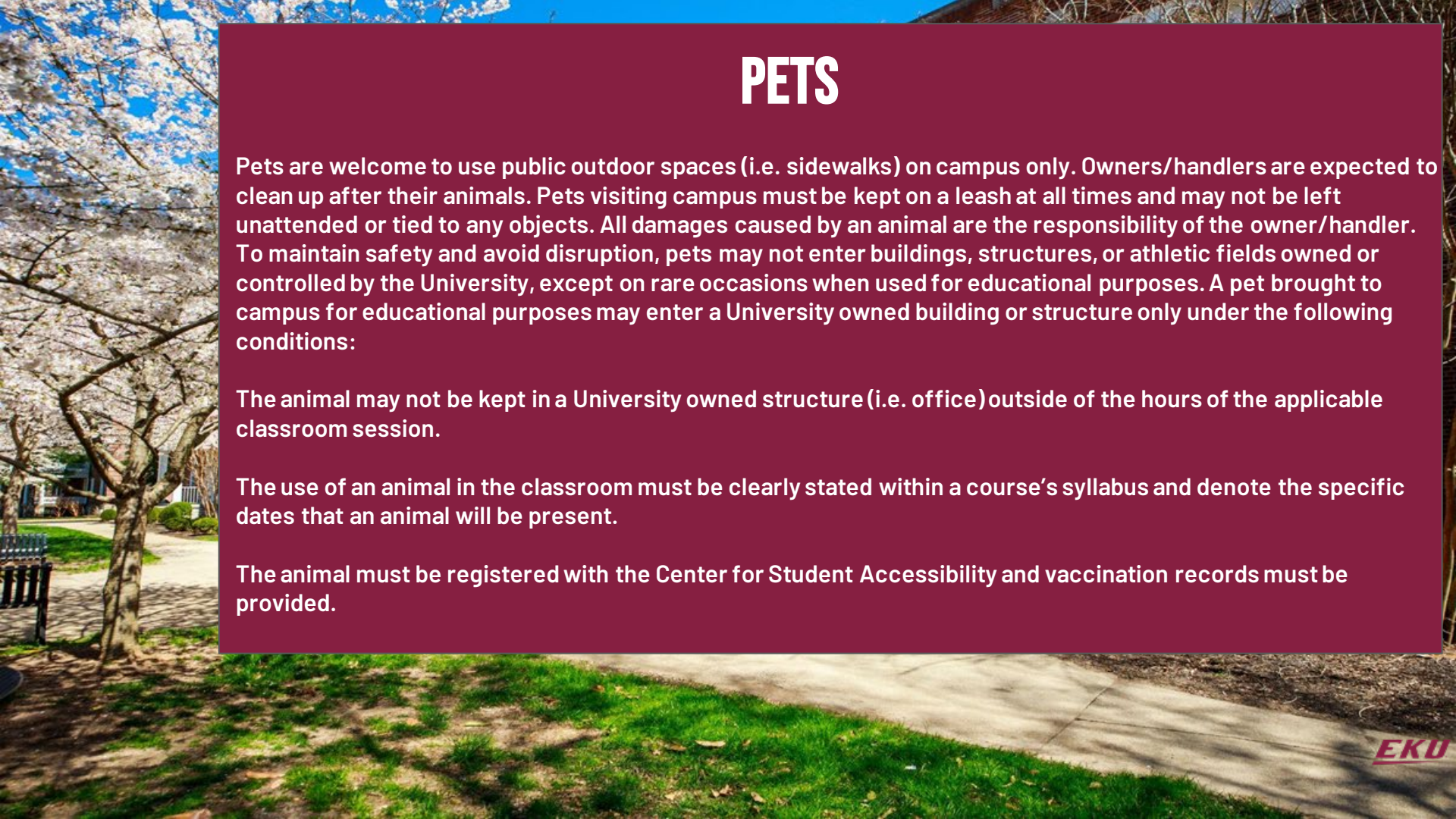
Emotional Support Animals should be non-disruptive to other individuals and the learning, living, and working environment.

EMOTIONAL SUPPORT ANIMALS

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) of the Animals on Campus Policy, Removal of Service Animals.





PETS

Pets are welcome to use public outdoor spaces (i.e. 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:

The animal may not be kept in a University owned structure (i.e. office) outside of the hours of the applicable classroom session.

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.

The animal must be registered with the Center for Student Accessibility and vaccination records must be provided.

COMMONLY ASKED QUESTIONS

Service Animal or Emotional Support Animal: What's the Difference?

Under Title II and Title III of the ADA, a Service Animal means any dog (or in some cases, a miniature horse) 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.

Not all animals that individuals with a disability rely on meet the definition of a service animal for purposes of ADA. According to the U.S. Department of Housing and Urban Development (HUD), an Emotional Support Animal is any animal that provides emotional support alleviating one or more symptoms or effects of a person's disability. Emotional Support Animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Emotional Support Animals are not limited to dogs, but Service Animals can only be dogs or miniature horses.

Where can a Service Animal go?

Generally, a Service Animal is allowed to go wherever the person with the disability can go, meaning that they can go wherever the public is allowed to go. In addition to common examples like restaurants and hospitals (except areas of the hospital where having a Service Animal could jeopardize safety, such as in the sterile environment of an operating room), other places of public accommodation must modify their policies to allow a service animal to accompany an individual with a disability, unless it would result in a fundamental alteration or would jeopardize safe operation.

COMMONLY ASKED QUESTIONS

Can a Service Animal or Emotional Support Animal come into my classroom?

Only a Service Animal can be present in classrooms with their handler. Their handler must follow guidelines and keep the animal leashed and under their control at all times. Emotional Support Animals should never be brought into a classroom.

Do Service Animals have to wear a vest or a patch identifying them as Service Animals?

There are no formal certification systems that are required or approved by the ADA. In addition, Service Animals are not required to wear vests identifying them as a service animal.

When can I ask someone to remove their Service Animal?

If a Service Animal is out of the handler's control and is causing a disruption, you may request that the animal be removed from the premises and notify the Center for Student Accessibility that this occurred. Service Animals may also be excluded from campus facilities if their presence poses a direct threat to the health or safety of others, fundamentally alters the nature of a program or activity, or would result in substantial damage to the property.

What should I do if I see a Service animal or an Emotional Support Animal misbehaving and causing disruptions?

We recommend emailing/contacting Kelly Cogar and the Center for Student Accessibility or completing a SAIT report. If you can get photos or video of the incident this is helpful in developing a history, in case the animal needs to be permanently removed from campus.

QUESTIONS?

