**Kutztown University Policy DIV-003**

## Animals on Campus – Policies and Procedure

**A. Purpose:**
The following information is provided to help define the role and place of animals at Kutztown University especially in promoting the safety, dignity, and independence of persons with disabilities.

**B. Scope:**
As established by the Americans with Disabilities Act (ADA) and its 2010 amendments, service animals shall not be excluded from university/college facilities or activities. The ADA defines service animals as:
"…dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties." Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.

Pennsylvania anti-discrimination statutes (P.L. 208, Act 72) guarantee a blind person the legal right to be accompanied by a guide dog in all accommodations which are made available for public use. The statutes further guarantee equal housing accommodation to guide dog users in both the rental and purchase of housing.

Dogs in training are not considered service animals under the ADA. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act.

Under Pennsylvania law, service animals are recognized as any dog which has been or is in the process of being trained as a guide dog, signal dog or has been trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair or fetching dropped items.

**C. Definition**
**Types of Service Dogs and Terms**

***Guide dog:*** A dog that is carefully trained to serve as a travel tool by individuals with severe visual impairments or who are blind.

***Hearing dog:*** A dog that has been trained to alert a person with significant hearing loss or who is deaf to a sound (e.g. a knock on the door, a fire alarm, the phone ringing).

***Service animal - dog:*** A dog that has been trained to assist a person who has a mobility, or health impairment. The duties the dog may perform include: carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, assisting a person to get up after a fall, etc.

***Sig dog:*** A dog trained to assist a person with autism. The dog alerts the partner to distracting repetitive movements common among those with autism, allowing the person to stop the movement. A person with autism may have deficits in sensory input and may need the same support services from a dog that one might provide for a person who is blind or deaf.

***Seizure response dog:*** A dog trained to assist a person with a seizure disorder. The method in which the dog serves the person depends on the individual's needs. The dog may stand guard over the person during a seizure or the dog may go for help. Some dogs learn to predict a seizure and warn the person in advance.

***Partner/handler:*** A person with a service animal. A person with a disability using a service animal is called a partner; a person without a disability is called a handler.

***Team:*** A person with a disability, or partner and the service animal. The two work as a team in accomplishing the tasks of everyday living.

***Therapy animal:*** A therapy animal may soothe anxiety in some individuals, but does not assist an individual with a disability in the activities of daily living. Therapy animals are not protected by laws for service animals under the ADA.

**D. Policy and Procedures:**

***Inquiries:*** When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

***Control Requirements:***
Service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the

individual must maintain control of the animal through voice, signal, or other effective controls. The partner must be in full control of the animal at all times. The animal must be as unobtrusive as possible.

***Exclusion for behavior:*** A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

***Consequences for behavior:*** When a service animal is determined to be out of control, the infraction will be treated on an individual basis through the Disability Services Office and the Dean of Student Services Office. If the animal poses a threat to the safety of others, Public Safety and Police Services will become a part of the collaborative team to determine the outcome of the behavior. Consequences may include, but are not limited to: muzzling a barking dog, refresher training for the animal and its partner, or exclusion from university facilities. Safety concerns about a service animal may be directed to Public Safety and Police Services.

***Exclusion – Allergies/Fear****:* Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

**Responsibilities for Individuals with Disabilities using Service Animals on Campus**
Individuals with disabilities using service animals on campus are responsible for ensuring that the animal is properly treated by the handler and by others and behaves and responds appropriately at all times in public and the team must adhere to the same socially accepted standards as any individual in the university community.

 Clean up rule: The partner must follow local ordinances in cleaning up after the animal defecates. Individuals who physically cannot clean up after their own service animal due to extenuating circumstances may not be required to personally pick up and dispose of feces; however partners are required to make other arrangements for the prompt disposal of waste.

**Visitors with Service Animals**
All visitors to campus with service animals must adhere to the same guidelines as members of the campus community.

***Areas Off Limits To Service Animals***
There are certain instances when it may be considered unsafe for the animals to be in such places as medical facilities, laboratories, mechanical rooms or any other place where the safety of the

animal or its partner may be threatened. Each location's safety will be evaluated by a group of individuals including: the Disability Services Office, the laboratory director or professor, and the university risk management team. When it is determined unsafe for the team to be in one of these areas, reasonable accommodations will be provided to assure the student equal access to the activity.

Research Laboratories: The natural organisms carried by dogs and other animals may negatively affect the outcome of the research. At the same time, the chemicals and/or other organisms used in the research may be harmful to the service animals.
Mechanical Rooms/Custodial Closets: Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.
Areas Where Protective Clothing is Necessary: any room where protective clothing is worn is off-limits to service animals. Examples: wood shops and metal/machine shops.
Areas Where There is a Danger to the Service Animal: Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there is hot material on the floor (e.g., molten metal or glass); where there is a high level of dust; or where there is moving machinery is off-limits to service animals.

***Exceptions***
A director may open her or his laboratory to all service animals. A laboratory director of a research laboratory or an instructor in a classroom or teaching laboratory with moveable equipment may grant permission to an individual animal/partner team to enter the research laboratory, classroom or teaching laboratory with moving machinery. A team's admission will be granted or denied on a case-by-case basis. The final decision shall be made based on the nature of research or machinery and the best interest of the animal. For example, the machinery in a classroom may have moving parts at a height such that the tail of a large dog could easily be caught in it. This is a valid reason for keeping large dogs out. However, a very small hearing dog may be shorter than any moving part and, therefore, considered for admission to the classroom. Access to other designated off-limits areas may be granted on a case-by-case basis.

**Emergency Situations:**
In the event of an emergency, the responding team should be trained to recognize service animals and to be aware that the animal may be trying to communicate the need for assistance. The animal may become disoriented from the smell of smoke in a fire or laboratory emergency, from sirens or wind noise, or from shaking and moving ground. The partner and/or animal may be confused in a stressful situation. The responding team should be aware that the animal is trying to protect and, in its confusion, is not to be considered harmful and every effort should be made to keep the animal with its partner.

**University Housing and Residential Life:**

Service animals may reside in University Housing under the Americans with Disabilities Act and the Pennsylvania anti-discrimination statutes.

The guidelines for conflicting disabilities also apply to the residence halls. If an allergy/animal conflict arises both should be accommodated by assigning them to different locations in the residence hall.

The Department of Justice's (DOJ) recent amendments to its Americans with Disabilities Act regulations do not affect reasonable accommodation requests under the Fair Housing Act (FHA) and Section 504 of the Rehabilitation Act of 1974. Disabled individuals may request a reasonable accommodation for assistance (comfort/therapy) animals in addition to dogs, including emotional support animals that alleviate one or more identified symptoms or effects of a person's disability under the FHA or Section 504. In situations where both laws apply, housing providers must meet the broader FHA/Section 504 standard in deciding whether to grant reasonable accommodation requests. The FHA obliges colleges and universities to accommodate a broader range of animals than does the ADA.

Under the FHA, an individual with a disability may have the right to have an animal other than a dog if the animal qualifies 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.

Housing and Urban Development (HUD) has stipulated that under the FHA, a person may keep an assistance animal (comfort/ therapy/emotional support animal) in his/her dwelling unit as a reasonable accommodation if:

(1) the person has a disability;

(2) the animal is necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling; and

(3) there is an identifiable relationship or nexus between the disability and the assistance the animal provides. Beyond this three part test, HUD has not set forth any restrictions on the type of animal that could qualify as an assistance animal under the FHA, as long as the animal's ameliorative effects are reasonably supported.

HUD does not require housing providers to permit assistance (comfort/therapy) animals if they would pose a direct threat to the health and safety of others; would cause substantial physical damage to the property of others; would pose an undue financial and administrative burden; or would fundamentally alter the nature of the provider's operations.

Once approved for an assistance (comfort/therapy) animal, students are required to comply with the following rules intended to directly relate to the ongoing health, safety and welfare of the campus community:

(a) Student must comply with state and local laws governing the vaccination, licensing, ownership and maintenance of the animal and agree to provide documentation of compliance upon request by the Office of Residence Life.

(b) Appropriate veterinarian care must be provided for the animal.
(c) The animal must be healthy.
(d) The student must be capable of controlling and must at all times control the animal.
(e) The animal cannot be left unattended for inappropriate periods of time.
(f) Animal waste must be disposed of so as not to create odor, damage or health risks.
(g) The animal must stay in the student's unit, not in common areas except in the course of transit to or from the student's unit.
(h) The animal cannot exhibit behaviors that create a nuisance or undue disruption.

Students who are assigned to roommates who do not want to share a room with an assistance animal may request a transfer, but the student being accommodated will not be required to move solely to accommodate another student's preference. However, where a student has medical issues that are precipitated by the assistance animal, the Office of Residence Life will attempt to reach a mutually beneficial solution that may involve either or both students relocating to another unit.

Students approved for assistance animals will be asked to sign a memo of understanding.

Although the university may be required to reasonably accommodate an emotional support animal other than a dog in a residence hall or campus apartment, the institution is not required to allow the student to bring that animal to other areas or buildings on campus unless the animal also qualifies as a "service animal" under the ADA and Section 504.

**PETS**
Consistent with this policy, non-service animals (i.e., companion or therapy pets) are not permitted in classrooms, academic activities, faculty offices, administrative offices or any nonresidential university building, except when the non-service animal is being used for academic demonstration purposes.

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