



## **Kutztown University Policy DIV-003**

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### **Animals on Campus – Policies and Procedure**

#### **A. Purpose**

The following information is provided to help define the role and place of animals on the campus of Kutztown University especially in promoting the safety, dignity, and independence of persons with disabilities and to comply with statutory and regulatory directives including the Fair Housing Act (FHA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with Disabilities Act (ADA).

#### **B. Scope**

The policies and procedures provided herein apply to all Kutztown University faculty, staff, students, and the general public. This policy applies to all University facilities and grounds.

#### **C. Definitions**

***Individual with a Disability:*** The ADA defines an individual with a disability as a person who has a physical or mental impairment that substantially limits one or more of the major life activities, has a record of such an impairment, or is regarded as having an impairment.

***Service Animal:*** Any dog (or in some cases a miniature horse) 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. The work or tasks performed must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

***Handler:*** A handler is a person with a disability for whom a service animal assists or a personal care attendant who handles the animal for a person with a disability.

***Service Animals in Training:*** In compliance with Pennsylvania law, individuals who act as Puppy Raisers or trainers for a recognized authority/organization that raises and trains puppies to become service animals for persons with disabilities shall be considered a handler and given access to Kutztown University facilities. All university policies regarding service animals apply to handlers and trainers of service animals.

***Emotional Support Animal:*** For the purpose of this document, comfort and companion animals will be referred to as emotional support animals. An emotional support animal provides emotional support that alleviates one or more identified symptoms or effects of an individual's disability which affords the person equal opportunity to use and enjoy university housing. An emotional support animal does not typically perform work or tasks that would qualify them as "a service animal" under the Americans with Disabilities Act, however emotional support animals may still be permitted, in certain circumstances, in university housing pursuant to the FairHousing Act. Emotional support animals are not required to be individually trained or certified.

***Owner:*** An owner is a person for whom an emotional support animal provides support.

***Pet:*** A domesticated or tamed animal that is kept for companionship or pleasure.

#### **D. Service Animals Policy and Procedures**

In compliance with applicable law, Kutztown University generally allows service animals in administrative buildings, classrooms, and residence halls, dining and recreation facilities, meetings, activities, and campus events when the animal is accompanied by a handler.

Commuter students who use service animals are requested to provide notice to Disability Services Office prior to use of the animal on campus.

Students who reside on-campus housing and who use service animals must notify the Disability Services Office prior to use of the animal on campus. The DSO will notify the Office of Housing and Dining Services who maintains oversight of service animals living in residential facilities. The Office of Housing and Dining Services is entitled to disclose limited information to roommates/suitemates who will be sharing the living space with a student who uses a service animal.

Kutztown University employees who use service animals must submit a Reasonable Accommodation Request for Employees Form (pursuant to DIV-002 Reasonable Accommodations Request for Employees) to the Disability Services Office prior to using a service animal in the workplace.

Visitors, including prospective students, with service animals do not need to notify the Disability Services Office prior to bringing a service animal to campus, but must adhere to the same guidelines as members of the campus community.

The Disability Services Office offers a Voluntary Service Animal Registry to assist emergency responders in locating and assisting service animals and Handlers if an emergency situation arises. The Voluntary Service Animal Registry also provides emergency contact information if the Handler becomes ill or otherwise unable to care for the animal. Students and employees with service animals are encouraged to register their service animals with the Disability Services Office.

Kutztown University may prohibit service animals when its handler does not have control of the animal, when the animal poses a substantial and direct threat to health or safety, or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. Kutztown University will make those determinations on a case-by-case basis.

- 1. Inquiries-*** Kutztown University may not make inquiries about a service animal when it is

readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. While Kutztown University may not ask about the nature or extent of a person's disability, there are two inquiries that Kutztown University may make in order to determine whether an animal qualifies as a service animal.

- a. Is the service animal required because of a disability?
- b. What work or task has the service animal been trained to perform?

Kutztown University will not ask about the person's disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task. Specific questions related to the use of a service animal should be directed to the Disability Services Office.

2. ***Service Animal Documentation-*** Consistent with state law, all service dogs shall possess an animal license, be properly immunized and vaccinated, and wear a current license and rabies vaccination tag.

It is also recommended, but not required, that the service animal wear a specific identification tag, vest, or specific harness identifying them as a service animal.

The university will not require documentation or proof that a service animal has training or is a certified service animal.

3. ***Responsibilities of the Handler-*** Handlers are responsible for the cost of care, arrangements and responsibilities for the well-being of their service animal.
  - a. ***Control Requirements-*** The Handler must be in full control of the animal at all times. 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 animal must be as unobtrusive as possible and should remain next to the handler at all times. To the extent possible, the handler should ensure that the animal does not block an aisle or passageway for fire egress.
  - b. ***Health, Hygiene and Cleanliness-*** Handlers are responsible for ensuring that the service animal is properly treated. If a service animal's odor is offensive to other individuals, the handler will be asked to bathe the service animal. Service animals may not be bathed in university restrooms or locker rooms. Adequate flea prevention and control must be maintained. Any concerns regarding the health and care of a service animal should be brought to the attention of the Disability Services Office.

The Handler must follow local ordinances in regard to cleaning up after the animal defecates. Likewise, the handler is also responsible for cleaning up vomit or blood if the animal becomes sick or injured. 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, handlers are required to make other arrangements for the prompt disposal of waste. All waste must be discarded in outdoor trash receptacles.

4. ***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 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 handler, or temporary exclusion from university facilities until the Handler has taken steps to mitigate the behavior. Any safety concerns regarding a service animal may be directed to Public Safety.
5. ***Removal of Service Animals-*** A person with a disability cannot be asked to remove the service animal from the premises unless:
  - a. The animal is out of control and the handler does not take effective action to control it
  - b. The animal is not housebroken
  - c. The animal is a direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area where it may be considered unsafe for the animal such as a medical facility, certain laboratories, or mechanical or industrial areas.

When there is a legitimate reason to ask that a service animal be removed, Kutztown University will work with the handler to determine reasonable, alternative opportunities to participate in the service, program, or activity without having the service animal on the premises. The Disability Services Office will also work with the handler to facilitate the service animal's return to campus after the need/cause of the removal has been addressed.

6. ***Conflicting Disabilities*** – Some individuals may have allergic reactions to animals that are substantial enough to qualify as a disability. Kutztown University will consider the needs of all persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Kutztown University reserves the right to make an interim accommodation while determining appropriate measures to address the conflict. If a person who uses a service animal must spend time in the same room or facility, for example, in a classroom, both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms within the facility. If the service animal is living in campus residence facilities and the roommate/suitemate has an allergy or other disability related objection to living with the service animal, both students will be accommodated by assigning them to different housing units. If the roommate/suitemate has a personal preference and does not wish to live with a service animal, then that roommate/suitemate will be assigned to a different housing unit. Students and university employees experiencing severe allergic reactions or other disabilities related symptoms in the presence of an animal may request accommodations by contacting the Disability Services Office.
7. ***Emergency Situations-*** In the event of an emergency, the response team should be aware and recognize service animals. It is important for the response team to know that the animal may be trying to communicate the need for assistance and protect its handler. Service animals 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 service animal and the handler may also become confused during a stressful event. The animal's response should not be automatically considered harmful. Every effort should be made to keep a service animal with its handler. However, the response team's first effort should be toward the handler; this may necessitate leaving the animal behind in certain emergency evacuation situations.

### **E. Emotional Support Animals (ESA) Procedures and Policy**

The United States Department of Housing and Urban Development (HUD) and the Fair Housing Act (FHA) regulations provide that emotional support animals be considered a reasonable accommodation in campus housing. Since HUD/Fair Housing regulations only apply to housing facilities, emotional support animals are not allowed in other campus buildings.

In order for an accompanying emotional support animal to be considered a reasonable accommodation, students must provide documentation of 1) the existence of a disability, 2) a relationship between the disability and the relief the animal provides, and 3) a showing of necessity in order for the resident to use and enjoy an on-campus residence. Generally, only one ESA will be approved for any student, in order to fulfill the intent of the FHA requirements in providing support to the student with a disability.

1. ***Request for an Emotional Support Animal-*** Students who wish to request an emotional support animal must contact the Disability Services Office. The Disability Services Office is responsible for collecting and reviewing all documentation.
2. ***Documentation for an Emotional Support Animal-*** Students who wish to have an emotional support animal must submit the following. All needed forms are available in the Disability Service Office.
  - a. Request for Accommodation Form
  - b. Impact of Emotional Support Animal Student Request Form
  - c. Emotional Support Animal Information Form
  - d. Request for Emotional Support Animal Mental Health Provider Form to be completed by the student's licensed clinical professional or healthcare provider who is directly responsible for their treatment.
  - e. Letter from a veterinarian, on professional letter head, which includes veterinarian's license number and signature, regarding the well-being of the animal including up-to-date vaccination information appropriate to the species. The report should also include reports from annual well visits, and depending on the animal, evidence that the animal has been spayed or neutered (i.e. cats and dogs). Applicable animals must wear a current rabies vaccination tag.
  - f. Proof of ownership which may be in the form of a proof of purchase, proof of adoption, license/registration, microchip records, or notarized letter indicating transfer of ownership.

Annually, the Owner must submit a new Mental Health Provider Form, New Roommate Agreement, updated ESA health documentation verifying the administration of all required vaccinations as well as proof of absence of communicable diseases, fleas, and parasites, and update copy of the license (for dogs) and must sign an updated Memo of Understanding.

**3. *Criteria for Determining if Presence of the Emotional Support Animal is Reasonable***

- a. University housing is unique in several aspects including that the individual shares a room or suite in a certain hall with roommates who may be self-selected or randomly assigned. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of university housing, Kutztown University reserves the right to assign an individual with an ESA to a single room without a roommate. In such cases, the Owner of the ESA will incur any additional charges of residing in a single room.

In situations where the Owner of the ESA is residing with roommates, suitemates, or apartment mates, consent must be obtained from each resident of the room, suite, or apartment prior to the bringing the ESA to campus each year.

- b. For all requests, the Disability Services Office will consult with Residence Life, Housing, and Dining Services in deciding on a case-by-case basis whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: 1) poses an undue financial and/or administrative burden; 2) fundamentally alters university housing policies; and/or 3) poses a direct threat to the health and safety of others or causes damage to the property of others, including university property.

Kutztown University may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable and/or in assigning housing units for individuals with ESAs.

1. The size of the animal is too large for available assigned housing space.
2. The animal's presence would force another individual from individual housing (e.g. severe allergies, asthma, etc.)
3. The animal's presence otherwise violates an individual's right to peace and quiet enjoyment of their residence;
4. The animal is not housebroken or is unable to live with others in a reasonable manner;
5. The animal's vaccinations are not up-to-date or the ESA is no longer in good health as determined by a veterinarian;
6. The animal poses a direct threat to the individual or others. Venomous and other life-threatening animals will not be permitted. Additionally, animals that may carry zoonotic diseases for which there is no accepted control may not be approved.
7. The animal demonstrates aggressive behavior that poses a direct threat of injury to the individual or others.
8. The animal causes, or has caused, damage to the housing unit beyond reasonable wear and tear.

An approved ESA is permitted in university housing only as long as it is necessary to alleviate symptoms of the owner's disability. The owner must notify the Disability

Services Office and the Office of Housing and Dining Services in writing if the ESA is no longer needed or is no longer living in university housing. To replace a previously approved ESA, the owner must request this through the Disability Services Office.

4. ***Responsibilities of the Owner-*** Owners must meet with the Disability Services Office and the Office of Housing and Dining Services as part of the ESA approval process. Owners must also sign a Memorandum of Understanding outlining their responsibilities and must have a roommate/suitemate consent form signed before bringing the animal to campus.

Owners are responsible for the cost of care, arrangements and responsibilities for the well-being of their emotional support animal. Owners must comply with all state and local animal ordinances. Kutztown University requires that all cats and dogs wear current vaccination and identification tags at all time.

ESA's must be contained within the Owners assigned/individual living area except when the owner is taking the animal outdoors for natural relief. Emotional support animals are not permitted in any public common spaces within university housing, including but not limited to community/shared bathrooms, lounges, dining rooms, indoor recreational rooms, computer labs and study rooms. In university apartment/suite style housing, an ESA may accompany the owner in the common areas within the assigned living unit however all cages, crates, and necessary supplies must be stored in the owners assigned room.

ESA's are only permitted in the Owner's living area (as noted above), and may not be in other university residence halls or facilities such as classrooms, faculty offices, administrative offices or any other non-residential university buildings.

Emotional support animals may not be left alone overnight in university housing. If the Owner is absent from the residence overnight or longer, the animal must accompany the Owner. In the event that an ESA is left alone for an extended amount of time, and is not being attended to as needed (food, time outside), and /or the animal creates a disturbance, university housing will contact the owner or their emergency contact to remove the ESA. The university has the right to have the ESA removed and such action may be taken without liability. Any cost incurred from removing the ESA, if the owner is not present and prior arrangements have not been made by the Owner, will be the responsibility of the Owner.

- a. **Control Requirements-** Handlers are responsible for ensuring that the ESA is properly housed and restrained or otherwise under their dominion and control. The Owner must take reasonable precautions to prevent the ESA from escaping their care and must notify Residence Life staff in person within one hour of realizing that their ESA has escaped. The university is not responsible for the retrieval of an ESA in the event the animal escapes or becomes lost.

Emotional support animal must be well behaved; this includes no nuisance behaviors such as barking, whining, scratching, chewing or signs of aggression including growling, snarling, snapping or biting.

- b. Health, Hygiene and Cleanliness- The owner is responsible for cleaning up all animal waste and disposal of animal waste in an appropriate outdoor trash receptacle. ESA's may not be bathed in university restrooms or locker room facilities. Any hair/fur/molting from care of the ESA is to be promptly disposed of in an outdoor trash receptacle. Any messes or odors from the ESA are to be cleaned promptly. Adequate flea prevention and control must be maintained.

**5. *Removal of Emotional Support Animal***

The university may require the Owner to remove the ESA from university housing if:

- a. The ESA poses a direct threat to the health or safety of others or causes damage to the property of others and/or the University;
- b. The ESA's presence results in a fundamental alteration of a university program;
- c. The Owner does not comply with the Owner's responsibilities set forth in the signed Memo of Understanding; or
- d. The ESA or its presence creates an unmanageable disturbance or interference with the university community.

The university will base such determinations upon the consideration of the behavior of the particular ESA at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the ESA will be done in consultation with the Disability Services Office and may be appealed to the Accommodations Appeals Committee. If the owner is not able to remove the animal in a timely manner, the university will remove the animal and arrange for boarding at a local animal facility. Any cost incurred will be the responsibility of the owner.

Should the ESA be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

6. ***Conflicting Disabilities*** – Some individuals may have allergic reactions to animals that are substantial enough to qualify as a disability. Kutztown University will consider the needs of all persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. If a roommate/suitemate has an allergy or other disability related objection to living with the emotional support animal, both students will be accommodated by assigning them to different housing units. Students and residence hall employees experiencing severe allergic reactions or other disabilities related symptoms in the presence of an animal may request accommodations by contacting the Disability Services Office.
7. ***Emergency Situations***- Neither Kutztown University nor roommates/suitemates are responsible for removing an Emotional Support animal during an emergency evacuation. Emergency personnel will determine whether to move the animal and may not be held responsible for the care or damage to or loss of the animal.

If the Owner becomes ill or otherwise unable to care for the animal, the university will contact the student's emergency contact. If the emergency contact is unable to take the ESA in a timely manner, the university will remove the animal and arrange for boarding at a local animal facility. Any cost incurred will be the responsibility of the Owner.

#### **F. Pets/Non-Service Animals**

Consistent with this policy, pets and all non-service animals (including emotional support animals) are not permitted in classroom buildings, at academic activities, faculty offices, administrative offices or any nonresidential university buildings, except when the pet/non-service animal is being used for academic demonstration purposes. Pets, except toothless fish, are not permitted in any residential building on campus.

#### **G. Public Etiquette toward Service Animals, Service Animals in Training, and Emotional Support Animals**

Members of the university community should avoid:

- Petting the animal, as it may distract the animal from the task at hand;
- Calling or attempting to attract the attention of the animal;
- Feeding the animal;
- Deliberately startling the animal; and
- Attempting to separate an animal from its handler or owner.

Individuals who interfere with the work of a service animal may face disciplinary action.

#### **H. Damages to University Property**

Service animal handlers and emotional support animal owners are responsible for expenses incurred for above standard cleaning and for repairs of any damages to university facilities caused by their animal. If fleas, ticks or other pests are detected in residential facilities through inspections, the residence will be treated using approved fumigation methods by a university approved pest control service. The Handler/Owner will be billed for the expense of any necessary pest control treatment.

#### **I. Neglect or Abuse**

Service animal Handlers and emotional support animal Owners are responsible for ensuring that their animals are well cared for. Any concerns about neglect should be directed to the Disability Services Office. Neglect and/or abuse cases may be reported to the Berks County Humane Officer.

#### **J. Liability**

Neither Kutztown University nor of the Commonwealth of Pennsylvania are liable for any damages caused by or done to an animal on campus, including but not limited to service or emotional support animals.

#### **K. Grievances**

All complaints regarding service animals or emotional support animals should first be brought to the attention of the Disability Services Office, 215 Stratton Administration Center. The Director of Disability Services will investigate the complaint and work toward a resolution. If the

Director is unable to resolve the matter in this informal stage, a formal grievance may be filed through the Office of Social Equity, 02 Old Main.

**L. Effective Date**

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