



Policy Name:	Employee Service and Emotional Support Animal Policy
Effective Date:	July 1, 2024
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Approving Authority:	Board of Regents
Responsible Office:	Human Resources
Category:	Personnel

**Purpose**

This policy will provide support of the use of service animals and emotional support animals on campus by individuals with disabilities in appropriate circumstances in accordance with the ADA and this policy.

**Policy**

**I. Statement of Policy**

The University supports the use of service animals and emotional support animals on campus by individuals with disabilities in appropriate circumstances and in accordance with this policy. Employees with questions about the use of service animals or emotional support animals should refer to this policy and/or contact the Human Resources Compliance Specialist.

**II. Definitions**

A. **Service Animals:** Service animals are defined under the Americans with Disabilities Act (“ADA”) as dogs that are individually trained to do work or perform tasks for people with disabilities. Service animals are working animals, not pets. The work or tasks performed must be directly related to the individual’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

**Examples:** Examples of work or tasks that service animals perform 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, alerting individuals to the presence of allergens, retrieving items such as books or the telephone, alerting a person to a sudden change in blood sugar levels, providing physical support and assistance with balance and stability to individuals with mobility disabilities, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

B. **Emotional Support Animals (“ESAs”):** An ESA is a companion animal which provides therapeutic benefit, such as alleviating or mitigating symptoms of a person’s disability. ESAs are not service animals. However, an ESA may be permitted on campus as a reasonable accommodation. Prior approval must be obtained pursuant to the procedures and standards outlined below.

- C. **Owner:** An employee who has an approved ESA on campus.
- D. **Handler:** A person with a disability that a service animal assists or a personal care attendant who handles the animal for a person with a disability.

### III. Specific Procedures

- A. **Service Animals:** Individuals who wish to bring a service animal to campus – including classrooms and University buildings open to the public – may do so without prior approval.

In general, the University allows employees to use service animals in the workplace unless doing so would pose a substantial risk to health or safety. As required by the ADA, employees planning to bring their service animals to work should discuss the issue with their supervisor and/or Human Resources and request the use of the service animal because of their disability. The University requests that employees planning to bring their service animals to work notify their supervisor and/or Human Resources at least 30 days before the animal is needed. If the reason the animal is needed is not clear, then the ADA allows the University to ask what tasks the animal performs and request documentation that confirms the existence of the employee's disability.

- B. **Emotional Support Animals: Employee Requests:** Employees who wish to bring an ESA onto campus must go through the reasonable accommodation process with Human Resources. Human Resources will determine whether approving a particular ESA in the workplace is a reasonable accommodation that will enable the employee to perform the essential functions of the position. What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodations, the preferences of the employee are considered, but the ultimate decision regarding the type of accommodation, if any, is made by Human Resources.

### IV. General Standards for the Removal of Service Animals or the Disapproval/Removal of Emotional Support Animals

- A. Decisions to remove a service animal or disapprove/remove an ESA will be made on a case-by-case basis, taking into account all surrounding circumstances. However, the following general standards reflect reasons why an animal may be removed or disapproved:
  1. The animal poses a direct threat to the health or safety of others. For example, the animal: displays aggressive or vicious behavior towards others; substantially lacks cleanliness; has a serious illness; or threatens a sensitive area like a sterile medical treatment room, certain laboratories, or mechanical or industrial areas.
  2. The animal causes or would cause substantial physical damage to the property of others.
  3. The animal poses an undue financial and/or administrative burden.
  4. The animal would fundamentally alter the nature of the University's educational or business operations.
  5. The animal is out of control and the handler/owner does not take effective action to control it. If the out-of-control behavior happens, the handler/owner may be prohibited from bringing the animal into University facilities until the handler/owner can demonstrate that he/she has taken significant steps to mitigate the behavior.
  6. The animal is not housebroken.

7. The handler/owner does not abide by his/her responsibilities as outlined in Section V of this policy.
- B. When an animal has been removed pursuant to this policy, the University may work with the handler/owner to determine reasonable alternative opportunities to participate in the University's services, programs, and activities without having the animal on the premises.
- C. When the University has disapproved/removed an animal, the animal must be removed immediately from the University's premises. Failure to comply with this requirement may result in disciplinary action.

## V. Responsibilities of Handlers/Owners

- A. **Laws, Ordinances, and Policies:** Handlers/owners are responsible for complying with all state laws and local animal ordinances and are subject to all University policies.
- B. **Proper Identification:** All animals are subject to local licensing and registration requirements.
- C. **Health and Vaccination:** Animals must be immunized against diseases common to that type of animal. All vaccinations must be current. These animals must wear a rabies vaccination tag and, in the case of ESAs, vaccination documentation must be provided to Human Resources prior to the animal being allowed into any facilities.
- D. **Caring for the Animal:** The cost of care, arrangements and responsibilities for the wellbeing of the animal are the sole responsibility of the handler/owner at all times. The University will accept no responsibility for the care of any animal covered by this policy.
  1. Animals must be kept clean and well groomed. University facilities may not be used for this purpose.
  2. Animals cannot be left unattended at any time. Animals cannot be confined to a vehicle, tethered, or abandoned at any time.
- E. **Keeping the Animal Under Control:** The animal should be fully controlled by the handler/owner, including responding to voice and/or hand commands (if this can reasonably be expected of the type of animal at issue). If an animal is found loose or unattended, the animal is subject to immediate removal.
- F. **Being Responsible for Damage Caused by the Animal:** Handlers/owners are personally responsible for any damage caused by their animals and must take appropriate precautions to prevent property damage. The handler/owner will be required to pay for any damages caused by the animal.
- G. **Being Responsible for Waste:** Cleaning up after the animal is the sole responsibility of the handler/owner and it must be done immediately. Waste must be bagged and discarded in designated outdoor receptacles. No waste may be flushed down toilets or discarded in interior waste bins. In the event that the handler/owner is not physically able to clean up after the animal, it is then the responsibility of the handler/owner to hire someone capable of cleaning up after the animal.
- H. **Leash Requirements:** Service animals should be on a leash at all times, unless the owner is unable to use a leash due to a disability or the use of the leash would interfere with the animal's ability to perform its duties. In that case, the owner must be able to control the service animal by other effective means such as voice controls or signals. ESAs must be on a leash or in a carrier while on University property.

- I. **Observing Good Animal Etiquette:** To the greatest extent possible, the handler/owner should ensure that the animal does not display behaviors or make noises that are disruptive or frightening to others, unless it is part of the service being provided to the handler (e.g., barking to alert the handler of danger).
- J. **Emergency Situations:** The handler/owner is expected to follow all University procedures for emergency evacuation and participate in emergency evacuation drills. Individual needs must be arranged in advance with appropriate University personnel.
- K. **Other Conditions and Restrictions:** In response to a particular situation, the University reserves the right to impose other reasonable conditions or restrictions on the use of service animals and ESAs as necessary to ensure the health, safety, and reasonable enjoyment of University programs and activities by others.

## VI. Other Information Specifically Related to Service Animals

### A. Permitted Inquiries

- 1. In general, members of the University community should not ask about the nature or extent of a person's disability. However, as permitted by the ADA, if it is not obvious that the animal is required because of a disability, the handler may be asked:
  - a. If the animal is required because of a disability, and
  - b. What work or task the animal has been trained to perform.
- 2. The handler should not be asked for documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, University community members should 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 (e.g., if the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

### B. Areas Off Limits to ESAs and Service Animals

- 1. ESAs are permitted only in the building(s), or other areas of campus approved through the reasonable accommodation process.
- 2. While service animals are generally allowed to go anywhere on campus that the handler is allowed to go, there are certain areas where the presence of a service animal fundamentally alters the nature of a program or activity or is disruptive. Examples of the areas that are off limits to service animals include:
  - a. **Research Laboratories:** The natural organisms carried by service animals may negatively affect the outcome of the research. At the same time, the chemicals and/or organisms used in the research may be harmful to service animals.
  - b. **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.

- c. **Food Preparation Areas:** Food preparation areas are off limits to service animals per health codes.
- d. **Areas Where Protective Clothing is Necessary:** Any room where protective clothing is worn is off-limits to service animals. Examples include chemistry laboratories, wood shops, and metal/machine shops.
- e. **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.

3. Questions regarding areas that are off limits to service animals should be directed to Human Resources. Exceptions may be granted in some circumstances.

- C. **Service Animals in Training:** Service animals in training are permitted in all public facilities on the same basis as working service animals, provided that the animal is on a leash and is being led or accompanied by a trainer for the purpose of training the animal and the trainer has documentation confirming the trainer is affiliated with a recognized or certified service animal training organization. Service animals in training are not permitted in classrooms, offices, or other areas of campus buildings not open to the general public without prior approval obtained from Human Resources through the reasonable accommodation process.

## VII. **Additional Matters**

- A. **Animal No Longer Necessary:** Human Resources should be notified when an animal covered by this policy will no longer be on campus or, in the case of ESAs, is no longer needed as an accommodation.
- B. **Conflicting Disabilities:** Some people may have allergic reactions, asthma, respiratory diseases or other responses to animals that are substantial enough to qualify as disabilities. The University is committed to ensuring that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible. If an individual has a disability that may be affected by the presence of animals, please contact Title IX & Equity (students) or Human Resources (employees).
- C. **Concerns:** Concerns regarding an animal covered by this policy can be brought to the attention of Human Resources.

## VIII. **Grievance Procedure Related to Service Animals and Emotional Support Animals**

If the decision is made to deny a request for or remove an animal covered by this policy, the affected individual may file a formal written grievance with the ADA/Section 504 Coordinator pursuant to the Non-Discrimination and Anti-Harassment Policy and Procedures.

## IX. **Reasonable Modifications to this Policy**

Employees wishing to request a modification or exception to this policy as a reasonable accommodation.