

Dixie State University Policy

405 Animals on Campus



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I. Purpose

- 1.1 This policy establishes the rules and expectations regarding the presence of animals on campus. It also provides guidelines the University uses to determine whether or not an animal is a reasonable accommodation for a qualified individual with a documented disability. Dixie State University is committed to complying with state and federal law pertaining to qualified individuals with disabilities and federal housing regulations.

II. Scope

- 2.1 This policy applies to University personnel, students, and campus visitors/guests. Each group is identified with specific procedures as it pertains to both requesting and maintaining accommodation under this policy.

III. Definitions

- 3.1 **Service Animal:** under the Americans with Disabilities Act (ADA), defined as a dog that has been individually trained to do work or performs specific task(s) for a qualified individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. The University may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.
 - 3.1.1 *Tasks of Service Animals:* the dog must be trained to take a specific action when needed to assist the person with the disability. Examples includes: assisting an individual who has limited vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; providing assistance with stability and balance to an individual with a mobility disability;

reminding a person with a mental illness to take prescribed medications; and calming a person with diagnosed Post Traumatic Stress Disorder (PTSD) during an anxiety attack, and/or performing other duties.

- 3.2 ***Assistance Animals (sometimes called Emotional Support Animals or Therapy 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. Assistance or Support animals are not service animals even if prescribed by a physician or therapist.
- 3.3 ***Pet:*** any domesticated animal that does not meet the definition of a service animal or assistance animal. A pet is an animal kept for ordinary use and companionship. A pet is not considered a service animal or a support animal.

IV. Policy

4.1 Service Animals

- 4.1.1 In determining whether or not an animal may be considered a reasonable accommodation, the University must balance the needs of the individuals requesting the accommodation with the impact the animal may have on others within the campus community. Where it is not readily apparent that the animal is a service animal, the individual will be given the opportunity to show the animal is a service animal needed for a disability or that the animal is a service animal in training. If the individual cannot identify a specific task the animal performs, the animal will not be deemed a service animal.
- 4.1.2 Individuals may choose to provide additional information such as documentation provided on letterhead from a treating physician or mental health provider, which permits the University to determine:
 - 4.1.2.1 The individual has a disability for which the animal is needed;
 - 4.1.2.2 How the animal assists the individual, including whether the animal has undergone any training or can effectively perform the specific task assigned;
 - 4.1.2.3 The relationship between the disability and the assistance the animal provides.
- 4.1.3 Federal law does not require the individual to provide documentation that an animal has been trained as a service animal. The University

may, however, ask if the animal is required because of a disability, as well as what work or task the animal has been trained to perform as part of the approval process. The University may also verify through observation that the animal performs the specific task when needed to assist the person with a disability.

- 4.1.4 If approved, individuals with disabilities may be accompanied by their service animal on any premise or in any facility at Dixie State University where members of the public or participants in services, programs or activities are allowed to go.
- 4.1.5 The University may exclude a service animal from campus if its behavior poses a direct threat to the health or safety of others or when its presence fundamentally alters the nature of a program or activity. Furthermore, the University may ask an individual with a disability to remove a service animal from campus if the animal is out of control and the individual has not taken effective action to control it or if the animal demonstrates it is not housebroken.
- 4.1.6 The University is committed to reasonably accommodating qualified students with disabilities. Students who seek to bring a service animal or assistance animal to campus should contact the Disability Resources Center (DRC) to discuss their request. DRC will determine, on a case-by-case basis, whether bringing the animal to campus is a reasonable accommodation for the student. In making this determination, DRC will consider the needs of the student with a disability as well as the impact of the animal on the campus community.
 - 4.1.6.1 Students with medical conditions that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) should contact the Disability Resource Center if they have a health or safety related concern about exposure to a service animal. The Disability Resource Center will consider the conflicting needs and/or accommodations of all persons involved.
 - 4.1.6.2 Service animals may travel freely with their owners throughout on-campus housing. The owner is responsible for assuring that the service animal does not unduly interfere with University business or routine activities of the on-campus housing community or cause difficulty for students who live there.
 - 4.1.6.3 Service animals may not be left overnight in on-campus housing to be cared for by another person. Animals must be taken with

the student if they leave campus for a prolonged period.

- 4.1.7 The owner is financially responsible for the actions of the service animal including bodily injury or property damage. The owner's responsibility covers, but is not limited to, replacement of furniture, carpet, window, wall covering, and the like.
- 4.1.8 The owner is responsible for any expenses of cleaning above and beyond a standard cleaning or for repairs to any damaged University premises. All cost will be assessed by the University and the student, staff, or faculty member will be billed accordingly.
- 4.1.9 To replace a service animal, the owner must request and be granted re-approval from Human Resources (for employees) or the Disability Resource Center (for students).
- 4.1.10 The University is not responsible for the care or supervision of service animals. Individuals with disabilities are responsible for the control of their service animals at all times and must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. A service animal shall be restrained with a harness, leash, or other tether, unless the individual's disability precludes the use of a restraint or if the restraint would interfere with the service animal's safe, effective performance of work or tasks. If a service animal is not tethered, it must be otherwise under the individual's control, whether by voice control, signals, or other effective means.
- 4.1.11 Owners are responsible for ensuring the immediate cleanup and proper disposal of all animal waste. Although the University may not charge an individual with a disability a service animal surcharge, it may impose charges for damages caused by a service animal in the same manner the University imposes charges for damages.
- 4.1.12 The owner is responsible for assuring that the Service animal does not unduly interfere with University business.

4.2 Assistance Animals

- 4.2.1 Federal housing laws and regulations allow individuals with disabilities the presence of a broader range of animals (assistance animals) in University housing as compared with the campus as a whole. An individual may keep an assistance animal as an accommodation in University housing if:

- 4.2.1.1 The individual has a disability;
 - 4.2.1.2 The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling;
 - 4.2.1.3 There is an identifiable relationship between the disability and the assistance the animal provides.
- 4.2.2 Individuals desiring to keep an assistance animal in on-campus housing must receive approval from the Disability Resource Center (DRC).
- 4.2.3 Students with medical conditions that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) should contact the DRC if they have a health or safety-related concerns about exposure to an assistance animal. The DRC will consider the conflicting needs and/or accommodations of all persons involved.
- 4.2.4 An approved assistance animal may only be kept in an individual's assigned room and cannot be in other shared or public areas of the apartment, suite, or building except when transported outside the assigned room in an animal carrier or controlled by leash or harness. Assistance animals are not permitted in other areas of the University such as academic and administrative buildings, classrooms, labs, athletic facilities, food service dining areas, and the Student Center.
- 4.2.5 The owner is responsible for assuring that the assistance animal does not unduly interfere with University business and all routine activities of the on-campus housing community or cause difficulty for students who live there.
- 4.2.6 Assistance animals may not be left overnight in on-campus housing to be cared for by another student. Assistance animals must be taken with the student if they leave campus for a prolonged period.
- 4.2.7 The owner is financially responsible for the actions of the assistance animal including bodily injury or property damage. The owner's responsibility covers, but is not limited to, replacement of furniture, carpet, window, wall covering, and the like.
- 4.2.8 The owner is responsible for any expenses of cleaning above and beyond a standard cleaning or for repairs to any damaged University premises. All cost will be assessed by the University and the student, staff, or faculty member will be billed accordingly.

- 4.2.9 To replace an assistance animal, the owner must request and be granted re-approval from the Housing & Resident Life Office and the Disability Resource Center.
- 4.2.10 The University may exclude an assistance animal from University housing if the animal is not housebroken; causes substantial physical damage to the property of others; poses a direct threat to the health or safety of others; would fundamentally alter the nature of a program or activity; or is not being cared for by the individual.
- 4.2.11 The University is not responsible for the care or supervision of assistance animals. Individuals with disabilities are responsible for the control of their assistance animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste.
- 4.2.12 Individuals must comply with all applicable laws and regulations, including vaccination, licensure, animals health and lease laws, as well as the University's rules in lease provisions regarding vaccination, licensure, leash control, cleanup rules, animal care, and community relationships.

4.3 Pets

- 4.3.1 Pets are not permitted to enter campus buildings. Animals walking around or across the campus grounds are allowed if they are accompanied and appropriately restrained by their owner and comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. Individuals walking their pets around or across the campus grounds are responsible for the immediate removal of their pet's waste.
- 4.3.2 Animals are prohibited from all campus athletic playing fields and turf without written permission of the University's Athletic Director.
- 4.3.3 Pets who are unattended or unrestrained, pets that pose a hazard or potential hazard to passersby, or pets in danger or distress, will be removed from institutional property by a local animal control service or the Dixie State University Campus Police.

4.4 Animals used for Institutional Programs or Services

- 4.4.1 Any animal used in an academic course, in a laboratory, as a demonstration animal, for law enforcement or rescue purposes, or for special campus events is allowed on institutional property, so long as:

- 4.4.1.1 Such animal has a current, valid license and current vaccinations, according to the requirements for all animals of the same species in a municipality or local area government where such animals resides or are located;
- 4.4.1.2 Such animal is under appropriate restraint and under appropriate control at all times;
- 4.4.1.3 Such animal does not pose a direct threat to the health or safety of other people on institutional property;
- 4.4.1.4 The standards and practices associated with such academic, laboratory, and research purposes are followed.

4.5 Enforcement and Addressing Policy Violations

- 4.5.1 Individuals who bring unauthorized animals onto the University's campus shall be asked to remove the animal immediately or secure it in a safe off-campus location.
- 4.5.2 Anyone observing unauthorized animals on campus, or animals not appropriately restrained, shall contact the Dixie State University Campus Police.
- 4.5.3 DSU employees who are repeat violators will face disciplinary action including but not limited to written warnings, or in extreme cases, potential loss of employment.
- 4.5.4 Students that repeatedly violate this policy may face disciplinary action including reprimand through the Student Conduct Code, or in extreme cases, removal from University housing, suspension or expulsion from the University.
- 4.5.5 The individual(s) responsible for any damage to institutional property caused by their animal will be required to pay for the repair or replacement of the damaged property as determined by the Housing and Resident Life Office, Facilities Management or the Purchasing Department.

4.6 Grievances and Appeals

- 4.6.1 Grievances and/or appeals arising from the application of this policy will be addressed through University Policy 151: Grievance Procedure for employees or University Policy 552: Student Rights and Responsibilities for students.

V. References

- 5.1 Americans with Disability Act:
http://www.ada.gov/regs2010/service_animal_qa.html
- 5.2 National Association of College and University Attorneys:
<http://www.nacua.org/>
- 5.3 Utah Department of Administrative Services, Division of Risk Management:
<http://risk.utah.gov>
- 5.4 U.S. Equal Employment Opportunity Commission:
<http://www.eeoc.gov/laws/types/disability.cfm>
- 5.5 DSU Policy 151 (Grievance Procedure)
(<https://files.dixie.edu/sites/hr/pl/policy/151.docx?Web=1>)
- 5.6 DSU Policy 552 (Student Rights and Responsibilities)
(<https://files.dixie.edu/sites/hr/pl/policy/552.docx?Web=1>)

VI. Procedures

- 6.1 These procedures have been set forth for the purpose of distinguishing between the various types of animals permitted on Institutional Property, as well as those excluded from the same, and for setting forth the requirements, expectations, and responsibilities of involved parties regarding animals on campus.
 - 6.1.1 *Employees* may contact the Human Resources Department to request to have a service animal as a workplace accommodation or for more information and guidance.
 - 6.1.2 *Students* may contact the Disability Resource Center for information and guidance relating to accommodations.
 - 6.1.3 *Residents of on-campus housing* may contact the Housing and Resident Life Office for information regarding these accommodations. Students will need to contact the Director of Housing and Resident Life at least seven (7) days prior to the need for accommodations, except in emergency situations.
 - 6.1.4 *Visitors/Guests* who may be accompanied by a service animal when participating in programs and accessing services without requesting an accommodation should contact the Risk Management Department for information and guidance.

- 6.2 The University reserves the right to remove or exclude a service animal or emotional support animal from campus if:
- 6.2.1 The animal poses a direct threat to the health and safety of others;
 - 6.2.2 The animal's presence results in a fundamental alteration of the University's programs or activities;
 - 6.2.3 The animal is in poor health and/or is not housebroken;
 - 6.2.4 The owner fails to comply with his/her responsibilities under these procedures or the respective policy;
 - 6.2.5 The animal is out of control or otherwise creates an unmanageable disturbance or interference with the University community.

VII. Addenda – N/A

Policy Owner: Administrative Services, VP

Policy Stewards: Executive Director Human Resources; Director of Risk Management;
Director of Housing & Resident Life; Director of Disability Resource Center

History:

Approved 4/29/16