

---

# UNIVERSITY OF KENTUCKY

---

SERVICE AND EMOTIONAL SUPPORT ANIMAL POLICY 2021-2022



## Emotional Support Animals

This document describes the procedures for the use of service animals by students and employees and emotional support animals by students attending University of Kentucky (UK). UK complies with the Americans with Disabilities Act (ADA) in allowing the use of service animals for students, staff and visitors. UK complies with the Fair Housing Act in allowing students the use of emotional support animals that are approved as an accommodation. Employees may not bring emotional support animals to work.

### DEFINITIONS

#### **Emotional Support Animal:**

The Fair Housing Act defines an emotional support animal as any animal that provides emotional support, well-being, or companionship that alleviates or mitigates symptoms of the disability; the animal is not individually trained. Emotional support animals are not limited to dogs and can be other species of animal. Emotional support animals are not family pets and not considered as service animals. In order to bring an emotional support animal to campus, the Owner must contact the DRC no less than 30 days prior to arrival, in order to permit time to gather all necessary documentation. Animals should not be brought to campus prior to approval being granted. UK will make an individual assessment of each proposed emotional support animal. Dogs must be housebroken and have rabies verification of rabies vaccinations. The use of “puppy pads” will not be permitted. No reptiles other than a turtle are permitted. (FHEO Notice: FHEO-2020-01) “Because of the confines of the University residential spaces, the student may not request an animal weighing in excess of 75 pounds as a support animal. The species of animals allowed as support animals will be determined but the Disability Resource Center.” (University of Kentucky Administrative Regulation 6:11 – VIII:D)

### QUALIFYING TO HAVE A SERVICE OR EMOTIONAL SUPPORT ANIMAL

For an individual to qualify for having a service animal on campus:

- The student must have a disability as defined by the ADA;
- The accompanying animal must be approved by an appropriate medical/therapist as a part of the therapeutic process.
- Students must contact the DRC if the service animal will be housed on the campus so that accommodations can be coordinated;
- Must contact the DRC and Residential Life as early as possible to permit time to gather and review all necessary documents.

NOTE: If the definition of a service animal is not met, then the use of the animal as emotional support may be allowed as a reasonable accommodation.

For a student to qualify to have an emotional support animal in his or her residence hall:

- The student must have a disability as defined by the ADA;
- The student must be registered with the DRC;
- The student must have an established relationship with the animal to be considered an emotional support animal (preferably at least 3 months);
- The emotional support animal must be approved through DRC, in conjunction with other offices as needed;
- The owner must notify the DRC if the animal is no longer needed or is no longer residing on UK property. If the animal will be replaced, the owner must submit a new request.

Students who require the use of a service animal on campus must contact the DRC to register as a student with a disability. Information provided to the DRC is confidential and specific information about the disability will not be released without the consent of the student.

### ***EMOTIONAL SUPPORT ANIMALS IN CAMPUS-OWNED RESIDENCES:***

#### **Owner:**

- Is responsible to attend and be in full control of the emotional support animal at all time. The emotional support animal shall have a harness, lease, tether or be transported in an appropriate enclosure whenever it is outside of the residence hall room where it will be housed.
- In shared living spaces, the emotional support animal should be in an appropriate container if the owner is not in the room with the animal. Roommates cannot care for or be responsible for the ESA.
- Will contact potential roommates and suitemates to determine if other student have any concerns about potentially living with a support animal.
- Is responsible for following all rules related to the restrictions of animals from buildings on the campus other than their residence hall.
- Is responsible for the costs of care necessary for the emotional support animal's well-being. The arrangements and responsibilities for the care of an emotional support animal are the sole responsibility of the owner at all time, including regular bathing and grooming as needed.
- Is responsible for not leaving the emotional support animal unattended for an unreasonable length of time.
- Is responsible for independently removing or arranging for the removal of the emotional support animal's waste. Waste must be disposed in a sealed bag in the designated trash area outside of the residence hall.
- If the emotional support animal voids on the floor or carpet anywhere inside a residence hall, the student is responsible to clean up promptly to the best of their own ability, as well as submit a work request with Facilities Management for the area to be properly disinfected. The student must pay all costs associated with such clean up. Dogs must be housebroken, and accidents should be infrequent.

- Is responsible for complying with local and state licensing laws for animal rights and owner responsibilities. Emotional support animals should be current with immunizations and wear a rabies vaccination tag if appropriate (cats and dogs must have rabies tags on collar).
- Animals must leave campus with the student if student leaves overnight and during all UK breaks if the student leaves campus.
- Is responsible for paying for any damage to UK property or pest treatment caused by the animal.
- Must abide by all applicable residential policies, including room inspections
- No reptiles will be permitted other than a turtle
- Is responsible for notifying the DRC and UK Housing if the emotional support animal is no longer needed

#### **UK Community:**

- Must allow emotional support animals to reside with their owners in their residence hall room or suite once they are approved as a disability related accommodation.
- Contact the DRC if any questions or concerns arise relating to emotional support animals including any additional questions regarding visitors to campus who have emotional support animals.
- Report any emotional support animals who misbehave or any owners (or other individuals) who mistreat their emotional support animals to the Department of Public Safety and the DRC.
- Refrain from charging a fee for the emotional support animal to reside in the residence hall, but may assess fees for any damages incurred.

#### **DRC Office:**

- Is responsible for developing the necessary procedures for UK and facilitating the use of emotional support animals by students on campus
- Assist owners and the UK community when questions or concerns relating to emotional support animals on campus and seeks legal advice when necessary.
- If other residents raise concerns about the animal and attempts to mediation are unsuccessful, the owner of the ESA will be provided with an alternate living space on campus and expected to move within a reasonable period.

#### **IMPORTANT CONSIDERATIONS**

**A service or emotional support animal can be asked to leave or not allowed participation on campus if:**

- The animal is found by UK to be out of control or disruptive and the animal's owner does not take immediate and effective action to control it.
- The animal is not housebroken
- The animal is found to be neglected or mistreated and prompt corrective action is not taken.

- The animal is physically ill.
- The animal is unreasonably dirty.
- An emotional support animal attempts to enter a place on campus where the presence of an emotional support animal causes danger to the safety of the owner or other students/members of campus.
- An emotional support animal attempts to enter a place on campus where an emotional support animal's safety is compromised.
  - Student must identify a person that can come get the animal within a reasonable amount of time.
- Students whose animal is found to be disruptive, unkept or endangers the safety of others will be referred to the Office of Student Conduct and/or the Office of Institutional, Equity and Equal Opportunity.

**Significant allergies to animal dander and other concerns:**

- Concerns of this nature will be addressed on a case-by-case basis. The DRC will work in conjunction with the Office of Residential Life to alert potential roommates of the fact that a service or comfort animal will present in an effort to address concerns including those related to allergies and objections or fears related to certain types of animals as early as possible in the housing assignment process. Issues or concerns that may arise during the academic year should be reported as quickly as possible. Owners who have concerns about any matter affecting their use of a service or emotional support animal should contact the DRC.

**Special Situations or Exceptions**

- Students and employees should contact the DRC to discuss any special situations regarding service animals or emotional support animals that are not covered by this policy, as well as any exceptions to this policy that might be requested by a student or employee. All exceptions must be approved in writing by the DRC at UK.

**Service Animals on Campus**

This document describes the procedures for the use of service animals by students and employees and emotional support animals by students attending University of Kentucky (UK). UK complies with the Americans with Disabilities Act (ADA) in allowing the use of service animals for students, staff and visitors. UK complies with the Fair Housing Act in allowing students the use of emotional support animals that are approved as an accommodation. Employees may not bring emotional support animals to work.

## DEFINITIONS

### **Service Animal:**

A service animal as per the ADA is defined as: “Any dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a service animal must be directly related to the owner’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, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, ...retrieving items such as medicine or the 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. “Because of the confines of the University residential spaces, the student may not request an animal weighing in excess of 75 pounds as a support animal. The species of animals allowed as support animals will be determined but the Disability Resource Center.” (University of Kentucky Administrative Regulation 6:11 – VIII:D)

## QUALIFYING TO HAVE A SERVICE ANIMAL ON CAMPUS

For an individual to qualify for having a service animal on campus:

- The student must have a disability as defined by the ADA;
- The accompanying animal must be trained to do specific tasks for the qualified individual; and
- Students are asked register with the DRC if the service animal will be housed on the campus so that accommodations can be coordinated.

## RESPONSIBILITIES/REQUIREMENTS

### ***SERVICE ANIMALS ON CAMPUS***

#### **Owner:**

- Is responsible to attend to and be in full control of the service animal at all time. A service animal shall have a harness, leash, or other tether unless a) the owner is unable to use a harness, leash or tether, or b) using a harness, leash, or tether will interfere with the animal’s ability to safely and effectively perform its duties.
- Animal does NOT have to have identifiers showing that it is a service animal, however, the university would recommend identification so that the general population knows that the animal is “on duty.”

- Is responsible for the costs of care necessary for a service animal's well-being. The arrangements and responsibilities with the care of a service animal is the sole responsibility of the owner at all time, including regular bathing and grooming, as needed.
- Is responsible for independently removing or arranging for the removal of the service animal's waste. Waste must be disposed in a sealed bag in the designated trash area outside of the residence hall.
- Is responsible for complying with local and state licensing laws for animal rights and owner responsibilities. Service animals must be current with immunizations and wear a rabies vaccination tag.
- Is responsible for paying for any damage to UK property caused by the animal
- Animals must leave campus with the student anytime the student leaves overnight and/or during UK breaks.
- UK may prohibit the use of service animals in certain locations due to health and safety restrictions or places where the animal might be in danger. Restricted areas may include but are not limited to food preparation areas, research laboratories, boiler rooms and other areas prohibited by law.

#### **UK Community:**

- Must allow service animals to accompany their owners at all times and everywhere on campus where the general public (if accompanying a visitor) or other students (if accompanying a student) are allowed, except for places where there is a health, environmental, or safety hazard. The appropriate way to ascertain that an animal is a service animal is to ask (only if it not apparent) if the animal is required because of a disability and what tasks it has been trained to perform. Specific questions about the individual's disability may not be asked.
- Contact the DRC if any questions or concerns arise relating to the service animals.
- Only two questions can be asked about service animals:
  - Is the Service Animal required because of a disability?
  - What work or task is the dog trained to perform?
- Do not ask questions about the disability.
- Do not pet or feed a service animal.
- Do not attempt to separate the animal from the owner.
- Do not startle or tease a service animal.
- Contact the DRC if faculty/staff have any additional questions regarding visitors to campus who have service animals.
- Refrain from charging a fee for the service animal to reside in the residence hall but may assess usual fees for any damages incurred.
- Report any service animals who misbehave or any owners (or other individuals) who mistreat their service animal to the Department of Public Safety.

#### **DRC Office:**

- Is responsible for developing the necessary procedures for UK and facilitating the use of service animals by students on campus.

- Assists owners and the UK community when questions or concerns arise relating to service animals on campus and seeks legal advice when necessary.

#### **Trainers/Trainees:**

- Animals in training and their trainers are expected to adhere to the responsibilities and requirements of trained service animals and their owners (see above).

#### IMPORTANT CONSIDERATIONS

A service or emotional support animal **can be asked to leave or not allowed participation on campus if:**

- The animal is found by UK to be out of control or disruptive and the animal's owner does not take immediate and effective action to control it.
- The animal is not housebroken or kept in a cage where waste can be managed effectively
- The animal is found to be neglected or mistreated and prompt corrective action is not taken.
- The animal is physically ill.
- The animal is unreasonably dirty.
- A service animal attempts to enter a place on campus where the presence of a service animal causes danger to the safety of the owner or other students/members of campus.
  - Student must identify a person that can come get the animal within a reasonable amount of time.
- Students whose animal is found to be disruptive, unkept or endangers the safety of others will be referred to the Office of Student Conduct and/or the Office of Institutional, Equity and Equal Opportunity.
- A service animal attempts to enter a place on campus where a service animal's safety is compromised.

#### **Etiquette around service animals and their owners:**

- Do NOT pet, touch or otherwise distract a service animal when it is working. Doing so may interfere with its ability to perform its duties
- Do NOT feed a service animal. Their work depends on a regular and consistent feeding regiment that the owner is responsible to maintain
- Do NOT attempt to separate the owner from the service animal
- Do NOT harass or deliberately startle a service animal
- Avoid initiating conversations about the student's disability. Some people do not wish to discuss their disability.

#### **Significant allergies to animal dander and other concerns:**

- Concerns of this nature will be addressed on a case-by-case basis. The DRC will work in conjunction with the Office of Residential Life to alert potential roommates of the fact that a service or comfort animal will present in an effort to address concerns including those related to allergies and objections or fears related to certain types of animals as early as possible in the housing assignment process. Issues or concerns that may arise during the academic year should be reported as quickly as possible. Owners who have



concerns about any matter affecting their use of a service or emotional support animal should contact the DRC.

**Special Situations or Exceptions**

- Students and employees should contact the DRC to discuss any special situations regarding service animals or emotional support animals that are not covered by this policy, as well as any exceptions to this policy that might be requested by a student or employee. All exceptions must be approved in writing by the DRC at UK.