



## University of Louisville

### OFFICIAL UNIVERSITY ADMINISTRATIVE POLICY

#### **POLICY NAME**

Use of Service and Emotional Support Animals on Campus

#### **EFFECTIVE DATE**

December 2016

#### **POLICY APPLICABILITY**

This policy applies to the University Community (administrators, faculty, staff, and students) and campus visitors.

#### **POLICY STATEMENT**

The University of Louisville (UofL) recognizes the importance of Service and Emotional Support Animals to individuals with disabilities and has established the following policy.

#### **Use of Service Animals**

In compliance with applicable law, UofL generally allows Service Animals in its buildings, classrooms, residence hall rooms, common area spaces, meeting areas, dining areas, recreational facilities, activities, and events when the animal is accompanied by an individual with a disability who indicates the Service Animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. This section does not apply to Emotional Support Animals that do not qualify as Service Animals. Emotional Support Animals may be restricted from many university settings where service animals may not, as discussed in the “Use of Emotional Support Animals” section of this policy.

Generally, animals/pets are not permitted in residence facilities. However, students using Service Animals on campus will be permitted to house the Service Animal in the residence halls but must adhere to all provisions outlined in this policy and

applicable procedures. Exceptions may be made as an accommodation for a student with a disability who uses a Service Animal in accordance with the applicable disability laws. **For information regarding animals in the residence halls, see the “PROCEDURES” section of this policy.**

While the majority of Service Animals are dogs, particular circumstances set forth in 28 CFR 35.136(i), may allow a miniature horse as an alternative to a dog. The university will make modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, UofL shall consider:

- The type, size, and weight of the miniature horse and whether the facility can accommodate those features.
- Whether the handler has sufficient control of the miniature horse.
- Whether the miniature horse is housebroken.

Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Contact the Disability Resource Center at 502-852-6938 or the office of the ADA Coordinator at 502-852-5787 for more information specific to miniature horses as Service Animals. Contact the office of the ADA Coordinator at 502-852-5787 to ask specific questions related to the use of Service Animals on the UofL campus by visitors.

## **Use of Emotional Support Animals**

Emotional Support Animals may be considered for access to university housing if they meet appropriate qualifications for use under applicable law. Emotional Support Animals are generally not permitted in other university facilities such as libraries, classrooms, athletic facilities, labs, student center, etc., or at university-sponsored events. As with Service Animals, Emotional Support Animals must not be inherently dangerous to others, and must be non-aggressive, under the owner’s control at all times [or well-behaved and/or properly contained when the owner is not present to control the animal, as in the university housing setting], and housebroken. In some circumstances, Emotional Support Animals may be allowed in residence facilities. The Disability Resource Center will engage in an interactive process with the student and Campus Housing to review requests for Emotional Support Animals on a case-by-case basis to determine if the applicant has a disability, if the animal is a reasonable accommodation to afford equal opportunity to use and enjoyment of the dwelling in light of the individual’s disability, and to determine an identifiable relationship between the disability and the assistance the animal provides. If a student’s request for an Emotional Support Animal is approved, generally only one animal will be permitted unless there is a documented disability-related need for more than one animal. An accommodation may be determined unreasonable if it presents an undue financial or administrative burden on the university, poses a substantial and direct threat to personal or public safety, or constitutes a fundamental alteration of the nature of the service or program (**See**

## the “PROCEDURES” section of this policy).

Contact the Employee Relations and Compliance team in Human Resources at 502-852-6536 to ask questions relevant to possible use of an Emotional Support Animal in the employment context pursuant to the Rehabilitation Act or the ADA. Contact the ADA Coordinator at 502-852-5787 to ask questions regarding the university’s obligations as to Emotional Support Animals in other contexts.

### Inquiries Regarding Service Animals

In general, UofL will not ask about the nature or extent of a person’s disability, but may make two inquiries to determine whether an animal qualifies as a Service Animal. UofL may ask:

- is the animal a Service Animal required because of a disability?
- what work or task has the animal been trained to perform?

UofL **cannot require an individual who uses a service animal to produce documentation of the animal’s credentials**, such as proof that the animal has been certified, trained, or licensed as a Service Animal, nor may a Service Animal be required to display a vest or other visible designation, attire or marking that identifies the animal as a Service Animal. Generally, UofL may not make any 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., 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). Moreover, UofL may not require the animal to demonstrate the tasks the animal is trained to perform.

### Service Animal Control Requirements

- The animal shall be under the control of its handler and shall have a harness, leash, or other tether, unless 1) the handler is unable because of a disability to use a harness, leash or other tether or 2) the use of a harness, leash or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control (i.e. voice commands, signals or other effective means).
- The animal must be housebroken.
- The animal should be non-disruptive to other individuals and the learning, living, and working environment.
- To the extent possible, the owner should ensure that the animal does not:
  - Sniff, jump on, or otherwise interfere with people or the personal belongings of others.
  - Block an aisle or passageway for fire egress.

### Service Animal Etiquette

Administrators, faculty, staff, students, visitors, and members of the general public should avoid the following:

- Petting, touching, or otherwise distracting a Service Animal when it is working.
- Feeding a Service Animal. The work of a Service Animal depends on a regular and consistent feeding regimen that the handler is responsible to maintain.
- Harassing or deliberately startling a Service Animal.
- Separating or attempting to separate a handler from their Service Animal.
- Making unwelcome or uninvited inquiries regarding the individual's disability.

### **Removal of Service Animals**

Service Animals may be ordered to be removed by the University of Louisville Police Department (ULPD), in collaboration with Campus Housing, the Dean of Students' Office, and others as appropriate, for the following reasons:

- **Out of Control Animal:** A handler may be directed to remove an animal that is out of control and the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any university facility until the handler can demonstrate that she/he/they has taken effective steps to mitigate the behavior.
- **Non-housebroken Animal:** A handler may be directed to remove an animal that is not housebroken.
- **Direct Threat:** A handler may be directed to remove an animal that UofL determines to be a substantial and direct threat to the health and safety of individuals. This includes, but is not limited to a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories or mechanical or industrial areas.

Where a Service Animal is properly removed pursuant to this policy, UofL 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.

### **Service Dogs in Training**

In accordance with KRS 258.500, service dogs in training are permitted on campus and in all public facilities on the same basis as working Service Animals, provided that all of the following conditions are met:

- The dog is being led or accompanied by a trainer for the purpose of training the dog.
- The trainer must have in their personal possession identification verifying that they are trainers of service dogs.
- Handlers of service dogs in training must also adhere to the requirements for service animals as outlined in this policy. Service Animals in training are also subject to the same Responsibilities of Handlers, Animal Control Requirements, Waste Cleanup, Removal, and Emergency Response sections outlined in this policy.

UofL reserves the right to amend this policy as circumstances require.

### **REASON FOR POLICY**

This policy ensures that individuals with disabilities, who require the use of Service Animals or Emotional Support Animals as a reasonable accommodation, receive the benefit of the work or tasks performed by such animals or the therapeutic support they provide.

In accordance with the relevant provisions of the Americans with Disabilities Act (ADA) and/or the Rehabilitation Act of 1973, UofL is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate full participation and equal access to the university's programs and activities.

## **RELATED INFORMATION**

### **Conflicting Disabilities**

Some people may have allergic reactions to or phobias of animals that are substantial enough to qualify as disabilities. UofL will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Students requesting allergy or phobia accommodations in classrooms, residence halls, or other areas of campus should contact the Disability Resource Center. Staff, faculty, or visitors requesting allergy or phobia accommodations should contact the office of the ADA Coordinator.

### **Emergency Response**

The first priority of emergency responders will be to the health and welfare of students, staff, and visitors to the campus community. While the university expects that emergency responders should be trained to recognize a Service Animal and be aware that the animal may be trying to communicate the need for help, responders' first efforts should be toward the handler. While every effort will be made to rescue the animal as well, there may be certain emergency evacuation situations that necessitate leaving the animal behind.

### **Identification**

It is recommended that the handler of a Service Animal or Emotional Support Animal living in a residence hall work with Campus Housing to have signage placed on the residence hall door making anyone who might enter (such as Physical Plant for maintenance, the Fire Department, or ULPD in case of an emergency, etc.) aware that there may be an animal present in the room. In addition, handlers may opt to have information regarding the presence of a Service Animal in their housing units supplied to ULPD and or the Fire Department to best ensure safety of the individual and the animal in the event of an evacuation.

### **Roommates**

Residents with a Service Animal or Emotional Support Animal who choose not to lease a single occupancy can generally expect one of the following scenarios:

- For students who make their need for this accommodation known well in advance, Campus Housing will place the student with roommates who have not

disclosed an allergy to that type of animal, and will give potential roommates notice that there will be an animal in the housing unit.

- If a roommate has issues living with the animal or discloses an allergy, Campus Housing will work to identify another room placement for the roommate, and the roommate will be given priority for a room change within the roommate's current residence hall over others awaiting a room reassignment within the same residence hall.
- For students who make their need for this accommodation known after already being placed with roommates, Campus Housing will review whether any of the student's roommates have previously disclosed an allergy to that type of animal.
  - If there are no known allergies, Campus Housing will give potential roommates notice that there will be an animal in the housing unit. If a roommate has issues living with the animal or discloses an allergy, Campus Housing will work to identify another room placement for the roommate, and the roommate will be given priority for a room change within the roommate's current residence hall over others awaiting a room reassignment within the same residence hall.
  - If a roommate has previously disclosed an allergy, Campus Housing will work to identify another room placement for the student with the animal, and the student will be given priority for a room change within the student's current residence hall over others awaiting a room reassignment within the same residence hall.

In order to make arrangements regarding roommates, it is recommended that students intending to bring a Service Animal or Emotional Support Animal into a residence hall notify Campus Housing prior to bringing the animal into the residence hall, so that Campus Housing, the student, and/or the Disability Resource Center can engage in an interactive process to determine whether and how the animal can best be accommodated. Ideally, students should notify Campus Housing of their intent to bring a Service Animal or Emotional Support Animal at the time that they apply for housing.

## **Campus Resources**

Disability Resource Center, Stevenson Hall, 502-852-6938

Campus Housing, Stevenson Hall, 502-852-6636

Human Resources, Human Resources Building, 502-852-6258

University of Louisville Police Department, Floyd Street Garage, 502-852-6111

Office of the ADA Coordinator, SAC W301, 502-852-5787

## **DEFINITIONS**

### **Service Animal**

A Service Animal is a dog (or in some circumstances, 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 and meets the definition of “service animal” under the Americans with Disabilities Act (ADA) regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual’s disability.

Examples 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, alerting individuals to the presence of allergens, 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. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

### **Emotional Support Animal**

An Emotional Support Animal (ESA) is an animal that provides emotional support which alleviates one or more identified symptoms or effects of a person’s disability. Some, but not all, animals that provide emotional support are professionally trained. Other Emotional Support Animals are trained by the owners. In some cases, no special training is required. Unlike a Service Animal, an Emotional Support Animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times.

### **Pet**

A pet is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an Emotional Support Animal and is not covered by this policy. Residents of university housing are not permitted to keep pets (with the exception of fish in a 10 gallon tank or smaller) on university property or in university housing.

### **Campus Housing**

For the purposes of this document, Campus Housing is defined as University managed housing facilities.

## **PROCEDURES**

### **Requesting an Emotional Support Animal**

To provide the most efficient service to students, the Disability Resource Center recommends that requests for an Emotional Support Animal in the residence halls be made by following these procedures:

- The student should obtain appropriate documentation regarding the request for an Emotional Support Animal from a health care professional who has knowledge of the student’s disability with whom they have a professional relationship. To provide guidance on the information that is needed to support this accommodation, the Disability Resource Center has created the [Emotional](#)

[Support Animal Documentation Form](#) which may be provided to the student's health care professional for completion. Use of this specific form is not required, but is recommended to assist the health care professional in providing relevant information.

- Please note the U.S. Department of Housing and Urban Development's warning regarding documentation from the internet:  
"Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting a reasonable accommodation has a disability and disability-related need for an accommodation that are not obvious or otherwise known. In HUD's experience, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal."
- The student should submit an [Emotional Support Animal Request Form](#) and provide appropriate documentation to the Disability Resource Center. Preferably, the request and documentation should be submitted at the time of application to Campus Housing. To allow Campus Housing to make appropriate arrangements with any roommates, the request and documentation should generally be submitted at least 30 days prior to the anticipated arrival of the animal in Campus Housing.

Students who bring Emotional Support Animals into Campus Housing are subject to the same Responsibilities of Handlers, Animal Control Requirements, Waste Cleanup, Removal, and Emergency Response sections outlined in this policy.

## RESPONSIBILITIES

### Responsibilities of Handlers

- Service animals are not exempt from local animal control and public health requirements. Handlers are responsible for ensuring that their animals are vaccinated in accordance with the requirements of the applicable Kentucky county.
- Service animals are subject to local licensing and registration requirements. Handlers are responsible for registering and licensing their animals in accordance with requirements of the applicable Kentucky county.
- Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a Service Animal are the sole responsibility of the handler at all times. In the event of an emergency in which the handler is unable to care for the animal, it is recommended that an emergency contact be provided. If an emergency contact is unavailable or cannot be reached, Louisville Metro Animal Services may be called to care for the animal.

### Waste Cleanup

Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically able to clean up after the animal, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal. The person cleaning up after the animal should abide by the following guidelines:

- Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
- Properly dispose of waste and/or litter in appropriate containers.
- Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler.

Students who wish to bring a Service Animal to campus are strongly encouraged but are not required to partner with the Disability Resource Center, especially if other academic accommodations or housing accommodations are required.

## **FORMS/ONLINE PROCESSES**

Emotional Support Animal Request  
Form <https://louisville.edu/disability/forms/emotional-support-animal-request>

## **ADMINISTRATIVE AUTHORITY**

Executive Vice President and University Provost

## **RESPONSIBLE UNIVERSITY DEPARTMENT/DIVISION**

Office of the ADA Coordinator  
Student Activities Center, Suite W301  
2100 S. Floyd Street  
Louisville, KY 40208  
502-852-5787

## **HISTORY**

Revision Date(s): 3/24/20

Reviewed Date(s): 3/24/20

The University Policy and Procedure Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at <http://louisville.edu/policies>.