Information

Use of Service and Emotional Support Animals on Campus

Effective

December 2016

Applicability

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

Administrative Authority

Executive Vice President and University Provost

Responsible Unit

Office of the ADA Coordinator

Student Activities Center, Suite W301

2100 S. Floyd Street

Louisville, KY 40208

Phone: 502-852-5787

Email: adacoord@louisville.edu

History

Revision Date(s): March 24, 2020; July 6, 2022; May 28, 2024

Reviewed Date(s): March 24, 2020, July 6, 2022; May 28, 2024

Categories

Reason for Policy:

This policy ensures that individuals with qualifying disabilities, who require the use of Service Animals or Emotional Support Animals (ESAs) 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, the University of Louisville (UofL or University) is committed to accommodating individuals with disabilities with the use of a Service Animal on campus to facilitate full participation and equal access to the University's programs and activities.

Statement:

The University recognizes the importance of Service and Emotional Support Animals to individuals with disabilities and has established the following policy. The University reserves the right to amend this policy as circumstances require.

SERVICE ANIMALS

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 Service 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 the individual that is directly related to their disability. This section does not apply to ESAs that do not qualify as Service Animals. ESAs 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 policies and 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. While there is no request process for Service Animals, students who will be bringing a Service Animal into their residence hall should notify University Housing at the time of their application for housing or as soon as they know the Service Animal will be coming into University Housing.

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 consider and work to make reasonable 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.

Service Animal Control Requirements

- The Service 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 Service Animal must be housebroken.
- The Service 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 Service 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.
- Sniff, jump on, or otherwise interfere with people or the personal belongings of others.
- Block an aisle or passageway for fire egress.

Responsibilities of Handlers

- Service Animals are not exempt from local animal control and public health requirements. Handlers are responsible for ensuring that their Service Animals are vaccinated in accordance with the requirements of the applicable county.
- Service Animals are subject to local licensing and registration requirements. Handlers are responsible for registering and licensing their Service Animals in accordance with requirements of the applicable county.
- Handlers are responsible for any damage or injuries caused by their Service 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. It is the individual's responsibility to arrange for the care of their Service Animal in the event of an emergency. If no emergency arrangements are in place, Louisville Metro Animal Services may be called to care for the Service Animal.

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.

Waste Cleanup

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

- Always carry equipment sufficient to clean up the Service Animal's waste whenever the Service 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.

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.

Removal of Service Animals

Service Animals may be ordered to be removed for the following reasons:

- The Service Animal is out of control or disruptive and the handler does not take immediate and effective action to control it.
- The Service Animal is not housebroken.
- The Service Animal is found to be neglected or mistreated and prompt corrective action has not been taken.
- The Service Animal is physically ill.
- The Service Animal is unreasonably dirty.
- The Service Animal is a substantial and direct threat to the health and safety of individuals.

In any of the above situations, University Housing, in collaboration with the Dean of Students' Office, the University of Louisville Police Department (ULPD), and others as appropriate, may be involved in investigating conduct and removing the Service Animal.

When 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.

Inquiries Regarding Service Animals

In general, UofL will not ask about the nature or extent of a person's disability but may make necessary 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 Etiquette

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.

EMOTIONAL SUPPORT ANIMALS

Use of Emotional Support Animals (ESAs)

It is the general policy of the University that animals of any type are prohibited in University Housing. However, the University is committed to providing reasonable accommodations and fulfilling its responsibilities under federal, state, and local laws and regulations. The University will consider and process requests for reasonable and necessary accommodations for an individual with a qualifying disability to allow an ESA in University Housing. **No ESA may be kept in University Housing at any time prior to the individual receiving approval** as a reasonable accommodation pursuant to this policy. If an unapproved animal is brought into University Housing, the student will be required to remove the animal immediately, even if the student has submitted a request for an ESA that is pending review. Bringing an unapproved animal to University Housing is a violation of University Housing policy and the student may be subject to disciplinary measures. The Disability Resource Center processes requests and determines if an ESA is approved as a reasonable and necessary accommodation.

ESAs may be considered for access to University Housing if they meet appropriate qualifications for use under applicable law. ESAs are generally not permitted in other University facilities such as libraries, classrooms, athletic facilities, labs, student center, medical/dental clinics, etc., or at University-sponsored events. ESAs 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, ESAs may be allowed in residence facilities. The Disability Resource Center will engage in an interactive process with the student and University Housing to review requests for ESAs on a case-by-case basis to determine if the applicant has a qualifying 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 ESA is approved, generally only one (1) 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 "Requesting an Emotional Support Animal" section of this policy).

Contact the Employee Relations Office in Human Resources at 502-852-6536 to ask questions relevant to possible use of an ESA 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 ESAs in other contexts.

Requesting an Emotional Support Animal

To provide the most efficient service to students, the Disability Resource Center recommends that requests for an ESA in University Housing be made as soon as practicable and consistent with the procedures outlined in this policy. To request an ESA, follow the procedures outlined in this policy.

The University will accept and consider requests for an ESA as reasonable accommodations in University Housing at any time. However, if the request for accommodations is made after the priority deadline, the University cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester of occupancy. The priority deadlines for Disability Resource Center accommodations in University Housing are:

- Fall Semester - June 1
- Spring Semester - November 1
- Summer Terms - April 1

Emotional Support Animal Control Requirements

- The ESA shall be under the control of its handler and shall have a harness, leash, or other tether whenever it is taken outside of the room for exercise or natural relief.
- The ESA must be housebroken. To ensure reliable housebreaking, it is typically suggested that animals no less than six (6) months old be brought to campus.
- The ESA should be non-disruptive to other individuals in the living environment. To the extent possible, the owner should ensure that the ESA does not sniff, jump on, or otherwise interfere with people or the personal belongings of

others.

Responsibilities of Handlers

- An ESA is not exempt from local animal control and public health requirements. Handlers are responsible for ensuring their ESA is vaccinated in accordance with the requirements of Jefferson County.
- Handlers are responsible for providing proof of relevant vaccinations (including rabies) and a current color photo of their ESA prior to the start of their University Housing License Agreement and before the ESA is brought into University Housing.
- Continued ESA approval is subject to ongoing re-verification requirements. If a student continues to live in University Housing in a subsequent academic year, current vaccination records must be provided prior to the start of their next University Housing License Agreement, regardless of the first semester a student was approved to have an ESA in University Housing.
- ESAs are subject to local licensing and registration requirements. Handlers are responsible for registering and licensing their ESAs in accordance with requirements of Jefferson County.
- Handlers are responsible for any damage or injuries caused by their ESAs and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements, and responsibilities for the well-being of an ESA are the sole responsibility of the handler at all times. It is the student's responsibility to arrange for the care of their ESA in the event of an emergency. If no emergency arrangements are in place, Louisville Metro Animal Services may be called to care for the animal.

Waste Cleanup

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

- Always carry equipment sufficient to clean up the ESA's waste whenever the ESA 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 must maintain cleanliness standards per University of Louisville Code of Student Conduct/Residence Hall Policies & Regulations.

Removal of Emotional Support Animals

ESAs may be ordered to be removed for the following reasons:

- The ESA is out of control or disruptive and the handler does not take immediate and effective action to control it.
- The ESA is not housebroken.
- The ESA is found to be neglected or mistreated and prompt corrective action is not taken.
- The ESA is physically ill.
- The ESA is unreasonably dirty.
- The ESA is a substantial and direct threat to the health and safety of individuals.

In any of the above situations, University Housing in collaboration with the Dean of Students' Office, the ULPD, and others as appropriate, may be involved in investigating conduct or removing the ESA.

Where an ESA 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.

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 individuals. 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 any Service Animal or ESAs, there may be certain emergency evacuation situations that necessitate leaving the animal behind.

Roommates

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

- For residents who make their need for this accommodation known well in advance, University Housing will give future roommates notice that there will be an animal in the housing unit once room selection occurs. Residents may also reach out to roommates in advance if they are comfortable doing so.
    - University Housing is unable to prevent residents with animals and residents with animal allergies from self-assigning together. If this situation occurs, whoever placed themselves in the room first, will be given priority to stay in that room, while the person who was assigned to that room later will work with University Housing on a room change. The same residence hall/room type cannot be guaranteed.
- For residents who make their need for this accommodation known after room selection and/or priority deadlines, University Housing will review whether any of the resident's roommates have previously disclosed an allergy to that type of animal.
    - If there are no known allergies, University 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, University Housing will work to identify another room placement for the roommate, and the roommate will be given priority for a room change. The same residence hall/room type cannot be guaranteed.

    - If a roommate has previously disclosed an allergy, University Housing will work to identify another room placement for the resident with the animal, and the resident will be given priority for a room change. The same residence hall/room type cannot be guaranteed.
- University Housing is unable to prevent residents with animals and residents with animal allergies from self-assigning together. If this situation occurs, whoever placed themselves in the room first, will be given priority to stay in that room, while the person who was assigned to that room later will work with University Housing on a room change. The same residence hall/room type cannot be guaranteed.
- If there are no known allergies, University 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, University Housing will work to identify another room placement for the roommate, and the roommate will be given priority for a room change. The same residence hall/room type cannot be guaranteed.
- If a roommate has previously disclosed an allergy, University Housing will work to identify another room placement for the resident with the animal, and the resident will be given priority for a room change. The same residence hall/room type cannot be guaranteed.

Residents should notify University Housing of their intent to bring a Service Animal or ESA at the time that they apply for housing and before priority deadlines for Disability Resource Center accommodations in University Housing.

Campus Contacts

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

University Housing & Resident Experience, Stevenson Hall, 502-852-6636

Human Resources, Cardinal Station Suite 205, 502-852-6258

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

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

Related Policies

Code of Student Conduct:

https://louisville.edu/dos/students/codeofconduct

University Housing Policies and Regulations:

https://louisville.edu/housing/housing-policies

Other Resources

Louisville Metro Animal Control:

https://louisvilleky.gov/government/animal-services/services/make-service-request-animal-control

Jefferson County Animal Licensing:

https://louisvilleky.gov/government/animal-services/services/license-your-pet

Jefferson County Rabies Control:

https://louisvilleky.gov/government/health-wellness/rabies-control

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 ESAs are trained by the owners. In some cases, no special training is required. Unlike a Service Animal, an ESA 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 ESA. Pets are not covered by this policy. Residents of University Housing is not permitted to keep Pets (with the exception of fish in a ten (10)-gallon tank or smaller) on University property or in University Housing.

University Housing

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

Procedures:

Requesting an Emotional Support Animal

- The student should obtain appropriate documentation regarding the request for an ESA 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 Guide 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 a Housing Accommodation Request Form, indicate "Emotional Support Animal' as the requested accommodation, and provide by attaching appropriate documentation to the Disability Resource Center at the time of application to University Housing.
- 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".

Forms/Online Processes:

Housing Accommodation Request Form

https://louisville.edu/disability/forms/housing-accommodation