



Policy

UNIVERSITY POLICY P-19.022-015/201

TO: The University of West Florida Community

FROM: Dr. Martha D. Saunders, President

SUBJECT: Animals on Campus

Responsible Offices: Division of Academic Engagement Student Affairs and Human Resources

I. PURPOSE & INTENT

This policy is designed to protect the health, safety, and welfare of the University of West Florida ("UWF" or the "University") students, faculty, staff and the general public. This policy also explains UWF's commitment to equal access for those with disabilities and the specific requirements or guidelines which govern requests for reasonable accommodations in University housing.

II. STATEMENT OF POLICY

- A. Pet animals are to remain only on or in public places and are not permitted in University patio areas adjacent to swim facilities, in or on the spectator areas or recreational fields or facilities, such as racquetball and tennis courts, in dining halls or ~~non-pet friendly~~ residence halls, inside UWF buildings, or at special events, except as provided in Section V.
- B. All animals brought on to any UWF property including property owned, leased or maintained by the University or a University DSO (hereinafter "UWF property"), must be under physical restraint. The animals must be under the complete control of and physically restrained by the owner and responsible party who is also responsible for ensuring the animal is safe and healthy.
- C. UWF is committed to equal access and does not discriminate against persons with disabilities in its policies, procedures, programs, or employment processes. The University recognizes its obligations, under Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Fair Housing Act ("FHA"), Florida Statute § 413.08, and the Americans with Disabilities Act of 1990 ("ADA"), and Americans with Disability Act Amendment Act ("ADAAA") to provide an environment that does not discriminate against persons with disabilities. UWF recognizes the importance of providing reasonable accommodations in its housing policies, and accommodation procedures where necessary, for individuals with disabilities to use and enjoy University spacing, including housing.

III. DEFINITION OF TERMS

- A. Approved Animal.** The Student Accessibility Resources or Human Resources has determined the person with a disability has established their eligibility for reasonable accommodation and the animal's qualifications as a "Service or Assistance" Animal. After approval by Student Accessibility Resources or Human Resources, the animal will be considered an approved accommodation for the Eligible Person under the applicable laws.
- B. Assistance Animals.** As defined by the FHA, Assistance Animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or animals that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance Animals perform many disability-related functions, including but not limited to guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. Some animals, but not all, that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed as a reasonable accommodation by the person with the disability. Assistance Animals are not considered Service Animals and are not permitted in public spaces, classroom or workplaces.
- C. Eligible Person.** A person with a disability who, because of a functional limitation of his/her disabling condition, requires a Service Animal to perform a task or function. Includes persons with a disability who, because of a functional limitation of the individual's disabling condition, requires a Service Animal in order to have an equal opportunity to use and enjoy student housing at UWF.
- D. Emotional Support Animal.** An animal whose sole function is to provide emotional support. Emotional support animals do not qualify as service animals and are not permitted on campus except to the extent the animals are considered Assistance Animals under the FHA as provided in Section III.B. above.
- E. Public Place.** Areas on the University campus that have no restricted access and are open to the general public. Employee office areas and residence halls require contractual arrangements with access permitted only within the terms of the contracts.
- F. Responsible Party.** Any person who owns the animal, brings the animal to campus, is training a service animal or is an Eligible Person as defined in section III.C. above (there may be more than one Responsible Party and each or all may be held fully responsible for the animal). For Service Animal in Training ("SAIT"), the Responsible Party is the animal's trainer and owner and for Service Animals the Responsible Party is the Eligible Person as defined by this Policy and the owner.

- G. Service Animal.** As defined by the ADAAA, Service Animals are dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service Animals are working animals, not pets. The work or task an animal has been trained to provide must be directly related to the person's disability and must always be with and under the control of the Eligible Person. The Service Animal may not be left unattended. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADAAA.
- H. Service Animal-in-Training (SAIT).** A dog undergoing training by a trainer. To qualify as a service animal, a dog must already be trained. Until training has finished, a dog is considered a SAIT.
- I. Therapy Animal.** Therapy Animals are trained and registered by qualified Responsible Parties who use the dogs for comfort and companionship and may be permitted on campus if a dog is registered through Therapy Dogs International, Therapy Dogs Incorporated or Pet Partners. Therapy Animals do not assist individuals with a disability to perform the activities of daily living and are not covered by statutes protecting and giving rights to Service Animals.
- J. University Official.** UWF or DSO employees and agents with responsibility for the administrative operations or maintenance of any area classroom or any UWF properties.
- K. Work or Tasks.** Examples of "Work or Tasks" include, but are not exclusive to, guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack or performing other duties. Service Animals are working animals, not pets. The "Work or Task" an animal has been trained to provide must be directly related to the person's disability.

IV. ACCOMMODATION POLICIES

Generally, animals are not allowed on campus at UWF. However, UWF is committed to equal access for its students and employees with disabilities while creating an inclusive environment for all in the University Community.

- A. Service Animal Access to Public Places.** UWF generally allows Service Animals in all public places to which the general public is invited when a Service Animal is accompanied by an individual with a disability or a trainer of the Service Animal. Students with a disability may bring Service Animals to classrooms, labs or other academic areas necessary to facilitate their academic program as an academic accommodation without seeking formal approval through Student Accessibility Resources or other registration processes. However, students who utilize Service Animals on campus and anticipate bringing the Service Animal to the classroom or labs are encouraged, but not required to register with the Student Accessibility Resources to work through any potential access or safety issues in the classroom and especially the lab spaces. UWF

wants to make sure that the Eligible Person, other students and the members of the department are able to provide that opportunity without endangering the safety of the Eligible Person, other students, or the animal.

B. Inquiries Regarding Service Animals. In general, UWF 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. UWF may ask:

1. if the animal is required because of a disability; and
2. what work or task the animal has been trained to perform.

UWF will 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).

C. Service Animal Voluntary Registration. Individuals with a service animal on campus are encouraged, although not required, to register with the University. Students should register a service animal in order to provide the best environment for the service animals and in case of emergency for the health and safety of everyone including the animals. Students should register with Student Accessibility Resources while employees and other individuals should register with Human Resources.

D. Additional Accommodations for Service Animals. In the event that an individual seeks an additional accommodation for a Service Animal, such as the Service Animal is needed in residence halls or office areas not open to the general public, the Service Animal must be registered as an accommodation with the appropriate office and through the same process as provided below for assistance animals. If seeking an additional accommodation, UWF does require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

E. Service Animal-in-Training (SAIT) Campus Status. SAIT are not service animals under the ADA or ADAAA. To qualify as a service animal, a dog must already be trained. Until a dog is trained, the SAIT cannot be taken into public places as a service animal unless it is in the process of training by a trainer in compliance with Florida Statute § 413.08. Otherwise, individuals should seek an accommodation through the process found below to have an SAIT on campus.

F. Housing Accommodation Request Process. Although it is the policy of UWF that individuals are generally prohibited from having animals in University housing, ~~unless it is in the pet friendly housing complexes,~~ UWF encourages individuals with disabilities to request a reasonable accommodation to allow an assistance or service animal in University housing. Student Accessibility Resources works in partnership with Housing and Residence Life to ensure equal access to all students within University housing. However, no assistance animal may be kept in University housing at any time prior to the individual receiving approval as a reasonable

accommodation pursuant to this Policy.

A student wishing to request an assistance animal should follow UWF's general procedures for requesting an accommodation through Student Accessibility Resources, which can be found at uwf.edu/sar. Reliable documentation should be from a physician, psychiatrist, or other mental health professional, which establishes that an individual has a disability and that the Assistance Animal provides some type of disability-related assistance or emotional support.

UWF and the student requesting a reasonable accommodation will engage in an interactive process to find the best accommodation to meet the student's needs on a case-by-case basis. UWF will review and respond promptly to all reasonable accommodation requests. If a resident of UWF housing has a disability and a disability-related need for a reasonable accommodation, UWF will grant such accommodation, including a request to keep a service or assistance animal.

G. Assistance Animal Accommodation Factors. UWF may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in making housing assignments for individuals with Assistance Animals:

1. the size of the animal is too large for available assigned housing space;
2. the animal's presence would force another individual from housing (e.g. conflicting disabilities);
3. the animal's presence otherwise violates an individual's right to peace and quiet enjoyment;
4. the animal is not housebroken or is unable to live with others in a reasonable manner;
5. the animals' vaccinations are not up-to-date;
6. the animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or
7. the animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

UWF will not limit room assignments for individuals with Assistance Animals to any particular building or buildings because the individual needs an Assistance Animal due to a disability. UWF will also attempt to accommodate all students involved if there are conflicting interests.

In order to ensure a determination is made prior to the start of the academic year, students who are submitting documentation to request having an Assistance Animal in campus housing should submit supporting medical documentation to Student Accessibility Resources by May 1 for review and determination before the beginning of each academic year. Students matriculating in spring semesters should submit paperwork by November 1.

Requests for reasonable accommodations for Assistance Animals made after these deadlines will be considered, but may not result in a determination prior to the start of the semester. All final accommodation determinations will be communicated in writing to the student through Student Accessibility Resources.

Assistance Animals must be contained within the private residential area (room, suite, and/or apartment) at all times except when transported outside the private residential area in an animal

carrier or controlled by leash or harness. Assistance Animals are not permitted in University public spaces, classrooms, or workplaces unless they also meet the definition of Service Animal as provided by law and as permitted as part of an accommodation as provided in this Policy.

H. Other Accommodation Requests. UWF is committed to compliance with state and federal laws regarding individuals with disabilities. UWF officials will determine, on a case-by-case basis, and in accordance with applicable laws and regulations, whether an animal is a reasonable accommodation. In doing so, UWF must balance the needs of the individual with the impact of animals on other campus patrons. Members of the University community who seek other reasonable accommodation for disabilities involving an assistance, service or other animals should go through the accommodation request process and contact Student Accessibility Resources Office (students) or Human Resources (employees and visitors).

V. OTHER EXCEPTIONS.

A. Responsible Party who wishes to bring an animal on campus for a one-time display or special circumstance approved by or at the request of UWF, must comply with UWF regulations or policies. This approval may require a certificate of insurance and animal health certificates. The following animals are allowed on campus pending approval:

B. Therapy Animals. Therapy Animals used as a therapy tool may be permitted on campus for a therapy session if the therapy is an integral part of a treatment process as prescribed by a licensed mental health professional with specific documentation required. Therapy Animals do not assist individuals with a disability to perform the activities of daily living. Approval of the presence of a therapy animal falls within the authority of Human Resources regarding accommodations to a disability or the counseling center. Therapy Animals used as an accommodation normally will be permitted within campus housing areas for their periodic visits.

C. Research Animals. Animals identified and approved for designated research-related activity.

D. Animals for Special Events. As specific special events or limited programs approved by the University may require animals on campus, individuals may request approval for a special event or exception to this Policy using the Event Request process or contacting Human Resources or Student Accessibility Resources. A request may be made for exceptions or permission to bring animals on to campus for the purposes of limited programs including those for stress relief, educational programs or limited special presentations.

E. Law Enforcement Animals. Animals used for law enforcement or investigations on campus.

VI. RESPONSIBILITIES AND GENERAL GUIDELINES

A. The Responsible Party shall bear the full costs associated with any injury to persons, or damage to property, caused by a service, assistance, therapy animal or any other animal and bear full liability for any action of the animal.

- B.** All animals, including any of the animals falling in Section IV. Reasonable Accommodations or Section V. Other Exceptions of this Policy, must not be unruly, disruptive, be in ill health or unclean. An animal may be removed from UWF property if the animal is a direct threat to the health and safety of others, or if the animal is disruptive or out of control. UWF may temporarily or permanently exclude any animal including any of those listed as Exceptions at the discretion of the facilities manager, UWF Environmental Health and Safety ("EH&S") or emergency personnel.
- C.** In parts of the campuses where animals may be permitted, such animals must be kept securely controlled by a harness or leash not to exceed ten (10) feet in length (unless there is an exception granted based on disability). Animals are not permitted to run at large on any streets, unimproved lots or premises within the boundaries of UWF properties. Animals should not be tethered and left unattended.
- D.** Animals must be registered, vaccinated and/or must comply with legal requirements set by the local, state or federal government.
- E.** An animal left unattended in a vehicle or any other area is to be reported to the UWF Police Department for appropriate response. A person who leaves an animal unattended may face additional consequences as described in Section IX.
- F.** If an animal disrupts the University educational process, administrative processes, or other campus functions, the Responsible Party must remove the animal immediately. In addition, the owner or responsible party will be held liable for any damage to person or property caused by the animal's presence on the property.
- G.** The Responsible Party must clean up all animal waste and dispose of that waste in outdoor trash receptacles. Animal waste is not to be disposed of in indoor trash receptacles.
- H.** Animals may not be left overnight in University Housing to be cared for by any individual other than the Responsible Party. For example, if the Responsible Party is to be absent from his/her residence hall overnight or longer, the animal must accompany the Responsible Party. The Responsible Party is required to ensure that the animal is contained, as appropriate, when the Responsible Party is not present during the day while attending classes or other activities.
- I.** Removal of dead or injured animals is the responsibility of the Responsible Party; however, in the event immediate action is necessary, the facilities manager may take appropriate action to remove the animal. Any and all costs associated with such removal will, when possible, be at the Responsible Party's expense.

VII. EMERGENCY ACTION

If an animal on campus is exhibiting dangerous or destructive behavior, or if an animal appears to be stray or abandoned, please notify the UWF Police Department. The UWF Police Department will notify the appropriate Agency (Escambia County Animal Services, Florida Wildlife Control or other

appropriate party). If the animal is deemed a threat, law enforcement will take appropriate emergency action. Likewise, wild or feral animals are to be left alone. In the event the wild or feral animals appear to be a threat to human safety or property, the facilities manager may take appropriate action.

VIII. COMPLAINTS

Any complaints regarding the application of this policy with regard to the American Disabilities Act, Americans with Disability Act Amendment Act, Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 or other equitable application of this process may be made to the Office of Equity & Diversity.

IX . CONSEQUENCES

The consequences for violation of this policy include but are not limited to:

- A. Students in violation of this policy may be referred to the Dean of Students for disciplinary action in accordance with the Student Code of Conduct or Academic Code of Conduct.
- B. Staff violators may be referred to their supervisor. Faculty violators may be referred to their chair or Dean. In addition, all other Human Resources policies will apply.
- C. Non-University violators or any University person may be referred to the UWF Police Department and restricted from UWF property pursuant to UWF Regulation 5.020, Trespass on University Property.

Approved: _____

Date: _____

Martha Saunders, PhD

President, University of West Florida

History: New January 2020; revised XX/XX/2021.