

Utah Tech University Policy

405: Animals on University Premises



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I. Purpose

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

II. Scope

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

III. Definitions

- 3.1 ***Assistance Animals (sometimes called Emotional Support Animals or Therapy Animals):*** Provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Assistance or support animals are not Service Animals, even if prescribed by a physician or therapist.
- 3.2 ***Pet:*** Any domesticated animal that does not meet the definition of a Service Animal or Assistance Animal. A Pet is an animal kept for ordinary use and companionship. A Pet is not considered a Service Animal or an Assistance Animal.

3.3 **Service Animal:** A dog that has been individually trained to do work or perform specific task(s) for a qualified individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals, though the University may also permit miniature horses on University Premises on a case-by-case basis, consistent with applicable ADA regulations and with the appropriate training.

3.3.1 *Tasks of Service Animals:* The dog must be trained to take a specific action when needed to assist the person with the disability. Examples include assisting an individual who has limited vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; aiding with stability and balance to an individual with a mobility disability; reminding a person with a mental illness to take prescribed medications; calming a person with diagnosed Post Traumatic Stress Disorder (PTSD) during an anxiety attack, and/or performing other duties.

3.4 **University Premises:** All University campuses and all University land, buildings, facilities, and other property in the possession of, or owned, used, leased, or controlled by the University including, but not limited to, items such as adjacent streets and sidewalks, vehicles, computers, web sites, and University-owned and/or operated computer networks, including wireless internet access.

IV. Policy

4.1 Service Animals

4.1.1 In determining whether or not an animal may be considered a reasonable accommodation, the University must balance the needs of the individuals requesting the accommodation with the impact the animal may have on others within the University community. Where it is not readily apparent that the animal is a Service Animal, the individual will be given the opportunity to show that the animal is a Service Animal needed for a documented disability or that the animal is a Service Animal in training. If the individual cannot identify a specific task the animal performs, the animal will not be deemed a Service Animal.

4.1.2 The University may request individuals provide additional

information such as documentation provided on letterhead from a treating physician or mental health provider, which permits the University to determine:

- 4.1.2.1 The individual has a documented disability for which the animal is needed, and;
 - 4.1.2.2 How the animal assists the individual, including whether the animal has undergone any training or can effectively perform the specific task assigned, and;
 - 4.1.2.3 The relationship between the disability and the assistance the animal provides.
- 4.1.3 Federal law does not require the individual to provide documentation that an animal has been trained as a Service Animal. The University may, however, ask the individual both of these questions if the disability is not obvious:
- 4.1.3.1 Is the animal required because of a disability?
 - 4.1.3.2 What work or task has the animal been trained to perform?
- 4.1.4 The University may also verify through observation that the animal performs the specific task when needed to assist the person with a disability.
- 4.1.5 A Service Animal in training has the same rights and privileges as a fully trained Service Animal, and thus follows the same determination process as outlined above.
- 4.1.6 If approved, individuals with disabilities may be accompanied by their Service Animal on any premise or in any facility at the University where members of the public or participants in services, programs or activities are allowed to go.
- 4.1.7 The University may exclude a Service Animal from University Premises if its behavior poses a direct threat to the health or safety of others or when its presence fundamentally alters the nature of a program or activity. Furthermore, the University may ask an individual with a disability to remove a Service Animal from University Premises if the animal is out of control and the individual has not taken effective action to control it or if the animal demonstrates it is not housebroken.

- 4.1.8 The University is committed to reasonably accommodating qualified students with disabilities. Students who seek to bring a Service Animal or Assistance Animal to University Premises should contact the Disability Resource Center (DRC) to discuss their request.
- 4.1.8.1 Students with medical conditions that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) should contact the Disability Resource Center if they have a health or safety related concern about exposure to a Service Animal. The Disability Resource Center will consider the conflicting needs and/or accommodations of all persons involved.
 - 4.1.8.2 Service Animals may travel freely with their owners throughout University housing. The owner is responsible for assuring that the Service Animal does not unduly interfere with University business or routine activities of the University housing community or cause difficulty for students who live there.
 - 4.1.8.3 Service Animals may not be left overnight in University housing to be cared for by another person. Animals must be taken with the student if they leave University Premises for a prolonged period.
- 4.1.9 The owner is financially responsible for the actions of the Service Animal, including bodily injury or property damage. The owner's responsibility covers, but is not limited to, replacement of furniture, carpet, window, wall covering, and the like.
- 4.1.10 The owner is responsible for any expenses of cleaning above and beyond a standard cleaning or for repairs to any damaged University Premises. All costs will be assessed by the University and the student, staff, or faculty member will be billed accordingly.
- 4.1.11 To replace a Service Animal (e.g., a Service Animal passes away and the individual brings a different Service Animal to University Premises, even if it's the same species or type), the owner must request and be granted re-approval from Human Resources (for employees) or the Disability Resource Center (for students).
- 4.1.12 The University is not responsible for the care or supervision of Service Animals. Individuals with disabilities are responsible for the control of their Service Animals at all times and must comply with all

applicable laws and regulations, including vaccination, licensure, animal health and leash laws. A Service Animal shall be restrained with a harness, leash, or other tether, unless the individual's disability precludes the use of a restraint or if the restraint would interfere with the Service Animal's safe, effective performance of work or tasks. If a Service Animal is not tethered, it must be otherwise under the individual's control, whether by voice control, signals, or other effective means.

- 4.1.13 Owners are responsible for ensuring the immediate cleanup and proper disposal of all animal waste. Although the University may not charge an individual with a disability a Service Animal surcharge, it may impose charges for damages caused by a Service Animal in the same manner the University imposes charges for damages.
- 4.1.14 The owner is responsible for assuring that the Service Animal does not unduly interfere with University business.

4.2 Assistance Animals

- 4.2.1 Federal housing laws and regulations allow individuals with disabilities the presence of a broader range of animals (Assistance Animals) in University housing as compared with University Premises as a whole. An individual may keep one Assistance Animal as an accommodation in University housing if:
 - 4.2.1.1 The individual has a disability, and;
 - 4.2.1.2 The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling, and;
 - 4.2.1.3 There is an identifiable relationship between the disability and the assistance the animal provides.
- 4.2.2 Individuals desiring to keep an Assistance Animal in University housing must receive approval from the Disability Resource Center (DRC).
- 4.2.3 Students with medical conditions that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) should contact the DRC if they have a health or safety-related concern about exposure to an assistance animal. The DRC will consider the conflicting needs and/or accommodations of all persons involved.

- 4.2.4 An approved Assistance Animal may only be kept in an individual's assigned room and cannot be in other shared or public areas of the apartment, suite, or building except when transported outside the assigned room in an animal carrier or controlled by leash or harness. Assistance Animals are not permitted in other areas of the University such as academic and administrative buildings, classrooms, labs, athletic facilities, food service dining areas, and the Student Center.
- 4.2.5 The owner is responsible for assuring that the Assistance Animal does not unduly interfere with University business and all routine activities of the University housing community or cause difficulty for students who live there.
- 4.2.6 Assistance Animals may not be left overnight in University housing to be cared for by another student. Assistance Animals must be taken with the student if they leave University Premises for a prolonged period.
- 4.2.7 The owner is financially responsible for the actions of the Assistance Animal, including bodily injury or property damage. The owner's responsibility covers, but is not limited to, replacement of furniture, carpet, window, wall covering, and the like.
- 4.2.8 The owner is responsible for any expenses of cleaning above and beyond a standard cleaning or for repairs to any damaged University Premises. All costs will be assessed by the University and the student, staff, or faculty member will be billed accordingly.
- 4.2.9 To replace an Assistance Animal (e.g., a student leaves University housing with one approved Assistance Animal between semesters and returns to University Premises with a different Assistance Animal, even if it's the same species or type), the owner must request and be granted re-approval from the Housing & Resident Life Office and the Disability Resource Center.
- 4.2.10 The University may exclude an Assistance Animal from University housing if the animal is not housebroken; causes substantial physical damage to the property of others; poses a direct threat to the health or safety of others; would fundamentally alter the nature of a program or activity; or is not being cared for by the individual.
- 4.2.11 The University is not responsible for the care or supervision of

Assistance Animals. Individuals with disabilities are responsible for the control of their Assistance Animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste.

- 4.2.12 Individuals must comply with all applicable laws and regulations, including vaccination, licensure, animal health and lease laws, as well as the University's rules in lease provisions regarding vaccination, licensure, leash control, cleanup rules, animal care, and community relationships.

4.3 Pets

- 4.3.1 Pets are not permitted to enter University buildings. Animals walking around or across the University grounds are allowed if they are accompanied and appropriately restrained by their owner and comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. Individuals walking their Pets around or across the University grounds are responsible for the immediate removal of their Pet's waste.

- 4.3.1.1 Full-time residential professional staff required to live in University Housing may be permitted to have one Pet, on a case-by-case basis.

- 4.3.2 Animals are prohibited from all University athletic playing fields and turf without written permission of the University's Athletic Director.
- 4.3.3 Pets who are unattended or unrestrained, Pets that pose a hazard or potential hazard to passersby, or Pets in danger or distress, will be removed from University Premises by a local animal control service or the University Police.

4.4 Animals used for University Programs or Services

- 4.4.1 Any animal used in an academic course, in a laboratory, as a demonstration animal, for law enforcement or rescue purposes, or for special University events is allowed on University Premises, so long as:
 - 4.4.1.1 Such animal has a current, valid license and current vaccinations, according to the requirements for all animals of the same species in a municipality or local area government where such animals reside or are located, and;

- 4.4.1.2 Such animal is under appropriate restraint and under appropriate control at all times, and;
- 4.4.1.3 Such animal does not pose a direct threat to the health or safety of other people on University Premises, and;
- 4.4.1.4 The standards and practices associated with such academic, laboratory, and research purposes are followed.

4.5 Enforcement and Addressing Policy Violations

- 4.5.1 Individuals who bring unauthorized animals into the University's Housing shall be asked to remove the animal immediately and/or be fined.
- 4.5.2 Anyone observing unsupervised animals on University Premises, or animals not appropriately restrained, shall contact University Police.
- 4.5.3 University employees who are repeat violators will face disciplinary action including but not limited to written warnings, or in extreme cases, termination.
- 4.5.4 Students that repeatedly violate this policy may face disciplinary action including reprimand through the Student Conduct Code, or in extreme cases, removal from University housing, suspension or expulsion from the University, and/or criminal charges.
- 4.5.5 The individual(s) responsible for any damage to University Premises caused by their animal will be required to pay for the repair or replacement of the damaged property as determined by the Housing and Resident Life Office, Facilities Management, or the Purchasing Department.

V. References

- 5.1 Americans with Disability Act FAQs regarding Service Animals:
http://www.ada.gov/regs2010/service_animal_qa.html
- 5.2 HUD FHEO Notice 2020-01:
<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>
- 5.3 National Association of College and University Attorneys:
<http://www.nacua.org/>

- 5.4 U.S. Equal Employment Opportunity Commission, regarding Disability Discrimination: <http://www.eeoc.gov/laws/types/disability.cfm>
- 5.5 University Policy 151: Staff Grievances
- 5.6 University Policy 552: Student Conduct Code
- 5.7 Utah Department of Administrative Services, Division of Risk Management: <http://risk.utah.gov>

VI. Procedures

- 6.1 These procedures have been set forth for the purpose of distinguishing between the various types of animals permitted on University Premises, as well as those excluded from the same, and for setting forth the requirements, expectations, and responsibilities of involved parties regarding animals on University Premises.
 - 6.1.1 Employees may contact Human Resources to request to have a Service Animal as a workplace accommodation or for more information and guidance.
 - 6.1.2 Students may contact the Disability Resource Center for information and guidance relating to accommodations.
 - 6.1.3 Residents of University housing may contact the Housing and Resident Life Office for information regarding these accommodations. Students need to understand that the approval process may take a period of time in order to verify documentation and/or the existence of conflicting disabilities.
 - 6.1.4 Visitors/Guests who may be accompanied by a Service Animal when participating in programs and accessing services without requesting an accommodation should contact the Risk Management Department for information and guidance.
- 6.2 Documentation to request approval for an Assistance Animal must be from a reputable source (e.g., a practitioner should have actual knowledge and interaction with the individual, and should have the credentials to make the determination that the student has a disability and needs a particular accommodation).
 - 6.2.1 Websites that 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 is not, by themselves, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an Assistance Animal.

6.3 The University reserves the right to remove or exclude a Service Animal or Assistance Animal from University Premises if:

6.3.1 The animal poses a direct threat to the health and safety of others.

6.3.2 The animal's presence results in a fundamental alteration of the University's programs or activities.

6.3.3 The animal is in poor health and/or is not housebroken.

6.3.4 The owner fails to comply with responsibilities under these procedures or the respective policy.

6.3.5 The animal is out of control or otherwise creates an unmanageable disturbance or interference with the University community.

6.4 Student Appeals and Grievances

6.4.1 If a student disagrees with a decision concerning an accommodation of a Service Animal or Assistance Animal, the student should first attempt to resolve their grievance through informal discussions with the Director of the Disability Resource Center.

6.4.2 If attempts to resolve the grievance informally are unsuccessful, the student should file an appeal by submitting a written statement to the Dean of Students. The written statement should identify the issue and reason for filing an appeal. The statement may be submitted by either email or paper copy.

6.4.3 Within ten (10) University business days of receipt of the appeal, the Dean of Students will determine whether to grant the accommodation or uphold the original decision denying the accommodation and provide written notice to the appealing student of the determination.

6.4.4 The decision of the Dean of Students is final.

6.5 Employee Appeals and Grievances

- 6.5.1 Employee appeals and grievances arising from the application of this policy will be addressed through University Policy 151.

VII. Addenda – N/A

Policy Owner: Vice President of Administrative Affairs

Policy Stewards: Executive Director of Human Resources; Executive Director of Event Services; Executive Director of Audit, Risk, and Compliance; Director of Housing & Resident Life; Director of Disability Resource Center

History:

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