



UAR NUMBER: UAR 343.01

TITLE: University Rules and Regulations Regarding the Presence of Animals on University Property

ORIGINATOR(S):

Office of General Counsel

INITIAL ADOPTION: 09/12/2021

REVISION DATE(S): 09/15/2021

AUDIENCE: (SELECT ALL THAT APPLY)

FACULTY STAFF STUDENTS VENDORS OTHER (SPECIFY): Guests and Visitors

PURPOSE:

This University Administrative Regulation (UAR) sets forth the rules and regulations regarding the presence of animals on University property. The purpose of this UAR is to foster a healthy, safe, and supportive environment that respects the rights of all individuals while protecting the educational mission of the University, nature of the campus environment, and ensuring safety and preserving the integrity of its buildings and property. The rules and regulations contained herein shall be administered in a nondiscriminatory way, reflecting the University's commitment to provide reasonable accommodations to persons with disabilities and fulfill requirements in accordance with local, state, and federal laws and regulations.

SCOPE:

This UAR applies to all University students, faculty, staff, administrators, guests and visitors.

DESCRIPTION (INCLUDE DEFINITIONS):

Definitions

As used in this UAR, the terms shall have the meanings set forth below.

Service Animal: a dog or miniature horse that is individually trained, or is in training, to do work or perform a task for a person with a disability or disabilities. The work the animal has been trained, or is in training, to do must be directly related to the person's disability.

Service Animal in Training: a dog or miniature horse that is being trained to do work or perform a task for a person with a disability or disabilities, but has yet to complete required training.

Disability (person with): a person who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual.

Emotional Support Animal (ESA): an animal that provides support to alleviate one or more identified symptoms or effects of a person's disability or disabilities. ESAs are not required to be trained. ESAs, by their very nature, may relieve depression and anxiety, or help reduce stress-induced pain in persons with certain medical conditions affected by stress. ESAs are typically animals commonly kept in households as pets, such as a dog, cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small domesticated animal.

Pet: a cat, dog, or fish that is not otherwise classified as a service animal, service animal in training, or emotional support animal.

Handler: a person responsible for care, control, and/or behavior of an animal. For service animals, the handler is generally the person with a disability or a third party that accompanies the person with a disability. For emotional support animals, the handler is generally the person that owns the animal. In all other circumstances, the handler is defined as the animal's owner, trainer, or care giver.

Under Control: means the animal is harnessed, leashed, or tethered. If the animal is a service animal and the handler is unable to harness, leash, or tether the animal because of a disability or the use of such devices would interfere with the animal's safe, effective, performance of work or tasks, the service animal will be considered under the handler's control through the use of voice control, signals, or other effective means.

University Property: means any and all real property that is owned, controlled, leased, or operated by Morehead State University.

University Residential Area: means any residential premises owned, controlled, leased, or operated by Morehead State University.

APPROVED BY:

VICE PRESIDENT: _____ DATE: _____

APPROPRIATE INSTITUTIONAL REVIEW: Jane V. Fitzpatrick DATE: 9/10/21

PRESIDENT: Jay M. Morgan DATE: 9-12-21

DESCRIPTION (CONTINUED):

General Rules and Regulations

Presence on University Property

Animals not permitted under this UAR are strictly prohibited from being on University property.

Care and Control

The handler is always responsible for the care and control of the animal while on University property; these responsibilities include cleaning after the animal and immediately and properly disposing of the animal's waste. Proper disposal of animal waste shall be made by emptying waste in a securely-tied plastic bag and disposing of the bag in designated outdoor animal waste receptacles. Animal waste may not be disposed of in the trash containers found alongside University walkways and seating areas, hallways, lounges, bathrooms, or flushed down toilets or urinals. The handler is also responsible for cleaning and/or disinfecting any areas or affected surfaces contaminated by the animal waste.

Liability of the Handler

The handler is responsible for the behavior of the animal and for maintaining control of the animal at all times while on University property. The handler assumes all liability for the animal's behavior, including, but not limited to, damages and injury caused by the animal. The handler shall immediately remove the animal if the animal displays aggression toward humans or other animals; or if the animal's behavior substantially disrupts University operations, activities, and/or the educational process, which disruption may include, but is not limited to, excessive noise, physical harm to humans or other animals, or destruction of property. The handler is responsible for compliance with University policies and administrative regulations and local, state, and federal laws, including control, registration, and vaccination requirements (i.e. KRS Chapter 258).

The handler is responsible for covering any and all costs associated with the care, maintenance, and removal of the animal. This includes costs of damage to University property caused by the animal, including, but not limited to, cleaning, repairs, and pest control.

University Rights

The University accepts no responsibility for or liability for an animal's care, welfare, safety, or behavior, including, but not limited to, damages and injury caused by the animal.

Removal of Animal

The University may take reasonable efforts, pursuant to Kentucky law, to remove an animal confined in a vehicle or a room on University property, tethered to University property, or loose on University property when there appears to be imminent danger to the animal or others due to inadequate care or safety conditions. The handler shall be responsible for any associated costs, including damages caused by this action.

Animals referenced in this UAR are only permitted on University property for as long as the handler is present on University property or resides in a University residential area. Should the handler no longer be present or reside on University property, the animal will be considered abandoned and the University expressly reserves the right to remove the animal from University property and into the care of local authorities.

Exceptions to UAR

This UAR does not apply to animals that are on campus and used in University sponsored or approved research, teaching, or testing; animals associated with University Agricultural Science and Veterinary Technology Programs; animals specifically brought to campus through University agreements with third parties which are by agreement excepted from this regulation; animals performing law enforcement activities; animals associated with University-sponsored events, shows, or competitions featuring animals; or animals specifically permitted as a condition of an employee's contract or housing agreement.

DESCRIPTION (CONTINUED):

Classification Specific Rules and Regulations

I. Service Animals

Presence on University Property

Service animals are permitted in all indoor and outdoor areas of University property in which the handler has permission to be. Service animals are also permitted to accompany the handler during transport in University vehicles. As an exception, service animals may be excluded from University property if the presence of the animal would compromise a sterile facility or from places where the animal could be in danger. Examples of such areas include, but are not limited to, food service kitchens, clinical facilities, labs, and swimming pool.

Care and Control

Service animals must be accompanied by, and under the control of, the handler at all times. As an exception, service animals are not required to be under the control of the handler while present in the handler's residential area or if the handler's roommates are present in the residential area.

Proof of Disability and/or Accommodation

A person with a disability is not required to provide documentation or license, have an accommodation on file, or receive prior approval by the University in order to be accompanied by a service animal or for a service animal to reside with the handler in a University residential area. Yet, if a service animal will reside with an individual in a University residential area, the person with a disability must provide advance notice to the Office of Student Housing prior to the animal's arrival.

Inquiries Regarding Animal Classification

When it is not readily apparent that an animal is trained to do work or perform tasks for an individual with a disability, employees may only ask two questions to determine whether an animal is a service animal. Those questions include:

- (1) Is the service animal required because of a disability?
- (2) What work or task has the service animal been trained to perform?

University employees are prohibited from otherwise asking about the person's disability, requiring medical documentation, or requiring special identification or training for the service animal.

Removal of Service Animal

The University expressly reserves the right to remove a service animal from University property if (1) the animal is out of control and the animal's handler does not take effective action to control it; (2) the animal is not housebroken; or (3) the animal poses a direct threat to the health and safety of others. If a service animal is removed from University property, this removal shall, in no way, limit or impair the right of an individual with a disability to participate in any University service, program, or activity in which they would otherwise be permitted to participate. Individuals with the authority to remove a service animal from University property include University vice presidents, dean of students, provost, director of athletics, director of housing, farm manager, and University police.

DESCRIPTION (CONTINUED):

II. Service Animals in Training

The University permits the presence of Service Animals in Training (SAITs) on University property, pursuant to KRS 258.500. The handler of a SAIT must have in their personal possession identification verifying that they are a trainer of the SAIT. SAITs are permitted the same access to University property and subject to the same rules and regulations as service animals.

The University, in its discretion, may enter into agreements with a University recognized organization permitting the presence of Service Animals in Training on University property. The number of SAITs on University property and the conditions of the arrangement shall be set forth in the agreement. The University may also approve a student's or employee's SAIT who is in training for the student's or employee's own use.

III. Emotional Support Animals

Presence on University Property

Emotional Support Animals are permitted in the outdoor, publicly accessible, areas of University property in which the handler has permission to be. Unless permission has been granted by the University as a reasonable accommodation under section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act (ADA), ESAs are specifically prohibited from being present in University buildings, including, but not limited to, indoor common areas, dining facilities, classrooms, offices, laboratories, recreation facilities, or University vehicles.

ESAs in Residential Areas

Student requests for an ESA in University residential areas must be submitted to the Office of Disability Services and approved by the Disability Services Coordinator. If the request is granted, the requesting individual must complete an ESA Agreement with the Office of Student Housing prior to gaining access to the University residential areas with the ESA. ESAs are also permitted in the indoor non-residential areas of University property if in transit to and from the handler's residential area.

If faculty and staff reside on University property, their requests for an ESA in University residences must be submitted to the Office of Human Resources and approved by the Director of Human Resources. If the request is granted, the requesting individual must complete an ESA Agreement with the Office of Human Resources prior to gaining access to University residential areas with the ESA. ESAs are also permitted in the indoor non-residential areas of University property if in transit to and from the handler's residential area.

To qualify for an ESA in University residential areas, the requesting individual must show that he/she has a disability and the animal in question will provide some type of disability-related assistance or emotional support. The University shall require documentation of the individual's disability-related need for an assistance animal. Such documentation should (1) come from a physician, psychiatrist, clinical social worker, or other qualified mental health professional that provides care for the individual; (2) confirms the student has a disability; and (3) confirms the professional prescribes the animal as part of a treatment plan that alleviates symptoms or effects of the disability. Such documentation should also identify the kind of animal for which permission is being sought. Permission for an ESA is not transferable to another animal without proper and updated confirmation and documentation from the handler's healthcare provider. Poisonous and illegal animals are not permitted on University property or in University residential areas.

The University expressly reserves the right to restrict ESAs and the handler to certain residential buildings, require proof of vaccinations (i.e. KRS Chapter 258), require ESAs be spayed or neutered, and require purchase of a pet carrier for emergencies.

DESCRIPTION (CONTINUED):

ESA Request as a Student Accommodation

Student requests for an ESA as an accommodation pursuant to section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act (ADA) must be submitted to the Office of Disability Services and approved by the Disability Services Coordinator. The request will be processed through the University's section 504 and ADA procedures. If the request is granted, the requesting individual must complete an ESA Agreement with the Office of Disability Services prior to gaining access to University property with the ESA.

ESA Request as an Employee Accommodation

Faculty and staff requests for an ESA as an accommodation pursuant to section 504 of the Rehabilitation Act of 1973 and/or ADA must be submitted to the Office of Human Resources and approved by the Director of Human Resources. The request will be processed through the University's section 504 and ADA procedures. If the request is granted, the requesting individual must complete an ESA Agreement with the Office of Human Resources prior to gaining access to University property with the ESA.

Care and Control

ESAs on University property must be accompanied by and under the control of the handler at all times. ESAs in University residential areas can be left unattended but must be caged when the handler is not present. An ESA need not be restrained when in the handler's residential area if the handler or roommates are present. ESAs shall not be left alone for extended periods of time and should never be left overnight if the handler is not present.

ESA Emergency Contact

The University requires students, faculty, and staff with permission for ESAs in University residential areas have an emergency contact/foster for the ESA on file with the Office of Student Housing in the event the handler is unavailable or unable to adequately care for the animal.

The University requires students, faculty, staff, visitors, and guests with permission for ESAs on University property have an emergency contact/foster for the ESA on file with the University Police Department in the event the handler is unavailable or unable to adequately care for the animal.

If the University determines an ESA to be abandoned by its handler, the University expressly reserves the right to contact the local authorities for removal of the ESA to ensure its proper care.

Denial of Request

The University may deny an individual's request for an ESA on University property or in University residential areas if the animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation or the animal could cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation, or if the animal poses an undue financial burden on the University. Each request will be evaluated on a case-by-case basis, relying on objective evidence about a specific animal's actual conduct, not based on mere speculation or fear about the types of harm or damage an animal may cause or based on evidence about harm or damage other animals have caused.

DESCRIPTION (CONTINUED):

Revocation of Permission

The University expressly reserves the right to remove an ESA from University property or University residential areas if (1) the animal is out of control and the animal's handler does not take effective action to control it; (2) the animal is not housebroken; (3) the animal causes substantial property damage; (4) the animal creates an unmanageable disturbance or interference with the University or community; (5) the animal's health or safety is in danger; (6) the animal poses a direct threat to the health or safety of others; or (7) the animal's presence fundamentally alters the nature of the affected University operation(s). Individuals with the authority to remove an ESA from University property include University vice presidents, dean of students, provost, director of athletics, director of housing, farm manager, and University police.

IV. Pets

Presence on University Property

Pets are permitted in the outdoor, publicly accessible, areas of University property in which the handler has permission to be. Pets are not permitted in outdoor areas of University property with restricted access. Pets are not permitted in indoor areas of University property or in University vehicles unless expressly permitted in accordance with the Office of Student Housing policies or permitted as a condition of a University employee's contract and/or housing agreement. As an exception to this rule, University students, faculty, and staff are permitted to have a small fish aquarium and fish in the individual's dorm room or office. For safety and sanitation concerns, fish must be contained in aquariums with a capacity of 10 gallons or less.

Care and Control

Pets must be accompanied by and under the control of the handler at all times and are prohibited from running at-large. Pets permitted in indoor University residential areas by the Office of Student Housing must be caged when the handler is not present.

Revocation of Privilege

The University expressly reserves the right to restrict any and all pets from University property at any time and for any reason. Individuals with the authority to restrict or revoke such privilege include University vice presidents, dean of students, provost, director of athletics, director of housing, farm manager, and University police.

Questions, Concerns and/or Complaints

Questions, concerns, and/or complaints regarding animals belonging to students shall be made to the Office of Student Affairs. Questions, concerns, and/or complaints regarding animals belonging to faculty and staff shall be made to the Office of Human Resources. Questions, concerns, and/or complaints regarding animals belonging to guests or visitors shall be made to the University Police Department.

Noncompliance with UAR Rules and Regulations

Failure to comply with the rules and regulations outlined in this UAR may result in an animal's ban from University property; such a ban may be for a specified time period or permanently. Violation of this UAR may also subject an individual to discipline in accordance with applicable University policies and regulations and the Student Code of Conduct. Additionally, if an animal is found to be falsely characterized as a Service Animal, Service Animal in Training, or an Emotional Support Animal, an individual may be found to be in violation of local, state, and federal laws.