

Title: **Service-Emotional Support Animals on Campus**

Effective Date: 04/06/2022

Applies to: **University Wide**

**Statement:** All individuals on university property are generally prohibited from bringing animals, including pets, into any buildings or other controlled areas on university property. However, individuals with disabilities are allowed to bring service animals and emotional support animals onto university property as defined and specified within. Refer to the Definitions section for additional requirements. **EXCEPTION:** Individuals bringing their pet(s) to the Pet Health Center for treatment are allowed on campus, subject to compliance with Sections III and IV of this policy.

**Purpose:** To provide guidance on implementing the rules and regulations concerning employees, affiliates, students, and visitors bringing animals on university property.

**I. Related Information:**

A. **Service Animals:** WesternU permits the use of trained service animals assisting people with disabilities (e.g., visitors or others) on its campus in areas open to the public consistent with the provisions of this policy and applicable law.

B. **Permitted Inquiry:** University staff are allowed to make the following inquiries to determine whether an animal qualifies as a service animal:

1. Is the animal required because of a disability?

2. What work or task has the animal has been trained to perform?

a) *Admission of a service animal may be denied if an individual answers "No" to the question: "Is the animal required because of a disability".*

*Additionally, admission may be denied if the individual is unable to describe any work or task that the animal has been trained to perform.*

b) *If the individual answers "Yes" to being a service animal and/or describes the work or task that the animal has been trained to perform, staff should offer any appropriate assistance needed with way-finding, etc. Staff should not limit the service animal's access in any way except where specified below.*

With respect to these inquiries, staff should not ask about the person's disability, require medical documentation, require special identification card or training documentation for the animal or ask that the animal demonstrate its ability to perform the work or task.

C. **Permitted Access:** A service animal is generally permitted to be on university property in any place where the animal's handler is permitted to be, although there are specific locations and activities on university property where all animals are prohibited for health and safety reasons (e.g., where the animals may be in danger or where their use may compromise the integrity of research/service). These areas may include, but are not limited to, the following ([ADA 2010 Revised Requirements: Service Animals](#); [Guidance for Handlers of Service and Therapy Animals | Healthy Pets, Healthy People | CDC](#)):

1. Operatory Suites where medical gases are in use, (e.g., the Dental Center, Pet Health Center's OR suite);
2. Treatment Rooms in the Foot and Ankle Center;
3. Wound Care Center;
4. Central Processing Department in the Dental Center;
5. Gross Anatomy Labs, including but not limited to the Human and Animal Lab; and
6. Research Labs where toxic chemicals or fumes are being used or are present.

II. **Service Animals:** Members of campus community and visitors are prohibited from interfering in any way with a service animal or the duties it performs.

A. **Care of a Service Animal during a prolonged procedure:** If any campus community member or visitor requires a prolonged procedure in the Pomona, CA Patient Care Center is going to occur, information should include discussion for the care of the service animal prior to the procedure appointment. If the procedure is going to take place in a prohibited area, as listed above, the owner must make animal care arrangements. The owner has the option of boarding the animal at the WesternU Pet Health Center (only on the Pomona campus), for a fee.

B. **Students with Service Animals:** Students who use service animals are recommended to contact <sup>HF</sup>CDHP to register as a student with a disability. Additionally, <sup>HF</sup>CDHP may request proof of vaccinations if required by state and local laws.

C. **Service Animal in Training:** University Staff may not:

1. Ask an individual about the nature or extent of a disability that the individual has or may have;
2. Require an individual to provide documentation proving that an animal is an assistance animal or a service animal in training; or
3. Notwithstanding any fee or admission charge imposed for pets, require that a person with a disability or an assistance animal trainer pay a fee or admission charge for an assistance animal or service animal in training.

A person with a disability or a service animal trainer must maintain control of a service animal or service animal in training. Except as provided in this subsection, control shall be exerted by means of a harness, leash, or other tether. If the use of a harness, leash or other tether would interfere with the ability of the animal to do the work or perform the tasks for which the animal is trained or is being trained, control may be exerted by the effective use of voice commands, signals, or other means. If an animal is not under control as considered in this subsection, the university may consider the animal to be out of control.

**III. Emotional Support Animals:** Emotional support animals are not typically trained to perform specific jobs or tasks.

A. **Students and Emotional Support Animals:** Federal law requires the reasonable accommodation of an emotional support animal in a university owned residence hall or campus apartment. WesternU does not own residence halls or provide campus housing for students. Consequently, students are generally not permitted to bring emotional support animals on campus or to clinical rotation sites. Students may contact <sup>HF</sup>CDHP for additional information.

B. **Employees and Applicants for Employment and Emotional Support Animals:** Emotional support animals may be designated as a reasonable accommodation for a documented disability and must be arranged through Human Resources (HR) prior to bringing the animal onto university property. These determinations are done on a case-by-case basis, and in accordance with applicable laws and regulations. Employees should contact HR to obtain additional information regarding the criteria.

Prior to allowing an employee to have an emotional support animal, HR may require a letter from the employee's health care provider stating that the employee has a disability and explaining why the animal is necessary as an accommodation to allow the employee to perform the essential job functions and may require confirmation that the animal meets the minimum standards as defined by applicable law.

C. **Inquiries regarding Employees, Applicants for Employment with an Emotional Support Animal:** If an individual is unsure why an employee has an animal on campus, they may confirm with HR that this is an accommodation.

**IV. Responsibilities of Handlers:** The University is not responsible for the care, food or supervision of a service animal or an emotional support animal. While on university property, a service animal or an emotional support animal determined to be a reasonable accommodation must be under the full personal control of their handler at all times and subject to the following:

- A. Animals may not be left unattended at any time on university property. Note, a patient or visitor who uses a service animal need not personally care for the animal and may designate a family member or friend to care for the animal. However, that designated individual will be held to the provisions within in their handling of the service animal.
- B. A service animal shall have a harness, leash, or other tether. Exception: If the handler is unable to use a harness, leash or tether because of a disability, or the use of a harness, leash or other tether would interfere with the service animal's safe effective performance of work or tasks, the service animal must at least be under the handler's control (e.g., signals, voice control, or other effective means).
- C. Animals should be well cared for, hygienic and clean.
- D. Animals must be accompanied by the owner or the owner's designated responsible party at all times.
- E. Animals are not allowed to walk freely on university property.
- F. Animals may not be tied or tethered to any university property, including but not limited to buildings, railing, bike racks, fire hydrants, signposts, benches, and trees, and may not run loose anywhere on campus.
- G. Handlers must use designated areas on campus for waste relief and exercise of animals, as

appropriate.

- H. Handlers are responsible for the immediate cleanup and proper disposal of any waste created by the animal. If the handler fails to clean up after the animal or the animal causes damage to the property, the handler may be prohibited from bringing the animal onto university property. See Removal of Service or Emotional Support Animals below.
- I. Handlers must comply with all applicable laws and regulations for the presence of animals in public places as mandated by state or local ordinances (e.g., vaccination, licensure, animal health and leash laws).
- J. Handlers are responsible for educating others in the campus community on how to appropriately interact with the animal.
- K. Individuals with disabilities may be responsible for any damage caused by their animals and must take appropriate precautions to prevent property damage and injury.
- L. Damages may include but is not limited to fees for clean-up and disposal of animal waste or replacement and repair of university or other individuals' assets, including grounds, personal property and improvements.
- M. Animals must not be allowed to disrupt or interfere with university activities including but not limited to teaching, research, service, or administrative activities. Exception: If the service animal needs to be intentionally disruptive as part of their function (e.g., A service dog that barks in a classroom to alert its owner to medical issues will not be deemed sufficiently "disruptive" to exclude the animal as a fundamental alteration, if comparable noise from a person would be tolerated).
- N. If the animal is unruly or disruptive (e.g., not well behaved, housebroken, barking, allowed to wander in a classroom, etc.), or if the handler fails to maintain control of the animal, the handler must regain control immediately or remove the animal from university property. If the improper behavior continues or happens more than once, the handler may be prohibited from bringing the animal onto university property to be determined on a case-by-case basis by <sup>HF</sup>CDHP. See Removal of Service or Emotional Support Animals below.

**V. Removal of a Service or Emotional Support Animal:** The University may require an individual to remove a service animal, or an emotional support animal determined to be a reasonable accommodation from university property on an individualized basis and generally when one of the following conditions exist:

The animal is disruptive and not effectively controlled;

- A. The animal is not housebroken;
- B. The animal's presence, behavior or actions pose an unreasonable or direct threat to property and/or health and safety of others; and/or
- C. When the presence of the service animal would fundamentally alter the program, benefit, service, etc.
- D. In the event that the animal is being considered for removal and/or immediately removed or banned from campus (e.g., generally when there is an immediate health and safety concern), the University will engage in a good faith process, through <sup>HF</sup>CDHP, with the individual to determine if other accommodations will effectively allow the individual to participate in the program, service, or activity.
- E. In rare circumstances (e.g., direct threat or health and safety concerns), the University may have to initiate the separation of an animal from its owner, based on above. Staff must report the incident promptly to a supervisor and completing the online [Incident Report](#). The supervisor will then notify the University's Risk Management Department.

Note, any employee or student who brings an animal on campus and whose presence on campus is not in accordance with this policy may receive a directive from <sup>HF</sup>CDHP requiring the immediate

removal of the animal from the campus and/or ban of the animals' presence on campus. Failure to adhere to such a directive, may result in disciplinary action and/or sanctions.

**VI. Staff Etiquette towards Service and Emotional Support Animals:** Faculty, staff, students, visitors, and members of the general public should avoid doing the following:

- A. Petting an animal when you have not received permission to do so;
- B. Feeding an animal;
- C. Deliberately startling an animal; and
- D. Separating or attempting to separate an owner from their animal.

**VII. Pet Therapy Animal Events:** WesternU allows uses of pet therapy animals and handler teams at certain university events in accordance with the following requirements:

- A. Current registration with a recognized national Pet Therapy organization, (e.g., TDI) and ability to present on demand (and possible in advance) current proof of training of the animal(s), credentials of the handler and registration. If any of this documentation does not meet this criteria, the animal and its handler can be prohibited from coming on campus while providing therapeutic services.
- B. During the event the animal wears visual identification, (e.g., vest, ID badge).
- C. Animal and handler have been invited to a University sanctioned event.
- D. The team is accompanied by a designated WesternU employee.
- E. Authorization to enter specific locations within campus buildings including dates, times, and specific rooms, may be required prior to the animal/handler team's arrival.
- F. Compliance with Animals on Campus Policies and Procedures as applicable.
- G. Animals cannot be taken to offices or classrooms if they are no longer "working" at a university sanctioned event.
- H. The University is not responsible for the care, food or supervision of any pet therapy animals utilized in approved events. Pet therapy handler(s) and/or team is expected to maintain full control over the animals and incur/cover any resulting liability and/or damage caused by such animals. Note: Any other desired use of a pet therapy animal must be permitted through HFCDHP prior to the animal being on campus. See Emotional Support Animals above.

**VIII. Appeals or Grievances:** Any individual who feels that he or she has been unfairly denied the ability to bring a service animal onto university property, or who feels that he or she has been unfairly denied the ability to have an emotional support animal in the workplace, may file a grievance with HFCDHP. The grievance procedure can be found at:

<https://www.westernu.edu/cdhp/grievance-procedures/>

**IX. Individual Objections to the Presence of Service or Emotional Support Animals:**

- A. Employees or Students who possess an objection to the presence of a service or emotional support animal should contact HFCDHP to discuss their concerns. Objections could be based on conflicting health conditions (e.g., respiratory diseases, asthma, or severe allergies), religious grounds, phobias, or other psychological problems with animals. HFCDHP will work to reasonably accommodate individuals with a legitimate grounds for objection to ensure that both individuals are adequately accommodated, as appropriate.
- B. Visitors or others who possess an objection to the presence of a service or emotional support animal during their time on campus should notify Campus Security to discuss their concerns. Staff will take reasonable steps to address the concerns while also ensuring that all reasonable modifications are made without regard to disability, such that handlers aren't

disproportionately asked to relocate. Staff is expected to follow standard infection prevention and control as well as environmental surface cleaning procedures following visitation by a service animal.

**X. Exclusions:** This policy does not apply to animals used in classes on campus, based on requests by faculty for such use. Non-research animals used in classes require prior permission from the academic unit head, Dean and Risk Management.

A. This policy does not apply to animals used in police or search and rescue operations on university property.

B. This policy does not apply to animals trained for and used in a clinical therapeutic setting on campus, such as through the on-campus EAP counselors.

C. This policy does not apply to animals used in approved university research.

**XI. Reporting potential violations by Employees or Students:**

A. Potential violations of this policy may be reported to <sup>HF</sup>CDHP.

B. A report of a potential violation may result in a directive from <sup>HF</sup>CDHP requiring the immediate removal of the animal from the campus and/or ban of the animals' presence on campus during the assessment of the report.

C. Any employee or student determined to have violated this policy, including any <sup>HF</sup>CDHP directives, may be subject to discipline and/or sanctions, in accordance with University policies and procedures.

#### **Definitions:**

**Emotional Support Animals:** This term refers to animals who are not considered service animals under ADA. These animals include but are not limited to animals referred to as emotional support animals, therapy animals or comfort animals. This animal provides comfort or support for a person with a disability but does not have any individualized training to perform work or tasks.

**Handler:** A person with a disability who is the owner and user of a service animal or emotional support animal, or the owner or person bringing an animal onto university property.

**Pet:** Any animal that is not trained or employed as a service animal or emotional support animal by the handler.

**Pet Therapy Animals:** A Pet Therapy Animal and Handler teams are used to achieve specific physical, social, cognitive, and emotional goals with those undergoing this form of therapy. The animal and its handler have had extensive training and has completed certification requirements by a national organization such as Therapy Dogs International (TDI).

**Pet Therapy Animal Handlers:** An individual that is trained to accompany and control the animal during the therapy sessions.

**Service Animal:** A dog, and in some specific instances a miniature horse, individually trained to do work or perform tasks for the benefit of and to accommodate the functional needs of an individual with a disability (includes guide, signal, and psychiatric service animals). These disabilities include physical, sensory, psychiatric, intellectual, or other mental disabilities. Service animals are working animals and not considered pets. This includes an animal that is in training to become a service animal. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals. The work or task that the animal performs must be directly related to the individual's disability. Examples of such tasks include, but are not limited to, assisting those with low vision or total blindness in navigation; alerting individuals who are deaf or hard of hearing to the presence of people or objects; pulling a wheelchair or stabilizing a person's gait; retrieving items such as medicine or the telephone; recognizing and assisting during seizures; alerting individuals who may be experiencing flashbacks of emotional trauma; or providing stability for mobility purposes. In rare

circumstances, a miniature horse may serve as a service animal and will be handled on a case-by-case basis in accordance with criteria outlined under applicable laws and/or regulations.

**University Property:** For the purposes of this policy, university property includes all areas owned or controlled by the university, all work sites for university employees, all class sites for students, all event sites for university events and all other venues in which the university controls the site.

**Regulatory Information:**

- AAVMC Guidelines for Service Animal Access to Veterinary Teaching Facilities, August 2, 2019
- Americans with Disabilities Act (“ADA”) governs the use of service animals by individuals with disabilities.
- See 42 U.S.C. § 12.101, et. seq.; 28 C.F.R. Part 35, §§35.104, 35.136, See in particular: 28 C.F.R. Part36 §36. 101, 361.04 & 28 C.F.R. § 36.208.
- Americans with Disabilities Act: Service Animal [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)
- The California Department of Fair Housing and Employment regulations governs the use of assistive animals by individuals with disabilities in the workplace.
- Centers for Disease Control and Prevention: Guidelines for Environmental Infection Control in Health-Care Facilities, 2003.

**CA:** (c) Visually impaired or blind persons and persons licensed to train guide dogs for individuals who are visually impaired or blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or guide dogs as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336), and persons who are deaf or hard of hearing and persons authorized to train signal dogs for individuals who are deaf or hard of hearing, and other individuals with a disability and persons authorized to train service animals for individuals with a disability, may take dogs, for the purpose of training them as guide dogs, signal dogs, or service animals in any of the places specified in subdivisions (a) and (b). These persons shall ensure that the dog is on a leash and tagged as a guide dog, signal dog, or service animal by identification tag issued by the county clerk, animal control department, or other agency, as authorized by Chapter 3.5 (commencing with Section 30850) of Division 14 of the Food and Agricultural Code. In addition, the person shall be liable for any provable damage done to the premises or facilities by his or her dog.

**OR:** A place of public accommodation or of access to state government services, programs or activities may not:

- (a) Ask an individual about the nature or extent of a disability that the individual has or may have;
- (b) Require an individual to provide documentation proving that an animal is an assistance animal or an assistance animal trainee; or
- (c) Notwithstanding any fee or admission charge imposed for pets, require that a person with a disability or an assistance animal trainer pay a fee or admission charge for an assistance animal or assistance animal trainee.

**Responsible Department:** Harris Family Center for Disability and Health Policy

**Title:** Associate Director of <sup>HF</sup>CDHP

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