



### **Assistance Animal Policy**

If an animal does not qualify as a service or emotional support animal under the provisions of this policy, then in order for a student to live with the animal in University-owned housing it must qualify as a permissible pet under the University's pet policy (see <http://sites.jcu.edu/deanofstudents/pages/community-standards/residence-life-2>).

#### **Statement of Purpose:**

- To provide reasonable accommodations to students, employees and visitors with disabilities that give them the opportunity for equal access to educational programs, activities and services provided by the University via use of a service animal on campus or an emotional support animal in University housing. Reasonable accommodations will be evaluated on a case-by-case basis.

#### **I. Definitions**

- **Disability**: a mental or physical impairment that substantially limits one or more major life activity such as seeing, talking, walking, hearing, breathing, working and learning. (Americans with Disabilities Act 42 U.S.C. Section 12102, Fair Housing Act 42 U.S.C. Section 3602).
- **Service Animal**: a dog (or in rare cases a miniature horse) that is individually trained to do work or perform tasks for a person with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Service animals do not include:
  - Animals other than a dog/minature horse;
  - Animals that serve solely to provide a crime deterrent effect; or,
  - Emotional support, comfort or companionship animals.
- **Emotional Support Animal**: an animal that provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. These animals need not be specially trained, and may be of any species or breed unless otherwise prohibited by state or local ordinances.
- **Reasonable Accommodation**: a modification or adjustment to a policy, procedure, or practice provided to a qualified person with a disability to enable that person to participate in educational programs and activities, perform the essential functions of their job, access JCU facilities or events, or have equal access to University housing.

#### **II. Service Animals**

- **Policy**
  - The University will permit any student, employee, or visitor to use a service animal on campus in all areas of campus that are public accommodations, including inside academic or public buildings or residence halls.

- If it is not readily apparent that an animal is a service animal, University staff may inquire into only these two questions:
  1. Whether the animal is required because of a disability; and,
  2. What work or tasks the animal is trained to perform.
- The University will not require documented proof that the animal is a service animal, ask about the person's disability, or require medical documentation of the person's disability.
- Although service animals are permitted in areas of public accommodation on campus without registration, anyone who wishes to live in University housing with their service animal must apply for an accommodation through the Services for Students with Disabilities Office (216-397-4967). The purpose of the accommodation process is to coordinate the presence of the service animal in University housing with Residence Life staff and plan for issues such as identifying waste disposal areas and roommate allergies. The request will be considered a request for accommodation and will be evaluated on a case-by-case basis.
- Rights and Obligations
  - Service animals need not wear anything that identifies them as a service animal, unless they are a service animal in training.
  - Service animals must be under the physical control of their owner by way of a harness or leash, unless the person is unable to hold the animal or use of a leash or harness interferes with the animal's ability to perform the task for which it was trained, in which case the animal must be under the owner's control by way of verbal commands or other non-physical restraints.
  - The service animal or service animal in training must be housebroken.
  - The owner is responsible for cleaning up after the animal and properly disposing of waste.

### **III. Emotional Support Animals**

- Policy
  - A student may apply for a reasonable accommodation to have an emotional support animal reside in their University residence hall room or housing unit. This request will be considered a request for accommodation and will be considered on a case-by-case basis.
  - Emotional support animals must remain in the student's dwelling unit, except for necessary trips outside.
- Application Process
  - A student wishing to have an emotional support animal in University housing should submit an accommodation request to the Services for Students with Disabilities Office (216-397-4967) as far in advance as possible. The request must:
    - Include documentation as to the applicant's disability from a licensed health care provider;

- Describe the accommodation necessary for the applicant to enjoy and use the dwelling (including the species, breed and size of the animal);
- Specifically describe an identifiable nexus between the applicant's disability and the services that the animal provides.
- University staff will consider other relevant factors in determining the reasonableness of the accommodation including:
  - Allergies of other residents;
  - Willingness of roommates to live with the animal;
  - Phobias of other residents;
  - Safety and compliance with local law;
  - Undue financial or administrative burden on the University; and,
  - Any evidence of the animal's prior destructive or disruptive nature.

#### **IV. Rights, Obligations and Exceptions**

- All animals on campus must conform to state and local animal ordinances concerning vaccinations and registration.
- The animal's owner, not the University, is responsible for the animal's care and maintenance.
- Although the University will not charge a deposit to disabled persons who wish to have their service or emotional support animal on campus, the owner will be liable for damage the animal may cause to the personal property of others, including University property.
- The University may require the removal of a service or emotional support animal if:
  - The animal is out of control and the owner takes no action to control it;
  - The animal is not housebroken or the owner fails to clean up and dispose of waste properly; or,
  - The animal poses a threat to the health or safety of others.

#### **V. Community Guidelines**

- Do not ask an individual with a service or emotional support animal for details about their disability.
- Do not pet, feed, tease, taunt, or deliberately startle a service or emotional support animal.
- Allow service animals to accompany people with disabilities on campus so as to allow them an equal opportunity to access educational programs, activities and services provided by the University.
- Do not deliberately separate a disabled person from their service or emotional service animal.