

# Animals on Campus

Policy 303.24

## 1 Introduction

1.1 Members of the Appalachian State University ("ASU" or the "University") community and others often wish to bring animals onto University grounds and into University buildings for a variety of reasons and purposes. The circumstances under which animals may be permitted access to campus grounds and facilities are the subject of federal, state, and local law, as well as University policy considerations. It is the purpose of this policy to articulate the conditions under which animals may or must be permitted access to University grounds and facilities. The classes of animals covered by this policy include:

1. Service Animals/Assistance Animals (including Service/Assistance Animals in Training)
2. Therapy Animals
3. Emotional Support Animals/Comfort Animals
4. Law Enforcement Agency Animals
5. Search and Rescue Animals
6. Laboratory Animals Used for Teaching and Research
7. Domestic Animals
8. Feral or Wild Animals

## 2 Scope

2.1 This policy applies to all persons who wish to bring animals onto campus, as well as to those whose job duties involve interactions with such persons and/or their animals.

## 3 Definitions

### 3.1 Direct Threat

Means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 C.F.R. § 35.104.

### 3.2 Domestic Animal

Means an animal that is a member of a species that normally and customarily shares human habitat in Watauga County, and is normally dependent on humans for food and shelter in the county, including dogs, cats, and other common domestic animals, but not including feral or wild animals as defined herein.

### 3.3 Emotional Support Animal (or "Comfort Animal")

Means an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process, e.g., in alleviating the symptoms of that individual's disability. An emotional support animal does not assist a person with a disability with activities of daily living, and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal." 28 C.F.R. § 35.104.

### 3.4 Feral or Wild Animal

Means a non domesticated animal that has been found in the wild, or is in the wild state.

### 3.5 Human Intervention

Includes, but is not limited to, attracting, feeding, or watering animals, building shelters for animals, and injecting medication.

### 3.6 Law Enforcement Agency Animal (or Patrol Animal)

Means an animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties. N.C.G.S. § 14-163.1(a)(2).

### **3.7 Person with a Disability**

Means a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. 28 C.F.R. § 35.104.

### **3.8 Service Animal**

Means an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a Service Animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 28 C.F.R. ' 35.104.

### **3.9 Search and Rescue Animal**

Means an animal that is trained and may be used to assist in a search and rescue operation. N.C.G.S. § 14-163.1(3a).

### **3.10 Service Animal in Training**

Means an animal that is being trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

### **3.11 Therapy Animal**

Means an animal that:

1. has received training appropriate for animal assisted therapy ("AAT") as evidenced by receipt of the Canine Good Citizen ("CGC") certificate from the American Kennel Club (AKC), or registration by a national Therapy Animal organization, such as the Delta Society or Therapy Dogs International; and
2. is used by a health care or mental health professional in a therapeutic setting. A Therapy Animal is not a Service Animal.

## **4 Policy and Procedure Statements**

### **4.1 Animals on University Grounds – General Policy**

4.1.1 All animals brought onto University grounds must be under the control of the owner/handler at all times, and must be restrained by a leash or other appropriate device that does not exceed 6 feet in length.

Note: As discussed below, a service animal need not be on a leash or other device if "either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means)." 28 C.F.R. § 35.136(d).

4.1.2 All animals brought onto University grounds must be licensed and fully inoculated in accordance with Watauga County regulations, if such licensing is required by Watauga County, with the burden of proving licensure and inoculation status on the owner/handler.

4.1.3 Fecal matter deposited (whether on University grounds or in a University building or other facility) by any animal brought to campus must be removed immediately and disposed of properly by the owner/handler. The burden is on the owner/handler to arrange for removal of fecal matter if he or she is personally unable to perform the task.

4.1.4 The University may remove or require the removal of any animal that poses a direct threat to the health or safety of others, is not housebroken, or otherwise disrupts the uses to which campus grounds or facilities are put.

4.1.5 Animals found tethered, unattended, or abandoned may be humanely impounded in accordance with applicable laws and regulations. Animals that are tethered, unattended, or abandoned on campus should be reported to University Police (ext. 2150).

4.1.6 Animals may be confined in vehicles parked on campus for a reasonable period of time as long as the animal is not endangered and does not endanger others or create a public nuisance. In the event of endangerment to the animal or others, or

public nuisance, the animal's handler or owner is subject to citation and the animal may be humanely impounded. Animals confined in vehicles on campus that appear to be in distress or otherwise endangered, or that are endangering others or creating a nuisance, should be reported to University Police (ext. 2150).

4.1.7 If any aspect or circumstance of the condition, health, or behavior of any animal on campus is deemed by the University to be a threat to the health or safety of any member of the campus community or to any other animal, then that animal may be removed from campus in any manner deemed necessary by University officials. Such action may be taken even if the animal posing a threat would otherwise be permitted on campus under this Policy. Animals on campus whose condition, health, or behavior appears to present a threat to the health or safety of any member of the campus community or to any other animal should be reported to the University Police (ext. 2150).

4.1.8 Except as otherwise provided in this Policy, animals may not enter any: (a) campus building, including all residence and non residential buildings; (b) enclosed or delineated outdoor athletic or recreational facility; or (c) officially reserved or scheduled outdoor event on campus.

Note: As discussed in more detail below, animals not prohibited from entry under this provision include: (a) Service Animals or Service Animals in Training accompanying a person with a disability or an authorized Service Animal trainer; (b) Therapy Animals in the therapeutic setting accompanied by the appropriate health care or mental health professional; (c) Emotional Support Animals in the owner's treatment setting; (d) Law Enforcement Agency animals under the control of a law enforcement officer; (e) Search and Rescue Animals under the control of appropriate personnel; and (f) Laboratory Animals in an appropriate research or teaching setting and under the control of appropriate University personnel.

## **4.2 Service Animals (including Service Animals in Training)**

4.2.1 The Americans with Disabilities Act ("ADA") provides that businesses and other entities that serve the public must allow people with disabilities to bring their Service Animals into all areas of the facility where customers or other members of the public are normally allowed to go.

4.2.2 North Carolina law imposes a similar requirement, and further provides that a person with a disability has "the right to keep his or her Service Animal on any premises the person leases, rents, or uses."

1. A residence hall room would be a premise the person leases, rents, or uses.
2. A person with a disability "qualifies for these rights upon the showing of a Service Animal Permanent Registration tag," or if the person affirms that "the animal is required because of a disability" and explains "what work or task the animal has been trained [or is being trained] to perform."

4.2.3 A Service Animal in Training may be brought into the premises of entities that serve the public "for the purpose of training when the animal is accompanied by a person who is training the service animal and the animal wears a collar and leash, harness, or cape that identifies the animal as a service animal in training."

4.2.4 A Service Animal is not a pet.

4.2.5 If an individual's need for a Service Animal and the qualifications of the animal are not obvious, the individual may be asked: (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been individually trained to perform.

4.2.6 Individuals with disabilities shall be permitted to be accompanied by their Service Animals in all areas of the University's grounds and facilities where members of the public, participants in services, programs or activities, or invitees are allowed to go. 28 C.F.R. § 35.136(g).

4.2.7 A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). 28 C.F.R. § 35.136(d).

4.2.8 A Service Animal may be excluded from campus, classrooms, or other facilities, when:

1. the animal's behavior poses a direct threat to the health or safety of others;
2. the animal is out of control and the animal's handler does not take effective action to control it;
3. the animal is not housebroken; or
4. the animal's behavior fundamentally alters the nature of the programs, services, facilities, privileges, advantages, or accommodations at issue.

4.2.9 If a Service Animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the Service Animal on the premises. 28 C.F.R. §

35.136(c).

4.2.10 The University is not responsible for the care or supervision of a Service Animal. Accordingly, if a person with a disability remains on the premises after his or her Service Animal is properly excluded, it is that person's responsibility to make arrangements for the animal's care and supervision.

4.2.11 An individual with a disability will not be required to: (1) pay a surcharge related to the use of a Service Animal, even if people accompanied by pets are required to pay fees; or (2) comply with other requirements generally not applicable to people without pets.

4.2.12 In circumstances in which the University normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her Service Animal. A person with a disability who brings a Service Animal onto University property "has all the responsibilities and liabilities placed on any person by any applicable law when that person owns or uses any animal, including liability for any damage done by the animal." N.C.G.S. § 168-4.4.

4.2.13 Use of a Service Animal must comply with ADA regulations and other applicable law.

4.2.14 It is a Class 3 misdemeanor under North Carolina law [N.C.G.S. § 168-4.5]:

1. "to deprive a person with a disability or a person training a service animal of any rights granted the person" under the laws applicable to persons with disabilities, or "of any rights or privileges granted the general public with respect to being accompanied by animals"; or
2. "to charge any fee for the use of the service animal."

4.2.15 It is also a Class 3 misdemeanor "to disguise an animal as a service animal or service animal in training." N.C.G.S. § 168-4.5. In other words, it is a crime under North Carolina law to attempt to obtain access for an animal under the false pretense that it is a Service Animal.

### **4.3 Therapy Animals**

4.3.1 A Therapy Animal trained for Animal Assisted Therapy ("AAT") may be brought into appropriate University health care or mental health facilities to work with its trained owners/handlers to provide service in conjunction with a University-approved program in one or more therapeutic settings, provided that:

1. Each owner/handler:
  1. Provides to the University documentation of the training for the Therapy Animal as demonstrated by attainment of the Canine Good Citizen ("CGC") title through the American Kennel Club ("AKC") or registration with a therapy dog organization.
  2. Provides to the University documentation showing that the owner/handler has obtained and maintains liability insurance coverage protecting the University from claims arising out of the presence and utilization of the Therapy Animal and has obtained approval for the presence and use of the Therapy Animal from appropriate University officials.
  3. Executes an Animal Assisted Therapy - Owner/Handler Agreement, waiving claims against the University with respect to any injuries (including death) sustained by the Therapy Animal during the time the Therapy Animal is on campus for working with its owner/handler to provide service in conjunction with a University-approved program in one or more therapeutic or educational settings.
2. Each patient who reasonably may be expected to come into contact or proximity with a Therapy Animal is advised in advance that the Therapy Animal will be present and consents in writing to the presence and, if applicable, the use of the Therapy Animal in that patient's treatment. The consent document [Animal Assisted Therapy Participation Agreement] will include a waiver of claims against the University related to the patient's interaction with the Therapy Animal.

4.3.2 Except in circumstances described in Section V.A.4, below, a Therapy Animal is not permitted in campus facilities other than the health care or mental health facilities in which the Therapy Animal will be utilized.

4.3.3 A Therapy Animal may be brought into campus facilities other than health care or mental health facilities when the Therapy Animal will be utilized in an educational program designed to educate others about mental health issues and treatment if: (a) the owner/handler obtains the consent of the administrator responsible for the facility; (b) potential attendees are given at least five days advance notice that a Therapy Animal will be present in the facility; and (c) the Therapy Animal is under the control of the owner/handler at all times, and is restrained by a leash or other appropriate device that does not exceed 6 feet in length.

4.3.4 A Therapy Animal is not a Service Animal or an Emotional Support Animal.

### **4.4 Emotional Support Animals/Comfort Animals**

4.4.1 An Emotional Support Animal is not a Service Animal or a Therapy Animal, and an Emotional Support Animal need not have specialized training.

4.4.2 An Emotional Support Animal may not reside in University housing without the approval of relevant University officials.

4.4.3 A student person requesting permission to have an emotional support animal in his or her on-campus housing must provide the Office of Disability Services ("ODS") with appropriate documentation on or before the University Housing Application Deadline.

4.4.4 The ODS requires such advance notice in order to gather, review, and verify the necessary documentation, which includes, but is not limited to: verification of a disability, the determination of any conflicting disabilities in the immediate vicinity where the animal will be housed, and verification of all vaccinations and the health of the animal including all the necessary licensing. If documentation is immediately available, the time for the approval process may be shortened.

4.4.5 Documentation of the need for an emotional support animal should include a signed letter, on professional letterhead, from the person's physical or mental healthcare provider or licensed therapist. The provider or therapist should be familiar with the professional literature concerning the assistive and/or therapeutic benefits of Emotional Support Animals for people with disabilities. At a minimum, the letter should include the following items (template letter is provided at the end of this document):

1. The provider's diagnosis of the person's condition.
2. A clear description of the current impact and functional limitations resulting from the disability.
3. The provider's confirmation that the Emotional Support Animal has been prescribed for treatment purposes and is necessary to help alleviate symptoms associated with the person's condition and/or to help the person use and enjoy university housing services.
4. The provider's description of the service(s) that the animal will provide.
5. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.

4.4.6 ODS staff will review documentation and, if ODS staff determines that a qualifying disability exists, ODS staff will arrange a meeting with a university housing representative and the person requesting that an Emotional Support Animal be housed in university housing.

4.4.6 This policy will be carefully reviewed with the person at that time and an interactive dialogue will take place to determine whether or not the animal is a reasonable accommodation considering alternative accommodations and the impact of the animal on the university housing program.

4.4.7 The effect on others in the residential housing unit must be considered, including the potential effect on persons with allergies to animal hair or dander, as well as the willingness of roommates to share their housing with an animal. Depending on such considerations, an alternative housing assignment may be considered.

## **4.5 Law Enforcement Agency Animals**

4.5.1 A Law Enforcement Agency Animal may accompany a law enforcement officer onto campus grounds and into campus facilities, including into offices, dining, sales, and food storage areas, in the performance of the officer's official duties. 15A NCAC 18A .2633(g)(2).

4.5.2 The officer's use of the Law Enforcement Agency Animal shall comport with applicable constitutional and legal standards and requirements.

## **4.6 Search and Rescue Animals**

4.6.1 A Search and Rescue Animal may accompany its handler onto campus grounds and, if necessary, into campus facilities to assist in a search and rescue operation.

## **4.7 Laboratory Animals Used for Teaching and Research**

4.7.1 Laboratory animals are permitted on campus consistent with campus policies governing the use of laboratory animals:

1. [Appalachian State University Animal Resource Facility Users Manual](#)
2. See also Research Protections: [Institutional Animal Care and Use Committee](#)

## **4.8 Domestic Animals**

4.8.1 Domestic Animals may be brought to campus consistent with Section 4.1 (Animals on University Grounds).

## **4.9 Feral or Wild Animals**

4.9.1 Feral or Wild Animals that are not a risk and do not represent a hazard, cause property damage, or create a public

nuisance, and that do not require human intervention, may inhabit the campus grounds.

4.9.2 Feral or Wild Animals that are a potential risk, represent a hazard, cause property damage, create a nuisance, or otherwise pose a potential threat to the health or safety of humans will be regulated, controlled, and/or humanely relocated in accordance with applicable laws and regulations.

4.9.3 Feral or Wild Animals may not be brought into campus buildings.

4.9.4 No person may do anything to attract animals to campus nor may any person feed or set out food or water for animals on campus, or engage in any similar human interventions.

## **5 Additional References**

5.1 [Appalachian State University Animal Resource Facility User's Manual](#)

5.2 [Research Protections: Institutional Animal Care and Use Committee](#)

5.3 Animal Assisted Therapy Participation Agreement

5.4 Animal Assisted Therapy - Owner/Handler Agreement

## **6 Authority**

28 C.F.R. § 35.104; 28 C.F.R. § 35.136(c); 28 C.F.R. § 35.136(d); 28 C.F.R. § 35.136(e); 28 C.F.R. § 35.136(f); 28 C.F.R. § 35.136(g); 28 C.F.R. § 35.136(h); 28 C.F.R. § 36.302(a); N.C.G.S. § 14-163.1(a)(2); N.C.G.S. § 14-163.1(3a); N.C.G.S. § 168-4.2(a); N.C.G.S. § 168-4.2(b); N.C.G.S. § 168-4.4; N.C.G.S. § 168-4.5; 15A NCAC 18A .2633(g)(2).

## **7 Contact Information**

7.1 ASU Police [262- 2150]: General Policy; Law Enforcement Animals; Search and Rescue Animals;

7.2 Office of Disability Services [262-3056]: Service/Assistance Animals; Emotional Support/Comfort Animals

7.3 Counseling Center; Dr. Carol O'Saben [262-3180]: Therapy Animals

7.4 Institutional Animal Care and Use Committee; Chair: Dr. Jim Denniston [262-2297]: Laboratory Animals

## **8 Original Effective Date**

November 1, 2011

## **9 Revision Dates**