

# LINCOLN UNIVERSITY

<b>Policy:</b>	Pets/Animals on Campus
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## A. Introduction / Scope of Policy

Lincoln University's campuses, vehicles, events, and programs are, with exceptions set forth in this Policy, generally subject to a "no pets" restriction. The University, however, is strongly committed to creating and maintaining a welcoming and inclusive educational, working, and living environment that allows in accordance with federal and state laws—and subject to the conditions and rules set forth in this Policy—individuals to have animals defined below as "Service Animals," "Service Animals in Training," and "Emotional Support Animals," which under this Policy are not considered "Pets," on University Property.

As is explained below, "Service Animals" and "Emotional Support Animals" are subject to very different rules under this Policy, with the places where properly authorized Emotional Support Animals are permitted being much more limited, generally to the individual's assigned University housing room and immediate designated areas outside the building, than for Service Animals. It is the policy of the University that Service Animals assisting individuals with disabilities are generally permitted in all areas, facilities, vehicles, events and programs where the individual being assisted is permitted, with certain very limited exceptions consistent with federal law.

The University acknowledges the importance of the use of Service Animals and Emotional Support Animals on campus in compliance with applicable federal and state laws. On the other hand, the University also understands the health and safety risks potentially created by animals on campus, particularly in student housing situations. This Policy sets forth the roles and responsibilities of individuals bringing animals onto campus in an attempt to balance those important concerns.

This Policy applies to all individuals bringing an animal onto University property or vehicles or to University programs and events. Except as otherwise specifically provided in this Policy, individuals may not bring animals into or onto any: (1) campus building, facility, or University vehicle, including all offices, residences, and educational buildings; (2) University grounds, including but not limited to, outdoor athletic or recreational facility; or (3) officially reserved or scheduled programs or events of the University.

## B. Exclusions

This Policy does not apply to:

- Animals used in approved University research.
- Animals used in police, search, and rescue operations on University Property.
- Pets (defined below), to the extent permitted by lease, kept in single-family homes, with yard areas, provided on Campus by the University to Administrators, Fellows, and certain University Employees.

## C. Significant Applicable Laws

The Americans with Disabilities Act, *as amended* (“ADA”), 42 U.S.C. § 12101, *et seq.*, the Department of Justice regulations implementing Title II, subtitle A, of the ADA (28 CFR Part 35), among other federal laws, and Pennsylvania law, including the Pennsylvania Human Relations Act, 43 P. S. § 951 *et seq.*, govern the use of Service Animals by individuals with disabilities. The Fair Housing Act, *as amended*, (“FHA”), 42 U.S.C. § 3601, *et seq.*, governs the use of Emotional Support Animals by individuals with disabilities in housing. This Policy is to be interpreted consistently with the requirements of all applicable laws, as they may be amended.

## D. Definitions

For the purposes of this Policy the following definitions shall apply:

**Disability:** A “Disability” as used in the Policy is a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

**Emotional Support Animal or ESA:** An ESA is an animal that provides emotional support and comfort to individuals with psychiatric disabilities and other mental impairments, but which does not meet the definition below of a “Service Animal.” An ESA is typically a dog or cat, but may be another type of small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, such as a rabbit, hamster, gerbil, fish, and turtle. Consistent with federal guidance, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals for the purposes of this Policy.

**Handler or Owner:** means the owner of an animal or other individual bringing an animal onto University Property.

**Pet:** As used in this Policy, the term “Pet” means any animal that is not a Service Animal, Service Animal in Training, or ESA.

**Service Animal:** The term “Service Animal” as used in this Policy is intended to have the same meaning as is given to that term by the ADA and regulations thereunder, including 28 CFR § 36.104 (Definitions). It includes “any dog 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. Other species of animals, whether wild or domestic, trained or untrained, do not qualify as a Service Animal.

**Service Animal in Training:** A “Service Animal in Training” is an animal that is being individually trained to perform a specific task(s) for people with disabilities to become a Service Animal. They are already housebroken and have already been puppy trained to complete everyday tasks not related to a disability. The ADA and regulations thereunder do not apply to a Service Animal in Training, as opposed to an actual Service Animal.”

**University Property:** For the purposes of this Policy, “University Property” includes all buildings, grounds, areas, and vehicles owned or controlled by the University. It includes, without limitation, all workspaces of University employees, all class sites for students, all dormitories and other housing controlled, managed, and operated by the University, all sites for University events, and all other venues in which the University controls the site.

## **E. Policy Statement**

### **1. As to “Pets”**

Except as set forth in this Policy (including under the Exclusions in Section B above), or as required by applicable law, the University does not permit Pets on University Property.

### **2. As to “Service Animals”**

The ADA provides that persons with disabilities have the right to be accompanied by a Service Animal in places of employment, in government buildings with public access, on public transportation, and in places of public accommodation. Consistent with law, the University permits the use of a Service Animal, subject to the following narrow exceptions provided by law: (1) if the animal’s presence would fundamentally alter the nature of the University’s services, programs, or activities; (2) if the animal would pose a direct threat to the health and safety of others; or (3) if the animal was out of control or not housebroken.

Service Animals generally are permitted to accompany their Handler in any environment the Handler needs to access to perform the necessary tasks for which the Service Animal is trained, relative to the Handler’s Disability. Service Animals are generally allowed to accompany their Handlers anywhere their Handlers are permitted on campus (subject to the exceptions noted above).

Consistent with the ADA, Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal’s work or the individual’s Disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Students are not required to obtain approval from the University prior to bringing a Service Animal onto University Property. Staff cannot ask about the person’s Disability, require medical

documentation, require a special identification card or training documentation for the Service Animal, or ask that the Service Animal demonstrate its ability to perform the work or task. When it is not obvious what service an animal provides, staff may only ask two questions:

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

Students who need a Service Animal accommodation in class are asked, but not required, to notify the ADA Coordinator in the Office of Institutional Equity before classes begin by completing and submitting a ***Notification of Service Animal Form***. Such notification allows the University to make appropriate arrangements, to offer any necessary assistance prior to the student's arrival on campus, and to notify Public Safety of the animal's presence in the event of an emergency.

For students who need to have a Service Animal in student housing, the University asks that documentation be submitted 30 days before occupancy is to begin in on-campus housing and prior to occupancy in University Housing submit a signed ***Service Animal in University Student Housing Acknowledgment of Responsibilities*** to the ADA Coordinator in the Office of Institutional Equity.

Employees who need a Service Animal in connection with work should contact the Office of Human Resources for information on Service Animals as a workplace accommodation.

A Service Animal may be removed from a University facility or program if it poses a direct threat to the health or safety of others, including if the animal displays vicious behavior toward others. A Service Animal may also be excluded if it is disruptive and fundamentally alters the nature of the program or activity. Excessive barking by a Service Animal during a class or program is an example of disruption.

For Service Animals being used anywhere on University Property, the Service Animal must comply with all applicable Pennsylvania dog laws, including but not limited to those related to licensing, ID tags, vaccinations, and rabies. Service Animals must be on a leash at all times, unless impracticable or unfeasible due to the Handler's Disability. The Handler of a Service Animal must be in full control of the animal at all times. The care and supervision of a Service Animal is solely the responsibility of the Handler. The Handler is responsible for the immediate clean up and proper disposal of the waste of the Service Animal on University Property.

#### **Additional Responsibilities and Standards of Care by Handler of Service Animal Residing on Campus**

The following rules also apply with respect to Service Animals residing on campus:

- The Handler must provide appropriate food, water, and shelter for the animal.
- The animal cannot be cared for or left in the housing unit of another on-campus resident.

- The Handler cannot leave the animal unattended overnight or for an extended period of time beyond normal working/class hours.
- The Handler certifies that the animal is housebroken and crate trained. The Handler is responsible for sanitary clean-up measures.
- The Handler will not allow the animal to be neglected or abused.
- The Handler will not allow the animal to produce or raise offspring while on campus.
- The Handler will bear sole financial responsibility for the actions of the animal including damage that requires replacement of furniture, carpets, blinds, etc. The Handler is expected to cover all costs of returning the unit to the same condition it was in at move-in. This may include cleaning all carpets and furniture to remove pet odors, dander, hair, etc. This applies to all areas of the unit, common areas, outdoor landscaping, and other outside improvements. If items cannot be satisfactorily repaired, the Handler will be charged for the complete replacement.
- Permission to reside on campus with the Service Animal may be rescinded if the animal poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

### **3. As to Emotional Support Animals**

It is the policy of the University, consistent with law, including the federal Fair Housing Act, to provide a reasonable accommodation for a student with a disability who has a verifiable need for an ESA in University housing. A reasonable ESA accommodation is an exception to the University's general no Pet policy. An ESA accommodation only applies with respect to **housing**. The determination of whether an ESA will be permitted in University housing is made on a case by case basis, through an interactive process involving the individual requesting the accommodation. In all cases, the needs of the individual requesting the animal are balanced with the impact of the animal on others or the functioning of the University if such impact causes an undue hardship.

Unlike a Service Animal, an ESA is **not** permitted general access to places of public accommodation, including areas where students normally are permitted to go on University Property (such as, but not limited to, classrooms, sports venues, library, common areas, student lounges, laundry facilities, dining halls). An authorized ESA must be confined within the Handler's privately assigned student housing unit (*i.e.* the Handler's room or suite, not the common areas of the dormitory building within which that unit is located), except to the extent the student Handler is taking the ESA outside for natural relief within the designated area assigned by the University for the Handler to use for that ESA, or the Handler is transporting the ESA onto or off campus. When an ESA is outside of the student's housing unit, the ESA must be either controlled by a leash or harness or contained in an animal carrier.

### **Documentation and Approval Process Regarding ESAs (University housing):**

The student must first complete the Disability determination process through the Office of Accessibility Services as a prerequisite to any decisions about accommodations and services regarding an ESA in University housing.

Documentation of the need for an ESA should come from a reliable treating professional, and is to be submitted to the Office of Accessibility Services.

The documentation must be completed and signed by the reliable treating professional, and include the state in which the reliable treating professional is licensed, and must be dated within the last 6 months. Information written on a prescription pad is not an appropriate format for documentation.

The documentation must establish that the student has a Disability and that the specific animal will provide Disability-related assistance or emotional support. Moreover, it must include a clear photograph of the animal and a clear photography of the cage/crate that the animal will be kept in when the student is not with the animal in the residence hall.

Once required documentation has been submitted, as necessary and appropriate, Facilities, Public Safety and other staff, as well as potential or current roommates will be notified by the Office for Residence Life.

For students who need to have an ESA in student housing, the University asks documentation be submitted and approved before occupancy of the ESA is to begin in on-campus housing. Prior to occupancy with an ESA must submit a ***signed Emotional Support Animal in University Student Housing Acknowledgment of Responsibilities*** to the ADA Coordinator in the Office of Institutional Equity.

Students should note that housing options may be limited because the University must balance appropriate accommodations for students with disabilities with students who have allergies and/or animal fears. Advance notice of the need for an ESA is essential for the University to provide a smooth transition for the student and the rest of the community where the student will reside.

ESAs are not permitted in University facilities beyond the student's approved housing (e.g. libraries, academic buildings, classrooms, labs, student center, dining services, etc.). If a student is requesting an ESA be permitted in areas other than the student's dwelling unit and associated common areas, the student must contact the Office of Accessibility Services for accommodation (additional documentation may be required).

The University's approval, if granted, of an ESA is animal-specific and is only effective for the current term of the student's housing agreement. The University may conduct an individualized assessment of the requested animal, which may involve additional conversations with the student and/or a Reliable Treating Professional. The University may deny the request if the ESA is determined to be unnecessary or unreasonable.

An ESA's request is deemed unnecessary if a reasonable, less burdensome alternative accommodation exists or the requested animal does not meet the definition of an ESA.

A request for an ESA is unreasonable if it imposes an undue financial and/or administrative burden on the University; fundamentally alters University housing policies; poses a direct threat to the health and safety of others or would cause substantial property damage to the property of the University or others; and/or is otherwise unreasonable to the operation of the University.

The University generally does not approve wild, feral or exotic animals that pose a greater risk of attack or disease to the University community.

In determining whether a requested animal represents a reasonable accommodation, the University will consider a number of factors specific to the requested animal, including, but not limited to: the animal's size and disposition; whether the animal is housebroken; whether the animal's vaccinations are up-to-date; and if available, the animal's past behavior in University housing.

A student must follow the request process in this regulation when requesting a new or different animal, or when requesting the use of an ESA beyond the current term of the student's housing agreement.

Regarding ESA documentation submitted that appears to have been purchased from a website, federal guidance notes:

*Documentation from an internet source is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an assistance animal. - See U.S. Department of Housing and Urban Development ("HUD") Notice: FHEO-2020-01, p. 11.*

### **Additional Responsibilities and Standards of Care by Handler of ESA**

The following rules also apply with respect to ESAs residing on campus:

- ESAs must comply with all State and local animal laws and public health requirements, including but not limited to those related to licensing, ID tags, vaccinations, and rabies. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certification and proof of licensure.
- The Handler must provide appropriate food, water, and shelter for the animal.
- The ESA must be under the Owner/Handler's control at all times. The animal cannot be cared for or left in the housing unit of another on-campus resident or in the community space of another student or office of a faculty or staff member.
- The Owner is responsible for ensuring that the ESA does not unduly interfere with the routine activities of the residential area, including through excessive barking or other noise.

- The Handler cannot leave the animal unattended overnight or for an extended period of time beyond normal working/class hours.
- The Handler certifies that the animal is housebroken and crate trained. (No training pads allowed.) The Handler is responsible for sanitary clean-up measures.
- The Handler must ensure that the ESA is properly contained or restrained when the owner is not present during the day, and that the owner must remove the animal if it poses a direct threat to the health or safety of others, causes substantial property damage, or creates an unmanageable disturbance or interference with the university community.
- The Handler will not allow the animal to be neglected or abused.
- The Handler will not allow the animal to produce or raise offspring while on campus.
- The Handler must use only designated outdoor areas for the exercise and natural relief of the animal. The Handler must immediately clean up and properly dispose of animal waste in a safe and sanitary manner. All animal waste must be placed in a sturdy plastic bag and securely tied up before being disposed of in the appropriately labeled outside trash containers.
- All bathing/washing care of ESAs must take place outdoors in designated areas or off campus.
- The Handler will bear sole financial responsibility for the actions of the animal including damage that requires replacement of furniture, carpets, blinds, etc. The Handler is expected to cover all costs of returning the unit to the same condition it was in at move-in. This may include cleaning all carpets and furniture to remove pet odors, dander, hair, etc. This applies to all areas of the unit, common areas, outdoor landscaping, and other outside improvements. If items cannot be satisfactorily repaired, the Handler will be charged for the complete replacement.
- The student's living accommodation must be kept clean with no odors from the ESA. The student's living accommodation may be inspected for fleas, ticks, or other pests if necessary. If fleas, ticks, or other pests are detected through inspection, the living accommodation will be treated using approved fumigation methods by a University-approved pest control service. The student will be billed for the expense of any pest treatment above and beyond standard pest management in University housing. The University shall have the right to bill the student's account for unmet obligations under this provision.
- The ESA is permitted in University housing only as long as it is necessary due to the student's Disability. The student must notify the University, in writing, if the animal is no longer needed or is no longer in residence. To replace an ESA, the student must submit a new request to demonstrate that the new animal is necessary due to the student's Disability.



- The Handler must provide contact information for an off-campus alternative caregiver/emergency contact who will take responsibility of the ESA and remove it from campus should the Handler be unable to care for it (e.g. hospitalization, accident). The caregiver/emergency contact must reside OFF campus and must be available to remove the ESA in a timely manner appropriate for the animal species and needed care. The animal must be removed promptly.
- In the case of an emergency, the University is not responsible for evacuating the animal.
- The Handler is responsible for ensuring that the ESA is contained in a cage/crate when the Owner is not present during the day while attending classes or other activities. (The University may prohibit overly large cages/crates that cannot be reasonably accommodated in a normal size shared dorm room without causing an undue hardship or fundamentally altering the nature of the housing.)
- Permission to reside on campus with the ESA may be rescinded if the animal poses a direct threat to the health or safety of others or would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

#### 4. As to Service Animals in Training

Service Animals in Training are not protected under the ADA or other federal law. Service Animals in Training are protected under the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. § 953, for areas of public accommodation, housing accommodation, and commercial property only. Service Animals in Training are permitted to be in outdoor public areas to the same extent as Pets. It is the policy of the University to comply with the PHRA with respect to Service Animals in Training.

Because Service in Training do not have the same federally protected status as actual already trained Service Animals, they are under this Policy subject to similar rules and conditions as apply to Emotional Support Animals.

To begin the process to request a Service Animal in Training in University campus housing, the student must complete and submit a properly completed ***Application for Service Animal in Training in University Housing*** to the ADA Coordinator in the Office of Institutional Equity at least 30 days prior to the requested occupancy. The University in considering the application may also require veterinary verification that the Service Animal is healthy, and its vaccinations are current, as well as a description of the specific task(s) the animal is training to perform. Information may also be required regarding any organization from whom the Handler is doing the training. A Handler approved to have a Service Animal in Training in a University housing unit will be required prior to occupancy to execute and submit a ***Service Animal in Training in University Student Housing Acknowledgment of Responsibilities*** to the ADA Coordinator in the Office of Institutional Equity.

Handlers who are authorized to have a Service Animal in Training in University housing are subject to all of the same rules and restrictions set forth above in Section E(3) applicable to Emotional Support Animals.

## **F. Roommates & Conflicts Relating to Service Animals and ESAs**

A non-disabled roommate's subjective fear of animals and similar concerns generally are not valid reasons under the ADA for denying access to a disabled person using a Service Animal. When conflicts arise over Service Animals or ESAs between student roommates assigned to the same unit, the University will attempt to work with the residents to resolve the problem as efficiently and effectively as possible. It should be noted that generally, the person with the Service Animal cannot, by law, be required to relocate to accommodate the non-disabled person. Individuals with actual medical condition(s) that are affected by animals (*e.g.*, respiratory diseases, asthma, severe allergies) are asked to contact the ADA Coordinator if they have a health or safety-related concern about exposure to an ESA. The University will also provide reasonable accommodations for individuals with disabilities who will be impacted when living in proximity to ESAs.

## **G. Misrepresentations Regarding Service Animals and Emotional Support Animals**

Students who intentionally make misrepresentations to the University regarding this Policy, or misrepresent a pet or emotional support animal as a service animal or service animal in training will be investigated for fraud and dishonesty and may face disciplinary action. Please also be aware that under Pennsylvania law, including the Assistance and Service Animal Integrity Act, 68 P.S. § 405.5, a person commits the criminal offense of misrepresentation of an animal as an assistance animal or service animal if the person intentionally (1) misrepresents to another that the person has a disability or disability-related need for the use of an ESA or Service Animal in housing; or (2) makes materially false statements for the purpose of obtaining documentation for the use of an ESA or Service Animal in housing.

## **H. Violations**

Any student, staff, or faculty member with a prohibited or unapproved animal is subject to discipline under university appropriate procedures. Similarly, any student with a service animal or approved ESA who violates any provision of this policy is subject to discipline under the Student Code of Conduct that can result in consequences leading up to suspension. Discipline may also include the restriction or removal of the animal. Any violation of this policy by a service animal or ESA will be considered a violation by the owner/handler.

As a result of the violation, the University may ask an owner/handler to remove a service animal or ESA for violations of this regulation without initiating a disciplinary proceeding. The University may remove from campus property any animals that are prohibited, unapproved, or otherwise in violation of University policies, regulations or rules.

## **I. Grievance and Appeals**

Any University student who believes that they have been subjected to discrimination on the basis of disability or has been denied access or accommodations as related to service animals and ESAs may grieve or appeal pursuant to the Office of Institutional Equity.

Any University employee who believes that they have been subjected to discrimination on the basis of disability or has been denied access or accommodations as related to service animals and ESAs may grieve or appeal following the Office of Human Resources.

*The University reserves the right to change, amend, add to or delete in whole or in part the Pets/Animals on Campus Policy.*