

	<b>FGCU POLICY 4.013</b>	<b>Responsible Unit:</b> Office of Adaptive Services
	<b>Domestic Animals on University Property</b>	

## A. POLICY STATEMENT

The University prohibits domestic animals on University Premises except in limited circumstances. The University recognizes the importance of service and Emotional Support Animals to individuals with disabilities and has a policy regarding disability access and reasonable accommodation where Service Animals and Emotional Support Animals may be necessary to assist people with disabilities.

## B. REASON FOR POLICY

This Policy provides the requirements concerning individuals bringing animals on University Premises. The University seeks to balance the needs of the University and its mission with the needs of persons with disabilities requiring service or Emotional Support Animals. This Policy ensures that people with disabilities, who require the use of service or Emotional Support Animals as a reasonable accommodation, receive the benefit of the work or tasks performed by such animals or the support they provide.

## C. APPLICABILITY AND/OR ACCOUNTABILITY

This Policy applies to all individuals bringing an animal onto University Premises.

## D. DEFINITION OF TERMS

1. *Emotional Support Animal (ESA)*: Any animal, specifically designated by a qualified medical provider, that alleviates one (1) or more identified symptoms of an individual's disability. Such animal may afford an individual with a disability an equal opportunity to use and enjoy a dwelling, workplace, or other area, provided there is a nexus between the individual's disability and the assistance the animal provides. ESAs are not Service Animals.
2. *Handler*: An individual with a disability who is the owner and user, or trainer of a service animal or an ESA, or the owner or individual bringing an animal onto University Premises.
3. *Pet*: For purposes of this Policy, a Pet is any animal that is not a Service Animal or an ESA; or other animal brought onto campus for legitimate educational purposes or as part of an approved program as provided herein.
4. *Service Animal*: Any dog that is individually trained to do work or perform tasks for the

benefit of an individual with a disability. In certain limited circumstances, a Service Animal may be a miniature horse. The work or tasks performed by a Service Animal must be directly related to the Handler's disability.

5. *Service Animal in Training (SAT)*: For purposes of this Policy, a Service Animal in Training is a dog or miniature horse that is being trained as a Service Animal.
6. *University Premises*: All land, buildings, facilities, and other properties owned, used, leased, operated, or otherwise controlled by the University or one of its direct support organizations.

## **E. PROCEDURES**

### **1. Prohibition**

All individuals are generally prohibited from bringing animals onto University Premises. However, individuals with disabilities are allowed to bring Service Animals and ESAs onto University Premises as provided below. In addition, faculty and staff are permitted to have Pets in University-owned residential Housing only to the extent permitted by the Office of Housing and Residence Life.

### **2. Service Animals**

The University welcomes the presence of Service Animals assisting people with disabilities on its premises consistent with the provision of this Policy and applicable law. A Service Animal is generally permitted to be on University Premises in any place where the animal's Handler is permitted to be. In certain limited situations, a Service Animal may be prohibited for safety and health reasons. The accompaniment of an individual with a disability by a Service Animal in a location with health and safety restrictions will be reviewed on a case-by-case basis by the appropriate department representative and the Office of Adaptive Services.

### **3. Service Animals in Training**

Florida law entitles any individual training a Service Animal to enter public spaces. While engaged in the training of such animal, an SAT is not allowed in non-public spaces including classrooms, residence halls, and employee work areas except where the Handler is training for tasks related to his or her disability. An SAT is a dog or miniature horse learning the specific tasks inherent in its job.

### **4. Emotional Support Animals (ESAs)**

- a. An approved ESA owned by an individual who lives in University Housing is permitted within the individual's privately assigned living accommodations. An ESA must be approved in advance by the Office of Adaptive Services. The person must

sign the Agreement to Possess an Assistance Animal in University Housing to allow the presence of an ESA in University Housing. An ESA outside the private individual living accommodations must be in an animal carrier or controlled by a leash or harness. ESAs are not allowed in other University Premises without advance permission.

- b. An ESA owned by an individual employed by the University may be permitted within the individual's workplace as an accommodation for a disability, but must be approved in advance by the Office of Adaptive Services as outlined below.

## 5. Pets

Pets are not permitted in or on any University Premises except as provided herein, specifically in University Housing provided to certain faculty and staff.

## 6. Handler's Responsibilities

- a. A Service Animal, SAT, or ESA must be supervised directly by the Handler, and the Handler must retain full control of the animal at all times while on University Premises. The animal must be in an animal carrier or controlled by a harness, leash, or tether, unless these devices interfere with the animal's work, the individual's disability prevents using these devices, or the animal is an ESA within the Handler's own dwelling. In those cases, the Handler must maintain control of the animal through voice, signal, or other effective controls.
- b. Animals may not be left unattended at any time on University Premises, except for Service Animals left in the Handler's University residence or private office space or ESAs left in the Handler's dwelling unit. A Service Animal or ESA may be left unattended only for reasonable periods of time, as determined by the appropriate University staff based on the totality of the circumstances.
- c. A Handler who leaves his or her Service Animal or ESA unattended for longer than a reasonable period of time will receive one warning, and if the behavior occurs a second time, the University reserves the right to remove the animal from University Premises and to prohibit the animal from being permitted back onto University Premises.
- d. All Handlers are responsible for compliance with state and local laws concerning animals (including registration, vaccinations, and tags), for controlling their animals, for cleaning up any waste created by the animal, and for any damage caused by the animal to individuals or property while on University Premises.

## 7. Workplace Accommodation

- a. Employees and all others performing work for the University who seek the presence

of a Service Animal or an ESA as a workplace accommodation must contact the Office of Adaptive Services in advance of reporting for work with the animal. For Service Animals, the individual may be asked whether the animal is needed because of a disability and what work or task(s) the animal has been trained to perform.

- b. For Service Animals and ESAs, the Office of Adaptive Services will determine whether the request represents a reasonable accommodation for a documented disability in accordance with FGCU Policy 1.008, Disability Access and Reasonable Accommodation. The terms of the approval, including where the ESA will and will not be permitted, will be determined and documented by the Office of Adaptive Services after the facilitation of an interactive accommodations process with the employee and his or her supervisor(s). The employee and supervisor(s) will be notified of the decision. This process must occur before any employee can bring an ESA into the workplace. An accommodation that authorizes the use of an ESA in the workplace shall include an acknowledgement from the employee that the employee will be responsible for all costs of cleaning and repair that result from the presence of the ESA on the University Premises.

#### 8. Residential Accommodation

- a. Employees who reside on University Premises and who wish to have an ESA in their University Housing as an accommodation for a disability must request the University's permission to have the ESA in University Housing. Permission will be granted as an accommodation for a documented disability through the Office of Adaptive Services in accordance with FGCU Policy 1.008, Disability Access and Reasonable Accommodation. The Director of the Office of Adaptive Services will determine whether the request represents a reasonable accommodation for a documented disability and should be granted.
- b. The employee is not allowed to take an ESA into any other area of University Premises except as permitted by agreement or terms of the reasonable accommodation approval. The employee will acknowledge in the Agreement that the employee will be responsible for all costs of cleaning and repair that result from the presence of the ESA on the University Premises.

#### 9. Students Requesting Permission for Service Animals or ESAs

##### a. Service Animals

- 1) Students are not required to receive permission from the University prior to bringing a Service Animal onto University Premises. The student may be asked whether the animal is needed because of a disability and what work or task(s) the animal has been trained to perform.
- 2) If a student with a Service Animal plans to reside in University Housing, the

student must notify the Office of Adaptive Services of the need for a Service Animal's presence in advance of beginning residence on University Premises with the animal. Such notification allows the University to make appropriate arrangements and offer any necessary assistance prior to the student's arrival on campus. As with all requests for reasonable accommodation, the forms to request accommodations are found on the webpage of the Office of Adaptive Services and determinations are made in accordance with FGCU Policy 1.008, Disability Access and Reasonable Accommodation.

b. Emotional Support Animals (ESAs)

- 1) Permission to have an ESA may be granted only as an accommodation for a documented disability and must be arranged in advance through the Office of Adaptive Services in accordance with the FGCU Policy 1.008, Disability Access and Reasonable Accommodation. The Office of Adaptive Services will determine whether the request represents a reasonable accommodation for a documented disability and thus should be granted. In making that determination, the Office of Adaptive Services, in consultation with Housing and Residence Life for those students residing in residence halls, will consider:
  - a) The size of the animal;
  - b) Whether the animal's presence would force another individual from that individual's Housing (e.g., serious allergies);
  - c) Whether the animal's presence would violate individuals' rights to peace and quiet enjoyment;
  - d) Whether the animal is housebroken or able to live with others;
  - e) Direct threat (currently or in the past) to the individual or others; or
  - f) Past excessive damage to Housing caused by the animal.
- 2) A request for an accommodation must be made to the Office of Adaptive Services in accordance with FGCU Policy 1.008, Disability Access and Reasonable Accommodation.
- 3) If approved, a student must have advance communication with the Office of Housing and Residence Life prior to bringing the animal into their on-campus residence and sign the Agreement to Possess an Assistance Animal in University Housing as provided by the Office of Housing and Residence Life.
- 4) Students are not allowed to take ESAs in or on any University Premises other than their privately assigned living accommodation. ESAs cannot be left overnight in University Housing to be cared for by anyone other than the Handler absent permission from the Office of Housing and Residence Life. The Handler must clean up after the animal, ensure that the animal does not disturb the peace and quiet enjoyment of others, and otherwise ensure that the animal is well cared for.

## 10. Visitors

- a. Visitors are not required to receive permission from the University prior to bringing a Service Animal onto University Premises. The visitor may be asked whether the animal is needed because of a disability and what work or task(s) the animal has been trained to perform.
- b. A visitor may contact the Office of Adaptive Services located in the Wellness Building at (239) 590-7956 in advance if the visitor has any questions about the rules concerning the presence of a Service Animal or a SAT at a specific event or in a specific location on University Premises.

## 11. Appeals and Grievances

Any individual who feels that he or she has been unfairly denied the ability to bring or maintain an animal on University Premises may contact the Office of Institutional Equity and Compliance at (239) 745-4366.

## 12. Violations of Policy and Removal of Animals

- a. Access to University Premises may be restricted or revoked under the circumstances described in this Policy or as otherwise necessary for the health and safety of the University community. Restrictions or exclusions will be considered on a case-by-case basis. The University reserves the right to remove or exclude an approved animal from University Premises if:
  - 1) The size of the animal is too large for the assigned housing space;
  - 2) The animal is a non-domesticated, exotic, or poisonous breed or species and is determined by the Environmental Health and Safety Department to be a hazard in residence halls.
- b. If the presence of an animal poses a direct threat to the health and safety of others, the University reserves the right to remove or exclude an animal from University Premises. In such a situation, the University Police Department or Physical Plant may be called for assistance in removal of an animal pursuant to FGCU Regulation 9.003, Animal Control. If a Handler's animal is disruptive in the classroom, the faculty may ask the Handler and their animal to leave the classroom immediately. If a Handler's animal is disruptive in the workplace, the Handler's supervisor may ask the Handler and their animal to leave the workspace immediately. If a Handler's animal is disruptive at a University event, the event organizer may ask the Handler and their animal to leave the event immediately.

### 13. Exclusions

- a. This Policy does not apply to animals used in police, search, and rescue operations on University Premises
- b. Fish in aquariums no larger than ten (10) gallons approved by the Office of Housing and Residence Life within University Housing;
- c. Animals used in Institutional Animal Care and Use Committee (IACUC) approved University research, education, or testing;
- d. Requests for the presence of animals within University Premises for non-educational purposes. Such requests may be approved only upon a showing that there exists a well-developed program with defined parameters to be administered by a University department; or
- e. Animals trained for and used in a clinical therapeutic setting on campus, such as a counseling center.

### **F. CONSEQUENCES**

The consequences for violation of this Policy include, but are not limited to, the following:

1. Students in violation of this Policy are subject to disciplinary action under FGCU Regulation 4.002, Student Code of Conduct and Student Conduct Review Process.
2. Employees are subject to FGCU Regulation 5.016, Disciplinary Actions, or, if applicable, a collective bargaining agreement.

#### *Authority*

*Section 413.08, Florida Statutes*

*BOG Regulation 1.001 University Board of Trustees Powers and Duties*

*FGCU Regulation 9.003, Animal Control*

#### *History of Policy*

*New 02/28/2018; Format Changed 09/10/19*

### **APPROVED**

\*/s Michael V. Martin  
Michael V. Martin, President

February 28, 2018  
Date