

GLENVILLE STATE UNIVERSITY POLICIES

POLICY 53

ANIMALS ON CAMPUS

53.1. General.

1.1. Scope - This policy provides the rules concerning individuals bringing animals on Glenville State University property and applies to students, employees, contractors, vendors, visitors, guest, and any other third parties.

1.2. Authority – W. Va. Code § 18B-1-6; The Americans with Disabilities Act governs the use of service animals by individuals with disabilities. See 42 U.S.C. § 12101, et seq. The Fair Housing Act governs the use of emotional support animals (ESA’s) by individuals with disabilities in housing. See 42 U.S.C. § 3601, et seq.

1.3. Effective Date – June 10, 2020

1.4. Repeal of Former Policy - This policy supersedes any or all previous Glenville State University policies in reference to animals on campus.

53.2. Definitions.

2.1. Controlled Space - For purposes of this policy, controlled spaces are not public spaces. Controlled spaces are defined as any indoor area owned or controlled by the University, and any outdoor area owned or controlled by the University with limitations on use or access (e.g., practice fields, stadiums, farm, playing fields, etc.). Areas open to the public (i.e., streets, lawns, sidewalks, parking lots) with no limitations on access are not controlled spaces.

2.2. Handler - An individual with a disability who is the owner or user or trainer of a service animal or ESA, or the owner or individual bringing an animal onto University property.

2.3. Emotional Support Animal (ESA) - Any animal specifically designated by a qualified medical provider that alleviates one 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. ESA’s are also commonly known as companion, therapeutic or assistance animals. ESA’s are not service animals.

2.4. Pet - For purposes of this policy, a pet is any animal that is not a service animal or ESA.

2.5. Public Spaces - For purposes of this policy, public spaces are outdoor areas that are open to the general public. Classrooms, residence halls and most employee workspaces are not generally considered public spaces.

2.6. Service Animal - Any dog specifically trained to perform a task for the benefit of an individual with a disability. In some circumstances, a miniature horse may be considered a service animal. The tasks performed by a service animal must directly relate to the individual's disability.

2.7. Service Animal in Training - For purposes of this policy, a service animal in training is a dog that is being trained as a service animal and includes a puppy that is being raised to become a service animal in training.

2.8. University Property - For purposes of this policy, University property includes all areas owned or controlled by the University.

53.3. Policy.

3.1. Prohibition - All individuals are generally prohibited from bringing animals into any buildings or other controlled spaces on University property. However, individuals with disabilities are allowed to bring service animals and emotional support animals (ESA's) on and/or into controlled spaces 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 lease governing their rental agreement. Exceptions for individuals in residence halls may be made in the sole discretion of the Director of Residence Life or designee for exigent circumstances or other good cause shown consistent with the spirit and intent of this policy.

3.2. Service Animals - The University welcomes the presence of service animals assisting people with disabilities on its campuses consistent with the provisions of this policy and applicable law. A service animal is generally permitted to be on University property 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(s) in collaboration with the Department of Human Resources and/or the Office of Accommodations and Accessibility Services.

3.2.1. A service animal for an individual employed by the University must be documented in advance by the Department of Human Resources prior to bringing the animal to the workplace.

3.2.2. Members of the University community, are prohibited from interfering in any way with a service animal, or the duties it performs.

3.2.3. A Service animal in training is not permitted on areas owned and controlled by the University.

3.2.4. Service Animals - Students are not required to receive permission from the University prior to bringing a service animal onto University property. 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.

3.2.5. If a student with a service animal plans to reside on campus, the student must notify the University of the need for a service animal's presence in advance of beginning residence on University property with the animal. Such notification allows the University to make appropriate arrangements, offer any necessary assistance prior to the student's arrival on campus, and to notify Public Safety of the animal's presence in case of an emergency.

3.3. Emotional Support Animals (ESA's) - An approved ESA for an individual who lives in University housing is permitted within the individual's privately assigned living accommodations. An ESA outside the private individual living accommodations must be in an animal carrier or controlled by a leash or harness. ESA's are not allowed in any other controlled spaces. ESA's are permitted to be in outdoor public areas to the same extent as pets.

3.3.1. An ESA for 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 Department of Human Resources as outlined in the approval process of this policy.

3.3.2. Emotional Support Animals (ESA's) - 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 Accommodations and Accessibility Services. OAAS will determine whether the request represents a reasonable accommodation for a documented disability and should be granted. In making that determination, OAAS (in connection with Residential Life for those students residing in residence halls), will consider:

3.3.2.1. The size of the animal

3.3.2.2. Whether the animal's presence would force another individual from that individual's housing (e.g., serious allergies).

3.3.2.3. Whether the animal's presence would violate individuals' rights to peace and quiet enjoyment.

3.3.2.4. Whether the animal is housebroken or able to live with others.

3.3.2.5. Direct threat (currently or in the past) to the individual or others.

3.3.2.6. Past excessive damage to housing caused by the animal.

3.3.3. A request for an accommodation must be made through the Office of Accommodations and Accessibility Services (OAAS).

3.3.4. Students are not allowed to take ESA's in or on any controlled spaces other than their privately assigned living accommodations without specific advance authorization from OAAS. ESA's cannot be left overnight in University housing to be cared for by anyone other than the handler absent permission from Residential 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.

3.4. Pets generally are not permitted in or on any controlled space on University property, and are permitted only in outdoor areas open to the general public.

3.5. Handler's Responsibilities - A service animal, service animal in training, ESA or pet must be supervised directly by the handler, and the handler must retain full control of the animal at all times while on University property. 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.

3.5.1. Animals may not be left unattended at any time on University property, except for service animals left in the handler's University residence or private office space or ESA's left in the handler's dwelling unit. The 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. The University may request impoundment of an ESA or service animal left for longer than a reasonable period of time. Owners of impounded animals will be held responsible for payment of any impound and/or license fees required to secure the release of their animals.

3.5.2. A handler who leaves their 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 require the handler to remove the animal from campus and to prohibit the animal from being permitted back onto University property.

3.5.3. 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 property.

3.6. Visitors are not required to receive permission from the University prior to bringing a service animal onto University property. 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.

3.7. Appeals and Grievances - Any individuals who feel that they have been unfairly denied the ability to bring or maintain an animal on University property, may contact the Title IX/EEO/AA/ADA Compliance Officer for Glenville State University based on Board of Governors Policy 6.

3.8. Violations of Policy / Removal of Animal / Disruptive Animals -Access to University property may be restricted or revoked under the circumstances outlined below. 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 property if:

3.8.1. The animal poses a direct threat to health and safety.

3.8.2. The handler does not maintain control of the animal, including but not limited to during any interactions with other animals.

3.8.3. The presence of an animal fundamentally alters a University program.

3.8.4. Improper/Inadequate care of the animal is exhibited, including if the animal is not housebroken .

3.8.5. Damage or harm is caused by the animal.

3.8.6. The handler violates any of the responsibilities.

3.9. 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 property. In such a situation, Public Safety may be contacted to assist in the removal of the animal. In particular, if a handler's animal is disruptive in the classroom, the instructor 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.

53.4. Delegation

4.1. The Board of Governors delegates to the President or designee the authority to adopt additional administrative policies and/or procedures to effectuate the implementation of this Policy or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Policy and any applicable local, state or federal laws including but not limited to the Americans with Disabilities Act and the Fair Housing Act.

4.2. State and Federal law are subject to change. If anything in this Policy or in any policies or procedures established in accordance with this section are contrary to State or Federal law, the State and/or Federal law in effect at the time of any request or alleged violation of the procedure will prevail. Policies and procedures may be modified immediately and applied without notice in order to comply with University's obligations to follow current law. The University will make written changes to this Policy within a reasonable time of becoming aware of any changes to applicable laws and in accordance with the University's rulemaking policies.