



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

POLICY TITLE: Interim Policy on Service Animals and Emotional Support Animals

VOLUME, NUMBER & SECTION: 6.1.2

APPROVED BY: President Koffi C. Akakpo

EFFECTIVE DATE: August 15, 2023 [Interim until approved by the Board of Regents—expires 180 days from approval by the President]

REVISED FROM: Support Service Animal Policy (6.1.2)

PURPOSE:

Kentucky State University (hereinafter “KSU”) recognizes the importance of service and emotional support animals to individuals with disabilities, and it is committed to providing reasonable accommodations; fulfilling its responsibilities under federal, state, and local laws and regulations; ensuring the health and safety of the University community, guests, and visitors; and preserving the integrity of University property. In accordance with the Americans with Disabilities Act, as amended (ADA) and Section 504 of the Rehabilitation Act of 1973, and the Federal Fair Housing Amendments Act of 1988 (FHAA), KSU is committed to allowing individuals with disabilities the use of a service or emotional support animal on University property to facilitate full participation and equal access to the University’s programs and activities. This policy is designed to provide the University community, guests, and visitors with guidelines for the use of service and emotional support animals on University property.

POLICY STATEMENT:

The policy is applicable on all University-owned property or areas, including but not limited to: buildings, classrooms, auditoriums, dormitories (including temporary hotel housing), conference rooms, offices, common areas, streets, parking areas, walkways, lawns, and garden areas.

The KSU Accessibility and Disability Resource Center (“ADRC”), in conjunction with the Office of Housing and Residence Life (“OHRL”), is responsible for implementing, facilitating and enforcing this policy and its related processes.

RELATED PROCEDURES:

1. General Information Regarding Service Animals (SA) and Emotional Support Animals (ESA)

Care and Control

The handler is always responsible for the care and control of the animal while it is on University property; these responsibilities include cleaning after the animal and immediately and properly disposing of the animal's waste. Proper disposal of animal waste shall be made by emptying waste in a securely tied plastic bag and disposing of the bag in designated **outdoor** animal waste receptacles. Handlers may not dispose of animal waste by placing it in the trash containers found alongside University walkways and seating areas, hallways, lounges, bathrooms, or by flushing it down toilets or urinals. The handler is also responsible for cleaning and/or disinfecting any areas or affected surfaces contaminated by the animal waste.

ESAs and SAs on University property must be accompanied by, and under the control of, the handler at all times. ESAs in University residential areas can be briefly left unattended but must be caged or crated when the handler is not present. An ESA need not be restrained when in the handler's residential area if the handler or roommates are present. ESAs shall not be left alone for extended periods of time and should never be left overnight if the handler is not present.

Liability of the Handler

The handler is responsible for the behavior of the animal and for maintaining control of the animal at all times while on University property. The handler assumes all liability for the animal's behavior, including, but not limited to, damages and injury caused by the animal. The handler shall immediately remove the animal if the animal displays aggression toward humans or other animals, or if the animal's behavior substantially disrupts University operations, activities, and/or the educational process. Such disruptions may include, but are not limited to, excessive noise, physical harm to humans or other animals, or destruction of property. The handler is responsible for maintaining compliance with University policies and administrative regulations, as well as local, state, and federal laws, including control, registration, and vaccination requirements (i.e. KRS Chapter 258).

The handler is responsible for covering any and all costs associated with the care, maintenance, and removal of the animal. These includes the costs of damage to University property caused by the animal, including, but not limited to, cleaning, repairs, and pest control. The handler also agrees to provide an appropriately sized crate for the animal, to be used in accordance with the "Care and Control" section of this Policy.

ESA Emergency Contact

The University requires students, faculty, and staff with permission to keep ESAs in University residential areas to have an emergency contact/foster for the ESA on file with the ADRC Coordinator and the OHRL in the event the handler is unavailable or unable to adequately care for the animal.

University Rights

The University reserves the right to restrict ESAs to dogs weighing no more than 25 pounds and accepts no responsibility or liability for an animal's care, welfare, safety, or behavior, including, but not limited to, damages and injury caused by the animal.

Removal of Animal

The University may take reasonable efforts, pursuant to Kentucky law, to remove an animal confined in a vehicle or a room on University property, tethered to University property, or loose on University property when there appears to be imminent danger to the animal or others due to inadequate care or safety conditions. The handler shall be responsible for any associated costs, including damages caused by this action.

Animals referenced in this policy are only permitted on University property for as long as the handler is present on University property or resides in the University's residential areas that are designated for ESAs. Should the handler no longer be present or reside on University property, the animal will be considered abandoned, and the University expressly reserves the right to remove the animal from University property and to place it into the care of local authorities.

2. Classification-Specific Rules and Regulations

Service Animals

Service animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include, but are not limited to the following: guiding people who are blind, alerting people who are deaf, pulling a wheelchair, etc. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

The University permits the presence of Service Animals in Training (SAITs) on University property, pursuant to KRS 258.500. The handler of a SAIT must have in their personal possession identification verifying that they are a trainer of the SAIT. SAITs are permitted the same access to the University property and subject to the same rules and regulations as service animals.

Locations Open to Service Animals

Service animals are permitted on all areas of University Property and in University buildings and spaces otherwise open to the public.

Inquiries Regarding Service Animals

Service animals are working animals, not pets. The work or task a service animal has been trained to provide must be directly related to the person's disability. When it is not obvious what service an animal provides, only limited inquiries are allowed. Appropriate examples include:

“Is your Service Animal required because of a disability?”

“What work or task has your Service Animal been trained to perform?”

University community members cannot ask about the individual’s disability, require medical documentation, require a special identification card or training documentation for the service animal, or request that the service animal demonstrate its ability to perform the work or task.

Areas Prohibited to Service Animals

Animals may be excluded from areas due to a direct threat to the health and safety of others, when their use fundamentally alters a service or program, where service animals may be in danger, or where their use may compromise the integrity of research. Examples of these areas may include, but are not limited to, the following:

- Food preparation areas;
- Animal research facilities and grounds;
- Medically sensitive patient and clinic areas; and
- Biologically sensitive or hazardous research sites.

If a service animal is restricted from certain areas, the designated disability services offices are available to assist in evaluating reasonable accommodations for the owner.

Service Animal Control Requirements and Handler Responsibilities

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the handler’s disability prevents using these devices. In that case, the handler must maintain control of the animal through voice, signal, or other effective controls.

Service animals must be accompanied by their handlers at all times and remain in close proximity to their handlers.

Service animals must be housebroken.

Service animals must have all vaccinations and licenses required by state law and/or local ordinances and kept current, and must be produced to the University upon request.

Service animals should be responsive to its handler’s commands at all times.

To the extent possible, service animals should be non-disruptive to other individuals and the learning, living, and working environment.

The care and feeding of service animals is the responsibility of the handler.

Waste removal and cleanup is the responsibility of the handler.

Service animal handlers residing in a University Housing Residence are financially responsible for the actions of the service animal, and will be assessed a fee for any property damage resulting from

damage caused by the service animal.

Removal of Service Animals

Handlers who are found to be in violation of any of the above-listed responsibilities will be placed on a 2-tier warning system. The handler will receive an initial email from the Office of Housing and Residence Life, or its designated employee, regarding the initial violation. If a handler receives a second violation, he or she will be asked to meet with Housing and Residence Life, or its designated employee, and assessed a \$100 fine. After a second violation, the handler will be asked to remove the animal from campus for the remainder of the term, if deemed necessary.

A handler may request to bring the animal back to campus the following term. Requests will need to be made through Housing and Residence Life. If a handler is asked to remove the animal from campus a second time due to repeated violations, he or she will lose the opportunity to have the animal on campus for the remainder of his or her KSU academic career.

Service animals may be ordered to be removed by the Division of Public Safety, in collaboration with Residence Life and others as appropriate, under certain circumstances, including but not limited to:

- Handler may be directed to remove an animal if the animal is out of control and the handler does not take effective action to control it. If the improper behavior repeatedly continues, the handler may be prohibited from bringing the animal on University property until the handler can demonstrate effective steps have been taken to correct the behavior.
- Handler may be directed to remove an animal that is not housebroken.
- Handler may be directed to remove an animal that the Division of Public Safety determines to be a substantial and direct threat to the health and safety of individuals (including the handler). This may occur as a result of illness on the part of the animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area (e.g., a medical facility or particular mechanical or industrial areas).

In the event a service animal is removed pursuant to this policy, Disability Services will work with the handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the Service Animal on University Property.

Emotional Support Animals

Emotional support animals are companion animals that provide therapeutic benefit, such as alleviating or mitigating some symptoms of a disability to an individual with a mental or psychiatric disability. Emotional support animals may be considered for access to University housing, but are restricted from many areas of University property. These animals are not explicitly covered under the ADA but do have recognition under the Fair Housing Act (FHA).

Emotional Support Animals are permitted in the outdoor, publicly accessible areas of University property in which the handler has permission to be (i.e., designated residence hall and grounds

around the designated hall). Unless permission has been granted by the University as a reasonable accommodation under Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act (ADA), ESAs are specifically prohibited from being present in University buildings, including, but not limited to, indoor common areas, dining facilities, classrooms, offices, laboratories, recreation facilities, or University vehicles.

Because of the confines of University residential space, animals larger than 25 pounds cannot be placed in the residence hall. The species of animals allowed will be determined by the ADRC (Disability Services) on a case-by-case basis.

Requests for Emotional Support Animals

Reasonable accommodation requests for emotional support animals in University housing should generally be submitted at least 30 days prior to the anticipated arrival of the emotional support animal to ensure an appropriate housing assignment. All requests must be submitted in compliance with the Application Process Section of this Policy.

Should Disability Services determine that the eligible student's request does not meet the above requirements, Disability Services may request additional or clarifying information. If the requesting student fails to provide additional or clarifying information within five (5) working days of the request, or if the ADRC determines any such additional or clarifying supporting documentation does not meet the requirements specified above in this policy, the request for an emotional support animal will be denied.

An eligible student dissatisfied with the ADRC's determination that the emotional support animal reasonable accommodation request does not meet the above requirements may make a written request for reconsideration to the Vice Provost for Student Affairs within five (5) working days of the denial from Disability Services. The Vice Provost for Student Affairs' response will be the final decision.

If an emotional support animal has to be removed, its handler will have 72 hours to rehouse the animal.

Responsibilities of Student Owners with Approved Emotional Support Animals

Owners are required to maintain full control of their emotional support animals at all times.

Emotional Support Animals must be contained within the Owner's privately assigned individual living accommodations (i.e., room, suite, or apartment), except to the extent the Owner is taking the animal out for relief.

When transported outside of the University Housing Residence, the Emotional Support Animal must be on a leash or transported in an animal carrier.

Emotional Support Animals must be housebroken.

Emotional Support Animals must have all vaccinations and licenses required by state law and/or local ordinances and kept current, and must be produced to the University upon request.

Emotional Support Animals should be non-disruptive to other individuals and the learning, living, and working environment.

Emotional Support Animals may not become the responsibility of another student living in a University Housing Residence.

The Emotional Support Animal must be taken with the owner if leaving campus for a prolonged period of time.

The care and feeding of Emotional Support Animals are the responsibility of the owner.

Waste removal and cleanup are the responsibility of the owner, whether in the University Housing Residence or on exterior University property.

Owners are financially responsible for the actions of their emotional support animals, including bodily injury or property damage, and the owner will be assessed a fee for any property damage resulting from damage caused by an emotional support animal.

Failure to follow these guidelines may result in the removal of the animal from the residence hall and/or sanctions for violating this policy. Residence Life violations and associated fines are outlined in the Residential Living Guide and/or the K-Book.

Removal of Emotional Support Animals

Emotional Support Animals may be removed in the same manner and under the same conditions as set forth in Removal of Services Animals.

Penalties for Non-Compliance

Failure to comply with the rules and regulations outlined in this policy and in the ADRC ESA Application Form may result in penalties, including but not limited to, an animal's ban from University property; such a ban may be permanent or for a specified time period. Penalties for non-compliance also include, but are not limited to, those specified in the ADRC ESA Application Form.

Violation of this policy may further subject an individual to discipline in accordance with applicable University policies and regulations and the Student Code of Conduct (K-Book).

Additionally, if an animal is found to be falsely characterized as a Service Animal, Service Animal in Training (SAIT), or an Emotional Support Animal (ESA), an individual may be found to be in violation of local, state, and federal laws.

Revocation of Permission

The University expressly reserves the right to remove an ESA or SA from University property or University residential areas if (1) the animal is out of control and the animal's handler does not take effective action to control it; (2) the animal is not housebroken; (3) the animal causes substantial property damage; (4) the animal creates an unmanageable disturbance or interference with the

University or community; (5) the animal's health or safety is in danger; (6) the animal poses a direct threat to the health or safety of others; (7) the animal is determined by the University to be abandoned by its handler; or (8) the animal's presence fundamentally alters the nature of the affected University operation(s). Individuals with the authority to remove an ESA or SA from University property include University vice presidents, deans, provosts, directors of athletics, directors of housing, farm managers, and University police.

3. Application Process

No ESA may be brought onto campus grounds without prior written approval by the ADRC and OHRL.

Because the ESA application and approval process is neither automatic nor immediate, applicants are advised to contact the ADRC at least thirty (30) days prior to arriving on campus to allow adequate time for application approval and submission of required documentation. Applications may be submitted up to ninety (90) days in advance of the desired start date.

To qualify for an ESA in University residential areas, the requesting individual must show that he or she has a disability and the animal in question will provide some type of disability-related assistance or emotional support. The University shall require documentation of the individual's disability-related need for an assistance animal. Such documentation should (1) come from a physician, psychiatrist, clinical social worker, or other qualified mental health professional that provides care for the individual; (2) confirm the student has a disability; and (3) confirm the professional prescribes the animal as part of a treatment plan that alleviates symptoms or effects of the disability. Such documentation should also identify the kind of animal for which permission is being sought. Permission for an ESA is not transferable to another animal without proper and updated confirmation and documentation from the handler's healthcare provider.

Individuals seeking to have their ESA approved for use on campus grounds or in campus housing must first complete and submit the Accessibility and Disability Resource Center (ADRC) ESA Application. The ADRC ESA Application also requires the submission of additional documentation listed therein, including but not limited to, a Personal Medical Document completed by the applicant's personal healthcare provider. Applicants may use the University's health provider verification of ESA need form or have their healthcare provider submit their own form. Regardless of the form submitted, the health care provider must have personal knowledge of the applicant, consistent with their professional obligations. Letters or documentation or need from non-medical professionals or individuals/entities who do not have personal knowledge of the applicant or their need for an ESA will not be accepted.

Application Review Process

Following an application's submission, the application will be reviewed by the ADRC and OHRL, if applicable, and approved or denied. No ESA is to be brought onto University grounds prior to approval. All documentation required by the ADRC ESA application form must be submitted at the time of application. Incomplete applications will not be processed.

During an application's review, applicants may be asked to provide additional information or

documentation prior to application approval or denial. The review process is typically completed within two weeks. At that time, applicants will receive written notice of approval or denial. Applicants who have not received a response within two weeks following application submission should contact the ADRC to inquire as to the status of their request.

Poisonous or illegal animals and reptiles are not permitted on University property or in University residential areas. The University reserves the right to restrict ESAs to dogs weighing no more than 25 pounds and accepts no responsibility or liability for an animal's care, welfare, safety, or behavior, including but not limited to, damages caused by the animal.

Further, the University expressly reserves the right to restrict ESAs and their handlers to certain residential buildings, require proof of vaccinations (KRS Chapter 258), require ESAs be spayed or neutered, and require the purchase of a pet carrier.

Application Approval

Individuals whose applications are approved will receive written notification from the ADRC.

Application Denial

The University may deny an individual's request for an ESA on University property or in University residential areas if the animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or if the animal could cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation, or if the animal poses an undue financial burden on the University. Each request will be evaluated on a case-by-case basis, relying on objective evidence about a specific animal's actual conduct. Determinations will not be based on mere speculation or fear about the types of harm or damage an animal may cause or on evidence about harm or damage other animals have caused.

4. Roommates/Suitemates

Students with a service animal or emotional support animal who choose not to lease a single occupancy unit shall be offered the following options:

- The OHRL will place the student with roommates/suitemates, but the roommates/suitemates will be given notice that there will be an animal present in the housing unit.
- If a roommate/suitemate has issues living with the animal, they will be given priority status for a room change within their current residence hall over others waiting for a room reassignment within the same residence hall.

5. Conflicting Disabilities

Some members of the University community may have allergic reactions to, or phobias of, animals that are substantial enough to qualify as disabilities. The University will consider the needs of all persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Students, faculty, and staff requesting allergy

or phobia accommodations in classrooms, residence halls, or other areas of campus should contact the ADRC.

6. Etiquette

Administrators, faculty, staff, students, visitors, and members of the general public should avoid:

- Petting, touching, or otherwise distracting a service animal when it is working;
- Feeding a service animal;
- Harassing or deliberately startling a service animal or emotional support animal;
- Separating, or attempting to separate, a handler from their service animal or emotional support animal; and
- Making unwelcome or uninvited inquiries regarding an individual's disability.

DEFINITIONS:

The terms shall have the meanings set forth below:

Service Animal: Service animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include, but are not limited to the following: guiding people who are blind, alerting people who are deaf, pulling a wheelchair, etc. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Service Animal in Training: An animal that is being trained to do work or perform a task for a person with a disability or disabilities, but has yet to complete required training.

Disability: A physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Emotional Support Animal (ESA): Emotional support animals are companion animals that provides therapeutic benefit, such as alleviating or mitigating some symptoms of the disability, to an individual with a mental or psychiatric disability. Emotional support animals may be considered for access to University housing, but are restricted from many areas of University property. These animals are not explicitly covered under the ADA but are recognized under the FHA.

Pet: Any tangible, living, animate, sentient, creature that is not otherwise classified as a service animal, service animal in training, or emotional support animal.

Handler: a person responsible for care, control, and/or behavior of an animal. For service animals, the handler is generally the person with a disability or a third party that accompanies the person with a disability. For emotional support animals, the handler is generally the person that owns the animal. In all other circumstances, the handler is defined as the animal's owner, trainer, or caregiver.

Under Control: means the animal is harnessed, leashed, or tethered. If the animal is a service animal and the handler is unable to harness, leash, or tether the animal because of a disability or because the use of such devices would interfere with the animal's safe, effective performance of work or

tasks, the service animal will be considered under the handler's control through the use of voice control, signals, or other effective means.

University: means Kentucky State University

University Property: means any and all real property that is owned, controlled, leased, or operated by Kentucky State University.

University Residential Area: means any residential premises owned, controlled, leased, or operated by Kentucky State University.

ENTITIES AFFECTED:

Entities affected by this policy include, but is not limited to the following: The University community, guests and visitors.

POLICY OWNER/INTERPRETING AUTHORITY:

ADRC and Student Life Offices (OHSL)
Office of General Counsel

RELATED POLICIES/DOCUMENTS:

[Americans with Disabilities Act \(ADA\) National Network ESA Policy Manual \(?\)](#)

[Kentucky Emotional Support \(ESA\) Laws – A Complete Guide for 2023](#)

[K-Book](#)

[ADRC ESA/SA Application](#)

[Health Provider Verification of ESA Need Form](#)

[Other ESA/SA Informational Documents from the ADRC or Student Life](#)

STATUTORY OR REGULATORY REFERENCES:

[KRS Chapter 258](#) [KRS Chapter 383](#)

[ADA](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[Federal Fair Housing Amendments Act of 1988](#)