



POLICY & PROCEDURE DOCUMENT

NUMBER: 4.2900
DIVISION: General University
TITLE: Service Animal Policy and Procedure
DATE: March 27, 2019
Authorized: President's Cabinet

I. Purpose and Scope

In compliance with the Americans with Disabilities Act (ADA) and state and local laws and regulations, Western Kentucky University (WKU) seeks to accommodate students, employees, and visitors with disabilities who need assistance of service animals. The University is simultaneously mindful of health and safety interests of its general community; therefore, these policies and procedures for use of service animals on WKU's campus are aimed at accommodating people with disabilities and mitigating WKU community concerns.

II. What is a service animal?

A "service animal" is defined by the ADA as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, physical, sensory, psychiatric, intellectual or other mental disabilities. Work or tasks performed by a service animal must be directly related to the owner/handler's disability. 28 CFR § 35.104.

Examples of work tasks include, but are not limited to, the following:

- 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;
- Pulling a wheelchair;
- Assisting an individual during a seizure;
- Retrieving items such as medicine;

- 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.

Pursuant to specific criteria set forth in 28 CRF § 35.136 (i), a miniature horse may qualify as a service animal. Other species of animals, whether wild or domestic, trained or untrained, are not service animals.

III. Who may utilize a service animal on WKU's campus?

To qualify for a service animal on campus:

- The person must have a disability as defined by the ADA, and
- The accompanying animal must be trained to do a specific task for the qualified individual.

IV. What questions can be asked of a person with a service animal?

The owner/handler of the service animal may be asked if the animal is required by a disability as defined by the ADA and what work or task the animal has been trained to perform (unless said information is readily apparent from observing the individual with a disability and accompanying service animal).

WKU shall NOT ask about the nature or extent of a person's disability in order for a person to qualify for use of a service animal on campus.

WKU shall NOT require documentation, such as proof that the animal has been certified, trained or licensed as a service animal.

V. Where are service animals permitted on WKU property?

Service animals are generally permitted in all areas on WKU's campus where members of the public, participants in services, programs or activities or visitors, as relevant, are allowed to go. The University may prohibit the use of a service animal in certain locations on campus due to health or safety restrictions, in areas where service animals may be in danger, or where the use of a service animal may compromise the integrity of research or threaten public health. Such restrictions may include, but are not limited to the following areas: research laboratories, classrooms with demonstration or research animals, wood shops, metal/machine shops, electrical shops, and mechanical rooms, certain health care areas or laboratories or food preparation areas.

Specific questions related to the use of service animals on the WKU campus by employees, students, or visitors can be directed to the ADA Coordinator by email at joshua.hayes@wku.edu or by phone at (270) 745-5121.

VI. Who should I contact if I intend to have a service animal in University housing?

Students with a service animal that will be housed in University housing should register with the Student Accessibility Resource Center (SARC) at sarc.connect@wku.edu or by phone at 270-745-5004 so appropriate housing accommodations can be arranged.

VII. What are the responsibilities of service animal owners/handlers?

A service animal shall be under the control of its owner/handler. A service animal shall have a harness, leash, or other tether unless the owner/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 either scenario, it is permissible for the owner/handler to refrain from using a harness, leash, or other tether; however, the service animal must be otherwise under the handler's control (e.g. voice control, signal, or other effective means).

The owner/handler of a service animal is responsible for complying with state and local licensing laws.

Service animals shall be current with vaccinations and wear a rabies vaccination tag and other identifying tags.

The care and supervision of a service animal is the responsibility of the owner/handler. The owner/handler is responsible for removing or arranging for the removal of the service animal's waste, which must be disposed of in a sealed bag in a designated trash receptacle, and is responsible for the cost of care necessary for a service animal's well-being—including regular bathing and grooming, as needed.

The owner of the service animal is responsible for any damage to University property caused by the service animal.

A service animal must leave campus with the owner any time the owner leaves campus overnight.

VIII. What are the responsibilities of the campus community toward service animal and owners/handlers?

Members of the WKU community must allow a service animal to accompany the owner at all times, and in all campus locations with the exception of areas set forth in Section IV. If it is not readily apparent that an animal is a service animal performing tasks for a person with a disability, the appropriate method to ascertain if the animal is a service animal is to ask if the animal is required because of a disability and what task the animal has been trained to perform.

Members of the WKU community are prohibited from the following:

- Touching a service animal unless invited to do so;

- Feeding a service animal unless invited to do so;
- Attempting to separate a service animal from its owner; and
- Attempting to deliberately startle or distract a service animal.

If you have questions or concerns about service animals on WKU's campus, please contact the ADA Coordinator by email at joshua.hayes@wku.edu or by phone at (270) 745-5121.

IX. When may a service animal be prevented from accompanying a person with a disability or be removed from campus?

An individual with a disability may be asked to remove a service animal from University property if:

- The animal is out of control and the animal's owner/handler does not take effective action to control it; or if
- The animal is not housebroken.

If WKU excludes a service animal under this section, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

X. Who should I contact to report an aggressive and/or out of control service animal or to make a report regarding violation of this policy by either the service animal owner/handler or member of the WKU Community?

If an individual observes a service animal displaying aggressive behavior toward its owner or another member of the University community, or if the owner/handler or others are behaving aggressively towards the service animal, please contact the WKU Police Department at (270)745-2548.

For all other reports or inquiries, please contact the ADA Coordinator by email at joshua.hayes@wku.edu or by phone at (270) 745-5121.

XI. Who should I contact regarding resources that are available for students, employees and visitors with a service animal?

Please contact the ADA Coordinator by email at joshua.hayes@wku.edu or by phone at (270) 745-5121.