



## 05.360 Service Animals, Emotional Support Animals, and Pets

<b>Authority:</b>	Chancellor
<b>History:</b>	Established January 2017
<b>Sources of Authority:</b>	Section 504 of the Rehabilitation Act; Americans with Disabilities Act; Fair Housing Act; N.C.G.S. § 168-4.5; N.C.G.S. § 130A-185; N.C.G.S. § 168-4.2(b)
<b>Related Links:</b>	<a href="#">Policy 04.190 Disability Accommodations for Students; Campus Living Handbook; Office of State Human Resources Policy on Animals on State Property</a>
<b>Responsible Offices:</b>	Disability Resource Center; Environmental Health & Safety; Housing and Residence Life; Human Resources

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### 1. Purpose

The University of North Carolina Wilmington is open and accessible to individuals with disabilities and committed to providing those members of the University community equal access to programs, services, and physical facilities. It is acknowledged that some members of the University community with disabilities may require the use of Service or Emotional Support Animals while at UNCW. The presence of animals may, however, present health, safety, security and programmatic issues for all members of the University community. The purpose of this Policy is to provide the University community with guidelines for the use of Service Animals, Emotional Support Animals, and pets on campus. This Policy does not apply to (i) research animals regulated by the Institutional Animal Care and Use Committee (IACUC), (ii) fish kept in an aquarium less than 20 gallons in size, or (iii) any aquaria used for institutional, non-research purposes.

### 2. Definitions

- 2.1 **Disability:** A physical or mental impairment that substantially limits one or more major life activities.
- 2.2 **Emotional Support Animal:** Any animal that: (i) alleviates one or more identified symptoms or effects of a person's disability; (ii) is necessary because of an individual's disability to afford the individual an equal opportunity to use and enjoy University housing; and (iii) its presence in University housing is reasonable. An Emotional Support Animal is not a Service Animal under this Policy or the Americans with Disabilities Act (ADA).
- 2.3 **Partner/Handler:** A person with a Service or Emotional Support Animal and who is responsible for the animal as detailed in this Policy. A person with a disability is called a partner; a person without a disability is called a handler.

- 2.4 **Pet:** A domestic animal kept for pleasure or companionship and excluded from the definitions of Emotional Support Animal and Service Animal. Pets are not permitted in University housing (with the exception of fish kept in an aquarium less than 20 gallons in size) or buildings and shall not be permitted as a reasonable accommodation for otherwise eligible students, staff, or faculty.
- 2.5 **Reliable Third Party:** A person who is (i) familiar with a student's disability, (ii) familiar with the necessity for a specifically requested Emotional Support Animal in University housing, and (iii) qualified to make medical attestations regarding a student's disability and requested accommodation. Such person may include a physician, psychiatrist, or other medical or mental health professional.
- 2.6 **Service Animal:** A dog individually trained to do work or perform tasks for a person with a disability. The work or tasks performed by a Service Animal must be directly related to the partner's disability, and such work or task must entail a specific action when needed to assist the partner. Examples of qualifying tasks for which dogs may be trained include guiding persons with low vision, providing stability for persons who have difficulty walking, alerting persons with hearing impairments when someone is approaching from behind, and responding to medical emergencies for persons with seizure disorders. For purposes of this Policy and in accordance with the ADA, a miniature horse may be treated as a Service Animal if it has been individually trained to do work or perform tasks for the benefit of the partner and the University determines that reasonable modifications can be made after considering:
1. Type, size, and weight and whether a particular facility can accommodate;
  2. Whether partner has sufficient control of it;
  3. Whether it is housebroken; and
  4. Whether its presence in a particular facility compromises legitimate safety requirements that are necessary for safe operation.
- 2.7 **University-Sanctioned Training Program:** An academic program that permits students to be accompanied by dogs on campus for prescribed training in accordance with terms established by the University (*i.e.*, paws4people). A dog being trained as part of a University-Sanctioned Training Program is not a Service Animal, Service Animal in training, or Emotional Support Animal for purposes of this Policy. Students enrolled in a University-Sanctioned Training Program must abide by the responsibilities in Section 6 and are subject to discipline for violations as detailed in Section 8, in addition to any consequences incurred in related coursework.

### 3. Service Animals

#### 3.1 Generally.

A. Employee requests for Service Animals as a reasonable accommodation in the workplace are processed through the Office of Human Resources.

B. In a non-workplace context, Service Animals generally shall be permitted to accompany their partners on campus. When not readily apparent that a dog or miniature horse is a Service Animal, the University may ask: (1) if the animal is required because of a disability; and (2) what work or task the animal has been trained to perform. It is unlawful under North Carolina law (N.C.G.S. § 168-4.5) to disguise an animal as a Service Animal or Service Animal in training.

### **3.2 Requirements.**

A. A Service Animal must remain under the control of its partner at all times while on University property, and shall have a harness, leash, or other tether, unless the partner's disability prohibits the use of which, or the use of which would interfere with the Service Animal's safe, effective performance of work or tasks. Even so, the Service Animal must remain under its partner's control by other effective means, such as voice control or signals.

B. In accordance with North Carolina law (N.C.G.S. § 130A-185), all dogs (including Service Animals) on campus are required to have current rabies vaccines and wear rabies vaccination tags. All dogs must have current registration with the New Hanover County Animal Service Unit.

### **3.3 Exceptions.**

A. Although this Policy is intended to provide broad access to Service Animals to accompany their partners on campus, the University may ask a partner to remove a Service Animal from University premises, and the partner must abide, if the Service Animal presents legitimate health and safety concerns. Such health and safety concerns include:

1. The Service Animal is out of control and its partner does not take effective action to control it;
2. The Service Animal is not housebroken; or
3. The Service Animal does not have current vaccinations or does not wear a rabies vaccination tag.

B. Following removal of the Service Animal, the partner must ensure its care and supervision even if the partner chooses to remain on the premises. The Service Animal may not be left alone and the University will not be responsible for the animal's care.

C. The University may exclude a Service Animal from accompanying its partner to certain areas of campus where their admission would fundamentally alter the nature of a service or program or threaten the safety of the partner and/or Service Animal, such as non-communal food preparation areas, mechanical rooms, and hazardous laboratories. Generally, the identification of prohibited areas will require a case-by-case analysis.

### **3.4 Service Animals in Training.**

A. In accordance with North Carolina law (N.C.G.S. § 168-4.2(b)), an animal in training to become a service animal shall be permitted to accompany its trainer on campus if:

1. The animal is accompanying a trainer for the purpose of training to become a service animal;
2. The animal's presence is for the specific purpose of training to become a service animal; and
3. The animal wears a collar and leash, harness, or cape that identifies the animal as a service animal in training.

B. The trainer shall be liable for any damage caused by the animal while on campus.

### **3.5 Campus Housing.**

A. A partner must notify the Office of Housing and Residence Life prior to move-in of his/her intention to be accompanied by a Service Animal, in accordance with the processes established by that Office.

B. Consistent with provisions in the [Campus Living Handbook](#) regarding damage to student rooms and common areas, a partner may be held responsible for the cost of repairs for damage beyond reasonable wear and tear caused by his/her Service Animal.

C. A partner must not leave his/her Service Animal in campus housing unattended or in the care of another individual when not present.

#### **4. Emotional Support Animals**

4.1 **Generally.** Qualified students with disabilities who reside in on-campus housing may be permitted to live with an Emotional Support Animal as a reasonable accommodation. Any student seeking such an accommodation must follow the prescribed request process and receive approval prior to bringing the animal to campus. Requests for Emotional Support Animals as a reasonable accommodation by employees who reside in on-campus housing are processed through the Office of Human Resources.

#### **4.2 Student Request Process.**

A. Students seeking approval to bring an Emotional Support Animal to reside in campus housing as a reasonable accommodation must:

1. Submit a written request using a form designated by the Disability Resource Center (the “Emotional Support Animal Accommodation Request Form”). Completion of the Emotional Support Animal Accommodation Request Form will require a description of: (i) the student’s disability; (ii) the animal being requested; and (iii) how the animal alleviates one or more symptoms of the student’s disability.

2. Designate a Reliable Third Party to verify that the student has a disability and that the requested Emotional Support Animal is necessary to provide the student an equal opportunity to use and enjoy University housing, using a form designated by the Disability Resource Center (the “Third Party Verification Form”). The Reliable Third Party must complete the Third Party Verification Form.

B. Completed requests for an Emotional Support Animal to live in campus housing should be submitted to the Disability Resource Office at least 60 days prior to the upcoming semester’s move-in date, and in all cases must be submitted prior to bringing the animal to campus. Submission of a request after the semester move-in date may delay the University’s decision. Requests will not be considered until both forms have been completed in their entirety and submitted to the Disability Resource Center.

C. The student must provide written consent for the University to disclose certain information regarding the request for the Emotional Support Animal to those individuals who may be impacted by the presence of the animal, such as University housing personnel and potential and/or actual roommate(s) and neighbors. The information disclosed shall be limited to information about the animal and shall not include information about the student’s disability.

#### **4.3 University’s Reasonableness Determination.**

A. Upon the Disability Resource Center’s receipt of a completed request, the University will conduct an individualized assessment of the requested animal, which may involve additional conversations with the student and/or Reliable Third Party. The University may deny the request if it is determined to be unnecessary or unreasonable.

1. A request for an Emotional Support Animal is unnecessary if: (i) a reasonable, less burdensome alternative accommodation exists; or (ii) the requested animal does not meet the definition of an Emotional Support Animal.

2. A request for an Emotional Support Animal is unreasonable if it: (i) imposes an undue financial and/or administrative burden on the University; (ii) fundamentally alters University housing policies; (iii) 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 (iv) is otherwise unreasonable to the operation of the University.

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

#### 4.4 Areas of Access.

A. Approved Emotional Support Animals shall not be permitted in areas outside of the partner's living space and suite common areas, except for: (i) building entrance and egress; (ii) designated outdoor areas for natural relief; and (iii) outside areas in which campus visitors are permitted to bring pets, in which case the animal will be bound by all pet- and visitor-related policies.

B. Consistent with provisions in the [Campus Living Handbook](#) regarding damage to student rooms and common areas, a partner may be held responsible for the cost of repairs for damage caused by his/her Emotional Support Animal.

C. Emotional Support Animals shall not be permitted in other University buildings, unless the animal also qualifies as a Service Animal.

#### 4.5 Requirements.

A. In accordance with North Carolina law (G.S. § 130A-185), all dogs, cats, and ferrets on campus are required to have current rabies vaccines and wear rabies vaccination tags. All dogs, cats, and ferrets living on campus as Emotional Support Animals must have current registration with the New Hanover County Animal Service Unit.

B. The partner of the Emotional Support Animal must follow the responsibilities as outlined in Section 6.

C. The University's approval, if granted, of an Emotional Support Animal under this policy is animal-specific. A student must follow the request process in this Policy when requesting a new or different animal.

4.6 **Appeals.** Students may appeal a denial of a request for an Emotional Support Animal within ten (10) business days of receiving notification of the University's decision by filing a written or emailed complaint with the Associate Vice Chancellor for Student Affairs. If relevant to the appeal, the student should submit revised Emotional Support Animal Accommodation Request and Third Party Verification Forms. The decision of the Associate Vice Chancellor for Student Affairs shall be final.

## 5. Pets

### 5.1 Prohibited in Campus Housing, Buildings, and Designated Outdoor Areas.

A. Pets shall not be permitted in University housing and requests for such shall not be considered. Students keeping pets in violation of this Policy shall be responsible for any incurred costs related to the cleaning or repair of University housing.

B. Pets are prohibited from entering all University buildings, including residence facilities, outdoor athletic or recreational facilities/fields, and other public gatherings where pets have been specifically prohibited. This prohibition applies equally to pets accompanying students, staff, faculty, and visitors.

5.2 **Rules.** When permitted, individuals with pets on campus must abide by the requirements in Section 6, below.

## 6. Responsibilities of Partners/Handlers

6.1 **Continuing Obligation.** Partners/handlers must meet all applicable requirements of this Policy. This obligation is on-going and a later failure to meet all requirements may result in removal or exclusion of the Service or Emotional Support Animal. Handlers of dogs in University-Sanctioned Training Programs (*i.e.*, paws4people) must abide by the responsibilities in this Section and are subject to discipline for violations as detailed in Section 8, in addition to any consequences incurred in related coursework.

6.2 **Health and Safety.** The partner/handler is responsible for the safety, health, behavior, and actions of the approved animal at all times. UNCW will not assume the care of any animal on campus, even during emergencies. Where a handler fails to care for, control, or attend to his/her animal, UNCW will arrange with appropriate authorities to remove the animal from its partner/handler's custody according to applicable laws and regulations. Any suspected or observed indications of animal abuse or neglect should be reported to University Policy (910-962-2222 or [police@uncw.edu](mailto:police@uncw.edu)) and may subject the partner/handler to disciplinary action. Animals may be kept in vehicles parked on campus for a reasonable period of time as long as the animal is not endangered and does not endanger others or create a public nuisance. Persons who believe any animal on campus constitutes a safety hazard due to either the uniqueness of the space occupied or the behavior of the animal should contact Environmental Health & Safety (EH&S) at 910-962-3057 (or University Police if after normal business hours).

6.3. **Control and Behavior.** In addition to applicable obligations contained elsewhere in this Policy, a partner/handler must ensure the following control and behavior requirements are met:

A. The animal must not obstruct or disturb any space or activity of an academic program including but not limited to, residence halls, classrooms and labs, other campus buildings or recreational areas, roads, walkways and passages on any part of campus, legitimate campus activities and any other university programs, spaces or activities.

B. The animal must not engage in other behaviors or noises that are disruptive to others in the specific environment, including, but not limited to, excessive barking, whining, growling, excessive grooming, and sniffing people, personal belongings of others, and/or tables and eating areas.

C. The partner/handler must always carry equipment and bags sufficient to clean up the animal's waste and must properly clean impacted areas and dispose of such waste. Partners/handlers who are not physically able to pick up and dispose of waste are responsible for making all necessary arrangements for assistance. UNCW is not responsible for these services. All dogs must be "house broken" and cats must be trained to use a litter box. Other smaller animals must be caged.

D. The animal must be under the control of the handler at all times, and with the exception of certain Service Animals, must be restrained at all times in a crate or by a leash or similar device not to exceed six feet in length when in public spaces.

E. The animal may not be left unattended overnight in residential housing to be cared for by another student or staff member. Animals must be taken with the partner/handler if they leave campus for a prolonged period.

F. When an animal is left unattended in a partner/handler's room for acceptable periods of time, the animal must be stored in a crate, carrier, or kennel.

## **7. Responsibilities and Etiquette of University Community**

7.1 Members of the University community shall:

A. allow a Service Animal to accompany its partner at all times and everywhere on campus except where stated or posted;

B. not touch or feed a Service or Emotional Support Animal unless invited to do so;

C. not provoke, injure, intentionally startle, or attempt to separate a Service or Emotional Support Animal from its partner/handler (violators may be asked to leave the premises);

D. not ask about nature or extent of a person's disability who is accompanied by a Service Animal; and

E. report any suspected or directly observed animal neglect or abuse to University Police (910-962-2222 or [police@uncw.edu](mailto:police@uncw.edu)).

## **8. Violations of this Policy**

8.1 Any student, staff, or faculty member with a prohibited or unapproved animal is subject to discipline under: the Code of Student Life; SHRA Disciplinary Action, Suspension, and Dismissal Policy 08.510; Faculty Handbook; or other appropriate procedure. Likewise, any student with a Service Animal or approved Emotional Support Animal who violates any provision of this Policy is subject to discipline under the Code of Student Life. Such discipline may include the restriction or removal of the animal. Any violation of this Policy by a Service or Emotional Support Animal will be considered a violation by the partner/handler.

8.2 The University may ask a partner/handler to remove a Service Animal or Emotional Support Animal for violations of this policy without initiating a disciplinary proceeding.

8.3 The University may remove from campus property any animals that are prohibited, unapproved, or otherwise in violation of University policies.

8.4 It is unlawful to deprive a person with a disability or a person training a service animal of any North Carolina rights or rights granted to general public with respect to being accompanied by animals.

## **9. Grievances**

Individuals who believe they have a legitimate grievance against the University or a University employee in a matter relating to the use of Service Animals, Emotional Support Animals, or pets may seek resolution of that grievance through the appropriate University procedure, listed below. No student or employee shall be subject to retaliation for requesting or receiving a reasonable accommodation, for bringing a good faith complaint pertaining to unlawful harassment or discrimination, or for protesting such behavior directed against another member of the university community. Individuals may also contact the university's EEO/AA Officer at (910) 962-3160.

### Students:

Policy 04.160 Student Grievance Procedure

Policy 04.190 Disability Accommodations for Students

### Staff:

Policy 08.520 SHRA Employee Grievance Policy

Policy 08.521 EHRA Grievance and Appeal Procedure

Policy 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct

### Faculty

UNCW Faculty Handbook

Policy 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct

Individuals may file a complaint directly with the U.S. Department of Education, Office for Civil Rights, by calling 800-421-3481 (voice), 800-877-8339 (TTY), or with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, by calling 800-669-9777 (voice), 800-927-9275 (TTY).