**NOTICE OF AMENDED REGULATION**

**December 10, 2019**

**DEPARTMENT OF EDUCATION**

Division of Universities

University of North Florida

**REGULATION TITLE:**

Service, Assistance and Other Animals on Campus

**REGULATION NO.:**

6.0210R

**SUMMARY:**

The amended regulation conforms the existing language to ensure consistency with ADA requirements relative to animals on a University campus.

**FULL TEXT:**

The full text of the regulation being amended is attached.

**AUTHORITY:**

Resolution of the Florida Board of Governors dated January 7, 2003

BOG Regulations 1.001

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REGULATION:**

Rocelia Roman de Gonzalez, Director ADA Compliance

**INDIVIDUAL TO BE CONTACTED REGARDING THE PROPOSED REGULATION:**

Stephanie Howell, Paralegal, Office of the General Counsel, showell@unf.edu, phone (904)620-2828; fax (904)620-1044; Building 1, Room 2100, 1 UNF Drive, Jacksonville, FL 32224.

***Any comments regarding the amendments to the regulation must be communicated in writing to the contact person on or before December 26, 2019, to receive full consideration.***

POLICIES & REGULATIONS

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| **Subject: Service, Assistance and Other Animals on Campus** |
| **Number** | 6.0210R |   New Regulation  ☒Major Revision of Existing Regulation Minor/Technical Revision of Existing Regulation  Reaffirmation of Existing Regulation  |
| **Effective Date** |  |
| **Revised Date** |  |
| **Responsible Division/Department:****Administration & Finance and ADA Department and Environmental Health & Safety (EH&S)** |

**Regulations, Purpose and Objective**

This regulation provides the rules for service animals, which includes any trainer of a service animalassistance animals, group therapy animals or animal events, scientific research animals, and pets.

The University of North Florida will meet its obligations for animals to assist individuals with disabilities under the provisions of Section 504 of the Rehabilitation Act of 1973 , American with Disabilities Act as amended in 2008 , and Fair Housing Act . Section 413.08, Florida Statutes, provides an individual with a disability the right to be accompanied by a service animal in all areas of a public accommodation that the public or customers are normally permitted to occupy. Any trainer of a service animal, while engaged in the training of such an animal, has the same rights and privileges with respect to access to public facilities and the same liability for damage as individuals accompanied by a service animal.

Pursuant to Section 413.08, Florida Statutes, a person who misrepresents herself or himself as using a service animal, being qualified to use a service animal, or as a trainer of service animal commits a misdemeanor of the second degree, punishable by up to 60 days imprisonment, a fine of up to $500 and up to 30 hours of community service.

Under the ADA, a disability is a “physical or mental impairment that substantially limits one or more of the major life activities of such individuals.” 12102(2)A. A “disability” may include those individuals having a “record of” such impairment or being “regarded as” having such an impairment. 42 U.S.C. 12102(2) (V), (C).

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1. **Service and Assistance Animals:** Upon satisfying the following criteria, an individual with a disability that requires a service animal or assistance animal to perform a specific task(s) or function(s) may bring the animal to UNF.
2. **Service animals:** The ADA restricts the definition of service animals to only dogs and miniature horses which are individually trained to do work or perform tasks for an individual with a disability. The work or task a service animal has been trained to provide must be specific activities directly related to the person’s disability. The service animal may not be denied access due to speculation, stereotypes, or generalizations about individuals with disabilities or the breed of the animal. Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises. The ADA does not require service animals to wear a vest, ID tag, or specific harness.
3. **Employees and Service Animal Require Request for Reasonable Accommodation**: “A service animal accompanying an employee to his or her job is viewed as a reasonable accommodation under Title I of the ADA, which governs employment. Thus, an employee must request through the ADA Compliance Office that the service animal be present as an accommodation for their disability.”
4. **Students Academic Requirements and Service Animals Do Not Require Request for Reasonable Accommodation: CFR § 104.44(b) Academic Adjustments:** “Academic requirements. (b) other rules, a recipient to which this subpart applies may not impose upon handicapped students’ other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.”

**2. Assistance Animals** are only authorized in housing by the Fair Housing Act; assistance animals are allowed at UNF’s Housing facilities. Students must register with the Disability Research Center (DRC) and notify Housing staff 30 days before the animal is brought to the housing facility. Individuals with a service animal or assistance animals must follow the procedures documented in the Housing and Residence Life web site: <https://www.unf.edu/housing/>.An assistance animal is one that provides emotional support to an individual with a disability to help alleviate one or more identified symptoms or used to ameliorate the effects of a person’s disability. Assistance animals are only allowed in official University housing facilities. Assistance animals are not pets.

**B. Damages**: UNF may require Housing residents to cover the costs of cleaning, repairs, or damage caused by the resident’s use of an assistance animal or service animal.

**C. Scientific Research Animals:** The Institutional Animal Care and Use Committee must approve animals used for scientific purposes, research projects, and instructional courses. Any vertebrate animals used for these purposes must additionally comply with the requirements of UNF’s Animal Care and Use in Teaching and Research Policy Animal Care and Use in Teaching Research 2.890P.

**D. Therapy Animals Group Animal Events:** The University may hold large group animal events occurring only at irregular intervals and not more than three days within a month. The event must serve a large group of constituents. EH&S must approve these events. Use of therapy animals in for-credit academic coursework as part of an approved curriculum is permitted.

**E. Accredited Academic Courses for Counseling**: The University may use dogs, and miniature horses for the Brooks College of Health accredited counseling intervention courses. EH&S must approve the use of these animals.

**F. Pets**: A pet is an animal kept primarily for a person’s company or protection. If a dog, miniature horse, or an assistance animal is not performing a specific task or function for a person with a disability, the animal is considered a pet unless: the animal meets the specific rules designated by paras. 2C, D, or E in this policy. Pets are not allowed on campus other than in a specific housing area(s) as designated by the Department of Housing and Residence Life.

G. **Animals must meet all public place requirements as mandated by state or local ordinances, including:**

1. All animals need to be immunized against rabies and other diseases common to that type of animal.
2. All vaccinations must be current. Animals must wear a valid rabies vaccination tag. All animals must be licensed per state laws.
3. The owner/partner must follow local ordinances in cleaning up after the animal defecates; individuals with disabilities who physically cannot clean up after their service animals are not required to pick up and dispose of feces.
4. Animals must be in good health.
5. Animals must be on a leash, harness, or another type of restraint at all times unless the owner/partner is unable to retain an animal on leash due to a disability.
6. The owner/partner must be in full control of the animal at all times; the care and supervision of the animal is solely the responsibility of the owner/partner.

**H. The removal of animal or service animal** may be requested EH&S or other authorized designated officials and not be limited to the following:

 1. Is unruly or disruptive (e.g., barking, running around, bringing attention to itself),

 2. threatens the health of safety of another individual,

 3. Displays signs of illness,

 4. Is unclean, malodorous, or bedraggled,

**IV.**

1. **Permitted Inquiries, Service Animals, and Conflicting Disabilities:**
2. **Permitted inquiries:** Faculty and staff are prohibited from requesting medical documentation, asking about the individual’s disability, requesting an identification card or proof of training, or asking the handler to make the animal perform the activity for which the animal is trained to perform. They are only permitted to ask the following two questions: Is this animal a service animal required because of a disability, and
3. What job or task has the animal been trained to perform?
4. **Banned inquiries:** Faculty and staff cannot ask about the person’s disability, require medical documentation, require a specific identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task**.**
5. **Conflicting disabilities**: While allergies are not valid reasons for denying access or refusing service to persons with a service animal, some persons may have an allergic reaction to animals that is substantial enough to qualify as a disability. In which case, a person with such an allergy who has contact with a service animal or assistance animal on campus should request assistance from the University’s ADA Compliance office or the DRC.

**III. Departmental Responsiblities:**

The ADA Compliance is responsible for ADA accommodations for employees and can respond to questions about disabilities and accommodations. The DRC is responsible for accommodations and may respond to questions about student disabilities and academic programs/activities. EH&S is dedicated to the environmental health, safety, insurance and risk management of students, faculty, staff, and community of the University of North Florida and surrounding area.

**IV Complaints**

Any individual may contact the Equal Opportunity and Inclusion Office to informally discuss his or her concerns regarding a potential violation of the University’s Non-Discrimination, Equal Opportunity, and Diversity Regulation. However, if the individual desires that EOI take action to address his or her concerns, the individual will be advised of the University’s formal procedures and requirements for addressing alleged violations of thee regulations including the requirement of filing an EOI intake form pursuant to the procedures for the University’s Non-discrimination, Equal Opportunity and Diversity Regulation.

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1. **University Department Contact Information**
2. **Disability Resource Center**

Building 57, Room 1500

Phone: (904) 620-2769

Fax: (904) 620-3874

drc@unf.edu

1. **ADA Compliance Office**

Building 6, Room 1314

Phone (Voice): (904) 620-2870

Phone (TDD/TTY): (904) 620-2969

Fax: (904) 620-2585

rrgonz@unf.edu

1. **Office of Environmental Health and Safety**

Building 6, Suite 1301

Phone: (904) 620-2019

Fax: (904) 620-2025

dendicot@unf.edu

1. **Department of Housing and Residence Life**

Building 14b, Room

Phone: (904) 620-4663

Fax: (904) 620-4670

housing@unf.edu

1. **Equal Opportunity and Inclusion**

J.J. Daniel Hall, Building 1, Suite 1201

Phone: (904) 620-1004

Fax: (904) 620-1004

Email: eod@unf.edu

*Approved by BOT June 7, 2016.*