EXECUTIVE SUMMARY OF PROPOSED POLICY: Animals on University Property

New Policy ☒ or Substantive Revision ☐

Policy Type: Administrative

Responsible Office: Facilities Management Department, Division of Administration

Draft Date: 04/09/2019

Initial Policy Approved: MM/DD/YYYY

Revision History: None – New Policy

Governance Process Tracking:

If new BOV policy, enter date and name of President (or designee) approving development of policy: N/A

If new Administrative policy, enter date and name of President’s Cabinet member approving development of policy: 01/08/2019 – Dr. Meredith Weiss, Vice President for Administration

Integrity & Compliance Office Review: 01/11/2019

University Counsel Review: MM/DD/YYYY (Associate University Counsel, Sarah Johns, reviewed policy and submitted revisions on 04/02/2019. Policy has been updated to include her recommendations.)

Public Comment Posting: MM/DD/YYYY

University Council Academic Affairs and University Policy Committee Review: MM/DD/YYYY

University Council Review: MM/DD/YYYY

President’s Cabinet Approval: MM/DD/YYYY

Board of Visitors Approval (if applicable): N/A

1. Why is this policy being created ☒ or revised ☐?

The university recognizes the benefit to students, faculty and staff that the assistance of animals can offer to enable the individual to participate in university programs, services and activities. The university also recognizes that certain standards governing animals on campus are necessary to protect the safety and security of members of the university community and the animals present on university property as well as to prevent disruption to university functions and operations and damage to university property. This policy seeks to govern the requirements and access restrictions for all individuals seeking to bring an
animal on university property in order to best suit the needs of the individual and the university.

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<tr>
<th>2. <strong>New policy ☒</strong>: What are the general points or requirements covered in this policy? <strong>or</strong> Revised policy ☐: What are the substantive differences between this draft and the current policy?</th>
<th>This policy provides the rules concerning any individual, including a member of the university and a visitor, bringing an animal on university property and the requirements and limited access for an animal based on the type of service it provides. This policy covers the presence of service animals, service animals in training, emotional support animals, pets, working animals, therapy and program animals. It provides the responsibilities of animal owners and handlers, policy enforcement and sanctions, necessary forms, related documents including all relevant state, local and federal law, and all relevant FAQs.</th>
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<td>3. Which stakeholder offices or personnel have provided input into this policy draft?</td>
<td>Facilities Management, Equity and Access Services, Division for Academic Success, Office of Patient and Community Relations, Office for Student Accessibility and Educational Opportunity, Office of Student Affairs, Office of University Housing, Office of University Counsel, Division of Research, University Counseling Services and Safety and Risk Management.</td>
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<td>4. Which other universities’ policies or resources (e.g., laws, regulations, etc.) did you consider when preparing this draft?</td>
<td>VCU Accessibility and Reasonable Accommodation for Individuals with Disabilities Policy, Student Accessibility and Educational Opportunity’s guide for service dogs and emotional support animals on campus and the VCU Notice of Nondiscrimination, Equal Opportunity and Affirmative Action.</td>
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<td>5. What is your general assessment of this policy’s impact on the university community?</td>
<td>The focus of this policy is to create a welcoming and inclusive environment for all persons in the VCU community, with the stipulation that certain standards governing animals on campus are necessary and serve to benefit the university as a whole. Students, faculty, staff and visitors will be aware of the overall expectations for animals on campus, including steps for individuals interested in having an animal on campus.</td>
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[DRAFT] Animals on University Property

Policy Type: Administrative
Responsible Office: Facilities Management Department, Division of Administration
Initial Policy Approved: New
Current Revision Approved: MM/DD/YYYY

Policy Statement and Purpose

The university recognizes the valuable contributions of animals to the university community and is committed to creating a campus environment where individuals may benefit from the assistance of animals as needed to participate in university programs, services and activities. In addition, the university recognizes that certain standards governing animals on university property are necessary to protect the safety and security of members of the university community and the animals present on university property as well as to prevent disruption to university functions and operations and damage to university property. This policy provides the rules concerning any individual, including a member of the university community and a visitor, bringing an animal on university property and the requirements and limited access for an animal based on the type of support it provides.

This policy applies to individuals on all university property and in vehicles owned or controlled by the university. The university is committed to compliance with state and federal laws, and the restrictions of this policy are designed to comply with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Section 504), Virginia law governing access for service dogs, Va. Code § 51.5-44, and other applicable law.

In accordance with VCU’s Space Use Regulation, 8 VAC 90-70-10 et seq., entry upon and use of university property must be in accord with university policy. Any person who violates these restrictions may be excluded from university property, subject to criminal penalties for trespass, or subject to university action under applicable policy, such as the Student Code of Conduct or employee conduct policies.

VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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Who Should Know This Policy

This policy applies to all employees (including faculty) and students of Virginia Commonwealth University, as well as to all third parties present on university property.

Definitions

Accessibility Support Personnel
A university official or office responsible for providing information and guidance to support individuals with disabilities or questions about accessibility for university programs, activities and services, as follows:
For any employee or third-party: Accessibility Administrator, cccoombes@vcu.edu, (804) 828-8532
For students and prospective students in Health Sciences programs: Division of Academic Success (DAS), acadsuccess@vcu.edu, (804) 828-9782
For students and prospective students in programs on the Monroe Park Campus: Student Accessibility and Educational Opportunity (SAEO), saeo@vcu.edu, (804) 828-2253

Animal
For the purpose of this policy, an animal is defined as a living organism that feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli, encompassing all life that falls in the animal kingdom (as opposed to plant and fungi) with the exception of humans.

Applicant
Any person making a formal application to the university for entry into a program and/or to obtain an employment position at the university.

Emotional Support Animal (ESA)
Also commonly referred to as a support animal, comfort animal, or animal used for a therapeutically prescribed purpose, an ESA is a specific animal that, in the opinion of a qualified treating healthcare provider, serves to provide a therapeutic benefit for a person with a disability (the ESA's handler) or otherwise alleviates one or more symptoms caused by a disability. Unlike a service animal, an ESA does not accompany its handler at all times and need not have been trained to do work or perform tasks related to a disability.
**Handler**
An individual in immediate charge of an animal, including an individual with a disability who uses a service animal, or a trainer of a service animal, or an individual approved for an ESA, or an individual bringing a working animal on to university property.

**Pet**
For purposes of this policy, a pet is any animal that does not fall under another category of animal as specifically defined in this policy.

**Service Animal**
A dog, or in certain circumstances a miniature horse, that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, which may include a physical, sensory, psychological, intellectual or other cognitive disability. The task(s) performed by the service animal must be directly related to the person’s disability.

**Service Dog in Training**
For purposes of this policy, a dog that is being trained to perform the functions required of a service dog and must be a minimum of six months old and wearing at all times an appropriate harness, leash, vest, or other identifying marking indicating that it is in continuous training to become a service dog. Socialization and obedience training do not constitute continuous training, as all animals permitted inside VCU buildings or in areas requiring special access must be controlled at all times, and as appropriate.

**Third Party**
Any individual who is not a VCU student, faculty member or staff member (i.e. contractors, vendors, ticket holders, invited guests, alumni/ae or local residents)

**University Facility**
Any defined space of the university, including a room, lab, series of labs, building, or controlled outdoor area (e.g., practice fields, stadiums, farm, tennis courts).

**University Property**
University property means any property owned, leased or controlled by the university.

**Working Animal**
Working animals are animals used either (a) for authorized education or research purposes or (b) for law enforcement and emergency response purposes.

**Therapy/Program Animal**
Animals who are under the direction of a licensed mental health professional or supervised by someone employed by the university and are utilized for therapeutic purposes on site at University Counseling Services and/or animals under the control of a specifically qualified outside handler, as authorized by the university, in public spaces, and/or animals under the direction and control of an employee within an approved university program.
Policy Specifics and Procedures

1. General Prohibition of Animals in University Facilities
Animals are generally prohibited in any university facility, as defined in this policy. However, the university permits limited access to certain animals consistent with the requirements of this policy.

Limited Access for Certain Types of Animal

Exception 1: Service Animals

The university welcomes the presence of service animals assisting persons with disabilities on university property consistent with the provisions of this policy and applicable law. Individuals who anticipate bringing a service animal onto university property are not required to request the university’s permission but are encouraged to notify the university’s accessibility support personnel to ensure appropriate access and use of a university facility and/or university property, including any requirements for accessing restricted areas.

A service animal is generally permitted to be on university property in any place where the animal’s handler has access. In certain limited situations, the presence of a service animal may require access restrictions or safety precautions to protect the safety and health of the animal or members of the university community. In such cases, the university will determine appropriate safeguards on a case-by-case basis through cooperation of the appropriate department representative(s) and Accessibility Support Personnel. No person may interfere in any way with a service animal, or the duties it performs.

Exception 2: Service Dogs in Training

A handler conducting continuous training of a service dog may be accompanied by the dog in training on university property, including in university facilities, to which the general public is invited if the handler and dog in training otherwise comply with the requirements of Virginia law for a service dog in training, such as age, training and equipment requirements. See Va. Code § 51.5-44(E). The university does not permit service dogs in training in any areas other than those to which the general public is invited.

Any access for a service dog in training beyond public areas is at the discretion of the university official with authority for managing the university facility and is generally authorized only in residence halls. Students or employees conducting continuous training of a service dog may request special authorization to access a residence hall by contacting Residence Life and Housing (RLH) or a classroom or other area by contacting SAEO for guidance in seeking authorization from the university official responsible for the area. In cases where the university has authorized special access for a service dog in training to a specific
The handler may be asked to present a copy of the authorization to a university official managing the area.

**Exception 3: Emotional Support Animals (ESAs)**

The university considers requests from students, employees, applicants and third-parties with a documented need for access for an ESA through its standard processes for reviewing requests for reasonable accommodation, pursuant to university policy (see “Accessibility and Reasonable Accommodation for Individuals with Disabilities” policy in Related Documents section below). The university generally grants access for an ESA only in university housing.

**Students must request an accommodation by** submitting the Housing Accommodation Request Form and relevant documentation to SAEO (see “Housing Accommodation Request Form” in Forms section below). The university may require documentation of a resident’s disability-related need for an ESA. Because of the time needed to evaluate a request for reasonable accommodation and make any necessary arrangements in the residence hall, residents requesting housing accommodations, including for an ESA, should submit their request with as much advance notice as is reasonable and prior to the posted deadlines. Additionally, a resident must authorize the university to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal including, but not limited to, potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the resident’s disability. An approved ESA is permitted to stay within the handler’s specifically assigned room, subject to the terms and conditions set by RLH and contained in the ESA agreement for residents, which will be a binding document created between the student and RLH. ESAs are generally not permitted in common areas of a residence hall and must be in an animal carrier or controlled by a leash or harness at all times outside of the handler’s assigned room. An approved ESA is permitted in outdoor areas on university property to the same extent as pets.

**Exception 4: Pets**

Pets are not permitted inside any university facility except with the written authorization of the university official responsible for managing the university facility. As a limited exception, the university permits some pets in university housing: (1) any resident may keep fish in a single 10-gallon tank per bedroom in accordance with the Guide to Residential Living; and (2) a full-time employee living in university housing may keep a pet in their assigned living space pursuant to a lease or other legally binding agreement setting forth applicable requirements, including for cleaning, maintenance, control, and applicable charges.

Pets are permitted on university property in outdoor areas open to the general public. If the university has restricted access to an outdoor area for an event or program, pets may not enter.

**Exception 5: Working Animals**

A working animal is permitted on university property and/or in a university facility under the care of a professional or trained handler as authorized by the applicable division vice president due to the nature of
their work. The applicable division vice president will determine on a case-by-case basis the appropriate access to university facilities and other requirements for a particular working animal on university property.

NOTE: The review and approval of university owned and maintained animals for education or research purposes are under the jurisdiction of the Institutional Animal Care and Use Committee (IACUC). A research protocol must be approved by the IACUC as well as the university’s attending veterinarian in order to acquire a university owned and maintained animal. A principal investigator may initiate this process by contacting the university’s IACUC (see “IACUC Protocol Submission Process” in Related Documents section below).

Exception 6: Therapy and Program Animals

A handler may access designated university facilities with a therapy or program animal only as necessary for an approved university program, which provides therapy to or otherwise benefits members of the university community, and in accordance with the access limits and restrictions set by the division vice president who approved the university program.

2. Responsibilities of Animal Handlers

Animal handlers must comply with the following provisions regarding the behavior and care of any animal for which they are responsible, in addition to any other applicable university rules and regulations, which may not specifically relate to animals:

- Handlers must personally supervise their animal at all times, and the handler must maintain full control of the animal at all times while on university property, including in a university facility. The handler must generally utilize a carrier, harness, leash or tether to control the animal at all times. If the handler of a service animal is unable because of a disability to use a harness, leash, carrier or other tether, or if the use of a harness, leash, carrier or other tether would interfere with the service animal’s safe, effective performance of work or tasks, the handler must otherwise maintain control of the service animal (e.g. voice control, signal, or other effective means. (see “ADA Requirements: Service Animals” in Related Documents section below). If an animal is found to be running at large, the animal is subject to capture and confinement and immediate removal from university property.

- A handler must ensure that the animal has been socialized and housebroken and may not otherwise permit disruption by the animal to university operations, including in areas such as lecture halls, theaters, libraries or other quiet places. The university recognizes that an occasional bark or continuous barking by a service animal may signal that the handler is in distress. In such instances, the university recognizes that the service animal may be performing a task and that the barking is causal and time limited. Other exceptions may be granted on a case by case basis, such as a service animal or ESA that may be adjusting to a new living space. An animal’s presence must not violate individuals’ right to peace and quiet. Any concern about disruptive barking of a service animal in the residence hall must be directed to the hall’s resident assistant and any concerns outside of the residence hall may be directed to the university’s accessibility administrator.
The handler must ensure that the behavior, noise, odor and waste of the animal does not disrupt or interfere with university activities including but not limited to teaching, research, service or administrative activities and these factors must not create an unreasonable disruption for community members (including staff, faculty, students and/or residents). The handler is responsible for any disruption by the animal and for prompt removal of waste along with necessary cleaning.

It is the responsibility of the handler to take appropriate precautions for the health and safety of their animal. The handler must comply with any applicable federal or state law, local ordinance or other regulation regarding the vaccination, licensing, tags, spaying or neutering, and care of any animal permitted on university property. A handler is responsible for identifying and complying with applicable requirements, including the obligation to provide adequate feed, water, and properly cleaned and maintained shelter. There must be adequate space in the primary enclosure (such as the residence hall room) for the particular type of animal depending upon its age, size, species, and weight. Handlers are responsible for providing exercise, care, treatment and transportation; as well as veterinary care when needed to prevent suffering or disease transmission (see “Pet License and Permit” in Related Documents section below).

NOTE: From time to time, the university may use pesticides, pest control devices, de-icing materials, cleaning supplies, and other materials for the maintenance and operation of university facilities in accordance with reasonable standards for such maintenance and operation. The university is not responsible for any harm to animals caused by such materials.

While the handler of a service animal is not required to notify the university of their intent to access university property or facilities, the university invites a handler of a service animal to notify the university so that it may facilitate such access. Student handlers may contact SAEO or the DAS, and employees and others may contact the university accessibility administrator.

A handler of an approved ESA must register the ESA as part of the university’s accommodation process (see “VCU Accessibility and Reasonable Accommodation for Individuals with Disabilities” in the Related Documents section below). If there is a question as to which of the categories in this policy applies to the particular animal, consultation with the university’s accessibility administrator is advised.

A handler is responsible for any bodily injury or property damage caused by the animal. The university may charge the handler for any damage caused by the animal beyond reasonable wear and tear to the same extent that it charges other individuals for damage they have caused beyond normal wear and tear. Please report any bodily injury to VCU Police and any other damage to RLH in the case of damage to residential housing or to the building manager responsible for managing the university facility (see “Building Managers/Coordinators” in the Related Documents section below).

A handler may not leave an animal unattended at any time on university property or within university facilities, except for service dogs or ESAs left in the handler’s university residence by the handler. In these cases, the handler may leave the animal unattended only for reasonably short periods of time, as determined by the residence director. The handler may not leave an animal alone or in the care of others overnight in the residence halls. An animal left for longer than a reasonable period of time, as determined by the residence director and given all circumstances
known to the university, may be impounded by the VCU Police. Exceptions may be granted by the residence hall director in the event that unforeseen circumstances prevent the handler from returning to their residence in a reasonable period of time.

- Handlers may not tie or tether an animal to any university property, including but not limited to buildings, railings, bike racks, fire hydrants, fences, sign posts, benches and trees, and handlers may not allow animals to run loose anywhere on university property.

- The university may deny an animal's access to university property based on observation or substantiated reports related to the particular animal. The university may deny an individual’s request to live with a particular ESA if the specific 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 specific animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. Exclusion of any animal will be based on an individualized assessment that relies on objective evidence about the specific animal’s conduct and not based on breed, size or weight.

- A handler must notify the university’s accessibility administrator or SAEO in writing if the ESA is no longer needed or is no longer in residence. To replace an ESA, the handler must follow the procedures in this policy to request a different ESA.

- Any student or employee who interferes with a service animal or the duties it performs, or with any animal in the performance of the activity for which its presence on university property is authorized, may be subject to disciplinary action under applicable university conduct policies.

3. **Enforcement and Sanctions**

Members of the university community who believe an animal handler has violated this policy should contact or log a report with the VCU Helpline at 1+ (888) 242-6022 or www.vcuhelpline.com. If the presence, behavior or actions of the animal presents a risk or danger to people or property, VCU Police should be contacted immediately. Depending on the seriousness of the handler’s or the animal’s misconduct, the handler will be advised that the animal may be excluded from university property temporarily or permanently. Handlers who violate this policy by disregarding an instruction to remove or exclude an animal from university property may be subject to additional penalties up to and including termination of employment, dismissal of a student or exclusion from university property in the case of an applicant or third-party.

Enforcement action for non-compliance:
- **Students:** Student handlers in noncompliance with this policy may be subject to disciplinary action under the VCU Student Code of Conduct Process (see Student Code of Conduct in Related Documents section below).
- **Faculty/Staff:** Disciplinary actions are the responsibility of the supervisor of the employee in noncompliance with this policy.
- **Applicants/Third-Parties:** Enforcement action against third parties is the responsibility of VCU Police.
If a service animal or an animal previously approved as an ESA is excluded from university property, the university will assist the affected handler in evaluating alternative reasonable accommodations, through SAEO, DAS or the university’s accessibility administrator. The university is committed to engaging in an interactive process with individuals with disabilities to ensure reasonable accommodation.

Forms

1. Housing Accommodation Request Form
   https://saeo.vcu.edu/forms/

2. Employee Request for Accommodation Form
   https://equity.vcu.edu/ada/

Related Documents

1. U.S. Department of Justice Guidance, ADA 2010 Revised Requirements, Service Animals
   https://www.ada.gov/service_animals_2010.htm

2. Code of Virginia § 51.5-44. Rights of Persons with Disabilities in Public Spaces and Places of Public Accommodation
   https://law.lis.virginia.gov/vacode/title51.5/chapter9/section51.5-44/

3. Code of Virginia § 3.2-6503. Care of companion animals by owner; penalty.
   https://law.lis.virginia.gov/vacode/title3.2/chapter65/section3.2-6503/

4. City of Richmond Code of Ordinances, Chapter 4 Animals
   https://library.municode.com/va/richmond/codes/code_of_ordinances?nodeId=PTIICICO_CH4AN

5. Guide for the Care and Use of Laboratory Animals

6. IACUC Protocol Submission Process
   https://research.vcu.edu/secure/acup/protocol_submission.htm

7. Richmond Government Pet License and Permit
   http://www.richmondgov.com/AnimalControl/PetLicense.aspx

8. VCU Policy: VCU Accessibility and Reasonable Accommodation for Individuals with Disabilities
9. SAEO Information on Service Dogs and Emotional Support Animals
https://saeo.vcu.edu/resources/support-animals/

10. Student Code of Conduct
https://conduct.students.vcu.edu/student-code-of-conduct/

11. VCU Notice of Nondiscrimination, Equal Opportunity and Affirmative Action

12. Building Managers/Coordinators
https://fmd.vcu.edu/physical-plant/building-managers-coordinators/

Revision History

This policy supersedes the following archived policies:

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<th>Approval/Revision Date</th>
<th>Title</th>
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<td>None – New Policy</td>
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FAQ

1. Who should I contact for any questions related to animals on university property?
For all questions related to students with service animals:
- Please contact the Office of Student Accessibility and Educational Opportunity at SAEO@vcu.edu or (804) 828-2253 on the Monroe Park campus.
- Please contact the Division for Academic Success at DAS@vcu.edu or (804) 828-9782 on the Health Sciences campus.
- Please contact The Office of Student Accessibility and Educational Opportunity at SAEO@vcu.edu or (804) 828-2253 regarding emotional support animals in residence halls.
- Please contact Equity and Access Services at (804) 828-8532 for employee and visitor inquiries about service animals.

2. How can I request to bring my emotional support animal into my residence hall?
In order to bring an emotional support animal into a residence hall, a student must submit a request for a housing accommodation to SAEO by completing the steps outlined in the policy.

3. As a VCU faculty or staff member, what questions can I ask to determine if a dog is a service animal?
In some situations, it is obvious to a reasonable observer that a dog is a service animal because it is acting as a guide dog or completing tasks for an individual who uses a wheelchair. In such situations, a VCU
employee may not seek additional confirmation from the animal’s handler but may consult the university’s accessibility administrator regarding any questions or concerns. In situations where it is not obvious that a dog is a service animal, faculty/staff may ask the dog’s handler only the two (2) following specific questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has this dog been trained to perform?

If the answer to the first question is “yes” and the handler reasonably describes the type of work or task that the dog has been trained to perform, the handler may be accompanied by the service dog in any university facility to which the individual handler has access. Faculty and staff may not request any documentation, require that the dog demonstrate its task, or inquire about the nature of the person’s disability. Remember that only a dog (or qualifying miniature horse) can be a service animal. No other animal requires making an exception to the general policy prohibiting animals unless the individual has obtained written approval from the appropriate disability support office on campus.

4. How can I, a VCU faculty or staff member, request to bring a service or emotional support animal to work?

To initiate the interactive process towards determining eligibility for this type of accommodation, you can contact your supervisor, human resources or the university’s accessibility administrator. The university will assess requests for a reasonable accommodation on a case-by-case basis based on information provided by the employee on the “Employee Request for Accommodation Form” and the “Medical Certification for Employee Accommodation Form” as part of the accommodation process. More information can be found in the Accessibility and Reasonable Accommodation for Individuals with Disabilities policy (linked in the Related Documents section).