**NOTICE OF AMENDED REGULATION**

**August 8, 2022**

**BOARD OF GOVERNORS**

Division of Universities

University of North Florida

**REGULATION TITLE:**

Service, Assistance and other Animals on Campus

**REGULATION NO.:**

6.0210R

**SUMMARY:**

The University is revising its Service, Assistance, and Other Animals on Campus Regulation to improve its clarity and utility for the University community.  In addition, updates have been made in light of federal guidance on animals under the ADA, Section 504 of the Rehabilitation Act, and the Fair Housing Act.

**FULL TEXT:**

The full text of the regulation being proposed is attached.

**AUTHORITY:**

Florida Constitution, Article IX, Section 7(c), Americans with Disabilities Act, as amended, Section 504 of the Rehabilitation Act of 1973, F.S. §413.08.

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Rocelia Roman De Gonzalez, Director ADA Compliance

**INDIVIDUAL TO BE CONTACTED REGARDING THE PROPOSED REVISED 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 amendment of the regulation must be sent in writing to the contact person on or before Monday, August 22, 2022, to receive full consideration.***

** Regulation**

**Regulation Number**: 6.0210R

**Effective Date**: 6/7/2016 **Revised Date**: Click or tap here to enter text.

1. **Subject: Service, Assistance and Other Animals on Campus**

**Responsible Division/Department**: Administration and Finance, ADA Compliance Office, Student Accessibility Services Department; and Environmental Health and Safety

**Check what type of Regulation this is:**

[ ] New Regulation

[x] Major Revision of Existing Regulation

[ ] Minor/Technical Revision of Existing Regulation

[ ] Reaffirmation of Existing Regulation

[ ] Repeal of Existing Regulation

# I. OBJECTIVE AND PURPOSE

Animals are only allowed on University premises as permitted in this Regulation. The University complies with the Americans with Disabilities Act as amended, Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, Florida Statute § 413.08, and other applicable laws, regulations, and ordinances regarding animals.

For purposes of this Regulation, “University premises” include both on-campus locations and off-campus locations where an authorized program, activity, or service of the University is being provided.

# STATEMENT OF REGULATION

## Responsibility for Animals on Campus

An individual bringing an animal on University premises is responsible for the safe handling and care of the animal, which includes toileting, feeding, grooming, and veterinary care. The handler must clean up after the animal defecates, unless prevented by the handler’s physical disabilities. The animal must be in good health, housebroken, and in its handler's control at all times. It also must be on a leash, harness, or another type of restraint unless the handler is unable to maintain the physical restraint due to a disability, in which case the animal must be under control by voice, signal, or other effective means. If the animal must be off of its restraint in order to perform its task, it may be off the restraint for the limited purpose of fulfilling that duty and then must return to the restraint.

Animals must meet all requirements mandated by state or local ordinances. For example, license requirements in Duval County for dogs and cats may be found on the City of Jacksonville Animal Care and Protective Services site: https://www.coj.net/departments/neighborhoods/animal-care-protective-services/your-pet-guide/license-your-pet

## Service Animals

A “service animal” is a dog or miniature horse that has been individually trained to do work or perform tasks directly related to an individual’s disability. There is no restriction on the breed that can qualify as a service animal.

A qualified individual with a disability, or a trainer of a service animal, may be accompanied by a service animal in all areas of the University that the public are normally permitted to occupy, unless the animal’s presence would cause a fundamental alteration of the nature of the University’s programs, activities, or services or present a direct threat to the health and safety of others. This permission includes labs and areas that sell or prepare food. An individual is not required to submit a request for prior approval to bring a service animal into public areas of the University.

When an individual has a service animal, faculty and staff may not request medical documentation to prove that the individual has a disability, may not ask about the individual’s disability, may not require proof of training, and may not ask the handler to make the animal perform the activity for which the animal is trained to perform. A service animal is not required to wear a vest, ID tag, or specific harness.

Faculty and staff are only permitted to ask the following two questions:

“Is this animal a service animal required because of a disability?”

“What job or task has the animal been trained to perform?”

Pursuant to Florida Statute § 413.08, a person who misrepresents that they are using a service animal, being qualified to use a service animal, or are 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.

## Emotional Support Animals

Animals that do not qualify as a service animal nevertheless may be deemed an “emotional support animal,” also sometimes known as an “assistance animal.” An emotional support animal is one that provides 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. It must be an animal commonly kept in households, except in certain rare circumstances where the individual can demonstrate a disability-related therapeutic need for the specific animal or type of animal. In any event, emotional support animals are not merely pets.

An individual residing in University housing may request to have a service or emotional support animal in housing pursuant to the Fair Housing Act and Florida Statute § 760.27. Unlike service animals, emotional support animals generally are not permitted elsewhere on campus outside of housing, unless specifically approved in such other areas as a reasonable accommodation. For requests for service animals in housing, the only disability-related questions permitted are whether the animal is required because of a disability and what work or task the animal has been trained to perform. The individual will not be asked about the nature or extent of their disability, and documentation of the disability will not be required.

For requests for emotional support animals in housing, if an individual’s disability is not readily apparent, they may be asked to provide reliable information that reasonably supports they have a disability. They also may be asked to provide reliable information that reasonably supports the person’s need for the particular emotional support animal being requested, such as the particular assistance or therapeutic emotional support provided by the specific animal. The individual will not be asked or required to submit information that discloses the diagnosis or severity of their disability, or any medical records relating to it (though they may be submitted as evidence if desired). An emotional support animal registration of any kind, including, but not limited to, an identification card, patch, certificate, or similar registration obtained from the Internet is not, by itself, sufficient information to reliably establish that a person has a disability or a disability-related need for an emotional support animal.

Students must register with Student Accessibility Services and the main Housing and Residence Life office 30 days before the animal is brought to University housing. Individuals with a service animal or emotional support animal should follow the procedures documented in the Housing and Residence Life website: https://www.unf.edu/housing/; however, Housing and Residence Life will not deny a request solely because a person did not follow the routine method, nor will it require the use of a specific form or notarized statement.

In all cases, an emotional support animal is not permitted if it poses a direct threat to the safety or health of others, or poses a direct threat of significant physical damage to the property of others, which threats cannot be reduced or eliminated by another reasonable accommodation. Emotional support animals also are not permitted if allowing their presence would result in a fundamental alteration to the nature of University housing, other University programs, events, and activities, or impose an undue financial or administrative burden.

## Animals for Employees on University Premises

Qualified employees with a disability may request to bring a service animal or emotional support animal to work as an accommodation through the [ADA Compliance Office](https://www.unf.edu/adacompliance/). More information on requesting a reasonable accommodation is found in the University’s Americans with Disabilities Act Compliance Regulation, 4.0070R.

Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal or denying an employee permission to have an animal in the workplace if it is otherwise a reasonable accommodation. However, some individuals may have an allergic reaction to animals that is substantial enough to qualify as a disability. A student with such an allergy should request assistance from Student Accessibility Services. All others should contact the University’s ADA Compliance Office.

## 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, 2.0890P](https://www.unf.edu/president/policies_regulations/02-AcademicAffairs/ORSP/2_0890P.aspx).

## Use of Animals for Therapy

With pre-approval from (1) the appropriate Vice-President or Dean and (2) the Director of Environmental Health and Safety, registered and approved therapy animals may be incorporated into the following:

### University approved events, whether as a one-time event or on a recurring basis (such as regularly scheduled therapy animal visitation in the Library).

### Academic coursework as part of an approved curriculum, for example, as part of mental/behavioral/physical healthcare courses.

### Therapy and counseling services provided through appropriately trained and licensed healthcare and mental health providers on campus, such as in the Counseling Center, PERCH, or Student Health Services. Additional approval from the Dean, Program Director, and ongoing participation in the Brooks College of Health Scholars with Collars Program to ensure compliance with program policies, standards, and ongoing clinical supervision is required

To qualify as an approved therapy animal under this section, both the handler and the animal must be approved through Environmental Health and Safety.

## Exclusion of Animals from University Premises

Any animal that would otherwise be permitted on University premises pursuant to this Regulation may be excluded or removed if it violates this Regulation, is out of control, not housebroken, or poses a direct threat to the health or safety of others.

If an animal is excluded or removed, an individual with a disability will be given the option of continuing access without having the animal on the premises.

Animals are not allowed if the animal’s presence causes a fundamental alteration of the nature of the University’s programs, activities, or services, or poses a direct threat to the health and safety of others.

The University’s Office of Environmental Health and Safety and other University officials may require a handler to remove an animal that is violating this Regulation. To report an animal that is violating the requirements of this Regulation, please contact Environmental Health and Safety at (904) 620-2019 or ehs@unf.edu.

If an individual believes they have been improperly denied access to a service animal or emotional support animal, they may file a complaint with the University’s Office of Equal Opportunity and Inclusion.

#  Contact Information

**Student Accessibility Services**

Tom and Betty Petway Hall

SAScenter@unf.edu

**ADA Compliance Office**

Dial 7-1-1 then the Office number

ADAcompliance@unf.edu

[www.unf.edu/adacompliance](http://www.unf.edu/adacompliance)

**Office of Environmental Health and Safety**

Building 6, Suite 1300

EHS@unf.edu

**Department of Housing and Residence Life**

housing@unf.edu

J.J. Daniel Hall

Building 1, Suite 1201

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