



Transylvania Assistance Animal Policy

Transylvania University is committed to making reasonable modifications to its rules, policies, and practices as required by law to afford people with disabilities an equal opportunity to access its programs, services, and activities.

Pets

A “pet” is any animal kept for ordinary use and companionship. Assistance animals (service and support animals), as defined below, are not considered pets.

Pets, other than fish in a tank no bigger than five (5) gallons, are prohibited in university residential, academic, and administrative buildings. Violations of this policy will result in a minimum \$500 fine. For more information on pets in University Housing, please refer to the appropriate section in the Student Handbook.

Assistance Animals

This policy applies to assistance animals that may be used by individuals with disabilities at Transylvania. The term “assistance animal” is the overarching term that refers to both service animals as well as emotional support animals as defined below. Therefore, an assistance animal is an animal that either, (1) works, provides assistance, or performs tasks for the benefit of a person with a disability; or (2) provides emotional or other type of support that alleviates one or more identified symptoms or effects of a person’s disability.

a. Service Animals

A service animal means any dog* (*Other Animals*) that are individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the person’s disability. The provision of emotional support, well being, comfort, or companionship does not constitute work or tasks for the purpose of this definition. Species other than dogs or, in some cases, other animals, are not considered service animals for the purpose of this definition of a service animal.

Service animals will be permitted to accompany people with disabilities in all areas of Transylvania’s facilities, including University Housing, where students, members of the

public, and other participants in services, programs or activities are allowed. Transylvania does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Additionally, Transylvania cannot ask about the nature or extent of a person's disability to determine whether a person's animal qualifies as a service animal. However, when it is not readily apparent that a dog is a service animal, Transylvania staff may make two inquiries to determine whether the dog qualifies as a service animal, which are:

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

A service animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether, unless the person is unable to hold those, or such use would interfere with the service animal's performance of work or tasks. In such instances, the service animal must be kept under control by voice, signals, or other effective means.

Students accompanied by a service animal on campus are required to register with Accessibility Services. Employees accompanied by a service animal on campus should notify Accessibility Services and/or Human Resources.

b. Emotional Support Animals

An emotional support animal is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, support animals are not required to be trained to perform work or tasks, and they include species other than dogs.

Emotional Support Animals requests must be made a minimum of 30 days prior to the student moving onto campus. The ESA online application will be open April through July for the Fall term and the first two weeks of December for the Winter/May terms. Animals may not be allowed to reside in University housing if this condition of reasonable advance notice is not fulfilled in a timely manner during the open application periods.

Emotional support animals are generally not allowed to accompany persons with disabilities in all public areas of Transylvania University as a service animal is allowed, but an emotional support animal may reside in University Housing. This animal will be restricted to the student's immediate living environment (room, suite, or apartment) unless the student's accommodation needs to include other shared spaces within the residence hall. Before an emotional support animal can move into University Housing with a person with a disability, the following must occur:

1. The student must fill-out an application form through Accessibility Services detailing the

student's situation and desired accommodation.

2. Accessibility Services requires documentation from a licensed physician or mental health provider, including without limitation a qualified psychiatrist, social worker, or other mental health professionals in the form of a letter written on an official letterhead and signed by the referring health care professional. Documentation letters must include the following information without exception:

- a. That the individual qualifies as a person with a disability and the disability is clearly stated with an accompanying DSM code as well as a date of diagnosis.
- b. That the emotional support animal may be necessary to afford the person with a disability an equal opportunity to use and enjoy University Housing (i.e., that the animal would provide emotional support or other assistance that would ameliorate effects of the disability).
- c. The provider's description of the service(s) that the animal will provide.

Accessibility Services reserves the right to ask a student to sign a [Confidential Records Release Form](#) if the documentation provided does not appear credible, or it appears the provider does not have sufficient expertise to render an opinion on the student's condition. Accessibility Services will contact the referring health care provider for verification purposes and to confirm the disability related need for the requested animal.

3. If approved, the student will receive a confirmation email from the Accessibility Services which will include a referral to the Office of Housing and Residence Life to provide appropriate documentation regarding animal's vet and shot record making sure the animal is in compliance with local, state, and federal laws related to pet Ownership. This information must be presented annually to Housing and Residence Life prior to the animal moving into the residence hall.

4. If a student has a roommate, the designated roommate will need to sign a form granting their permission to reside in a room with an animal and understanding of their responsibilities [See: *Appendix A: Responsibilities of People with Disabilities Using Support or Service Animals sections 3 and 4*].

5. The student understands that Healthy and Safety Inspections will occur in all residence hall rooms periodically to support a productive and safe living environment

Only one ESA per individual is allowed. Cats and dogs must be housebroken and must be spayed or neutered prior to arriving on campus. Generally speaking, a cat must be at least 12 weeks and meet the above listed criteria prior to residing on campus, and a dog must be at least 24 weeks prior to residing on campus. If an animal does not meet this criteria, a student's ESA application will be placed on hold until the criteria have been met.

Emotional support animals in University Housing must be able to tolerate the small room size and other unique aspects of residence hall living and not disrupt the learning environment of the residence halls, or the safety and comfort of other residents.

While emotional support animals are generally not allowed indoors on Transylvania's campus other than in University Housing, people with disabilities may submit documentation and a formal request to Accessibility Services for consideration to have the support animal accompany them to other campus areas. Such requests will be considered on a case-by-case basis consistent with applicable laws.

c. Therapy Dogs

For university purposes, therapy dogs are not considered Emotional Support or Service Animals. Although therapy dogs receive training, they perform a different type of job from service dogs or emotional support animals. Therapy dogs provide psychological or physiological therapy to individuals other than their handlers, and unlike service dogs and emotional support animals, therapy dogs are encouraged to interact with a variety of people while they are on-duty including petting the therapy dog.

d. Other Animals

Transylvania will assess requests for the use of other (non canine) service animals on campus on a case-by-case basis. Requests should be submitted to Accessibility Services and, consistent with applicable laws, Transylvania may make modifications in its policies to permit use if they meet certain criteria and have been individually trained to do work or perform tasks for the benefit of the disabled. If a student has a roommate, the designated roommate will be asked to sign a form signifying their agreement to reside in a room with an animal.

e. Animals In Training

Students and/or employees are not permitted to have animals that are in training on University property or to house them in university residence halls unless they are being trained for the use of a student or employee who will be their permanent handler.

Exceptions to this rule apply to specific University offices who might be hosting programming events for students, faculty, and staff (i.e. annual Stress Week puppy event hosted by the Office of Student Wellbeing).

Exceptions and Exclusions

Transylvania may pose some restrictions on, and may even exclude an assistance animal in certain instances. As noted above, emotional support animals are generally not allowed indoors on Transylvania's campus other than in University Housing. Persons with disabilities may request approval from Accessibility Services to have their assistance animal accompany them

to other campus areas as a reasonable accommodation. Such requests will be considered on a case-by-case basis consistent with applicable laws. Any animal may be excluded from an area in which it was previously authorized only if:

- it is out of control and effective action is not taken to control it;
- it is not housebroken (or in the case of support animal that deposits waste in a designated cage or litter box, the owner fails to clean such cage or box such that the cleanliness of the room is not maintained); or
- it poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services

In considering whether an assistance animal poses a direct threat to the health or safety of others, Transylvania will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine: (1) the nature, duration, and severity of the risk; (2) the probability that the potential injury will actually occur; and (3) whether reasonable modifications of policies, practices, procedures, or the provision of auxiliary aids or services, will mitigate the risk. The ADA/504 Coordinator will assist in the assessment process and provide a written statement of the explanation to any person with a disability if a determination is made that the presences of that person's assistance animal would fundamentally alter the nature of a program, service, or activity.

In the event that restriction or removal of an assistance animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the assistance animal present.

The above provisions on restrictions and exclusions are not intended to cover modifications to reasonable accommodations. The reasonable accommodation process and modifications to reasonable accommodations are covered under Transylvania's policy on reasonable accommodations.

Any participant, beneficiary, applicant, or employee, including a student, staff member, or faculty who believes they have been subjected to discrimination on the basis of a disability (or is unsatisfied with accommodations provided) may file a grievance under this procedure. It is against the law for Transylvania University to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. The ADA/504 Coordinator should be notified immediately if anyone associated with the grievance procedure is subjected to retaliation as a result of that person's participation in the grievance process. Amber Morgan has been designated as Transylvania University's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability [see Appendix B for the University's official grievance process].

Guidelines for Members of the Transylvania Community

To ensure equal access and nondiscrimination of people with disabilities, members of the Transylvania community must abide by the following practices:

- Allow assistance animals to accompany people with disabilities on campus;
- Do not ask for details about a person's disabilities;
- Do not pet an assistance animal, as it distracts the animal from its work;
- Do not feed an assistance animal;
- Do not deliberately startle, tease, or taunt an assistance animal; and
- Do not separate or attempt to separate a person from their assistance animal

If you have a disability that may be affected by the presence of animals, please contact Accessibility Services. Transylvania is committed to ensuring that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible.

Transylvania University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

If you have any questions regarding this policy or feel you have been denied an accommodation afforded to you under ADA, please see the Transylvania University Equal Opportunity, Harassment, and Nondiscrimination policy at <https://www.transy.edu/campus/campus-safety/title-ix/>.

Appendix A: Responsibilities of People with Disabilities Using Support or Service Animals

NOTE: Appendix A is to be completed with a member of the Office of Housing and Residence Life only.

Transylvania is not responsible for the care or supervision of assistance animals. People with disabilities are responsible for the cost, care, and supervision of assistance animals Including:

1. Compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
 - a. The owner must show the animal is in optimal health so as to provide necessary assistance for the student. The animal must also have updated vaccinations, including but not limited to, the general maintenance vaccine series and any vaccinations deemed necessary by a licensed veterinarian. This includes:

Dogs

- proof of up-to-date rabies and distemper vaccinations;
- proof of sterilization (spaying or neutering); and
- each dog over four months old must have a Kentucky or home state license and wear it on a collar at all times.

Cats

- Proof of up-to-date rabies and distemper vaccinations. (Kittens need distemper shots at eight weeks of age, and a booster every three weeks until they are 12–16 weeks old. Their first rabies shot is given at 14–16 weeks, and it is good for one year only. After receiving the second rabies shot, a cat must be re-vaccinated at least every three years;) and
- Proof of sterilization (spaying or neutering).

- b. All documentation must be provided to the Department of Residence Life and Housing prior to the arrival of the animal in the residence halls.
- c. Follow all Lexington and Kentucky licensing laws and tag laws.
- d. A service animal is requested to wear some type of commonly recognized service animal identification symbol when in public.

● Student Initials_____

2. Keeping the animal under control and taking effective action when it is out of control
 - a. The animal must be under the owner's direct physical control with a harness, leash, or other tether, unless either the owner is unable because of a disability to use these, or the use of one of these would interfere with the service animal's safe, effective performance of work or tasks. If so, the service animal must be otherwise under the owner's control (e.g., voice

control, signals, or other effective means).

b. The animal's behavior must not be disruptive to its surroundings or other members of the Transylvania community. Disruptive behavior includes, but is not limited to, jumping on people, barking, growling, taking food from dining area tables, or taking personal belongings of individuals other than the owner. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

c. While on campus, in areas including classes, public areas of residences, food venues, or assembled gatherings, the animal must be in close physical proximity to the owner.

d. Necessary precautions should be made for Facilities Management and other University personnel to enter the residence hall room when the owner is not present. The animal must be caged or crated, or removed from the room, during the time that University personnel are in the room. The University is not liable if the animal escapes during one of these visits.

● Student Initials _____

3. Vacation and/or Overnight Leave

a. If the owner takes vacation or has extended leave overnight, the animal must be removed from the residence hall. Roommates, friends, or other designees **are not permitted** to watch and care for the animal in the owner's absence.

b. If the owner resides in a residence hall, the owner will notify the Assistant Director of Residence Life & Housing if the animal escapes.

● Student Initials _____

4. Feeding and walking the animal, disposing of its waste, and grooming.

a. The care of the animal is solely the responsibility of its owner.

b. The animal must be housebroken.

c. Always carry equipment sufficient to clean up the animal's waste and immediately remove and dispose of the waste. Members of the Transylvania community who are not physically able to pick up and dispose of animal waste are responsible for making all necessary arrangements for assistance. Transylvania is not responsible for this task.

d. Designated toileting areas are grass areas that are removed from human walking traffic. Owners should be considerate of the impact of waste to the general population. Waste disposal via university plumbing is prohibited in university residences.

e. Keep the animal clean, well groomed, and free of pests. If TU facilities are used to bathe the animal, the owner will clean the area when done.

- Student Initials_____

5. Transylvania will not require any surcharges or fees for assistance animals. However, a person with a disability may be charged for damage caused by an assistance animal to the same extent that Transylvania would normally charge a person for any damage to facilities. This includes bringing in fleas, bed bugs, or other pests into the residence hall, for which the student will be held financially responsible for all treatment needed and the replacement of damaged items.

- Student Initials_____

6. People with disabilities who are accompanied by assistance animals must comply with the same university rules regarding noise, safety, disruption, and cleanliness as people without Disabilities.

- Student Initials_____

7. If a student has a roommate, the designated roommate will need to sign a form granting their permission to reside in a room with an animal and understanding of their responsibilities.

- Student Initials_____

8. The student understands that Healthy and Safety Inspections will occur in all residence hall rooms periodically to support a productive and safe living environment.

- Student Initials_____

9. Under most circumstances, only one emotional support animal is allowed per resident or room/apartment. Emotional support animals in University Housing must be able to tolerate the small room size and other unique aspects of residence hall living and not disrupt the learning environment of the residence halls, or the safety and comfort of other residents.

- Student Initials_____

Violation of Responsibilities

Students who are found to be in violation of any of the above listed responsibilities will be placed on a **2 tier warning system**. The student will receive an initial email from Housing and Residence Life or designated employee, regarding the initial violation. If a student receives a second violation they will be asked to meet with Housing and Residence Life or designated employee. After a second violation a student will be asked to remove their animal from campus for the remainder of the term if deemed necessary for the benefit of the student, the animal, and general well being of the student body.

A student may request to bring their animal back to campus the following term. Requests will need to be made through Housing and Residence Life. If a student is asked to remove their animal from campus a second time due to repeated violations, they will lose the opportunity to have their animal on campus for the remainder of their tenure at Transylvania University.

- Student Initials _____

The Transylvania University Assistance Policy has been reviewed with me by a member of HRL. I have had the opportunity to ask questions and receive clarification. I understand my rights and responsibilities.

Student Name (print) _____

Student Signature _____ Date: _____

HRL Signature _____ Date: _____

