# POL 04.25.08

Animals on Campus Policy

**Authority:** Chancellor

**History:**

* First Issued: July 2000
* Revised: January 2009, February 2013
* Last Revised: July 31, 2018

**Related Policies:**

* [28 CFR § 35.104 - Definitions (Legal Information Institute)](https://www.law.cornell.edu/cfr/text/28/35.104)
* [28 CFR § 35.136 – Service Animals (Legal Information Institute)](https://www.law.cornell.edu/cfr/text/28/35.136)
* [28 CFR § 36.302 – Modifications in polices, practices, or procedures](https://www.law.cornell.edu/cfr/text/28/36.302)
* [NC General Statute § 14-163.1 - Assaulting a law enforcement agency animal, an assistance animal, or a search and rescue animal](https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-163.1)
* [NC General Statute § 14-363.3 - Confinement of animals in motor vehicles](https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=14-363.3)
* [NC General Statute § 168-3 - Right to use of public conveyances, accommodations, etc](https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=168-3)
* [NC General Statute § 168-4.2 - May be accompanied by service animal](https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=168-4.2)
* [NC General Statute § 168-4.4 - Responsibility for service animal](https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=168-4.4)
* [NC General Statute § 168-4.5 - Penalty](https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=168-4.5)

**Additional References:**

* [UNCP Housing & Residence Life](http://studentaffairs.uncp.edu/housing-residence-life/faq-2/)
* [Institutional Animal Care and Use Committee](http://www.uncp.edu/academics/research/institutional-animal-care-and-use-committee-iacuc)
* [Section 504 of the Rehabilitation Act of 1973 ("Section 504")](https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html)
* [Americans with Disabilities Act Amendments Act ("ADA") CFR 28: 35.107](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm)
* [ADA Service Animals](https://www.ada.gov/service_animals_2010.htm)
* [Fair Housing Act (FHA) Service Animals and Emotional Support/Assistance/Comfort Animals](https://www.hud.gov/sites/documents/SERVANIMALS_NTCFHEO2013-01.PDF)
* [Student Code of Conduct](https://www.uncp.edu/pr/reg-113001-student-code-conduct-regulation)
* [University Governance – University Committees](http://www.uncp.edu/resources/chancellor/university-governance/university-committees)

**Contact Information:** ADA Coordinator, 910-521-6695

**1. INTRODUCTION**

1.1 Members of the University of North Carolina at Pembroke ("UNCP” or the "University") community and others often wish to bring animals onto University grounds and into University buildings for a variety of reasons and purposes. The circumstances under which animals may be permitted access to campus grounds and facilities are the subject of federal, state, and local law, as well as University policy considerations. It is the purpose of this policy to articulate the conditions under which animals may or must be permitted access to University grounds and facilities. The classes of animals covered by this policy include:

1.1.a. Service Animals (including Service Animals in Training)

1.1.b. Therapy Animals

1.1.c. Emotional Support Animals/Assistance Animals/Comfort Animals

1.1.d. Law Enforcement Agency Animals

1.1.e. Search and Rescue Animals

1.1.f. Laboratory Animals Used for Teaching and Research

1.1.g. Domestic Animals

1.1.h. Feral or Wild Animals

**2. SCOPE**

2.1 This policy applies to all forms of animals on campus.

**3. DEFINITIONS**

3.1 Direct Threat. Means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 C.F.R. § 35.104.

3.2 Domestic Animal (Pet). For the purposes of this policy, domestic animal (pet) means an animal that is a member of a species that normally and customarily shares a human habitat in Robeson County, and is normally dependent on humans for food and shelter in the county, including dogs, cats, and other common domestic animals, but not including feral or wild animals as defined herein. Domestic animals include dogs, cats, gerbils, mice, rats and other mammals; snakes, lizards and other reptiles; canaries, parrots, parakeets and other birds, but is also applicable to other animals which are likely to create similar health hazards, concerns, and/or nuisances.

3.3 Emotional Support Animal (or Assistance Animal, or Comfort Animal). Means an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process, e.g., in alleviating the symptoms of that individual's disability. An emotional support animal does not assist a person with a disability with activities of daily living, and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal." 28 C.F.R. § 35.104.

3.4 Feral or Wild Animal. For the purposes of this policy, feral or wild animal means a non-domesticated animal that has been found in the wild, or is in the wild state.

3.5 Human Intervention. For the purposes of this policy, human intervention includes, but is not limited to, attracting, feeding, or watering animals, building shelters for animals, and injecting medication.

3.6 Law Enforcement Agency Animal (or Patrol Animal). Means an animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties. N.C.G.S. § 14-163.1(a)(2).

3.7 Person with a Disability. Means a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. 28 C.F.R. § 35.104.

3.8 Service Animal. Means an animal that is individually trained to do work or perform tasks for the benefit of an individual 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 handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 28 C.F.R. § 35.104.

3.9 Search and Rescue Animal. Means an animal that is trained and may be used to assist in a search and rescue operation. N.C.G.S. § 14-163.1(3a).

3.10 Service Animal in Training. An animal in training to become a Service Animal may be taken into any of the places listed in G.S. 168-3 for the purpose of training when the animal is accompanied by a person who is training the Service Animal and the animal wears a collar and leash, harness, or cape that identifies the animal as a Service Animal in training. The trainer shall be liable for any damage caused by the animal while using a public conveyance or on the premises of a public facility or other place listed in G.S.168-3. N.C.G.S. § 168-4.2.(b)

3.11 Therapy Animal. For the purposes of this policy, therapy animal means an animal that:

3.11.a. has received training appropriate for animal assisted therapy ("AAT") as evidenced by receipt of the Canine Good Citizen ("CGC") certificate from the American Kennel Club (AKC), or registration by a national Therapy Animal organization, such as the Delta Society or Therapy Dogs International; and

3.11.b. is used by a health care or mental health professional in a therapeutic setting. A Therapy Animal is not a Service Animal.

3.12 Laboratory Animals Used for Teaching and Research The Institutional Animal Care and Use Committee (IACUC) at The University of North Carolina at Pembroke oversees the university’s animal care and use program and reviews protocols involving vertebrate animals to ensure that they are in compliance with federal animal and welfare regulations.  The committee is also responsible for investigating animal facilities, addressing animal concerns, and managing training programs involving animals used on the university campus.

**4. POLICY AND PROCEDURE STATEMENTS**

4.1 Animals on University Grounds

4.1.1 This policy applies to all persons who wish to bring animals onto campus, as well as to those whose job duties involve interactions with such persons and/or their animals.

4.1.2 All animals brought onto University grounds must be under the control of the owner/handler at all times. In addition, all animals brought onto University grounds must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length, unless otherwise stated in this policy.

4.1.3 All animals brought onto University grounds must be licensed and fully inoculated in accordance with North Carolina State regulations and Robeson County regulations, if licensing is required by Robeson County, with the burden of proving licensure and inoculation status on the owner/handler.

4.1.4 Fecal matter deposited (whether on University grounds or in a University building or other facility) by any animal brought to campus must be removed immediately and disposed of properly by the owner/handler. The burden is on the owner/handler to arrange for removal of fecal matter if he or she is personally unable to perform the task.

4.1.5 The University may remove or require the removal of any animal that poses a direct threat to the health or safety of others, is not housebroken, or otherwise disrupts the uses of campus grounds or facilities.

4.1.6 Animals found tethered, unattended, or abandoned may be humanely impounded in accordance with applicable laws and regulations. Animals that are tethered, unattended, or abandoned on campus should be reported to University Police (ext. 6235).

4.1.7 Animals may be confined 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. In the event of endangerment to the animal or others, or public nuisance, the animal’s handler or owner is subject to citation and the animal may be humanely impounded. Animals confined in vehicles on campus that appear to be in distress or otherwise endangered, or that are endangering others or creating a nuisance, should be reported to University Police (ext. 6235).

4.1.8 If any aspect or circumstance of the condition, health, or behavior of any animal on campus is deemed by the University to be a threat to the health or safety of any member of the campus community or to any other animal, then that animal may be removed from campus in any manner deemed necessary by University officials. Such action may be taken even if the animal posing a threat would otherwise be permitted on campus under this policy. Animals on campus whose condition, health, or behavior appears to present a threat to the health or safety of any member of the campus community or to any other animal should be reported to the University Police (ext. 6235).

4.1.9 Except as otherwise stated in paragraphs 4.2 through 4.7 of this policy, animals **may not enter** any: (a) facilities owned and/or leased by the University, including all residential and non-residential buildings; (b) enclosed or delineated outdoor athletic or recreational facility; or (c) officially reserved or scheduled outdoor event on campus. Exceptions may only be approved by a university official.

4.2 Service Animals (including Service Animals in Training)

4.2.1 The Americans with Disabilities Act ("ADA") provides that businesses and other entities that serve the public must allow people with disabilities to bring their Service Animals into all areas of the facility where customers or other members of the public are normally allowed to go.

4.2.2 North Carolina G.S. §168-4.2 further provides that a person with a disability has the right to keep his or her Service Animal “on any premises the person leases, rents, or uses." For the purposes of this policy, a residence hall room would be considered such premises. The person with a disability must show proof the animal is registered as a Service Animal.

4.2.3 A Service Animal in Training may be brought into the premises of entities that serve the public "for the purpose of training when the animal is accompanied by a person who is training the Service Animal and the animal wears a collar and leash, harness, or cape that identifies the animal as a Service Animal in training."

4.2.4 A Service Animal is not a pet.

4.2.5 If an individual's need for a Service Animal and the qualifications of the animal are not obvious, the individual may be asked: (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been individually trained to perform.

4.2.6 Individuals with disabilities shall be permitted to be accompanied by their Service Animals in all areas of the University's grounds and facilities where members of the public, participants in services, programs or activities, or invitees are allowed to go.

4.2.7 A Service Animal shall be under the control of its handler. A Service Animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the Service Animal's safe, effective performance of work or tasks, in which case the Service Animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

4.2.8 A Service Animal may be excluded from campus, classrooms, or other facilities, when:

4.2.8.a. the animal's behavior poses a direct threat to the health or safety of others;

4.2.8.b. the animal is out of control and the animal's handler does not take effective action to control it;

4.2.8.c. the animal is not housebroken;

4.2.8.d. the animal's behavior fundamentally alters the nature of the programs, services, facilities, privileges, advantages, or accommodations at issue; or

4.2.8.e. The animal is ill. The animal must be in good health and may need to leave college facilities if ill.

4.2.9 If a Service Animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the Service Animal on the premises. 28 C.F.R. § 35.136(c).

4.2.10 Students whose Service Animals cannot follow the rules of remaining on campus will be held accountable to the [Student Code of Conduct](https://studentaffairs.uncp.edu/student-conduct/student-rights-and-responsibilities/) and infractions are enforceable by the [Student Code of Conduct.](https://studentaffairs.uncp.edu/student-conduct/student-rights-and-responsibilities/)

4.2.11 The University is not responsible for the care or supervision of a Service Animal. Accordingly, if a person with a disability remains on the premises after his or her Service Animal is properly excluded, it is that person's responsibility to make arrangements for the animal's care and supervision.

4.2.12 An individual with a disability will not be required to: (1) pay a surcharge related to the use of a Service Animal, even if people accompanied by pets are required to pay fees; or (2) comply with other requirements generally not applicable to people without pets.

4.2.13 In circumstances in which the University normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her Service Animal.

4.2.14 Use of a Service Animal must comply with ADA regulations and other applicable laws.

4.2.15 It is a Class 3 misdemeanor under North Carolina law to:

4.2.15.a. deprive a person with a disability or a person training a Service Animal of any rights granted the person under the laws applicable to persons with disabilities, or of any rights or privileges granted the general public with respect to being accompanied by animals;

4.2.15.b. charge any fee for the use of the Service Animal; or

4.2.15.c. disguise an animal as a Service Animal or Service Animal in training in order to attempt to obtain access for an animal under the false pretense that it is a Service Animal.

4.2.16 Requirements for faculty, staff and students when interacting with people and their Service Animals are listed below:

4.2.16.a. Allow a Service Animal to accompany the partner at all times and everywhere on campus, except where Service Animals are specifically prohibited.

4.2.16.b. Do not pet a Service Animal; petting a Service Animal when the animal is working distracts the animal from the task at hand.

4.2.16.c. Do not feed a Service Animal. The Service Animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.

4.2.16.d. Do not deliberately startle a Service Animal.

4.2.16.e. Do not separate or attempt to separate a partner/handler from that person's Service Animal.

4.3. Therapy Animals

4.3.1 A Therapy Animal trained for Animal Assisted Therapy ("AAT") may be brought into appropriate University health care or mental health facilities to work with its trained owners/handlers to provide service in conjunction with a University-approved program in one or more therapeutic settings. Each owner/handler of a Therapy Animal shall:

4.3.1.a. provide to the University documentation of the training for the Therapy Animal as demonstrated by attainment of the Canine Good Citizen ("CGC") title through the American Kennel Club ("AKC") or registration with a therapy dog organization;

4.3.1.b. provide to the University documentation showing that the owner/handler has obtained and maintains liability insurance coverage protecting the University from claims arising out of the presence and utilization of the Therapy Animal, and has obtained approval for the presence and use of the Therapy Animal from appropriate University officials; and

4.3.1.c. execute an Animal Assisted Therapy - Owner/Handler Agreement, waiving claims against the University with respect to any injuries (including death) sustained by the Therapy Animal during the time the Therapy Animal is on campus working with its owner/handler to provide service in conjunction with a University-approved program in one or more therapeutic or educational settings.

4.3.2 Each client who reasonably may be expected to come into contact or proximity with a Therapy Animal shall be advised in advance that the Therapy Animal will be present and consents in writing to the presence and, if applicable, the use of the Therapy Animal in that client's treatment. The consent document [Animal Assisted Therapy Participation Agreement] will include a waiver of claims against the University related to the patient's interaction with the Therapy Animal.

4.3.3 Except in circumstances described in Section 4.3.4, below, a Therapy Animal is not permitted in campus facilities other than the health care or mental health facilities in which the Therapy Animal will be utilized.

4.3.4 A Therapy Animal may be brought into campus facilities other than health care or mental health facilities when the Therapy Animal will be utilized in an educational program designed to educate others about mental health issues and treatment if: (a) the owner/handler obtains the consent of the administrator responsible for the facility; (b) potential attendees are given at least five days advance notice that a Therapy Animal will be present in the facility and will sign a consent form; and (c) the Therapy Animal is under the control of the owner/handler at all times.

4.3.5 A Therapy Animal is not a Service Animal or an Emotional Support Animal.

4.4 Emotional Support Animals/Assistance Animals/Comfort Animals

4.4.1 An Emotional Support Animal is not a Service Animal or a Therapy Animal, and an Emotional Support Animal need not have specialized training.

4.4.2 An Emotional Support Animal may not reside in University housing without the approval of relevant University officials.

4.4.3 A student requesting permission to have an emotional support animal in his or her on-campus housing should provide the Accessibility Resource Center ("ARC") with appropriate documentation on or before June 30th.

4.4.4 The ARC requires such advance notice in order to gather, review, and verify the necessary documentation, which includes, but is not limited to: verification of a disability, the determination of any conflicting disabilities in the immediate vicinity where the animal will be housed, and verification of all vaccinations and the health of the animal including all the necessary licensing. If documentation is immediately available, the time for the approval process may be shortened. While requests may be made later than June 30th, there is no guarantee approval will be granted before the onset of the semester.

4.4.5 The ARC has a request form for an emotional support animal. This form shall be completed by the student's physical or mental healthcare provider or licensed therapist. The provider or therapist should be familiar with the professional literature concerning the assistive and/or therapeutic benefits of Emotional Support Animals for people with disabilities. The form requests:

4.4.5.a. The provider's diagnosis of the person's condition;

4.4.5.b. A clear description of the current impact and functional limitations resulting from the disability;

4.4.5.c. The provider's confirmation that the Emotional Support Animal has been prescribed for treatment purposes and is necessary to help alleviate symptoms associated with the person's condition and/or to help the person use and enjoy university housing services;

4.4.5.d. The provider's description of the service(s) that the animal will provide; and

4.4.5.e. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.

4.4.6 The UNCP Documentation Review Committee (“DRC”) will review the documentation within the parameters of the Fair Housing Act (FHA) and, if the DRC approves the Emotional Support Animal, ARC staff will arrange a meeting with a university housing representative and the student requesting that an Emotional Support Animal be housed in university housing.

4.4.7 This policy will be carefully reviewed with the student at that time and an interactive dialogue will take place to determine whether or not the animal is a reasonable accommodation considering alternative accommodations and the impact of the animal on the university housing program.

4.4.8 The effect on others in the residential housing unit must be considered, including the potential effect on persons with allergies to animal hair or dander, as well as the willingness of roommates to share their housing with an animal. Depending on such considerations, an alternative housing assignment may be considered.

4.5 Law Enforcement Agency Animals

4.5.1 A Law Enforcement Agency Animal may accompany a law enforcement officer onto campus grounds and into campus facilities, including into offices, dining, sales, and food storage areas, in the performance of the officer's official duties.

4.5.2 The officer's use of the Law Enforcement Agency Animal shall comport with applicable constitutional and legal standards and requirements.

4.6 Search and Rescue Animals

4.6.1 A Search and Rescue Animal may accompany its handler onto campus grounds and, if necessary, into campus facilities to assist in a search and rescue operation.

4.7 Laboratory Animals Used for Teaching and Research

4.7.1 Laboratory animals are permitted on campus consistent with campus policies governing the use of laboratory animals. Refer to Institutional Animal Care and Use Committee (see [University Committees](http://www.uncp.edu/resources/chancellor/university-governance/university-committees)).

4.8 Domestic Animals

4.8.1 Domestic Animals may be brought to campus consistent with Sections 1.1 and 4.1 (Animals on University Grounds).

4.9 Feral or Wild Animals

4.9.1 Feral or Wild Animals that are not a risk and do not represent a hazard, cause property damage, or create a public nuisance, and that do not require human intervention, may inhabit the campus grounds.

4.9.2 Feral or Wild Animals that are a potential risk, represent a hazard, cause property damage, create a nuisance, or otherwise pose a potential threat to the health or safety of humans will be regulated, controlled, and/or humanely relocated in accordance with applicable laws and regulations.

4.9.3 Feral or Wild Animals may not be brought into campus buildings.

4.9.4 No person may do anything to attract animals to campus nor may any person feed or set out food or water for animals on campus, or engage in any similar human interventions.