

POLICY

Effective Date: November 11, 2000
 Revised: October 3, 2017
 Approved By: President Sabah Randhawa

Authority: RCW [49.60](#); RCW [9.91.170](#); RCW [70.84.060](#);
 RCW [16.52.340](#); Whatcom County Code [6.04](#)
 Bellingham City Ordinance [Title 7](#);
[42 USC 12101 \(ADA\)](#); [Fair Housing Act](#)

See Also: [POL-U1600.03](#) Accommodating Persons with Disabilities
[POL-U1600.02](#) Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation
[POL-U4520.09](#) Addressing Animal Care and Use in Research and Instruction
[STN-U1600.03A](#) Allowing Animals as a Reasonable Accommodation for University Employment
[STN-U1600.03B](#) Allowing Animals as a Reasonable Accommodation in Academic Settings
[STN-U1600.03D](#) Allowing Animals as a Reasonable Accommodation in University Residences
[STN-U5620.04A](#) Managing Dogs at University Sponsored Events

POL-U5620.04 ALLOWING ANIMALS ON UNIVERSITY PROPERTY

The University is aware that animals will be on the campus for a variety of purposes and seeks to support their presence, the safety and health of the campus community, and the need to accomplish the University's mission.

This policy applies to animals, and their handlers, on University property and at Western sponsored events on non-University property. This policy does not apply to animals used in University approved research.

Definitions:

Handler: Any person having an interest in, or right of possession to, an animal, or any person having control, custody, or possession of an animal. The handler may or not be the owner of the animal.

University Property: Includes all areas owned or controlled by the University, all job sites for University employees, all class sites for University students, all event sites for University events, and all other venues in which the University controls the site.

Emotional Support Animal (ESA): Animals that provide emotional support to an individual, such as for depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. They are not considered service animals under the law. ESA's are also referred to as comfort or therapy animals.

Service Animal (RCW 49.60): An animal that is trained for the purpose of assisting or accommodating a sensory, mental, or physical disability of a person with a disability. Service animals are working animals, not pets.

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1. **Public Safety Department Responsible for Oversight of Managing Animals on University Property**

Under the purview of the Vice President for Business and Financial Affairs, the Director of Public Safety partners with Western's Human Resources Department, Equal Opportunity Office, disAbility Resources for Students, University Residences, Environmental Health and Safety, and Associated Students in implementing and enforcing this policy.

When necessary, and in accordance with applicable law, University officials will coordinate with officials at University satellite office locations that may have different policies and procedures regarding animals.

2. **Animals Allowed Outdoors Only**

Animals are allowed on all outdoor University owned and leased grounds, including outdoor special events, unless otherwise publicly specified or limited by law. Animals are not allowed within fenced outdoor facilities or inside any University owned or leased facility.

Exceptions:

- a) Service animals and emotional support animals are permitted, in accordance with applicable laws, in areas where animals in general are prohibited. See Sections 3 and 4 below.
- b) Rules for service animals "in training" are addressed in applicable standards documents. See Section 4 below.
- c) Working K-9 and search and rescue dogs are permitted as needed.
- d) Animals may be approved on a case-by-case basis in accordance with the *Standards for Managing Animals at University Sponsored Events* (STN-U5620.04A). For example, dogs might be approved to be brought into a specific area of the Library to serve as emotional support animals for students during finals week.

3. **Service Animals Permitted**

A service animal may accompany its handler in University facilities, areas that serve food, fenced outdoor facilities, and outdoor special events if:

- a) The handler has a disability as defined by Washington State Law, and
- b) The animal is trained for the purpose of assisting or accommodating the sensory, mental, and/or physical disability of the handler in order to gain equal access and/or participation in the University's housing, employment, or any program or activity

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provided as a public accommodation for which the handler is eligible to access and/or participate.

University personnel and service animal handlers must comply with the requirements of this and other applicable University policies, standards and procedures regarding service animals and the rights of people with disabilities. Go to “See Also” at the top of this document or go to <http://www.wvu.edu/drs/>. As described in those standards, service animal handlers may not be asked for documentation that their animal is a service animal.

Exception: Per RCW 49.60.218, only service animals that are dogs or miniature horses may be allowed in food service areas.

4. **University Provides for Rights to Reasonable Accommodations Involving Animals**

It is unlawful for any person who is not blind, hearing impaired, or not otherwise disabled to use a service animal in any of the places, accommodations, or conveyances listed in RCW [70.84.060](#) for the purpose of securing the rights and privileges accorded by the law to totally or partially blind, hearing impaired, or otherwise disabled people.

In accordance with the *Accommodating Persons with Disabilities* policy ([POL-U1600.03](#)), standards and procedures must be followed to accommodate people with disabilities with emotional support animals, employees with disabilities with service animals, and people handling service animals in training.

Compliance Contact	Document #	Standards
Human Resources	STN-U1600.03A	Allowing Animals as Reasonable Accommodations in University Employment
disAbility Resources for Students (DRS)	STN-U1600.03B	Allowing Animals as Reasonable Accommodations in Academic Settings
ADA Coordinator / Equal Opportunity Office	STN-U1600.03C	Allowing Animals as Reasonable Accommodations at University Events
University Residences	STN-U1600.03D	Allowing Animals as Reasonable Accommodations in University Residences

The Vice Provost/ADA Coordinator will review and monitor all standards to ensure compliance with applicable federal and state laws and University policy regarding

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reasonable accommodations. If an individual believes they have not received an appropriate accommodation involving an animal, they may contact the Equal Opportunity Office.

5. **Handler Responsible for Immediate Control of Animal**

The handler of an animal is responsible for the immediate control of the animal in that the:

- a) Animal is harnessed, leashed, or tethered by an appropriate length, or
- b) Handler can maintain control of the animal through voice, signal, or other effective controls.

No animal may be left unattended or tethered to a fixed object. Any animal found unattended should be reported to University Police.

Exception: An animal may be kept in a vehicle on University property for a reasonable amount of time so long as they are not endangered and/or do not create a public nuisance. Any animal left or confined unattended in a vehicle or enclosed space so that it reasonably appears that it is suffering or is likely to suffer harm from exposure to excessive heat, cold, lack of ventilation, or lack of necessary water, may be rescued by an animal control officer or law enforcement by entering the vehicle or enclosed space to remove an animal by any means reasonable under the circumstances if no other person is present in the immediate area who has access to the vehicle or enclosed space, and who will immediately remove the animal (RCW 16.52.340).

6. **Handler is Responsible for Behavior of Animal**

The handler is responsible for the animal's behavior at all times. The handler may be required to remove the animal if the animal's behavior is considered to be unsafe, destructive, and/or disruptive (see below).

The handler is responsible for cleaning up any waste created by the animal, and for all costs related to damages created by the animal. This includes fees for clean-up and disposal of animal waste, or replacement and repair of University or other individuals' assets, including grounds, personal property and improvements.

If the handler fails to clean up after the animal or the animal causes damage to property, the handler may be prohibited from bringing the animal onto University property. If the handler is unable to provide clean up, it is the handler's responsibility to arrange for this to be done.

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7. University Officials May Deny Access for or Request Removal of an Animal

An animal (including a service animal or emotional support animal) may be denied or requested to be removed by the handler by a University facility, program/activity, or the campus in any manner deemed necessary by University officials if any aspect or circumstance of its presence, condition, health, or behavior on campus is deemed by the University to:

- a) Be a threat to the health or safety of any member of the campus community, to the animal itself, or any other animal, and/or
- b) Fundamentally alters the nature of a University program or activity or is disruptive, and/or
- c) Is in violation of this policy or any other applicable University, city, county, or state rule, regulation, or law.

Public Safety is to be contacted in the event a handler refuses the University Official's request.

Questions and complaints related to the denial or removal of a service animal should be directed to the University's Equal Opportunity Office.

8. Interference with a Service Animal is Unlawful

It is unlawful for any person who has received notice that their behavior is interfering with the use of a service animal to continue such behavior with reckless disregard by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal handler (RCW 9.91.170).

9. Intentional Interaction with Wild or Feral Animals Prohibited

Wild or feral animals are a natural part of the campus landscape. They must not be interacted with and are to be left alone in their habitat. Interaction includes attempting to approach, feeding, watering, sheltering, harassing or harming. Feral or wild animals may not be brought onto or intentionally attracted to University property by any individual.

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.

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10. Environmental Health and Safety and University Policy to Be Consulted

When there are concerns or questions about indoor air quality or for an individual's health due to the presence of an animal, Western's Environmental, Health and Safety department should be consulted. Concerns or questions about an individuals' safety due to the presence of an animal should be directed to the University Police.

11. All Laws, Regulations, and Rules Applied and Enforced

Handlers of animals, and persons interacting with animals, must comply with all University policy, local, state, and federal regulations and laws which apply to the animal or handler. Any person found in violation may be cited, banned from University property, or otherwise fined, penalized, or disciplined as provided under the applicable University policy, local, state or federal regulations or laws.