



Policy: Animals on Campus – USC Upstate

Reasons for Policy:

This policy supports the University's commitment to equal access for persons with disabilities who may benefit from the presence of a Service or Emotional Support Animal, including students, employees, and visitors.

Entities Affected:

Disability Services

Human Resources

Housing and Residence Life

Who this Policy applies to:

Students, employees, and visitors

Definitions:

Emotional Support Animal: any common domesticated household animal that may provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability. Common domesticated household animals includes dogs, cats, small birds, rabbits, hamsters, gerbils, fish, turtles, or other small animals, and is not inclusive of reptiles, barnyard animals, monkeys and other non-domesticated animals. The support provided by an Emotional Support Animal must directly relate to and alleviate one or more of the identified symptoms or effects of an individual's disability, as demonstrated by appropriate documentation when required. Emotional Support Animals may have but do not require formal training or certification, are not required to wear any type of identification, and are not considered to be Pets for purposes of University policy. Emotional Support Animals are not capable of serving as Service Animals, may not always be permitted to accompany a person with a disability, and may not be allowed in non-residential University spaces such as classrooms, libraries, or dining facilities.

Reliable Third-Party: a trained professional, including but not limited to a doctor, nurse practitioner, physician assistant, psychiatrist, psychologist, or social worker who provides medical care, therapy, or counseling services to persons with disabilities, who by virtue of their expertise and familiarity with a person with a disability is able to verify that their

accommodation request is directly related to their disability, that it would alleviate one or more of the identified symptoms or effects of the disability, and that the accommodation is necessary to provide that individual with an equal opportunity to use and enjoy University housing or to perform essential job functions.

Service Animal: by law any dog individually trained to do work or perform tasks for 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 individual's disability. Animals other than dogs are not Service Animals, with the exception that on a case-by-case basis, the University may permit miniature horses on campus that have been individually trained to serve as Service Animals. Service Animals are not required to wear any type of identification and may accompany a person with a disability anywhere the individual is allowed to go, including work, class, eating establishments, and public transportation. The crime deterrent effects of an animal's presence or the provision of emotional support, comfort, or companionship do not constitute a Service Animal's work or tasks. A Service Animal may provide therapeutic support or may otherwise perform like an Emotional Support Animal. But a Service Animal, unlike an Emotional Support Animal, is individually trained to take specific action when recognizing the need to assist the individual with a disability.

Pet: A domestic animal that is owned by, resides with, and is cared for by an employee or student. This includes but is not limited to dogs, cats, fish in aquariums holding less than 20 gallons of water.

Section I. Service Animals

A. Students and Visitors

Students and visitors with disabilities may be accompanied by Service Animals in all public areas on all property owned, leased, or otherwise under the University's control. Students may be accompanied by Service Animals in all locations where fellow participants in University programs, activities, or services are allowed, except as described below where the presence of a Service Animal would fundamentally alter a program or activity. A Service Animal's work or task must be directly related to its owner's disability. Examples of Service Animal work or tasks include without limitation assisting individuals with low vision or hearing to navigate or become aware of the presence of objects or people; pulling a wheelchair; assisting with a person's stability or balance; performing medical alerts of various types such as the onset of seizures, high or low blood sugar, or the presence of an allergen; turning lights on or off; retrieving items; or opening and closing cabinets or drawers. Service Animals can also support persons with psychiatric and neurological disabilities by helping to prevent or interrupt impulsive or self-destructive behaviors.

1. **Fundamental Alteration of a Program or Activity.** The University may exclude a Service Animal if its presence would fundamentally alter the nature of a program or activity. For example, for safety reasons, Service Animals are excluded from some laboratories. In such situations, the University will collaborate with the individual with a disability to attempt to identify reasonable alternative ways or means to

participate in the program or activity. Such determinations shall be made by an ad hoc committee of knowledgeable participants empaneled and chaired by the Director of Disability Services.

2. Documentation, Identification, and Permitted Inquiries. An individual with a disability is not required to provide documentation that their dog (or in limited cases a miniature horse) has been individually trained as a Service Animal, and are not required to wear any type of identifying badge, cape, or vest. When it is not readily apparent that an animal is a Service Animal, only the following two inquiries may be made: 1) is the animal required because of a disability, and 2) what work or task has the animal been trained to perform?
3. Student Living on Campus. Students with service animals are not required to register with Disability Services. Students are asked to notify Housing and Residence Life staff in advance of moving so that roommates can be properly notified to address any allergies or conflicting disabilities.

B. Employee Service Animal Accommodation Requests

USC Upstate employees seeking to be accompanied by a Service Animal on an ongoing basis in their work environment must contact Human Resources to submit a disability accommodation request. Consistent with Title I of the Americans with Disabilities Act (the "ADA") regarding employment, which does not address Service Animals in the workplace, the University will process the employee's request in the same manner as other requests for reasonable accommodation. In accordance with the ADA, the University may request reasonable documentation from the individual with a disability that the requested accommodation is needed because of the employee's disability. The University may also ask why the Service Animal is needed at work and what the Service Animal does for the employee. The work or tasks performed by the Service Animal must be directly related to the individual's disability. Supervisors or coworkers with questions regarding an employee's Service Animal accommodation should contact Human Resources / ADA Coordinator.

C. Service Animals in Training

South Carolina Law (SC ST 43-33-20) A Service Animal trainer or an individual with a disability who is training an animal to perform as a Service Animal may take the animal into the same public spaces that Service Animals may access for the purpose of training.

D. Misrepresentation

South Carolina law (SC ST 47-3-980) prohibits fraudulently misrepresenting a pet or other animal as a Service Animal or a Service Animal in training. Persons committing this violation may be subject to a fine of up to \$250 for a first offense.

Section II. Emotional Support Animals

A. Accommodation Requests

Emotional Support Animals may not enter University property without an official accommodation granted in advance. Students and employees with disabilities who wish to live with an Emotional Support Animal in University Housing or have an Emotional Support Animal in their work or other non-residential campus environments may contact Disability Services or Human Resources to request an accommodation that will enable them to do so. Properly documenting the individual's disability and the directly related need for the Emotional Support Animal is required. Requests for Emotional Support Animals is limited to a single animal.

1. Students

Approved Emotional Support Animals may accompany a student everywhere within the student's private living space within University housing facility (i.e. personal bedroom). Student Emotional Support Animals are not permitted in other facilities on campus such as academic spaces or dining facilities unless an accommodation is granted allowing them to do so. During a first term of occupancy, the University cannot guarantee that it will be possible to meet new student accommodation requests submitted less than 60 days prior to moving into University housing (e.g. June 1). New students are, therefore, strongly encouraged to submit their accommodation request as early as possible.

2. Employees

Approved Emotional Support Animals may accompany an employee in their personal work environment (i.e. office, cubical), but are generally not allowed in other workspaces, safety sensitive areas such as some laboratories or workshops, or other areas such as dining facilities (including office kitchens).

B. Documentation and Criteria

When considering Emotional Support Animal accommodation requests, Disability Services or Human Resources will only require information necessary to verify whether an individual has a disability and to evaluate whether the requested accommodation may be necessary to provide an equal opportunity to use and enjoy University housing or to perform essential job functions. When an individual's disability and need for an Emotional Support Animal accommodation is obvious, no further verification is necessary. When an individual's disability or the need for Emotional Support Animal accommodation is not apparent, Disability Services may require documentation from a Reliable Third-Party able to verify that the request is necessary for providing an equal opportunity to use and enjoy University housing, non-residential environments on campus, or to perform essential job functions.

Emotional Support Animal accommodation requests may be denied if, in the opinion of Disability Services or Human Resources, the documentation is inadequate, or the presence

of the animal would impose an undue financial or administrative burden on the University, would fundamentally alter the residential, learning, or professional environment or related services or programs, would pose an undue threat to personal or public health or safety, or would generate substantial risk to University property or the personal property of others. In addition to what may be other relevant factors, the University may also consider whether the animal is too large, whether it's presence would violate other's rights to peaceful enjoyment of their living environment, or whether the animal has a history of or undue potential for aggressive or threatening behavior.

C. Student University Housing Restrictions

If an Emotional Support Animal's owner is to be absent overnight or longer from their University residence, the animal must accompany the owner. Emotional Support Animals may not be left unattended overnight in University housing, nor may they be cared for overnight or longer by any individual other than the animal's owner. Additionally, when away from their residence during the day, the owner must ensure that the Emotional Support Animal is properly contained.

Emotional Support Animals may not interfere with routine residence hall or other campus facility operations or activities, or cause difficulties or disturbances for others. Emotional Support Animals are only allowed on campus for as long as they are necessary to help alleviate or mitigate specific symptoms of their owner's disability. If an owner wishes to replace an approved Emotional Support Animal with a new Emotional Support Animal, a new accommodation is required. Should the University require that an Emotional Support Animal be removed from a campus residence facility for any reason, the owner remains bound by and responsible for fulfilling their housing contract obligations.

Section III. Service and Emotional Support Animal General Requirements

A. Owner or Handler Responsibilities

Owners or handlers are responsible at all times for the proper control and care of their Service or Emotional Support Animals, for any damage or injury they may cause, and must know and comply with all applicable laws and regulations including licensure, vaccination, and leash requirements. Service Animals shall be restrained with a harness, leash, or other tether unless an individual's disability precludes the use of such devices or if such devices would unreasonably hinder or interfere with the Service Animal's safe and effective performance of its work or tasks. If not tethered, a Service Animal must otherwise be under the control of its owner or handler, whether by voice, signals, or other effective means. The University may request documentation that confirms an animal is properly licensed. Owners and handlers must ensure the removal and proper disposal of their animal's waste. While the University does not charge any type of Service or Emotional Support Animal fee, all costs

or other liabilities associated with any damage or harm caused by Service or Emotional Support Animals are the owner or handler's responsibility.

B. Conflicting Disabilities or Health Conditions

Students or employees with a health condition (e.g., allergies, asthma), phobia, or disability that conflicts with or is adversely affected by exposure to a Service or Emotional Support Animal should contact Disability Services or Human Resources to resolve the matter. The individual raising the concern may be asked to provide documentation that identifies the impacts of their condition to allow Disability Services to determine if there is a need for an accommodation. The University will make a reasonable effort to resolve any conflicts that arise due to the presence of a Service or Emotional Support Animal by considering the needs or accommodations of all persons involved.

C. Exclusion or Removal

In addition to exclusion of Services Animals due to a potential fundamental alteration of a program or activity as outlined in Section I(A)(1), the University may, in consultation with Disability Services, also exclude or require an owner or handler to remove a Service or Emotional Support Animal from University-controlled property if the animal poses a direct threat to the health or safety of others, threatens or causes substantial damage to University property or the private property of a University community member, causes excessive disruption, becomes unmanageable or aggressive, is not housebroken, or if the owner or handler refuses to comply with their responsibilities as outlined in this policy and applicable law. The University may remove a Service or Emotional Support Animal that is mistreated or that appears to be suffering from a health issue or injury. The University may require an unclean or unkempt Service or Emotional Support Animal to be removed until the issue is resolved. The owner may request reconsideration of a decision to remove a Service or Emotional Support Animal from University property as outlined in Section III(E).

D. Interference

Intentionally or maliciously disrupting or distracting a Service Animal's work or task, attempting to or separating a Service or Emotional Support Animal from its owner or handler, or petting, feeding, deliberately startling, or otherwise interfering with a Service or Emotional Support Animal after being directed not to do so by its owner or handler is considered misconduct subject to appropriate disciplinary action. This activity is also a misdemeanor under South Carolina law (SC ST 47-3-930).

E. Complaints and Dispute Resolution

Students, employees, and visitors may contact the Director of Human Resources/Campus ADA Coordinator to request assistance with resolving disputes or complaints involving the presence of a Service or Emotional Support Animal on University property. In particular,

discriminatory behavior involving, or related to, or stemming from the presence of a Service or Emotional Support Animal is a violation of University policy and should be immediately reported. The institutional ADA Coordinator will assist with informal or formal complaint investigation and resolution in this regard. For issues related to Service or Emotional Support Animal accommodations, or to request reconsideration of a denial or scope of an approved accommodation, students and employees may contact Disability Services or Human Resources to request informal assistance or to initiate the formal Grievance Procedure for Disability Discrimination.

Section IV. Pets on Campus

USC Upstate is responsible for assuring the health and safety of all employees and students. In keeping with this objective, USC Upstate does not permit employees, students, and visitors to bring pets inside facilities that are owned, leased or operated by USC Upstate. Owner's and Handler's of pets are held to the same expectations outlined in Section III. A, including but not limited to, properly restraining your animal via harness, leash, teather and/or otherwise under the control of its owner or handler, removal and proper disposal of animal waste, and responsible for damage and any liabilities associated with harm caused by animal. The only exception to this Section is that residents in on-campus housing are allowed to have fish in aquariums holding less than 20 gallons of water per the Guide to Residential Living.

References and Related Materials

SC ST 43-33-20

SC ST 47-3-930

SC ST 47-3-980

Americans with Disabilities ACT (as amended)

Fair Housing Act

Section 504 Rehabilitation ACT

Guide to Residential Living

Code of Student Conduct

Grievance Procedures for Disability Discrimination

Faculty Handbook