

**Policy 1330
Animals on University Property**

Date of Current Revision: September 2015

Primary Responsible Officer: Office of Equal Opportunity

Secondary Responsible Officer: Human Resources and Office of Disability Services

1. PURPOSE

This policy provides the rules and regulations concerning employees, affiliates, students and visitors bringing animals on university property.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23-164.6; 23-9.2:3. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The Americans with Disabilities Act governs the use of service animals by individuals with disabilities. See 42 U.S.C. § 12,101 et seq. The Fair Housing Act governs the use of assistance animals by individuals with disabilities in housing. See 42 U.S.C. § 3601. The Code of Virginia provides civil and criminal rules concerning the ownership of animals. See Code of Virginia § 3.2-6500 et seq. The City of Harrisonburg's Animal Control Code provides rules concerning ownership of animals within the city limits. See Harrisonburg Code of Ordinances, Title 15, Chapter 2.

3. DEFINITIONS

Assistance Animal

Any animal that is specifically designated by a qualified medical provider as affording an individual with a disability an equal opportunity to use and enjoy a dwelling, provided there is a nexus between the individual's disability and the assistance the animal provides.

Controlled Space

For the purposes of this policy, controlled spaces are defined as any indoor area owned or controlled by the university, and any outdoor area owned or controlled by the university with limitations on use or access (e.g., practice fields, stadiums, farm, tennis courts, etc.). Areas open to the public (i.e., streets, lawns, sidewalks, parking lots) with no limitations on access are not controlled spaces.

Handler

A person with a disability who is the owner and user of a service animal or assistance animal, or the owner or person bringing an animal onto university property.

Pet

Any animal that is not trained or employed as a service animal or assistance animal by the handler.

Service Animal

Any dog, or in certain circumstances, miniature horse, specifically trained to do work or perform tasks for the benefit of and to accommodate the functional needs of an individual with a disability. This includes an animal that is in training to become a service animal.

University Property

For the purposes of this policy, university property includes all areas owned or controlled by the university, all job sites for university employees, all class sites for students, all event sites for university events and all other venues in which the university controls the site.

4. APPLICABILITY

This policy applies to all employees of the university, including instructional faculty, administrative and professional faculty, and classified staff; to all students; to all affiliates, alumni, volunteers, donors, business representatives, contractors and others having legitimate business on university property; and to all visitors to the university. It applies to all areas of the campus and all real property and vehicles owned or controlled by the university. It applies to all animals owned or controlled by an individual.

5. POLICY

5.1 Prohibition

All individuals on university property, including employees, affiliates, volunteers, students, business representatives, contractors and visitors, are generally prohibited from bringing animals, including pets, into any buildings or other controlled spaces on university property, except for the residential houses that are owned by the university and rented by full-time faculty and staff. Lessees may request written permission in advance from the Director of Real Property & Space Management to keep pets in these residential houses. The leases for these houses also require a non-refundable deposit. For students, see the policies concerning pets in Residence Halls. However, individuals with disabilities are allowed to bring service animals and assistance animals onto university property as provided below.

5.2 Service Animals

JMU welcomes the presence of trained service animals assisting people with disabilities on its campus in areas open to the public consistent with the provisions of this policy and applicable law. A service animal is generally permitted to be on university property in any place where the animal's handler is permitted to be, although there are specific locations and activities on university property where all animals are prohibited for safety and health reasons. These areas may include, but are not limited to, the following:

- Research and teaching laboratories (or other research facilities)
- Mechanical rooms/Custodial closets
- Food service preparation areas
- Areas where protective clothing is necessary
- Areas where there is a danger to the Service Animal
- *Exceptions to restricted areas may be granted on a case-by-case basis by the Director of Public Safety, the Director of Environmental Health and Safety, or the department/program chair responsible for the restricted area, as most appropriate.*

Members of the university community and visitors are prohibited from interfering in any way with a service animal, or the duties it performs.

5.3 Assistance Animals

An assistance animal owned by an individual who lives in a dwelling on university property is allowed to live with the individual in the handler's residence, and allowed in outdoor areas on campus other than controlled spaces. Assistance animals are not allowed in any other buildings on university property, nor are they allowed in other controlled spaces on campus.

5.4 Handlers

A service animal, assistance animal or pet must be personally supervised by the handler, and the handler must retain full control of the animal at all times while on university property.

Animals may not be left unattended at any time on university property, except for service or assistance animals left in the handler's university residence by the handler. The animal may only be left unattended for reasonable periods of time, as determined by the residence director. An assistance or service animal left for longer than a reasonable period of time may be impounded by the university police. A handler who leaves his or her service or assistance animal unattended for longer than a reasonable period of time will receive one warning, and if the behavior occurs a second time, the handler will be required to remove the animal from campus and prohibited from bringing the animal back onto university property.

- Animals may not be tied or tethered to any university property, including but not limited to buildings, railings, bike racks, fire hydrants, fences, sign posts, benches and trees, and may not be allowed to run loose anywhere on campus.

Animals must not be allowed to disrupt or interfere with university activities including, but not limited to, teaching, research, service or administrative activities. If the animal is unruly or disruptive, or if the handler fails to maintain control of the animal, the handler must regain control immediately or remove the animal from the university property. If the improper behavior continues or happens more than once, the handler may be prohibited from bringing the animal onto university property to be determined on a case-by-case basis by the Director of Public Safety, the Director of Environmental Health and Safety, or the department/program chair responsible for the area, as most appropriate. In the event an animal is banned, the University will engage as needed in a good faith process with the individual to determine if other accommodations will effectively allow the individual to participate in the program, service, or activity.

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.

6. PROCEDURES

6.1 Employees Requesting Permission for Service Animals or Assistance Animals

6.1.1 Service animals. Employees, affiliates and all others performing work for the university who bring service animals onto university property need not request the university's permission to allow the presence of the service animal on university property, but are requested to notify the University of the need for a service animal's presence in advance of reporting for work with the animal. The individual may be asked whether the animal is needed because of a disability, and what work or task the animal has been trained to perform. If the individual needs any other accommodations in the workplace, documentation of the disability and a request for accommodations must be made under the procedures in [Policy 1331](#)-Disabilities and Reasonable Accommodations.

6.1.2. Assistance animals. Employees who reside on university property and who wish to bring assistance animals onto university property as an accommodation for a disability must request the university's permission to keep the assistance animal in university housing. Permission will be granted only as an accommodation for a documented disability and must be arranged in advance through the office controlling the housing, prior to bringing the animal onto university property. The Office of Human Resources will assist the housing provider in determining whether the request

represents a reasonable accommodation for a documented disability and should be granted. The employee is not allowed to take an assistance animal into other buildings on campus, including but not limited to the employee's work area.

6.2 Students Requesting Permission for Service Animals or Assistance Animals

6.2.1. Service animals. Students who wish to bring service animals onto university property need not request the university's permission to allow the presence of a service animal on university property, but are requested to notify the university of the need for a service animal's presence in advance of coming to campus with the animal. The student may be asked whether the animal is needed because of a disability, and what work or task the animal has been trained to perform. If the student needs any other accommodations while attending the university, documentation of the disability and a request for accommodations must be made under the procedures in [Policy 1331-Disabilities and Reasonable Accommodations](#).

6.2.2. Assistance animals. Students who reside on university property and who wish to bring assistance animals onto university property as an accommodation for a disability must request the university's permission to keep the assistance animal in university housing. Permission will be granted only as an accommodation for a documented disability and must be arranged in advance through the Office of Disability Services, prior to bringing the animal onto university property. The Office of Disability Services will assist the Office of Residence Life in determining whether the request represents a reasonable accommodation for a documented disability and should be granted. Students are not allowed to take the assistance animal into other buildings on campus, including classrooms, libraries, administrative buildings, dining facilities, or any controlled spaces.

6.3 Visitors

Visitors, including alumni, event attendees, seminar participants, potential students and families on campus tours, vendors and other business visitors to the university property, and all other university property guests, are not required to receive permission from the university prior to bringing a service animal onto university property. The department or office the visitor wishes to visit, or the office sponsoring the event the visitor wishes to attend, should be contacted in advance if the visitor has any questions about the rules concerning the presence of a service animal at a specific event or in a specific location on campus. Questions may also be addressed to the Office of Equal Opportunity. See [Policy 1331-Disabilities and Reasonable Accommodations](#). A visitor to the university who is accompanied by a service animal may be denied entrance to a specific event or location if the presence of the animal would interfere with the safe and normal operation of the university, would pose a risk to the animal or is otherwise not allowed. Visitors are not authorized to bring assistance animals or pets into any university buildings, or into other controlled spaces on university property.

6.4 Appeals and Grievances

Any individual who feels that he or she has been unfairly denied the ability to bring a service animal onto university property, or who feels that he or she has been unfairly denied the ability to have an assistance animal in a university residence, may file a grievance under the university's discrimination and harassment policy. See [Policy 1324-Discrimination and Harassment](#).

7. RESPONSIBILITIES

An employee, affiliate, volunteer or contractor who is a service animal handler is requested to notify the Office of Human Resources of the need for the presence of a service animal on university property. A student who is a service animal handler is requested to notify the Office of Disability Services of the need for the presence of a service animal on university property. Any employee residing on university property is required to obtain approval for and register an assistance animal with the Office of Human Resources in advance of bringing the animal onto university property. Any

student residing on university property is required to obtain approval for an assistance animal through the Housing Accommodation Request process with the Office of Disability Services in advance of bringing the animal onto university property.

All handlers are responsible for compliance with state and local laws concerning animals (including registration, vaccinations, and tags), for controlling their animals, for cleaning up any waste created by the animal, and for any damage caused by the animal to persons or property while on university property.

The Office of Human Resources is responsible for processing requests from supervisors of employees, affiliates, volunteers and contractors to determine whether a request to bring an assistance animal into university housing is a reasonable accommodation that addresses a documented disability and should be granted.

The Office of Disability Services is responsible for processing requests from students to determine whether a request to bring an assistance animal into university housing is a reasonable accommodation that addresses a documented disability and should be granted.

The Office of Equal Opportunity is responsible for processing requests for information from visitors to the university wishing to bring service animals on university property.

The Director of Real Property & Space Management is responsible for processing requests from lessees to bring pets into the residential houses that are owned by the university and rented by full-time faculty and staff.

Offices and departments sponsoring events on university property and hosting visitors on university property are responsible for referring requests for information concerning the presence of service animals at such events or in such offices or departments to the appropriate office at the university.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment, dismissal of a student, or banning an animal from university property. If a service or assistance animal is banned from university property, the individual with a disability will have the right to engage in a deliberative process to determine if effective participation can occur with other appropriate accommodations.

Any animal found unattended in or on any university property (other than an assistance or service animal in a handler's residence left for a reasonable period of time) may be impounded by the university police. Owners of impounded animals will be held responsible for payment of any impound and/or license fees required to secure the release of their animals.

Any handler whose animal causes damage to property may be charged for replacement and repair of university or other individuals' assets, including grounds, personal property and improvements. Any member of the university community who interferes with a service animal or the duties it performs, or with an assistance animal, may face sanctions under appropriate misconduct charges.

9. EXCLUSIONS

This policy does not apply to fish in aquariums of no more than ten gallons in housing units or offices on university property. However, the owner still has responsibility for the animals, for maintaining the aquarium in a clean and sanitary manner and for any damage caused by the presence of the animals or the aquarium. This policy does not apply to animals used in approved university research.

This policy does not apply to animals used in classes on campus, based on requests by faculty for such use. Non-research animals used in classes require prior permission from the academic unit head, the dean and the Risk Manager.

This policy does not apply to animals used in police, search and rescue operations on university property.

This policy does not apply to animals trained for and used in a clinical therapeutic setting on campus, such as the counseling center.

This policy does not apply to appearances by the official mascot of the university.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the director of public safety.

Previous version: February 2012

Approved by the President: February 2012