



## Ohio Administrative Code

### Rule 3349-3-180 Animals on the NEOMED campus.

Effective: October 21, 2019

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#### (A) Purpose

The purpose of this rule to establish rules governing the presence of animals on university property. These rules are in accordance with the Americans with Disabilities Act (42 U.S.C. 12101, et seq.) (ADA) which governs the use of service animals by individuals with disabilities and the fair housing act (42 U.S.C. 3601, et seq.) Which governs the use of emotional support animals by individuals with disabilities in housing.

#### (B) Scope

This rule applies to all individuals bringing animals to the NEOMED Rootstown campus. Specific procedures regarding the presence of animals at any affiliated clinical or experiential educational site is not governed by this rule.

#### (C) Definitions

(1) "Animal" for the purposes of this rule, refers to any non-research animal.

(2) "Controlled space" refers to 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.).

(3) "Emotional support animal" (ESA) refers to any animal specifically designated by a qualified medical provider that provides emotional support or alleviates one or more of the identified symptoms of a person's disability. ESA's are also commonly known as assistance animals. ESA's are not service animals.

(4) "Handler" refers to an individual with a disability who is the owner or user or trainer of a service



animal or ESA, or the owner or individual bringing an animal onto university property.

(5) "Individual with a disability" as used in this rule, refers to the definition proscribed by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

(6) "Pet" for the purposes of this rule, refers to any animal that is not a service animal, program animal or ESA.

(7) "Program animal" refers to animal that participates in an official university service or program. Program animals may include therapy animals.

(8) "Public spaces" for purposes of this rule, refers to public spaces are outdoor areas that are open to the general public.

(9) "Restricted spaces" refers to special purpose spaces such as educational or research laboratories or the comparative medicine unit (CMU).

(10) "Service animal" refers to any dog or, in some circumstances, a miniature horse specifically trained to do work or perform a task for the benefit of an individual with a disability. The tasks performed by a service animal must directly relate to the individual's disability.

#### (D) Rule

##### (1) Prohibition

All individuals are generally prohibited from bringing animals into any buildings or other controlled spaces on university property. However, individuals with a disability are allowed to bring service animals and emotional support animals (ESAs) on and/or into controlled spaces as provided below. In addition, faculty, staff and students are permitted to have pets in the village (residential housing) only to the extent permitted by the lease governing their rental agreement.



(2) Service animals

(a) The university welcomes the presence of service animals assisting individuals with a disability on its campus consistent with the provisions of this rule 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. In certain limited situations, a service animal may be prohibited from restricted spaces (i.e. laboratories or CMU) for health and safety reasons. The accompaniment of an individual with a disability by a service animal to a location with health and safety restrictions will be reviewed on a case-by-case basis by the appropriate department representative(s) in collaboration with the offices of human resources, environmental and occupational health and safety (EOHS) and/or student services.

(b) A service animal requiring access to restricted spaces that may affect health and safety (i.e. labs, CMU) for an individual with a disability employed by the university must be approved in advance of bringing the animal to those restricted spaces.

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

(3) Emotional support animals (ESA's)

(a) An approved ESA for an individual with a disability who lives in the village is permitted within the individual's privately assigned living accommodations. However, the following may be considered when determining whether the presence of the animal is reasonable.

(i) The size of the animal;

(ii) Whether the animal is housebroken;

(iii) The status of the animal's vaccinations (if required);

(iv) The animal poses or has posed a direct threat to the individual or others (i.e. Unwarranted aggression and/ or biting); or



(v) The animal causes or has caused excessive damage to property beyond normal wear and tear

(b) An ESA outside the private individual living accommodations must be in an animal carrier or controlled by a leash or harness.

(c) ESA's are not allowed in any other controlled spaces without advance permission.

(d) ESA's are permitted to be in outdoor public areas to the same extent as pets.

#### (4) Pets

Pets generally are not permitted in or on any controlled space on university property and are permitted only in outdoor areas open to the general public.

#### (5) Program animals

The use of program animals on university property will be considered on a case-by case basis. The use of program animals must be requested via the animal related program request form.

#### (6) Handler's responsibilities

(a) A service animal, ESA, program animal or pet must be supervised directly by the handler, and the handler must retain full control of the animal at all times while on university property.

(b) The animal must be in an animal carrier or controlled by a harness, leash or tether, unless these devices interfere with the animals work, the individual's disability prevents using these devices, or the animal is an ESA within the handler's own dwelling. In those cases, the handler must maintain control of the animal through voice, signal, or other effective controls.

(c) Animals may not be left unattended at any time on university property, except for service animals left in the handler's university residence or private office space or ESA's left in the handler's dwelling unit. The service animal or ESA may be left unattended only for reasonable periods of time, as determined by the appropriate university staff based on the totality of the circumstances. The



university may request impoundment of an ESA or service animal left for longer than a reasonable period of time. 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.

(d) 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 individuals or property while on university property.

(7) Requests for accommodation

(a) Employees, students or visitors with service animals are not required to request an accommodation for such animal under normal circumstances. The handler may be asked only the following: what work or task(s) the animal has been trained to perform, and whether the animal is needed because of a disability (if not readily apparent).

(b) If the employee's or student's service animal will need access to restricted areas of campus that may impact health and safety of participants or the animal itself, prior approval is required via an accommodations request through the office of human resources (employees) or student accessibility services (students).

(8) Violations of rule and the removal of animals

(a) Access to university property may be restricted or revoked under the circumstances outlined below. Restrictions or exclusions will be considered on a case-by-case basis. The university reserves the right to remove or exclude an approved animal from university property if:

(i) The animal poses a direct threat to health and safety;

(ii) The handler does not maintain control of the animal, including but not limited to during any interactions with other animals;

(iii) The presence of an animal fundamentally alters a university program;



- (iv) Improper/inadequate care of the animal is exhibited, including if the animal is not housebroken;
  - (v) Damage or harm is caused by the animal; or
  - (vi) The handler violates any of the responsibilities as outlined in paragraph (D)(6) of this rule.
- (b) If the presence of an animal poses a direct threat to the health and safety of others, the university reserves the right to remove or exclude an animal from university property. In such a situation, public safety may be contacted to assist in the removal of the animal. In particular, if a handler's animal is disruptive in the classroom, the instructor may ask the handler and their animal to leave the classroom immediately. If a handler's animal is disruptive in the workplace, the handler's supervisor may ask the handler and their animal to leave the workspace immediately. If a handlers animal is disruptive at a university event, the event organizer may ask the handler and their animal to leave the event immediately.
- (c) In all cases, should an animal be excluded, the handler will be allowed continued access to the workplace, educational setting or university setting.

#### (9) Exclusions

This rule expressly excludes aquarium fish, research animals under the governance of the university's IACUC and any animals used in law enforcement or rescue operations on university property.