



## Interim Animal Policy

<b>Responsible Official:</b>	Charles Nies, Vice Chancellor for Student Affairs
<b>Responsible Office:</b>	Student Accessibility Services, Office of the Associate Vice Chancellor and Dean of Students Office
<b>Issuance Date:</b>	<b>May 1, 2021</b>
<b>Effective Date:</b>	<b>May 1, 2021</b>
<b>Summary:</b>	Describes the policy and procedures regarding use of service and support animals on University Property and identifies the distinction between animals permitted on and excluded from University Property. This policy does not apply to animals in research, teaching and testing.
<b>Scope:</b>	All campus community members, including students, employees, and visitors.

<b>Contact:</b>	Armando Contreras, Assistant Dean of Students
<b>Email:</b>	<a href="mailto:acontreras39@ucmerced.edu">acontreras39@ucmerced.edu</a>
<b>Phone:</b>	(209) 228-4482

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### I. REFERENCES AND RESOURCES

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#### Federal Laws and Regulations

- [Americans with Disabilities Act – Service Animals FAQs](#)
- [Americans with Disabilities Act Revised Requirements: Service Animals](#)
- [Code of Federal Regulations § 35.104, 35.136, 35.109](#)
- [Food & Agriculture Code § 30850-30854](#)

#### State Laws and Regulations

- [California Agricultural Code, Section 31102](#)
- [California Health and Safety Code, § 121575 - 122335](#)
- [State of California Penal Code § 365.5, 398, and 597s](#)
- [California Code of Regulations § 7293.5, § 7293.6, § 7294.0 \(e\) and 2 CA ADC §11065-11073](#)

#### Local Laws and Regulations

- [Merced County Code, Title 7, Animals, Chapter 7.04, Dogs, Cats and Other Domesticated Animals](#)

## UC Policies

- [UC Merced Regulations on Activities, Registered Campus Organizations, and Use of Properties](#)
- [UC Merced Student Housing Policies and Due Process Procedures](#)
- [UC Merced Housing and Residence Education Handbook Guidelines and Resources](#)

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## II. POLICY SUMMARY & SCOPE

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### **Purpose**

The purpose of this Policy is to outline services for members of the campus community seeking accommodations involving Service and Assistance Animals; maintain campus health, safety and security standards relative to animals allowed on University Property; and identify the distinction between those animals permitted on and those excluded from University property. This policy additionally applies to all campus visitors and their animals. This Policy does not apply to animals in research, teaching and testing.

### **Policy Statement**

University of California, Merced recognizes the importance Service and Assistance Animals have for individuals with disabilities. The University is committed to providing equal access to its classrooms, research facilities, public spaces and housing for all of its community members, including students, employees and visitors.

The University also recognizes that animals can pose environmental, health and safety risks. An individual who is either visiting or residing on campus and who wants to bring an animal to campus, is to be mindful that the animal may constitute a hazard to others, especially in confined or closed spaces. Health and safety risks include but are not limited to allergies, increased risk of disease, and injury. Environmental risks may include but are not limited to animal waste, noise, or damage to property.

An individual bringing an animal to campus is required to be aware of these potential risks or hazards and to exercise reasonable control over the animal in order to minimize the risk to others.

The animal owner is responsible and liable for the animal at all times while the animal is on University property. Any injury to an individual while on University property or damages to University property by an animal will be the responsibility of the animal owner.

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## III. DEFINITIONS

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**Assistance Animal** is a category of animals that may work, provide assistance, or perform physical tasks, for an individual with a disability. Assistance Animals are not trained to perform specific tasks directly related to an individual's disability; instead, the animal's owner derives a sense of well-being, safety, calm, or comfort from the animal's companionship and presence. Assistance Animals may provide necessary emotional support to an individual with a mental or psychiatric disability but are not considered a Service Animal under the Americans with Disabilities Act (ADA). Assistance Animals can also be identified as a companion animal, therapy animal, emotional support or support animal.

**Interactive Process** is process by which the University engages in a dialogue about functional limitations due to a disability in order to develop accommodations.

**Pet** means a domestic animal, sufficiently tamed to live with an individual(s) and is kept and cared for as a companion.

**Service Animal** means any dog or miniature horse that is individually trained to do work or perform a task for an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the Service Animal must be directly related to the individual's disability. This does not include: 1) non-dog animals, except miniature horses; 2) animals that solely serve to deter crime; and 3) Assistance Animals.

**University Property** refers to the grounds and buildings of UC Merced campus and off-campus buildings owned or operated by the University.

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## **IV. POLICY TEXT**

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### **A. Types of Animals and Restrictions**

As permitted by this Policy and law, the following types of animals are permitted on University property:

#### 1. Pets

A Pet dog is allowed on most outdoor public areas of University property only if the Pet dog is under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length. Note: Certain outdoor campus venues may not allow Pets and/or have additional restrictions.

A Pet dog or other Pet animal (leashed or otherwise) is not permitted in any campus building or campus transportation vehicle (Campus Shuttle, Fleet vehicles, etc.) at any time. Exceptions may be provided for a) the Chancellor's residence, b) UC Merced employees required to live in University owned housing.

#### 2. Service Animals

A Service Animal is typically permitted in areas where Pets and Assistance Animals are not otherwise allowed (e.g. classrooms, University housing, restaurants, and other public buildings), as long as the animal is under the control of their owner at all times.

The University may impose legitimate safety requirements on the use or presence of a Service Animal that are necessary for safe operation of its facilities. There are some facilities that are not safe for use or presence of a Service Animal and from which UC Merced may exclude a Service Animal based on actual risks. Laboratories, research facilities and food preparation locations are areas where a Service Animal may pose a substantial and direct threat to health and safety. An individualized assessment is required before the Service Animal is denied entry. An individualized

assessment may include the nature, duration and severity of the risk, the probability of harm or injury, and the availability of modifications to minimize the risk. Departments may require reasonable safety precautions such as booties and/or a lab coats for Service or Assistance Animals in such areas.

### 3. Assistance Animals

An Assistance Animal may be permitted in University housing and employee work areas if UC Merced has approved the individual's accommodation request; all other campus buildings and campus transportation vehicles are prohibited, unless an exception was granted by the appropriate department.

### 4. University Programs, Activities, and Events Involving Animals

Any University program, activity, or event involving animals on University property must be reviewed and approved prior to bringing the animal on University property by the event organizers, Office of Environment, Health and Safety (EH&S) in conjunction with the Campus Fire Marshal at 209-228-2347.

In situations where it is not obvious that the animal is a Service Animal, individuals may ask only two specific questions:

- Is the animal required because of a disability?
  - What work or task has the animal been trained to perform?
- (ADA Revised Requirements: Service Animals, 2010)

## **B. Requirements of All Individuals with Animals on University Property**

Individuals bringing any type of animal on University property must adhere to this Policy, applicable provisions of the Merced County Code, City of Merced Municipal Code concerning the restraint of dogs (leash laws), related statutes of the State of California Penal Code (animal cruelty and rights of the disabled), Code of Federal Regulations, University of California and UC Merced policies concerning the use of University facilities and any other applicable laws or regulations, including the following requirements:

1. Any animal must be under the control of the individual at all times.
2. All types of Pets, except for police, guide, hearing, and Service Animal used by disabled persons as defined by California Civil Code Section 54.1, are not permitted in campus buildings. Dogs must be on a leash not more than 6 feet long and under positive control in all outside areas, especially outdoor sporting events.
3. Animals shall not be confined in any unattended motor vehicle under conditions that endanger the health or well-being of the animal due to heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
4. Any dog or other animal cannot be tethered unattended on campus for any period of time. Unattended animals found tied outside a building or on campus grounds without proper shelter or water or causing a nuisance (barking or aggressive behavior), will be removed by Merced County Animal Services.

5. Any dog or other animal shall not be abandoned on campus property. Abandonment of any animal anywhere is a cruel and illegal act under California's anti-cruelty statutes.
6. Any animal causing a nuisance will be subject to impoundment and the owner may be cited under Merced County Code.
7. A valid dog license tag from a County as evidence of current rabies vaccinations must be worn at all times by any dog on campus. Approved animals are not required to wear an identification vest or harness.
8. Any animal must be free from offensive odors and display behavior appropriate for the environment.
9. Fecal matter deposited by Pets on campus must be removed immediately by the owner.
10. Any animal must not engage in behavior that endangers the health and safety of others.
11. Owners are responsible for disposing any fecal waste in a marked outdoor waste bin left by their animal on University property.
12. Any dog or animal on campus in violation of this Policy may be subject to apprehension and impounding by the Merced City or County department of animal control. Owners of impounded animals are responsible for any fees or fines that may be assessed by the city or county.
13. The University may ask for an animal to be removed if:
  - a. the inquiry indicates that the animal is not a permitted Service or Assistance Animal; or
  - b. the owner/handler does not comply with the requirements for all Service and Assistance Animals.
14. If the University finds the presence of an Assistance Animal a reasonable accommodation for one location, e.g., in the residence halls, this does not mean it is reasonable for an individual to take the animal to other University buildings/facilities, e.g. the Library, classrooms, or athletic events.

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## **V. PROCEDURES**

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### **Services for Individuals with Disabilities**

UC Merced is committed to maintaining a campus that is open and accessible to all its community members. The following campus departments are responsible for overseeing and coordinating accommodations involving Service and Assistance Animals:

#### **1. Individuals with Disabilities Utilizing Service Animals**

When not readily apparent that an animal is a Service Animal, contact the appropriate office below for assistance.

- a. **Students** with disabilities utilizing a Service Animal may contact the UC Merced Student Accessibility Services (SAS) for assistance. A student

requesting to bring a Service Animal to a laboratory, research facility, food preparation area and/or University housing is required to submit a request through the Student Accessibility Services Accommodation Request available at [access.ucmerced.edu](http://access.ucmerced.edu). For further inquiries, visit SAS or contact 209-228-6996 or visit the <http://access.ucmerced.edu>.

- b. **Students enrolled at UC Merced Extension** utilizing a Service Animal may contact Student Accessibility Services (SAS) at 209-228-6996 or visit the <http://access.ucmerced.edu>.
- c. **Employees** (faculty and staff), with disabilities utilizing Service Animals may contact the Human Resources (HR) Accommodations consultant at 209-259-8806 and/or [benefits@ucmerced.edu](mailto:benefits@ucmerced.edu). HR may then communicate with the applicable campus department/supervisor regarding the employee's accommodation related needs.
- d. **Faculty and Staff in University Housing** utilizing a Service Animal are to refer to the Housing and Residence Education Handbook for information.
- e. **Visitors** with questions or concerns pertaining to a Service Animal on University property, may contact Office of Environment, Health and Safety (EH&S) at 209-228-2347.

## 2. Individuals with Disabilities Utilizing Assistance Animals

When not readily apparent that an animal is an Assistance Animal, contact the appropriate office below for assistance.

- a. **Students** with disabilities utilizing an Assistance Animal are required to complete the following process:
  - i. To request accommodations for use of an Assistance Animal in University Housing, submit a request through the Student Accessibility Services (SAS) Accommodation Request available at <http://access.ucmerced.edu>. SAS will request documentation and facilitate an Interactive Process to determine reasonable and appropriate accommodations. For further information about the process and documentation required, visit <http://access.ucmerced.edu> or contact 209-228-6996.
  - ii. For a student enrolled at UC Merced Extension requesting accommodations for use of an Assistance Animal in University Housing, submission of [Student Accessibility Services Accommodation Request](#) available at [access.ucmerced.edu](http://access.ucmerced.edu) is required. SAS will request documentation and facilitate an Interactive Process to determine reasonable and appropriate accommodations. For further information about the process and documentation required, visit <http://access.ucmerced.edu> or contact 209-228-6996.
- b. **Employees** (faculty and staff) with a disability requesting accommodations through use of an Assistance Animal are required to contact Human Resources (HR) Accommodations consultant at 209-259-8806. HR will facilitate an

Interactive Process to determine reasonable and appropriate job accommodations with the employee and their department. Documentation will be required to explain the employee's need for an Assistance Animal in the workplace.

- c. **Faculty and Staff in University Housing** requesting accommodations through use of an Assistance Animal are to refer to the Housing and Residence Education Handbook for information.
- d. **Visitors** with questions or concerns pertaining to an Assistance Animal on University property are required to contact the Office of Environment, Health and Safety (EH&S) at 209-228-2347.

### 3. Individuals with Allergies or Fears

If an individual reports medical condition(s) that are affected by a Service or Assistance Animal, (respiratory disease, asthma, and severe allergies) the University will consider the needs of all parties in meeting its obligation to provide reasonable accommodations.

Allergies or fear of certain animals may not be valid reasons for denying access to individuals with Service or Assistance Animals, without attempting to accommodate the parties through a separation or other arrangements. An individualized assessment is required for each situation.

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## VI. VIOLATIONS AND COMPLAINTS

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All students, faculty, staff, and visitors are expected to abide by this Policy. Staff, faculty, and students are encouraged to resolve perceived violations of this Policy locally whenever possible. When not readily apparent that an animal is a Service or Assistance Animal, contact the appropriate office.

Owners of animals in University Housing are required to abide by all animal policies found in the Housing and Residence Education Handbook.

If there is a problem with a Pet, Service or Assistance Animal that cannot be resolved by applying this Policy, the following resources may be helpful:

1. To report inappropriate behavior (e.g., excessive barking, foul odor, allergic reactions, etc.) of a Service or Assistance Animal in the workplace, contact Human Resources at 209-228-8247 or Office of Environment, Health and Safety (EH&S) at 209-228-2347.
2. To report aggressive behavior by any animal on campus or to report circumstances that could reasonably cause suffering, disability, or death to an animal or person, contact UC Merced Police at 209-228-2677 or 911.
3. Students with a Service or Assistance Animal who feel they have been discriminated against based on a disability should consult Student Accessibility Services Grievance Procedure. For more information, visit <http://access.ucmerced.edu>.

4. Staff or Faculty with a Service or Assistance Animal who feel they have been discriminated against based on a disability should contact the [Office for the Prevention of Harassment and Discrimination \(OPHD\)](#).
5. To report violations of this Policy anonymously, contact the Whistleblower Hotline at 800-403-4744 or <http://universityofcalifornia.edu/hotline>.

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**VII. POLICY REVISION HISTORY**

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<b>Date</b>	<b>Action/Summary of Changes</b>
May 1, 2021	Substantive Revision of Policy; Issued as Interim
February 26, 2007	Original Policy Issued