

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED AMENDED REGULATION**

REGULATION NUMBER AND TITLE: FPU-1.014 Animals on University Property

SUMMARY OF THE REGULATION: The proposed amended regulation revises the definition of service animal to include miniature horses.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Executive Assistant to the VP and General Counsel at (863)874-8412.

AUTHORITY: Board of Governors Regulations 1.001

NAME OF PERSON INITIATING PROPOSED REGULATION: Gina DeJulio, Vice President and General Counsel

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Executive Assistant to the VP and General Counsel at 4700 Research Way, Lakeland, Florida 33805-8531, Email: bluke@flpoly.org, Phone: (863)874-8412, Fax: (863)874-8716.

DATE OF PUBLICATION: February 14, 2017

THE FULL TEXT OF THE REVISED PROPOSED REGULATION IS PROVIDED BELOW:

FPU-1.014 Animals on University Property

- (1) **PURPOSE AND APPLICABILITY.** This regulation describes the types of animals permitted on University property, the owner’s responsibilities, and processes for removing unauthorized animals. This regulation applies to all animals on University property, excluding research animals and animals used for law enforcement purposes such as K-9s and equestrian units. This regulation applies to all University property except for residence halls. A student wishing to request a reasonable accommodation to allow a service or other assistance animal in a residence hall must contact the residence hall management.
- (2) **DEFINITIONS.**
- (a) Animal. All animals except research animals and animals used for law enforcement purposes such as K-9s and equestrian units.
 - (b) Animals for Academic Purposes. Animals used in study or courses that are not research animals.
 - (c) Assistance animals. Any animal (other than those animals defined as a service animal below) that works, provides assistance to, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. This includes emotional support animals and therapy animals.
 - (d) Owner. The person responsible for the animal or responsible for bringing the animal on University property.
 - (e) Pets. Pets include mammals, insects, arachnids, amphibians, birds, and reptiles excluding service animals, assistance animals, research animals, or wild animals and animals for academic purposes.
 - (f) Private Areas. Private areas consist of the indoor areas of all buildings on University property.
 - (g) Public Areas. Public areas are the outdoor common areas on University property. Public areas do not include any University buildings or indoor areas.
 - (h) Service animals. A service animal (~~as defined by the Americans with Disabilities Act Amendment Act of 2008~~) is a dog or miniature horse trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. The University follows all federal and state laws requiring accommodations and allows the use of service animals by individuals with disabilities.
 - (i) University Property. Property owned or controlled by the University.
- (3) **STATEMENT OF REGULATION.** The University is committed to providing a safe and healthy environment for its students and employees. Animals are not allowed in University private areas unless otherwise indicated in this regulation.

The University may require the removal of an animal, including a service or assistance animal, from University property or University-sponsored events if it is determined that the animal poses a direct threat to the health and safety of others. Whether an animal poses a “direct threat” to the health or safety of others will be determined on a case-by-case basis and will be based on that particular animal’s actual behavior or history. The University has a “one-bite” approach that requires an animal to be removed from University property after a single occurrence of unprovoked biting or other aggressive behavior by the animal.

(4) RESPONSIBILITY FOR ANIMAL

- (a) Damages. An owner who brings an animal onto University property is responsible for any damage or injury caused by that animal.
- (b) Control of animal. Owners are required to control their animals while the animals are on University property. Animals must be under physical restraint, unless it is an animal for academic purposes, an animal used in a special event or a service animal and doing so interferes with the animal’s performance or if the owner’s disability prevents usage of a restraint on the service animal. In such exceptions, it is the responsibility of the owner to maintain control of the animal through voice, signal, or other effective controlling measures.
- (c) Disposal of animal waste. The owner must dispose of the animal’s waste in outdoor trash receptacles. Owners unable to dispose of animal waste in outdoor trash receptacles may request specific accommodations. Animal waste may not be disposed of in indoor trash receptacles.
- (d) Animals left unattended/abandoned animals on campus. Any individual may report an animal left unattended in a vehicle if the animal is perceived to be in distress or an animal abandoned elsewhere to the University Police. An owner who abandons or leaves an animal unattended may be fined. The abandonment of animals on any University property is strictly prohibited.
- (e) City, county, and state ordinances, laws and regulations. The owner must abide by current applicable city, county, and state ordinances, laws, and regulations pertaining to licensing and other requirements (including vaccinations) for animals. It is the owner’s responsibility to know and understand these ordinances, laws, and regulations.

(5) PERMITTED AND RESTRICTED AREAS.

- (a) Areas where animals are permitted. Pets are permitted in all public areas. Service animals are permitted in all public and private areas not restricted in accordance with subsection (5) (b) below. Assistance animals are permitted in all public areas and may be permitted in private areas with written approval from the University. Animals for academic purposes are permitted in public areas and may be permitted in private areas with written approval from the University. Animals being used in special events are permitted in public and private areas if given approval following the procedures in section (6) Animals in Special Events below.

| | Public Areas | Private Areas |
|--------------------------------------|------------------------------------|--|
| Pets | Allowed | Not allowed |
| Service Animals | Allowed | Allowed |
| Assistance Animals | Allowed | Allowed with University permission |
| Animals for Academic Purposes | Allowed | Allowed with University permission |
| Animals in Special Events | Allowed with University permission | Allowed with approval described in section (6) |

- (b) Restricted areas. The University may prohibit animals in certain locations due to health or safety restrictions where animals may be in danger, or where their presence may compromise the integrity of certain research. Examples of such restricted locations include, but are not limited to, certain research laboratories, mechanical rooms or custodial closets, areas where protective clothing is necessary and other areas where the animal's presence may constitute a danger or a fundamental alteration of the program or activity conducted in the area.
- (6) **ANIMALS IN SPECIAL EVENTS.** If an individual or group wants to use an animal in a special event held on University property, the individual/group must:
- (a) Provide proof to EH&S that the event will take place in a sanitary manner and that hand washing will be provided for participants;
 - (b) Obtain written approval from EH&S at least three weeks before the event;
 - (c) Obtain EH&S's written approval for the event contract, if applicable, and obtain liability insurance, if required by EH&S;
 - (d) Notify Facilities of the event and complete a SAFE form.
- (7) **TRAINERS OF SERVICE ANIMALS.** When engaged in the training of service animals, a trainer has the same rights, responsibilities, and privileges as a person utilizing a service animal for a disability, and the trainer is considered as the "owner" for purposes of this regulation.
- (8) **VOLUNTARY REGISTRATION.** Students and employees using service animals or assistance animals on University property are encouraged to register their service or assistance animals for health and safety purposes with the Office of Student Affairs for students, and Human Resources for employees.
- (9) **WILD, FERAL, STRAY, INJURED, OR DEAD ANIMALS.**
- (a) Prohibited activities. Individuals must leave the wild or feral animals on University property alone. The touching or feeding of such wild or feral animals is expressly forbidden except by specially trained employees or contractors hired by the University. Dangerous animals, such as alligators and water moccasins, have been seen in and around bodies of water on University property, therefore, individuals are prohibited from wading, swimming, or floating in bodies of water on University property unless expressly permitted in accordance with University policy or regulation.
 - (b) Reporting and Removal of dead, injured, stray, distressed or threatening animals. Facilities is responsible for the removal of dead or injured animals. Any costs associated with such removal of an owner's animal must be paid by the owner. Individuals may report animals that are in distress or animals that may be a threat by calling the University Police at (863) 874-8888 or (# 8888). The University Police can put out humane traps to capture and relocate animals or take them to a shelter.
- (10) **VIOLATIONS.** A student found to be in violation of this regulation is subject to discipline under the Student Code of Conduct. An employee of the University found to be in violation of this regulation is subject to discipline up to and including termination of employment. Anyone who is neither a student nor an employee and is suspected of violating this regulation will be referred to the University Police.

Authority: BOG Regulation 1.001

History: New 9.14.16, Amended: