



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 23-38**

**RELATIVE TO APPROVING THE POLICY GOVERNING SERVICE, ASSISTANCE,  
PET, AND STRAY ANIMALS**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the region;

**WHEREAS**, the governance and well-being of the University is vested in the Board of Regents (BOR);

**WHEREAS**, the University of Guam (UOG) is committed to providing equal opportunities and access to individuals with disabilities or medical/mental health conditions who require the assistance of Service or Assistance Animals;

**WHEREAS**, UOG is dedicated to maintaining the safety and health of its students, employees, and visitors and ensuring that Pet Animals on UOG property do not pose threats to safety or health;

**WHEREAS**, UOG seeks to align its policies and procedures with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Fair Housing Act, and relevant Guam laws and regulations;

**WHEREAS**, the proponent for this policy is the Safety and Security Office, the Co-proponent is the EEO/ADA/Title IX Office, and this policy will reside in the Safety Manual, and will be reviewed every three years, or as needed based on federal or local guidance changes, or situations requiring attention; and

**WHEREAS**, the President and the Physical Facilities Committee have reviewed and recommended the attached policy for approval by the BOR.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached policy governing service, assistance, pet, and stray animals is hereby approved.

Adopted this 6<sup>th</sup> day of December 2023.

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Sandra H. McKeever, Chairperson

**ATTESTED:**

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Anita Borja Enriquez, D.B.A., Executive Secretary

# **Service, Assistance, Pet, and Stray Animal Policy and Procedures**

## **I. Policy**

It is the policy of the University of Guam (UOG) to afford individuals with disabilities or medical or mental health conditions, who require the assistance of a Service or Assistance Animals, with equal opportunity to access UOG property, courses, programs, and activities, and it is also the policy of UOG to ensure that any Pet Animals on UOG property do not pose a threat to the safety or health of UOG's students, employees, or visitors.

This policy complies with the Americans with Disabilities Act (ADA) as amended; Section 504 of the Rehabilitation Act of 1973; Fair Housing Act of 1968, and applicable Guam law and regulations regarding Service, Assistance, and Pet Animals. [NOTE: Individuals with a disability cannot be required to register their service animal]

If you are a UOG student, employee, or visitor, you must request a Service or Assistance Animal as an accommodation and the request must be approved prior to bringing such animals on campus, please contact UOG's ADA Coordinator at (671) 735-2971.

## **II. Service Animals**

### *A. Service Animal Defined*

For purposes of this policy, UOG uses the definition outlined by the ADA for Service Animals, which includes any dog that has been individually trained to do work or perform tasks for an individual with a disability, or medical or mental health condition. Service Animals are working animals and not Assistance or Pet Animals. The work or task a Service Animal, such as a dog, has been trained to provide must be directly related to the person's disability, or medical or mental health condition. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA or this policy.

In addition, the ADA's revised regulations have a new, separate provision regarding miniature horses that meet specific requirements and have been individually trained to do work or perform tasks for people with disabilities.

### *B. Where Service Animals Are Allowed*

Generally, owners of Service Animals are permitted to be accompanied by their Service Animal in all areas of UOG's facilities and programs where the owner is allowed to go. Such areas include public areas, public events, classrooms, and other areas where UOG programs or activities are held.

### *C. Where Service Animals are Not Allowed*

A Service Animal may be restricted from specific areas of UOG when: (1) it would fundamentally alter a program or (2) UOG has legitimate safety concerns or restricting a Service Animal from a location is consistent with other UOG policies, or Guam or Federal laws or regulations. Examples of these areas include but are not limited to: (1) Food preparation areas; (2) Research facilities, grounds and laboratories; (3) Medically sensitive patient and clinic areas; and (4) Biologically sensitive or hazardous locations.

If a Service Animal is restricted from certain areas, UOG's ADA Coordinator shall assist in evaluating and providing reasonable accommodations for the owner of the Service Animal.

### *D. Assessing Service Animal Status*

#### **1. Permitted Inquiries**

UOG personnel must permit Service Animal access to property, events or activities with its owner when it is readily apparent that the animal is trained to do work or perform tasks for its owner. Examples include: (1) A dog guiding an individual who is blind or has low vision; (2) Pulling an individual's wheelchair, or (3) Providing assistance with stability or balance to an individual with an observable mobility disability.

If the need for the service animal is not apparent, UOG personnel may only ask the following of Service Animal owners: (1) Is the service animal required because of a disability, or medical or mental health condition; and (2) What work or task has the animal been trained to perform.

If the owner states that the animal is required because of a disability, or medical, or mental health condition and that the animal has been trained to do work or a task for the owner, then the service animal must be admitted. If there is any doubt that an animal is a Service Animal, UOG personnel should admit the animal and then consult with UOG's ADA Coordinator regarding future access.

University personnel may not ask about the nature of the owner's disability, or medical or mental health condition, or request medical documentation of disability, or medical or mental health condition. Owners are not required to possess or provide any special registration, identification card, license, or other documentation that the animal is a Service Animal, or to demonstrate the animal's ability to perform work or tasks.

## 2. UOG Assistance

Service Animal owners are not required to register their Service Animal with UOG. However, UOG's ADA Coordinator provides a voluntary registration process for interested Service Animal owners. Having a Service Animal voluntarily registered could assist UOG if any problems arise or if an owner needs assistance with or an emergency situation occurs, and emergency personnel need to be notified of where the Service Animal might be located in the case of an emergency evacuation.

It is also recommended, but not required, that the service animal wear a specific identification tag, vest, or specific harness identifying them as a service animal.

### *E. Service Animal Owner's Responsibilities*

Service animal owners are responsible for complying with the following:

1. Complying with Federal and Guam laws and regulations relating to animal owner responsibilities, including any required registrations, vaccinations, or tagging.
2. Keeping the Service Animal under the owner's direct control at all times, such as by a harness, leash, or other tether. However, if the use of a harness, leash, or other tether interferes with the Service Animal's safe, effective performance of work or tasks, or if the owner's disability, or medical or mental health condition prevents the use of such devices, then the Service Animal must be under the owner's control through voice control, signals, or other effective means.
3. Ensuring the Service Animal does not disturb or disrupt normal academic or administrative functions.
4. Immediately cleaning up after the Service Animal and properly disposing of the Service Animal's waste or other debris. UOG personnel are not required to provide care or food for a Service Animal.
5. Preventing the Service Animal from entering any pond, fountain, or stream located on UOG property.

6. Being responsible for damage or injury caused by the Service Animal.

#### *F. Removal of Service Animals*

UOG personnel may only ask Service Animal owners to remove their Service Animal from any UOG premises or from the immediate area under the following circumstances:

1. If the Service Animal is not housebroken.
2. If the Service Animal is not under the owner's direct control or the Service Animal is disturbing or disrupting the normal administrative, academic, or programmatic routine. However, the owner must first be given an opportunity to get the animal under control. If the disruption or disturbance continues, then the owner may be asked to remove the animal.
3. If the presence, behavior, or actions of the Service Animal constitutes an immediate risk or danger to people or property, the owner can be asked to immediately remove the animal and 911 or other emergency assistance may be contacted.
4. If asked to remove the Service Animal, the owner must be offered the opportunity to return to the UOG premises or the immediate area without the Service Animal and be provided with a reasonable accommodation, if possible, to participate in the UOG service or program.

#### *G. Addressing Issues or Concerns*

UOG is committed to a prompt and effective resolution of any issues or concerns regarding Service Animals.

1. If the Owner has a concern, the Owner should contact UOG's ADA Coordinator.
2. Concerned UOG personnel or students should contact UOG's Safety Administrator in the following situations:
  - a. If any questions or concerns arise relating to Service Animals.
  - b. If UOG personnel or students have an allergy or other medical condition that makes spending time in the same room or facility with a Service Animal difficult or dangerous.
  - c. If any Service Animal is out of control, or an owner is mistreating their Service Animal.

### **III. Assistance Animals**

#### *A. Procedures to have Assistance Animals in University Housing*

1. Students with disabilities desiring to use an Assistance Animal in UOG's residence halls must formally register with UOG's ADA Coordinator at (671) 735-2971 and request the use of an Assistance Animal as an accommodation. Students seeking to use an Assistance Animal in UOG's residence halls are asked to make their requests according to the following deadline: March 1 for the upcoming academic year. Students are encouraged to meet with UOG's ADA Coordinator prior to the Room Selection Process. Students seeking accommodations outside of the normal academic year registration should submit their request as soon as possible.
2. Upon receipt of a request for the use of an Assistance Animal, UOG's ADA Coordinator will schedule an appointment with the student to discuss the accommodation request, either in person, by telephone or via video meeting.
3. UOG's ADA Coordinator will ask at the appointment with the student requesting the accommodation:
  - a. Whether the student seeking to use and live with the animal has a disability; and
  - b. Whether the student making the request has a disability-related need for the Assistance Animal.

- c. If the answers to these two questions are “no,” then the accommodation request may be denied.
  - d. If the answers to these two questions are “yes,” then the request may be granted for the student’s dormitory, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the dormitory’s services.
4. The requested Assistance Animal accommodation will be denied if:
    - a. Granting the request would impose an undue financial and administrative burden on UOG Housing.
    - b. The request would fundamentally alter the essential nature of UOG Housing operations.
    - c. The specific Assistance Animal in question would pose a direct threat to the health or safety of others despite any other reasonable accommodations that could eliminate or reduce the threat.
    - d. The specific Assistance Animal in question would cause substantial physical damage to the property of others despite any other reasonable accommodations that could eliminate or reduce the physical damage.
  5. If a student requesting an Assistance Animal accommodation has a disability that is not readily apparent or known to the UOG, UOG may ask the student to submit reliable documentation of a disability and his or her disability-related need for an Assistance Animal. If the student’s disability is readily apparent or known to UOG, but the disability-related need for the assistance is not, UOG may ask the student to provide documentation of the disability related need for the Assistance Animal, but not documentation of his or her disability.
  6. Upon approval of an Assistance Animal, the student’s roommate(s) or suitemate(s) will be notified (if applicable) to make them aware of the approval and notify them that the approved animal will be sharing the residence with them. This notice will be limited to information about the animal’s presence: there will be no disclosure of the student’s disability. UOG’s ADA Coordinator and Director of Residence Halls will collaborate, as necessary, to resolve conflicts related to an Assistance Animal. Conflicts between Assistance Animals and others’ allergies, phobias, etc. will be addressed on a case-by-case basis (e.g., relocation to another UOG room location). Students will be permitted to have no more than one Assistance Animal.
  7. If the student disagrees with the determination made by the ADA Coordinator regarding a request for an Assistance Animal, the student may request review by the Accommodations Evaluation Committee (AEC), by presenting in a timely manner a written request, transmitted to AEC through the ADA Coordinator. The ADA Coordinator will provide the relevant information to the AEC which, after consulting with the student, will notify the student and the ADA Coordinator in writing of the final determination. The AEC presently consists of the Chief, Human Resources Office, the Senior Vice President and Provost for Academic and Student Affairs, and the Dean of Enrollment Management and Student Success. The decision of the AEC regarding the request for an Assistance Animal is final.

*B. Assistance Animal Owner Responsibilities*

1. All approved Assistance Animals must be free from disease and have a valid health clearance from a veterinarian to ensure the animal is in good health and suitable for living on campus. Vaccination records must be provided and are subject to review on an annual basis.
2. The Owner of the Assistance Animal is responsible for ensuring that the approved animal does not impede the routine activities and daily operations of the University or

cause complications for students or employees attending and working there. Sensitivity to individuals with allergies and to those who fear animals is vital to ensure the peace of the campus community.

3. Approved animals must not be allowed to initiate contact, or approach, or sniff people, tables in eating areas, or the personal property of others.
4. Regardless of whether or not the Owner was with the approved animal, the Owner is financially and legally responsible for the actions of an approved animal such as bodily injury or property damage, including, but not limited to, any replacement of furniture, carpet, or wall layering, etc. UOG shall have the right to bill the student for necessary repair costs, replacement costs, or both.
5. Approved animals must not cause undue financial burden to UOG. All functions of using approved animals, including animal training or re-training, independent travel, animal food purchasing and maintenance, grooming, veterinarian care, and hygiene work is considered a personal aid or service and is the full responsibility of the individual with the disability.
6. The owner must notify the ADA Coordinator in writing if the approved animal is no longer necessary as an Assistance Animal or is no longer in UOG's residence halls. To replace an approved Assistance Animal the owner must submit a new request for another animal, along with new health and vaccination records.
7. The Owner of an Assistance Animal's UOG's residence halls, which may extend beyond the Owner's private UOG residential area, may be inspected for fleas, ticks, or other pests once per semester or as needed. If fleas, ticks, or other pests are detected through inspection, the affected areas will be treated using a UOG-approved pest control service. The student will be billed for the expense of any pest treatment above and beyond normal required pest management in UOG's residence halls if it is determined that the reason for the extra expense is the result of the Assistance Animal.
8. Approved Assistance Animals may not be bathed in the shower rooms, bathtubs, or sinks of the UOG Residence Halls, and animal food must be kept in a covered storage container.
9. Assistance Animals must be contained within the Owner's privately assigned UOG residential area at all times, except when transported outside the private residential area in an animal carrier or controlled by leash or harness. Animals must not be tethered to a stationary fixture or left unattended outside of a residential room or on campus.
10. All Assistance Animals left unattended in a room must be crated or caged. Except in the case of an extreme emergency, approved animals may not be left overnight in UOG's residence halls to be cared for by anyone other than the Owner of the Assistance Animal. Assistance Animals must be taken with the Owner if they leave campus for a prolonged time.
11. In the event that the Owner of the Assistance Animal must quarantine due to illness or the Owner becomes unable to care for the needs of the Assistance Animal for any reason, the Owner's emergency contact must come to retrieve the Assistance Animal.
12. UOG's Director of Residence Halls has the authority to relocate the Owner of an Assistance Animal and the Assistance Animal as necessary.
13. The Owner of an Assistance Animal must abide by all other UOG's residence halls policies.
14. The Owner of an Assistance Animal is responsible for ensuring the cleanup of the animal's waste and must toilet the Assistance Animal in areas designated by UOG consistent with the reasonable capacity of the Owner. Animal feces must be properly disposed of.
15. Proper disposal of animal feces means to bag the feces in a sealed bag and immediately dispose of the bagged feces into the proper outside garbage bin.

16. Should the approved Assistance Animal be removed from UOG's residence halls for any reason, the Owner of the Assistance Animal shall continue to satisfy their UOG residence halls obligations.
17. All approved Assistance Animals must be treated humanely. Any reports of mistreatment may result in immediate removal of the Assistance Animal from UOG's campus.
18. Any violation of the above rules may result in re-evaluation of request to have the Assistance Animal in University housing. If it is determined that the animal can no longer be permitted on campus, the removal of the animal will be the responsibility of the owner. Violations of the Owner Responsibilities may also be violations of UOG's Student Code of Conduct and UOG Policy, and such violations may be reviewed by UOG's Student Discipline and Appeals Committee. An Owner whose conduct is reviewed through one of these procedures will be given all of the rights of the UOG's ADA process and appeal rights as set forth in UOG's Student Code of Conduct.

*C. Guidelines for UOG Employees, Students, and Other Members of the UOG Community*

1. Members of the UOG community are required to abide by the following practices:
  - a. Allow approved Assistance Animals to accompany their Owner at all times in all areas of UOG's campus where they are allowed, except where Assistance Animals may present a health or safety risk.
  - b. Allow approved Assistance Animals to provide the necessary support to its Owner in the residence where the Owner abides.
  - c. Do not touch an approved Assistance Animal unless invited to do so by the Owner of the animal.
  - d. Do not feed approved Service or Assistance Animals unless you are the Owner.
  - e. Do not purposefully startle an approved Assistance Animal.
  - f. Do not separate or try to separate an Owner from their approved Assistance Animal.
  - g. Do not request details about the disabilities of the Owner of the approved Assistance Animal. The nature of a person's disability is a private matter.

#### **IV. Pet Animals**

*A. Introduction*

Pets are permitted on campus subject to the restrictions and requirements set forth in this policy and in Guam's Animal Control Laws and Regulations as set forth in 10 G.C.A. §34101 *et.seq.*, and 9 G.A.R., Div. 1, Chapters 2 and 3. Pet owners are directly responsible for complying with this policy, and for all injuries or damage caused by their animals. UOG reserves the right to prohibit any pet from campus.

*B. Definition of Pet Animal*

1. The term "Pet Animal" as used herein, means a domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership. Examples of Pets include, but are not limited to dogs, cats, rodents, reptiles, and birds. This definition does not include Service Animals or Assistance Animals as described above.
2. The term "Pet Animal" as used herein shall not apply to fish or aquariums displaying fish or other aquatic life.

*C. Restrictions and Requirements*

1. Where Pets are Permissible

Pets are permitted only in outside areas of UOG's campus or facilities. Pets are not permitted inside UOG buildings and facilities, including residence halls.

2. Care, Control, and Behavior

Pet owners must be in full control of their pets at all times. Pets must be harnessed, leashed, tethered, or otherwise restrained at all times. The care and supervision of a pet is solely the responsibility of its owner. The owner of a pet that is not housebroken or that is unruly or disruptive (e.g., barking, running around loose, nipping, bringing attention to itself, or otherwise not under control) may be asked to remove the animal from campus. If the improper behavior happens repeatedly, the owner may be required to take significant steps to mitigate the behavior before bringing the animal back to campus. Mitigation may include muzzling a barking animal or other appropriate measures.

Pets whose behavior poses a direct threat to the health or safety of others or are repeatedly disruptive to UOG's community may be excluded from UOG's campus and facilities. Disruptive or dangerous behavior should be reported immediately to UOG's Safety Administrator at (671) 735-2372. The owner of the pet is solely responsible for any injury or damage to persons or property caused by the animal.

3. Identification, License and Tags

Pet owners are responsible for knowing and complying with relevant identification, licensure, tagging, and other legal requirements or prohibitions for their specific pet animal.

4. Health and Sanitation

Pets must be clean and well groomed, and measures should be taken at all times for flea and odor control. Pets must have current vaccinations and immunizations against diseases common to that type of animal and must wear a current rabies vaccination tag if applicable to that species. Pet owners are responsible for ensuring the immediate clean-up and proper disposal of all animal waste and for any damage caused by the waste or its removal.

## **V. Stray Animals**

A. UOG Students, Employees, and visitors or vendors on UOG's campus and facilities are prohibited from feeding stray animals on campus. Such activity encourages stray animals to live on UOG's campus and facilities creating a safety and security risk to UOG's community.

B. In accordance with 10 G.C.A. §34201(i), If a person feeds any stray animal, for three (3) consecutive days or more, then they become the Owner of the stray animal and UOG will treat the person as the Owner of a pet animal as described above, and UOG will not permit the Owners of such pets to continue to feed or shelter their pet animals on UOG property and UOG will hold the owners of such pets liable if such pets injure or damage any persons or property on UOG's campus or facilities.

## **VI. Proponent for this Policy and Procedures**

A. Proponent is the Safety and Security Office. Co-proponent is the EEO/ADA/Title IX Office. This overall policy will reside in the Safety Manual.

B. This policy and procedures will be reviewed every three years, or as needed based on federal or local guidance changes, or situations requiring attention.