University Guidance on Service/Assistance Animals

1. **Introduction and Purpose:** The purpose of this guidance is to notify the university community of the responsibilities of the university regarding service and assistive animals in university facilities, programs and activities.

2. **Definition of Service Animal.** The Americans with Disabilities Act (ADA) defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Service animals are not pets. They are working animals who have been trained to perform work or tasks for a person with a disability. The work or task must be directly related to the person's disability.

Examples of such work or tasks include:

- Guiding people who are blind
- Alerting people who are deaf
- Pulling a wheelchair
- Alerting and protecting a person who is having a seizure
- Reminding a person with mental illness to take prescribed medications
- Calming a person with Post Traumatic Stress disorder (PTSD) during an anxiety attack

Individuals with mental disabilities may also use service animals that are individually trained to perform a specific task.

Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, comfort, therapeutic benefit, companionship, are not service animals under the ADA.

A miniature horse may be considered a service animal as defined by the U.S. Department of Justice, Civil Rights Division. Other animals, whether wild or domestic, do not qualify as service animals.

3. **Rules of Services Animals.** Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

The service animal must be clean and in good health. Owners and/or users of service animals must abide by current city ordinances/laws pertaining to licensing and vaccination requirements for service animals. It is the responsibility of the owner and/or user of the animal to know about these ordinances and/or laws. All owners and or users of service animals are responsible to clean up after and properly dispose of their animal's waste.

4. **Inquiries Regarding Service Animals:** When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:

(1) Is the dog a service animal required because of a disability?
(2) What work or task has the dog been trained to perform?

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. An individual with a service animal may not be segregated from other students.

5. **Concerns Regarding Service Animals:** Persons who have a concern about the behavior of a service dog should direct his/her concern to the relevant ADA Coordinator/Disability Services Director. Concerns regarding service animals of employees should be reported to the Human Resources Director.

A service dog may be excluded from the university, or any part thereof, temporarily or permanently if it is found to be in violation of the requirements for use of service animals. When there is a legitimate reason to ask that a service animal be removed, the person with the disability may return without the animal's presence.

5. **Exclusions of Service Animals:** Unless the service animal is not meeting the behavioral or sanitary expectations outlined in this policy, a person with a disability cannot be asked to remove a service animal from the premises.

A person with a disability may be asked to remove a service animal from the premises if the dog is out of control and the handler does not take effective action to control it the dog or the dog is not housebroken. A service animal may be excluded from a facility, including a classroom, if the animal poses a direct threat to the health or safety of others. A service animal may be excluded from a facility, including a classroom, if that animal's behavior, such as barking, is disruptive to the other participants within the facility.

7. **Service or Assistance Animals in University Housing:** Under the Fair Housing Act, the university may not discriminate against persons with disabilities who use, or seek to use, service or assistance animals. The terms "service animals," "assistive animals," "support animals," or "therapy animals" are used to describe animals that assist people with disabilities. For purposes of this policy, the term "assistance animal" includes service animals as defined under the ADA and described above and animals which provide emotional support to persons with a disability-related need for such support. Assistance animals can be a dog or other animal.

The university will waive its no pet rule in university housing for those residents who have a disability which requires the use of an assistance animal.

Persons who wish to request an accommodation to possess an assistance animal in university housing must make the request to the Director of Residence Life. Upon receipt of the request, the university will first apply the ADA service animal test noted in section above. If the animal meets the test for "service animal," the animal will be permitted to accompany the individual with a disability to all areas of the applicable residence unit where residents are normally allowed to go, unless (1) the animal is out of control and its handler does not take effective action to control it; (2) the animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination); or (3) the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices and procedures.
If the animal does not meet the ADA service animal test, the university will evaluate the request by considering the following:

(1) Does the person seeking to use and live with the animal have a disability- i.e., a physical or mental impairment that substantially limits one or more major life activities?

(2) Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?

If the university determines that the answer to question (1) or (2) is "no," the request will be denied.

If the answers to questions (1) and (2) are "yes," the university will allow an exception to its "no pets" policy to permit a person with a disability to live with and use an assistance animal(s) in all areas of the premises where persons are normally allowed to go, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing provider's services.

The request may also be denied if: (1) the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or (2) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. A determination that an assistance animal poses a direct threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct- not on mere speculation or fear about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused.

The university may ask individuals who have disabilities that are not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for an assistance animal. If the disability is readily apparent or known but the disability-related need for the assistance animal is not, the university may ask the individual to provide documentation of the disability related need for an assistance animal. For example, the housing provider may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability. Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support.

8. **Grievance Procedure:** Any person who believes a decision related to a service animal or assistance animal is incorrect may file a grievance with the Office of Institutional Equity.