

## SERVICE ANIMAL GUIDELINES

This document contains information regarding Service and Assistance Animals, including but not limited to definitions and best practices (based on research of the common practices of several institutions, internal expertise and federal and state regulations).

### I. Legal Framework

**The Americans with Disabilities Act (ADA):** The ADA was signed into law on July 26, 1990, by President George H.W. Bush. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities.

**Disability:** Defined by the ADA as 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. The ADA does not specifically name all of the impairments that are covered.

**Workplace Reasonable Accommodation:** Workplace reasonable accommodations may include changes in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability.

**Public Reasonable Accommodation:** Public accommodations may be required, as a matter of reasonable accommodation, to modify policies, practices and procedures in order to accommodate individuals with disabilities. A modification is not required if it would fundamentally alter the goods, services or operations of the public accommodation.

**Service Animal:** The ADA defines a Service Animal as a dog that is individually trained to do work or perform tasks for a person with a 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 or performing other duties. In some circumstances, miniature horses also may serve as service animals.

Service Animals are working animals, not pets. The animal does not have to be licensed or certified as a service animal nor does any paperwork, badges or vest need to be displayed.

Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

## II. Service Animals

**Where Service Animals Are Allowed:** No request for reasonable accommodation needs to be made. Under the ADA, organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

Therefore, Service Animals accompanying visitors to campus are permitted access and visitors do not have to formally notify the campus of the animal's presence.

### **Two questions may be asked of individuals with dogs:**

- Is the dog a Service Animal required because of a disability?
- What work or task has the dog been trained to perform?

### **Staff cannot:**

- Ask about the person's disability
- Require medical documentation substantiating a person's disability and/or need for a Service Animal
- Require a special identification card and/or training documentation for a dog identified as a Service Animal
- Ask that a dog identified as a Service Animal demonstrate its ability to perform the work or task
- Charge an additional fee to persons for the presence of their Service Animal
- Restrict the type of dog breeds that can be used as Service Animals

**Service Animals Must Be Under Control:** Under the ADA, 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 means.

A person with a disability cannot be asked to remove his Service Animal from the premises unless:

- (1) the dog is out of control and the handler does not take effective action to control it or
- (2) the dog is not housebroken.

When there is a legitimate reason to ask that a Service Animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.