

## Policy on Service and Support Animals

The University of Portland ("University") is committed to reasonably accommodating<sup>1</sup> individuals with disabilities in compliance with all applicable federal and state laws, as set out in more detail in the University's Policy on Disability and Accessibility.

Accordingly, persons with disabilities who require the assistance of a service animal are permitted to be accompanied by a service animal in University facilities. At the same time, the University has an obligation to be attentive to the health and safety of other individuals within the University campus community. The following procedures are designed to provide guidance to: (1) University staff in meeting these dual obligations; and (2) individuals who utilize service animals.

The Office of Residence Life is responsible for implementing this policy as it applies to on-campus housing, and the Physical Plant is responsible for implementing this policy as it applies to University-owned rental housing and all non-residence hall buildings on campus. For students, Accessible Education Services, located within the Shepard Academic Resource Center, is responsible for processing accommodation requests and documentation under this policy. For employees, other University community members, visitors, and members of the public, the Office of Human Resources is responsible for processing accommodation requests and documentation under this policy.

### I. Definitions

- **Disability:** Please see section II of the University's Policy on Disability and Accessibility
- **Service Animal:** Any dog<sup>2</sup> that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. 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 during an anxiety attack, and performing other duties. The work or

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<sup>1</sup> Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act use the term "reasonable modification" as opposed to "reasonable accommodation." The term "reasonable accommodation" is more common, however, and often used interchangeably with "reasonable modification."

<sup>2</sup> Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.

task that a service dog has been trained to provide must be directly related to the person's disability. The provision of emotional support, well-being, comfort or companionship does not constitute work or tasks for the purposes of this definition.

- **Assistance Animal:** The term “assistance animal” is the overarching term that refers to both service animals as well as support animals as defined below.
- **Support Animal:** A support animal provides emotional or other support that minimizes one or more identified symptoms or effects of an individual's disability. Support animals include therapy animals, emotional support, or comfort animals. Unlike service animals, support animals are not required to be trained to perform work or tasks, and they may include species other than dogs.

## **II. General Rules**

### ***1. Service Animals***

As a general rule, the University will modify policies, practices, and procedures to permit the use of a service animal by an individual with a disability throughout campus.

Subject to some limitations (such as residence in a University-owned property), service animals may accompany individuals with disabilities in all areas of campus where students, employees, members of the public and other participants in University services, programs and activities are allowed to go. The University does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Individuals accompanied by a service animal on campus who do not need any other disability-related accommodations are not required to register with any office on campus. Students who utilize AES academic accommodations may choose to have a notice about their service animal included in faculty notification letters, but this is not required.

Additionally, the University cannot ask about the nature or extent of a person's disability to determine whether a person's animal qualifies as a service animal. However, when it is not readily apparent that a dog is a service animal, University representatives shall follow the process outlined in Section III, below.

Individuals who wish to reside in University owned housing of any type with a service animal must follow the procedures set out in section II.4 below.

### ***2. Miniature Horses***

The University assesses requests for use of miniature horses by people with disabilities on a case-by-case basis. Student requests should be submitted to Accessible Education Services and employee requests should be submitted to the Office of Human Resources. Consistent with applicable laws, the University will modify its policies to permit the use of a miniature horse by an individual with a disability throughout campus where

reasonable, taking into consideration: (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the University. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

Individuals who wish to bring a miniature horse as a service or support animal to any University owned residence and non-residence property must follow the procedures set out in section II.4 below.

### ***3. Support Animals***

As a general rule, support animals are excluded from all general campus residence and non-residence buildings unless the University has provided prior approval for a support animal to be in University residence and/or non-residence buildings. In determining whether a support animal will be allowed in University residence and/or non-residence property, the University will utilize the reasonable accommodation interactive process explained in the University's Policy on Disability and Accessibility.

Individuals who wish to be accompanied by a support animal in University owned residence and non-residence property must follow the procedures set out in section II.4 below. This will initiate the University's reasonable accommodation interactive process.

### ***4. Required Process***

If a student, employee, or other individual wishes to have a service animal live in University-owned property or to have a support animal in any University residence or non-residence building, the individual must notify the Office of Residence Life (for on-campus housing in residence halls) or the Physical Plant (for non-residence hall University-owned housing) of his/her request.

Generally, the request must be made at least 60 days prior to the first day when the service animal will reside in University-owned housing or support animal will be present in any University property.

The individual also will be required to submit the following to AES (if a student) or Human Resources (if a non-student) at least 60 days prior to the date when the service animal will reside in University housing or support animal will be present on any University property: (1) a completed accommodation request form; and (2) Support Animal Documentation Questionnaire completed by the student's mental health or health care practitioner for support animals, or documentation of disability from a health or mental health care provider for service animals if the person's disability is not obvious. With regard to requests for support animals, generally, the University will only accept documentation from a licensed health or mental health practitioner that meets the following requirements: the health care practitioner is able to demonstrate

sufficient interactions with and receipt of relevant health-related information about the individual so as to have developed a genuine and on-going health care practitioner/patient relationship that allows the health care practitioner to provide documentation that is competent and based on actual knowledge and information about the individual. The University has the option to grant an exception to the above timeline if possible and if warranted based on extenuating circumstances.

The University reserves the right to notify roommate(s) and residents of neighboring rooms/buildings of the pending animal accommodation requests within University-owned housing, in order to plan for all potential accommodation needs.

Any animal (whether service animal or support animal) is not permitted to live in University-owned housing if: it would or does pose a direct threat to the health and safety of others; it would or does cause substantial physical damage to the property of others; it would or does pose an undue financial and administrative burden on the University; or it would or does fundamentally alter the nature of the University's operations, that cannot be mitigated through reasonable accommodation(s).

For students, employees, or others living in University-owned housing, if and once the documentation for an animal has been approved by Accessible Education Services or Human Resources, the individual must meet with the following staff to discuss guidelines for the animal in University-owned housing: Hall Director and Associate Director for Housing (for on-campus residence hall housing) or a representative from Physical Plant (for non-residence hall University-owned housing). If requested by the individual with disability or by the University, a representative from Accessible Education Services or Human Resources may attend this meeting. At this meeting, the individual will review, complete, agree to, and sign the *Service and Support Animal Checklist for University-Owned Housing*. The individual must complete this meeting prior to bringing the service animal into his or her residence in University-owned housing or support animal into any University residence or non-residence property.

A service animal or support animal in University-owned housing is allowed only as long as it is necessary because of the owner's disability. The owner must notify Accessible Education Services (for students) or Human Resources (for employees) in writing if the service animal or support animal is no longer needed or is no longer in residence. To replace a service animal or support animal, the new animal must be necessary because of the owner's disability and the owner must follow the procedures in this policy when requesting a new animal.

### **III. Clarifying an Animal's Service Status**

When it is not obvious that a dog is a service animal, University representatives may make two inquiries to determine whether the dog qualifies as a service animal, which are:

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

University community members may not make inquiries about a service animal when it is readily apparent that a service animal is trained to do work or perform tasks for an individual with a disability (e.g., the service animal is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). The query limitations here do not necessarily apply to miniature horses or support animals.

#### **IV. Responsibilities of Individuals Using Service Animals and Support Animals**

##### ***1. Care and Supervision***

Care and supervision of the service animals and support animals are the sole responsibility of the person who benefits from the animal's use. The person is required to maintain full control of the animal at all times. The person is solely responsible for the cost of care, arrangements, and responsibilities for the well-being of the animal. The person is also responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated by the University consistent with the reasonable capacity of the person.

Owners are required to ensure that the animal is well cared for at all times. Any evidence of mistreatment, abuse, neglect, or leaving the assistance animal unattended for unreasonably long periods of time may result in immediate removal of the assistance animal and/or discipline for the responsible individual pursuant to University Policies and Standards of Student Conduct and/or any housing-related sanctions within Office of Residence Life policies. Assistance animals may not be left overnight in University residence halls to be cared for by any individual other than the owner. If the owner is to be absent from their residence hall overnight or longer, the animal must accompany the owner. Owners may choose instead to lodge the animal with an offsite caregiver; any remuneration due the caregiver is the owner's responsibility. The owner is responsible for ensuring that the assistance animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.

Owners must comply with the same University rules regarding noise, safety, disruption and cleanliness as people without disabilities.

##### ***2. Identification***

Handlers who wish to bring a service dog to campus are strongly encouraged to collaborate with Accessible Education Services by notifying AES that a service dog will be brought to campus. It is recommended, although not required, that service animals wear a vest or patch or special harness identifying them as a service animal to put others on notice that the dog is a service animal.

### **3. Licensing**

The service animal and support animal must meet all applicable federal, state, and/or local licensing requirements.

### **4. Health**

The animal must be in good health and be immunized against diseases common to that type of animal. Preventive measures should be taken at all times for flea, odor, and sanitation control. Waste may not be disposed of in University plumbing. Guidance on where to appropriately dispose of animal waste is available by consultation with Residence Life, Physical Plant, Accessible Education Services and/or Human Resources.

### **5. Leash**

Service animals and support animals must be harnessed, leashed, tethered, or contained in a carrier 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.

### **6. Damage**

The owner of the animal is solely responsible for any damage or injury to persons or damage to University property beyond normal wear and tear caused by his or her animal. The University does not require any deposits or fees for assistance animals. However, owners may be charged for actual damage caused by an assistance animal to the same extent that the University would normally charge a person for the damage they cause to University property.

### **7. Insurance**

The University may require and request proof of insurance by the owner of an animal that covers any incidents involving the animal.

## **V. Appropriate Animal Behavior in Public Settings**

The animal must not:

- be allowed to sniff people, tables in eating areas, or the personal belongings of others;
- initiate contact with someone without that other person's direct and prior permission;
- display any disruptive or aggressive behaviors or noises (such as barking, whining, growling, or rubbing against people);
- block an aisle or passageway;

- be attracted to food that may be in common areas.

The University may exclude a service animal or support animal from all or part of its properties if an individual fails to comply with this policy. See Section IX for further details.

## **VI. Other Conditions**

The University may place other reasonable conditions or restrictions on an animal depending on the nature and characteristics of the animal.

## **VII. Responsibilities of Faculty, Staff, Students, and Other Members of the University Community**

Members of the University community are required to abide by the following practices:

- Allow a person to have a service animal accompany him or her at all times and in all places on campus, except where service animals are specifically prohibited due to health or safety concerns.
- Allow a person to have an authorized support animal accompany him or her on campus consistent with what has been authorized by the University, except where such animals are specifically prohibited due to health or safety concerns.
- Do not pet a service animal or support animal. This distracts the animal from the task at hand, and animals can be very protective.
- Do not feed the animal.
- Do not deliberately startle, tease, or taunt an animal.
- Do not separate or attempt to separate a person from his or her animal.
- Do not inquire for details about the person's disability or medical condition, or purpose for the animal. The nature of a person's disability and medical condition is a private matter.
- Do not address concerns about actual or potential service animals or support animals with the individuals accompanied by such animals. Rather, persons with concerns should contact Accessible Education Services or the Office of Human Resources for assistance. If outside regular business hours, persons with concerns should contact Public Safety.

## **VIII. Areas Off Limits to Service Animals**

Certain areas are off-limits to service animals and support animals. Such areas include but are not limited to nursing and health sciences program practicum sites (both on-campus and off-campus), food preparation areas, rooms with heavy machinery, custodial closets, areas where protective clothing is required, and areas that can pose a safety risk to the animal. Students may contact Accessible Education Services and other individuals may contact Human Resources to request individual consideration of whether other reasonable accommodation(s) may be provided to provide equal access

to the benefits and privileges of the University's services and programs in these types of areas.

#### **IX. Exclusion of Service Animal**

Consistent with federal and state law, the University may exclude or remove a service animal or support animal from an area in which it was previously authorized to be if:

- 1) The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others, including University property;
- 2) The owner does not comply with the Responsibilities of Individuals Using Service Animals and Support Animals in Section IV above;
- 3) The animal's presence results in a fundamental alteration of a University program; or
- 4) The animal or its presence creates an unmanageable disturbance or interference with the University community.

In considering whether an assistance animal poses a direct threat to the health or safety of others, the University will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine: 1) the nature, duration and severity of the risk; 2) the probability that the potential injury will actually occur; and 3) whether reasonable modifications of policies, practices, procedures, or the provision of auxiliary aids or services will mitigate the risk. The University will not base this determination on speculation or fear about the harm or damages that the animal may cause. The University ADA/504 Coordinator shall name a designee who shall provide a written statement of explanation to any individual with a disability if a determination is made that the presence of that person's assistance animal would fundamentally alter the nature of a University program, service or activity.

If the animal is excluded or removed, the University will give the individual who uses the animal the option of returning to the University activity without the animal. The individual also may request another type of reasonable accommodation to allow the individual to enjoy equal access to the benefits and privileges of the University's programs and services. The individual with a disability will be afforded all rights of due process and appeal.

#### **X. Conflicting Disabilities**

A student with a medical condition or disability that is affected by animals (for example, respiratory disease, asthma, severe allergy, mental health diagnosis, etc.) should contact Accessible Education Services if he or she has a health or safety related concern about exposure to an animal. Faculty and staff with a conflicting disability or medical condition should contact the Office of Human Resources. Generally, unless the disability is obvious, the individual asserting the conflicting disability must provide appropriate documentation about the need for an accommodation. Appropriate action will be taken

to consider the needs of all persons involved and to resolve the conflict as efficiently and effectively as possible.

#### **XI. Grievance Procedure**

If an individual wishes to have reviewed a decision or action taken by a University representative regarding a service animal or support animal, the individual must follow the review procedures set out in the University's Policy on Disability and Accessibility. More information about this process can be obtained from Accessible Education Services, the Office of Human Resources, or the Vice President for Financial Affairs.

*\* This policy is effective March 16, 2018.*

*\*\* This policy was approved by Alan P. Timmins, Vice President for Financial Affairs and ADA/Section 504 Coordinator for the University, on March 16, 2018.*