

# North Dakota State University

## Policy Manual

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### SECTION 100.2

#### USE OF SERVICE AND ASSISTANCE ANIMALS

SOURCE: NDSU President

##### 1. Background

North Dakota State University is committed to ensuring equal access, as defined by law, for persons with disabilities who participate in NDSU programs and services and/or use campus facilities. This policy pertains to individuals relying on the aid of a service or assistance animal to mitigate the impact of a disability, while being mindful of health and safety interests of all those in the campus community. This policy is aimed at facilitating access and providing guidelines with regard to the use of a service or assistance animal in campus buildings. Requests will be evaluated on a case-by-case basis through an interactive process.

"Service Animal", as defined by the Americans with Disabilities Act, means a dog individually trained to do work or perform tasks for people with disabilities. Service animals perform some of the functions and tasks that an individual with a disability cannot perform for him/herself in activities of daily living. A service animal is a working animal, not a pet. Examples of service include, but are not limited to, guiding a person with impaired vision, alerting persons with hearing loss to intruders or sounds, interrupting distressing or harmful behavior (example: compulsions), and aiding persons with impaired mobility by steadying the person when walking. Their service for the individual entitles them to access public places and common areas. Note: Under specific circumstances, a miniature horse may qualify as a service animal; however, a service animal will commonly be referred to as a dog when explaining policy details.

##### 2. Use of Service Animals at NDSU

- a. To qualify for having a service animal on campus, an individual must:
  1. Have a disability as defined by the Americans with Disabilities Act, AND
  2. Be accompanied by a dog that is trained to do specific tasks or work for the individual with a disability.
- b. If the work of the animal is not readily identifiable, NDSU may make the following inquiries:
  1. Is this animal required because of a disability?
  2. What work or tasks is the animal trained to perform?
- c. **Students with disabilities** accompanied by a service animal are encouraged to open a file with the Disability Services office on campus. Registering with Disability Services can be useful to students to review additional disability-related needs and to identify reasonable accommodations. While having a service animal does not obligate the student to register with Disability Services, making requests for classroom or other reasonable accommodations does require registration with Disability Services. Students applying for campus housing are strongly encouraged to notify the Residence Life department and Dining Services of their plans to bring a service animal to campus. This can be very important when making room assignments and considering building configurations as well as identifying roommates for compatibility.
- d. **Employees with disabilities** are subject to consideration under Title I of the Americans with Disabilities Act. As such, employers can expect employees to submit disability documentation to establish the need for a service animal as a reasonable accommodation at work, as warranted. Employees with disabilities seeking approval for a service animal are expected to register with the

Human Resources/Payroll Office and, if necessary, establish that an animal meets the service animal definition.

- e. **Visitors with disabilities** who utilize a service animal at NDSU are invited to request accommodations related to their needs (if any) or that of the service animal. If additional information or accommodations are needed, visitors may contact the hosting department or event sponsor. Both the visitor and the hosting department are invited to consult with the ADA Coordinator if accessibility questions surface.
- f. The University may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger or where their use may compromise the integrity of research (e.g., work in the life sciences.) Such restricted locations may include, but are not limited to, the following areas: research laboratories, classrooms with demonstration/research animals, wood shops and metal/machine shops, electrical shops, medical and veterinary surgical areas, mechanical rooms, custodial closets, and nuclear research areas. Exceptions to restricted areas may be granted on a case-by-case basis by contacting the Disability Services office and the appropriate department and/or laboratory representative. The person directing the work in the restricted area will make the final decision based on the nature of the research and the best interest of the service animal.

### 3. Use of Assistance Animals at NDSU

#### a. Assistance animals (those that do not meet the criteria for being a service animal)

Assistance animals, often referred to as therapy or emotional support animals (ESA's), are prescribed to mitigate the impact of a disability by providing emotional support, comfort, calming, stability, socialization and/or other types of assistance. Assistance animals may or may not have specific certifications, but are prescribed or deemed necessary by a qualified professional to allow an individual equal access to use and enjoy campus housing facilities. Unlike service animals, the type of animal to qualify may vary and does not need to be trained to perform specific work for the individual with the disability. **The university can and does require relevant disability documentation to evaluate the potential need for an assistance animal, while considering the reasonableness of the requested accommodation.**

#### b. The following documentation needs to establish the basis for an assistance animal in campus housing:

1. Verification of a documented disability from a qualifying professional (examples: psychiatrist, psychologist, neuropsychologist etc.)
2. Clear correlation between the functional limitation(s) of the disability and the role of the animal.
3. Verification that the animal is necessary for the student to use and enjoy campus housing.

#### c. **Students with disabilities** are required to contact the Disability Services office to begin the disability eligibility process by completing an application, submitting disability documentation and meeting with a staff member to make accommodation request(s) and to develop an accommodation plan.

Incoming or currently enrolled students should provide the Disability Services office with appropriate documentation at least **60 days before housing is needed**. Such advance notice helps ensure accommodations are appropriate and necessary, while fostering a smooth transition to University Housing.

The Disability Services office staff will review the documentation and arrange for conversations between the Associate Director of Operations for Residence Life, the person making the request, and a Disability Services staff person to facilitate the accommodation. Accommodation needs for the individual and/or assistance animal will be determined on a case-by-case basis.

#### d. **Employees with disabilities** are required to contact the Human Resources/Payroll office to begin the disability eligibility process, submit disability documentation and make their accommodation request(s). See NDSU [Policy 168](#) Reasonable Accommodation on the Basis of Disability-Guidelines for Employee Requests for procedures and forms. Documentation required to establish the basis for an assistance animal will be the same as required of a student in section 3.b. above.

- e. **Visitors with disabilities** are required to contact the primary sponsoring/hosting department of the program/event for which they plan to attend for consideration to bring an assistance animal on campus to mitigate the impact of a disability. Documentation required to establish the basis for an assistance animal will be the same as required of a student in section 3.b. above. Both visitor and the sponsoring/hosting department are invited to consult with the ADA Coordinator if accessibility questions surface.

#### 4. **Responsibilities of Persons Using Service or Assistance Animals** (formerly section 3)

- a. The care and supervision of an approved animal is the responsibility of the individual who uses the animal's service. This person is considered the "handler" of the animal. It is important for the handler to maintain control of the animal at all times. Requirements for clean-up of animal waste are based on the [City of Fargo Policy](#). If the handler is unable to physically remove the waste, an alternative arrangement should be coordinated through Disability Services, Residence Life, Human Resources/Payroll for employees or the sponsoring/hosting department for visitors. When appropriate, spaces will be designated as animal toileting areas by NDSU Facilities Management and Residence Life staff.
- b. Animals need to be immunized against diseases common to that animal. Dogs should wear a current rabies vaccination tag.
- c. Animals housed in a University residence hall or apartment (University Housing) must have an annual clean bill of health from a licensed veterinarian. When necessary, the university has authority to direct that a service animal receive veterinary attention.
- d. Students and employees utilizing a service animal will be required to follow the [City of Fargo](#) licensing and animal tag policy.
- e. The City of Fargo has an [ordinance](#) requiring pets to remain on a leash when not on the owner's property; service animals are subject to this ordinance, except when doing so would interfere with the task(s) they're trained to perform to mitigate the impact of the disability. Under such circumstances, the animal's behavior may be managed through voice commands (for example).
- f. A person who has a service or assistance animal on campus is financially responsible for property damage caused by his or her service or assistance animal.

#### 5. **Expectations for Service and Assistance Animals' Behavior**

An animal whose behavior is disruptive or presents a direct threat to the safety of others may be removed from NDSU. For purposes of public health and safety, service and assistance animal users are asked to keep animals well groomed and provide prompt and ongoing attention to the overall care of the animal.

#### 6. **Service Animals in Training**

A trainer with a service-animal-in-training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to pay an extra charge for the service animal in training (ND 25-13-02.1). The trainer must notify the designated office regarding the presence of the animal, and have current immunization records available. The trainer is liable for any damage done to the premises or facility by a service animal in training.

## 7. **Conflicting Disabilities**

The university will work with qualified individuals with disabilities who request accommodations to identify a solution that serves those with disabilities who have competing needs. Individuals who are adversely impacted by the presence of an animal due to a disability must submit documentation of their condition to the appropriate office for consideration when requesting reasonable accommodations. Students are required to submit documentation to the Disability Services office and apply for services. Employees would submit documentation and accommodation requests to the Human Resources/Payroll department. Visitors should contact the sponsoring/hosting department. Consult the ADA Coordinator if accessibility questions surface.

## 8. **Dispute Resolution Procedure**

In the event of a dispute or disagreement about a disability determination, appropriateness of an accommodation, service quality, or an animal restriction, a student should confer with the [Disability Services Director](#). The student would follow the dispute resolution procedure on the [Disability Services webpage](#). If the student remains dissatisfied after following the dispute resolution procedure, he or she may contact the ADA Coordinator to discuss the matter and file a formal equal opportunity grievance, if desired.

An employee with a dispute or disagreement would confer with a staff member in the [Office of Human Resources/Payroll](#) and if the concern is not resolved, he or she may contact the ADA Coordinator to discuss the matter and file a formal equal opportunity grievance, if desired.

A visitor with a dispute regarding the use of a service or assistance animal at NDSU should contact the sponsoring/hosting department. If the concern is not resolved contact the ADA Coordinator.

Students, employees and visitors have the option, at any point, to consult with the ADA Coordinator regarding concerns about possible discriminatory conduct.

## 9. **Responsibility of University Community Members Regarding Service or Assistance Animals**

Members of the university community are expected to follow these guidelines regarding service or assistance animals:

- a. Allow service animals to accompany the handler at all times and everywhere on campus except where animals are specifically prohibited due to safety or health restrictions, or where the animal may be in danger, or where the integrity of research may be compromised due to the presence of chemicals and/or organisms;
- b. Allow assistance animals to reside with the handler in their on-campus residence once proper approval has been obtained;
- c. Do not touch or feed a service or assistance animal unless invited to do so;
- d. Refrain from distracting, startling or taunting the animal, and;
- e. Do not separate or attempt to separate the animal from its handler.

Relevant NDSU policies and City of Fargo ordinances include:

- \* [NDSU Policy 100.1 - Nondiscrimination on the Basis of Disabilities and Reasonable Accommodation](#)
  - \* [NDSU Policy 606 - Guidelines for Student Requests for Reasonable Accommodation](#)
  - \* [City of Fargo regulations](#)
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HISTORY:

New	December 2006
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Housekeeping	July 2010
Amended	February 9, 2015
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