**GUIDELINES FOR ANIMALS ON CAMPUS**

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Under Title II of the ADA and Sec. 504 of the Rehabilitation Act colleges and universities must modify all policies, practices or procedures to permit the use of a service animal by an individual with a qualifying disability

* The institution may not ask about the nature or extent of a person’s disability (after the individual has provided appropriate documentation to the proper office), but may make inquiries regarding what task or work the animal performs.
* The service animal does not have to be certified, trained or licensed as a service animal
* Service animals are permitted to accompany their owner in all areas of the campus
* An individual with a qualifying disability may not be charged a surcharge for maintaining the service animal on the campus (even if others are required to pay such a fee)
* The individual with a disability may be charged for damages caused by the service animal

Title II of the American’s with Disability Act does not require institutions to accept an animal whose sole purpose is to provide comfort, therapy or emotional support

* The Office of Housing and Urban Development (HUD), under the Fair Housing Act (FHA) requires accommodation of “assistance animals” which includes untrained emotional support, comfort, therapy, animals must be allowed as an accommodation for anyone with a qualifying disability in any “dwelling which is occupied as a residence by one or more families”.
	+ At least two federal courts have held that college and university residence halls are considered a dwelling under the FHA
	+ Short-term or transient facilities do not constitute dwellings
* Although institutions must accommodate an individual with a qualifying disability provisions for an assistance/comfort/emotional support animal in a residence hall or campus apartment the institution is not required to allow the individual to bring that animal into the work environment, classroom or other areas or buildings on campus unless the animal qualifies as a service animal under the ADA and Sec. 504

Institutions must also be aware of prevailing state laws that may mandate broader accommodation of animals. Any allowed animal is considered an extension of the owner and subject to the same Code of Conduct regulations.

**Service Animals**

* Must provide an accommodation for an individual with a history of or documentation for a qualifying disability
* Must be individually trained to provide work or a specific task directly related to and provide accommodation for the disability
* May only be a dog or a miniature horse (no other animals, wild or domestic, trained or untrained are acceptable)
* Animals whose sole role is to provide emotional support, well-being, comfort or companionship do not qualify as a service animal
* Must be housebroken
* Must remain under the care and supervision of the owner at all times
* Must remain under the owner’s control
	+ Must be on a harness, leash or other tether, unless doing so would interfere with the service animal’s safe performance of work or task
* Schools must modify guidelines or practices to permit the use of a miniature horse by an individual with a qualifying disability, applying the following guidelines:
	+ The horse must be individually trained to do work or perform a task for the benefit of the individual with a disability
	+ The institution may consider the type, size and weight of the miniature horse and whether the facility can accommodate it
	+ The handler must be able to maintain sufficient control of the miniature horse at all times
	+ The miniature horse must be housebroken
	+ The miniature horse’s presence in a specific facility may not compromise legitimate safety requirements necessary for the safe operation

**Comfort, Emotional Support or Assistance Animals**

* Generally comfort, emotional support or assistance animals (hereinafter “assistance animals”) provide private functions for persons with mental and emotional disabilities and must be allowed (subject to reasonable limitations) in residence halls if:
	+ The individual has a qualifying disability
	+ The assistance animal is necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling
	+ There is an identifiable relationship or nexus between the disability and the assistance the animal provides
* Assistance animals may be an animal other than a dog or a miniature horse
* All requests for assistance animals should be determined on a case-by-case basis
	+ The institution is entitled to balance the need for the assistance animal with the impact of that animals on others in the environment
* Guidelines for consideration for acceptance of an assistance animal in a residence hall:
	+ The individual seeking to bring an assistance animal into the residence hall must provide documentation of a qualifying disability and the recommendation from the treating physician or mental health therapist is an assistance animal
	+ There must be a nexus between the qualifying disability and the role of the assistance animal
	+ The owner of the animal is subject to the interactive process for determination of a reasonable and appropriate accommodation for the qualifying disability
	+ Are subject to the same limitations imposed on service animals
	+ May not pose a direct threat to the health or safety of others in the dwelling
	+ May not cause substantial damage to the property of others
	+ May not pose an undue financial or administrative burden to the institution
	+ May not fundamentally alter the nature of the institution’s operations
	+ The animal may not disrupt the environment by barking, meowing, scratching, screeching, growling
	+ The animal may not disturb, annoy or cause any nuisance to other residents
	+ The animal cannot interfere with the reasonable use and enjoyment of others living in the same dwelling
		- This may include those with allergies, phobias, religious preferences
	+ The animal must always be under the control of the owner, either on a leash or harness or in a crate or carrier when the owner is not present
	+ The owner may not leave the animal for extended periods of time or overnight
	+ The animal must meet state requirement for licensing and vaccinations
	+ The owner must maintain a clean, odor-free environment with the animal, and must clean up and appropriately dispose of all animal waste
	+ The animal must be well cared for and in good health
	+ The owner will be responsible for all conduct of the animal and for any damage to the premises