

Policy Title:	Assistance (Service and Support) Animals
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Governing Body:	Office of Civil Rights (Federal Department of Education); United States Department of Housing and Urban Development; Oregon Bureau of Labor and Industries; Department of Justice	Policy Number:	FAD.079
Policy Contact:	Disability Resources Coordinator	Date Revised:	
Custodial Office:	Disability Resources	Date Approved:	February 19, 2018
Approved By:	President	Next Review:	
Related Policy:	Oregon Fair Housing Laws (ORS 659A, especially 659A.141, 659A.143, and 659.145); Federal Fair Housing Act (42 U.S.C. § 3604(f)); Americans with Disabilities Act 2010, Title II (especially Subpart A, §35.136 and Subpart B, §35.130); Rehabilitation Act of 1973, §504; OAR 573.045.		

Revision History

Revision Number:	Change:	Date:
	Initial version	February 2018

A. Purpose

Southern Oregon University is committed to making reasonable modifications to rules, policies, and practices as required by law to afford people with disabilities an equal opportunity to access its programs, services, and activities. Further, the mission of the university is to provide an inclusive campus community and commits to accessibility. This policy explains the rights and responsibilities of the university and of persons with disabilities in regard to assistance animals.

B. Definitions

DISABILITY - A "disability" is a physical or mental condition that substantially limits one or more major life functions of a person. Major life functions may include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading,

concentrating, thinking, communicating, and working; as well as major bodily functions.

PETS - A "pet" is any animal kept for ordinary use and companionship. Assistance animals (service and support animals), as defined below, are not considered pets.

ASSISTANCE ANIMALS - The term "assistance animal" is the overarching term that refers to both service animals as well as support animals as defined below.

SERVICE ANIMALS - A "service animal" means any dog (or in limited cases, miniature horse) that is individually trained to do work or perform tasks for the benefit of a person with a disability. The work or tasks performed by a service animal 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 purpose of this definition.

SUPPORT ANIMALS - A "support animal" is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, support animals are not required to be trained to perform work or tasks, and they may include species other than dogs or miniature horses.

C. Policy Statement

SECTION 1: PETS

Pets, other than fish, are generally prohibited indoors on the SOU campus, except in university housing. For more information on the protocols regarding pets in university housing, please refer to the SOU University Housing Handbook.

SECTION 2: SERVICE ANIMALS

Service animals are permitted to accompany people with disabilities in all areas of SOU's facilities where students, members of the public, and other participants in services, programs, or activities are allowed to go. SOU does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Individuals accompanied by service animals on campus but who do not need any disability-related accommodations are not required to register with Disability Resources, nor are such individuals required to submit requests for reasonable accommodation to receive access for their service animals. Students who use academic accommodations may choose to have a notice about their service animals included in faculty notification letters, but this is not required.

Additionally, SOU 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, SOU staff may make two inquiries to determine whether the dog qualifies as a service animal, which are:

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

A service animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether, unless the person is unable to hold those, or such use would interfere with the service animal's performance of work or tasks. In such instances, the

service animal must be kept under control by voice, signals, or other effective means.

SOU assesses requests for use of miniature horses by people with disabilities on a case-by-case basis. Requests should be submitted to the Disability Resources Office and, consistent with applicable laws, SOU may make modifications in its policies to permit their use if they meet certain criteria and have been individually trained to do work or perform tasks for the benefit of people with disabilities.

For information about service animals in university housing, see Section 4.

SECTION 3: SUPPORT ANIMALS

Support animals are generally not allowed to accompany persons with disabilities in all public areas of SOU as a service animal is allowed to do. A support animal may reside in university housing, including accompanying such individual in the individual's suite-based common areas if applicable. Before a support animal can move into university housing with a person with a disability, a request must be submitted to SOU's Disability Resources Office and an approval must be granted. If the disability is not obvious, Disability Resources may require documentation from a licensed physician or mental health provider, including without limitation a qualified psychiatrist, social worker, or other mental health professional, to provide sufficient information for SOU to determine whether the individual has a disability and that there is a disability-related need for the requested accommodation. A disability-related need exists when there is an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. Employees who reside in university housing, or who require a support animal as an accommodation, must contact Human Resource Services. If the disability is not obvious, Human Resource Services may require appropriate documentation to support the disability-related need for the requested accommodation. Approval must be obtained before a support animal is brought into university housing or onto campus.

Support animals must be contained within the owner's privately assigned living accommodations except to the extent that the individual is taking the animal outside of the building. When the support animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Support animals are not allowed in other university facilities other than the individual's private living accommodations. Exceptions to this policy may be requested from Disability Resources as an accommodation for a disability and are considered under applicable laws.

SECTION 4: REQUEST AND APPROVAL TIMING FOR UNIVERSITY HOUSING

SOU accepts and considers requests for reasonable accommodation in university housing at any time. The individual making the request for accommodation should complete and provide the Request Form to Disability Resources as soon as practicably possible before moving into university housing. However, if the request for accommodation is made fewer than 45 days before the individual intends to move into university housing, SOU cannot guarantee that it will be able to meet the individual's accommodation needs during the first term of occupancy. If the need for accommodation arises when an individual already resides in university housing, the individual should contact Disability Resources and complete the Request Form as soon as practicably possible. SOU cannot guarantee that it will be able to meet the accommodation needs during the term when the request is received.

Disability Resources, in consultation with the resident and other parties as appropriate, may consider the criteria below in determining whether the presence of the animal is reasonable in the approval of assistance animal requests within university housing:

1. Whether the animal poses or has posed in the past a direct threat to the individual or others;
2. Whether the animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
3. Whether the size of the animal is too large for available assigned housing space;
4. Whether the animal is too young to have completed its full course of vaccinations, housebreaking training, and growth (to determine whether animal meets reasonable size expectations);
5. Whether the animal's presence would force another individual from individual housing (e.g., serious allergies);
6. Whether the animal's presence otherwise violates individuals' right to peace and quiet enjoyment; and
7. Whether the animal is housebroken or is unable to live with others in a reasonable manner.

The individual must provide written consent for Disability Resources to disclose information regarding the request for and presence of the assistance animal to those individuals who may be impacted by the presence of the animal including, but not limited to, University Housing staff and potential and/or actual roommate(s)/suite(s)/neighbor(s). Such information will be limited to information related to the animal and shall not include information related to the individual's disability. SOU reserves the right to assign an individual with an assistance animal to a single room without a roommate upon availability.

SECTION 5: GUIDE AND HEARING TRAINEES

Oregon law allows animals that are being trained to be dog guides for the blind, hearing assistance dogs, or assistance animals for persons with physical impairments to access SOU facilities. Animals in training in housing are subject to the same provisions under this policy as any other assistance animal.

SECTION 6: RESPONSIBILITIES OF PEOPLE WITH DISABILITIES USING ASSISTANCE ANIMALS

SOU is not responsible for the care or supervision of assistance animals. The owner is responsible for the cost, care, and supervision of assistance animals, including:

1. Compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
2. Keeping the animal under control and taking effective action when it is out of control; and
3. Feeding and exercising the animal, and disposing of its waste.

For specific campus areas designated by SOU for toileting assistance animals, contact Disability Resources. Waste may not be disposed of in university plumbing. Disability Resources or University Housing can provide guidance on where to appropriately dispose of animal waste.

Owners are required to ensure 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 the University Student Code of Conduct and/or any housing-related sanctions within University Housing 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.

SOU 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 SOU would normally charge a person for the damage they cause.

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

An assistance animal in university housing is allowed only as long as it is necessary because of the owner's disability. The owner must notify Disability Resources in writing if the assistance animal is no longer needed or is no longer in residence. To replace an assistance 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.

SECTION 7: EXCEPTIONS AND EXCLUSIONS

SOU may pose some restrictions on, and may even exclude, an assistance animal in certain instances. No support animal may be kept in university housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy. As noted above, support animals are generally not allowed indoors on SOU's campus other than in university housing. Persons with disabilities may request approval from Disability Resources to have the emotional support animal accompany them to other campus areas as a reasonable accommodation. Such requests will be considered on a case-by-case basis consistent with applicable laws.

Any animal may be disallowed in an area or excluded 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 People with Disabilities Using Assistance Animals in Section 6 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, SOU 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 president shall name a designee who shall provide a written statement of explanation to any person with a disability if a determination is made that the presence of that person's assistance animal would fundamentally alter the nature of a program, service, or activity.

In the event that the restriction or removal of an assistance animal is determined to be necessary, the person with the disability will still be given the opportunity to participate in the service, program, or activity without having the assistance animal present. The person with the disability will be afforded all rights of due process and appeal.

SECTION 8: GUIDELINES FOR MEMBERS OF THE SOU COMMUNITY

To ensure equal access and nondiscrimination of people with disabilities, members of the SOU community must

abide by the following practices:

1. Allow assistance animals to accompany people with disabilities on campus;
2. Do not ask for details about a person's disabilities;
3. Do not pet an assistance animal, as it distracts the animal from its work;
4. Do not feed an assistance animal;
5. Do not deliberately startle, tease, or taunt an assistance animal; and
6. Do not separate or attempt to separate a person from their assistance animal except as noted in Section 7 above.

Persons with disabilities who may be affected by the presence of animals should contact Disability Resources. SOU is committed to ensuring that the needs of all people with disabilities are met and determines how to resolve any conflicts or problems as expeditiously as possible.

SECTION 9: GRIEVANCE PROCEDURE

SOU's policy on non-discrimination applies to this policy. Grievance procedures are outlined in that policy.

Students with concerns about potential discrimination may also contact the United States Department of Education, Office for Civil Rights, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099; the United States Department of Housing and Urban Development by phone at (800) 877-0246 or on the web at <http://www.hud.gov/complaints/> (click on "Housing Discrimination"); or the United States Department of Justice, Disability Rights Section by email at ADA.complaint@usdoj.gov or on the web at <http://www.ada.gov>.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval.

D. Policy Consultation

SOU President's office, Student Support and Intervention, Disability Resources, University Housing, Human Resources, the Student Health and Wellness Center and Policy Council. Any known current students utilizing assistance animals should be notified in the event of updates or revisions to this policy. Policy was posted on February 7, 2018 for community comment.

E. Other Information

The Policy Contact, defined above, will write and maintain the procedures related to this policy and these procedures will be made available within the Custodial Office.