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## DEVELOPING AN ASSISTANCE ANIMAL COMPLIANCE POLICY

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## LEARNING OUTCOME

### After participating...

...you will be able to develop an assistance animal compliance policy for your institution.

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## AGENDA

- Why Are We Talking about Assistance Animals?
- Assistance Animal Myths Debunked
- Policy Checklist
- Final Q&A



*This webcast is designed and intended to provide accurate and authoritative information regarding assistance animal compliance. However, it does not constitute legal advice.*

*Please consult with your institution's legal counsel and/or other appropriate professional support staff regarding the specific facts and circumstances associated with any related legal questions.*





## POLL

**What is the number of service animals requested in this academic year?**



## POLL

**What is the number of assistance animals requested?**

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## WHY ARE WE TALKING ABOUT ASSISTANCE ANIMALS?



## **CASE LAW.** GUINEA PIGS AND MINIATURE PINCHERS NAMED BUTCH



## UNIVERSITY OF NEBRASKA KEARNEY



UNK refused to let student bring “therapy dog” to residence hall, citing no-pets policy



Federal judge determined that university housing is a “dwelling” as defined under FHA



Therefore, FHA should apply to college/university housing, including residence halls



Therefore, colleges and universities must permit assistance animals in housing



UNK settled with DOJ for \$140,000

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## GRAND VALLEY STATE UNIVERSITY



GVSU refused to let student bring guinea pig to residence hall because it did not meet definition of a trained service animal



Federal court refused to dismiss student’s FHA claim



GVSU and student settled for \$40,000

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## PORTLAND STATE UNIVERSITY



February 2014 Consent Decree over service animal lawsuit



Includes requirement for assistance animals



PSU is investing over \$100K to update policies

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## KENT STATE UNIVERSITY



In 2010, KSU denied student's request to keep "therapy dog" in University-owned housing



HUD investigated, found reasonable cause, and issued charge of discrimination



DOJ brought lawsuit against University, which settled for \$145,000

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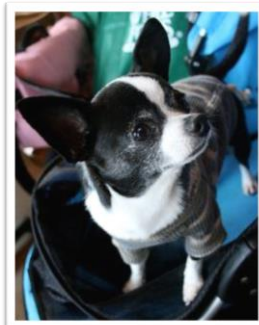
## DEFINITIONS. ASSISTANCE ANIMALS VS. SERVICE ANIMALS



### DEFINITIONS



SERVICE ANIMAL



ASSISTANCE  
ANIMALS



## **LAWS. FAIR HOUSING ACT (FHA) VS. AMERICANS WITH DISABILITIES ACT (ADA) / SECTION 504**



### **LAWS**

#### **FHA**

- Requires accommodation of disabilities in housing
- Permits only limited inquiry - is there a “nexus” between disability and the assistance animal provides
- Any kind of animal could be a reasonable accommodation

#### **ADA / SECTION 504**

- Requires accommodation of disabilities in education and employment
- Interactive process
- Any kind of animal could be reasonable employment/education accommodation, but for general public, only “service animals” (*i.e.*, dogs)



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## EMOTIONAL SUPPORT ANIMALS VS. PSYCHIATRIC SERVICE ANIMALS

- Service animals are trained to do work or perform tasks for people with disabilities (and are only dogs and, in some cases, miniature horses)
  - Example: dog is trained to sense when anxiety attack is happening and take specific action to help
- Assistance animals (emotional support animals) are not so limited
  - Example: animal's mere presence provides comfort



## QUESTIONS



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## ASSISTANCE ANIMAL MYTHS DEBUNKED

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**WHAT** CAN YOU ASK ABOUT THE  
ANIMAL?

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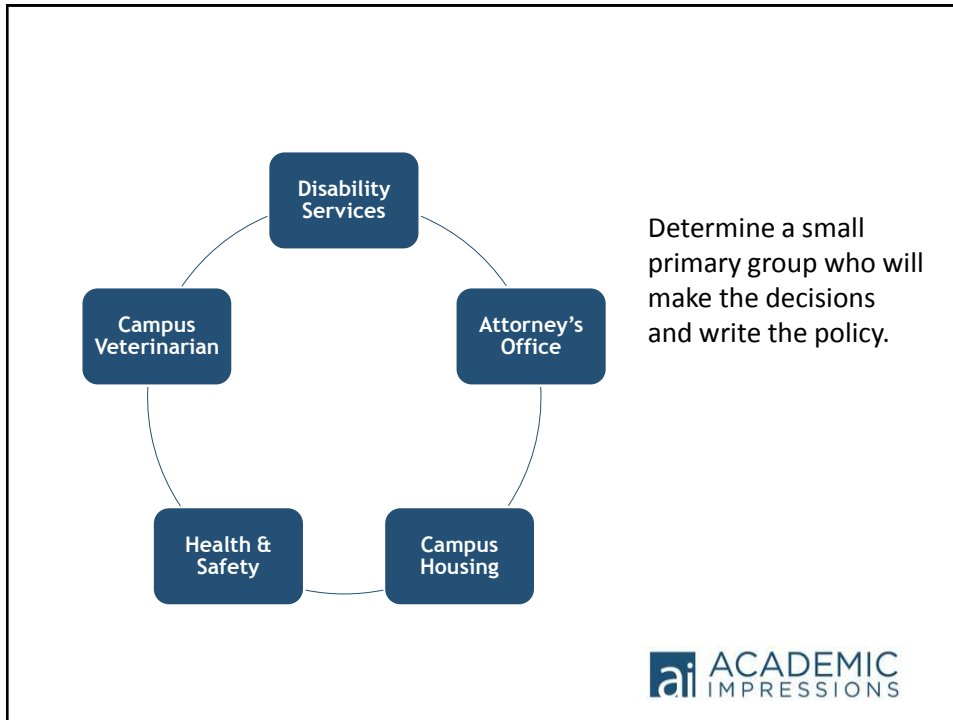
## WHAT?




May require doctor verification:

1. Person has a disability
2. Animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the dwelling
3. There is an identifiable relationship or nexus between the disability and the assistance the animal provides

## WHO NEEDS TO BE INVOLVED?



 **CHAT**

**Who else might you include in your stakeholder group?**

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## WHERE ARE THEY PERMITTED ON CAMPUS?



### WHERE?



**A BLANKET PROHIBITION ON ASSISTANCE  
ANIMALS IN OTHER CAMPUS BUILDINGS IS  
NOT ADVISED.**

- ADA/504 for employment and education purposes is not the same as a “public accommodation”
- Exceptions on a case-by-case basis should be part of the policy
- Always be open to the interactive process - disability services office should work with the students (upon request) to determine whether bringing the animal to class or elsewhere is a reasonable accommodation



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## HOW SHOULD YOU COMMUNICATE THEIR PRESENCE TO THE CAMPUS COMMUNITY?



### ■ HOW?



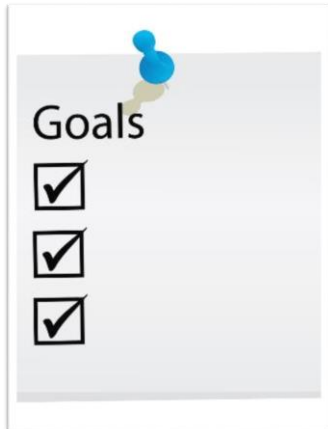
#### COMMUNICATION AND TRAINING GO HAND IN HAND:

- Police
- EMS
- Fire department
- Campus counseling center
- Admissions
- Residential facilities
- University facilities
- Housing assignments staff
- Residential life staff
- Orientation staff
- Faculty



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## HOW?



### INITIAL GOALS:

- ✓ Awareness
- ✓ To provide an opportunity for questions about the process and how requests are vetted
- ✓ To inform on how they will know when an animal is in residence or about to be in their classrooms

## HOW?



Maintain regular communication throughout the year:

- Beginning of each semester / term / quarter
- Annual staff training

## HOW?



Send appropriate communication when animal takes residence:

- Send memo with location, animal description, and animal name
- Notification and communication to room or apartment-mates, without disclosing medical info
- Prepare building staff



## QUESTIONS

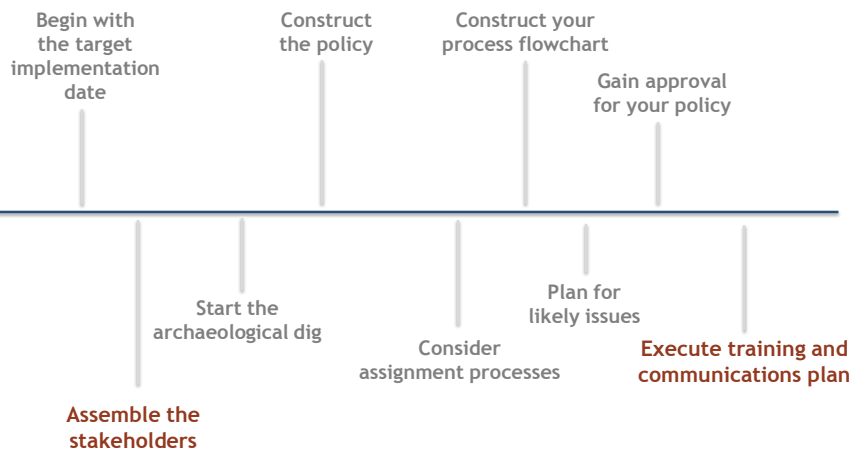


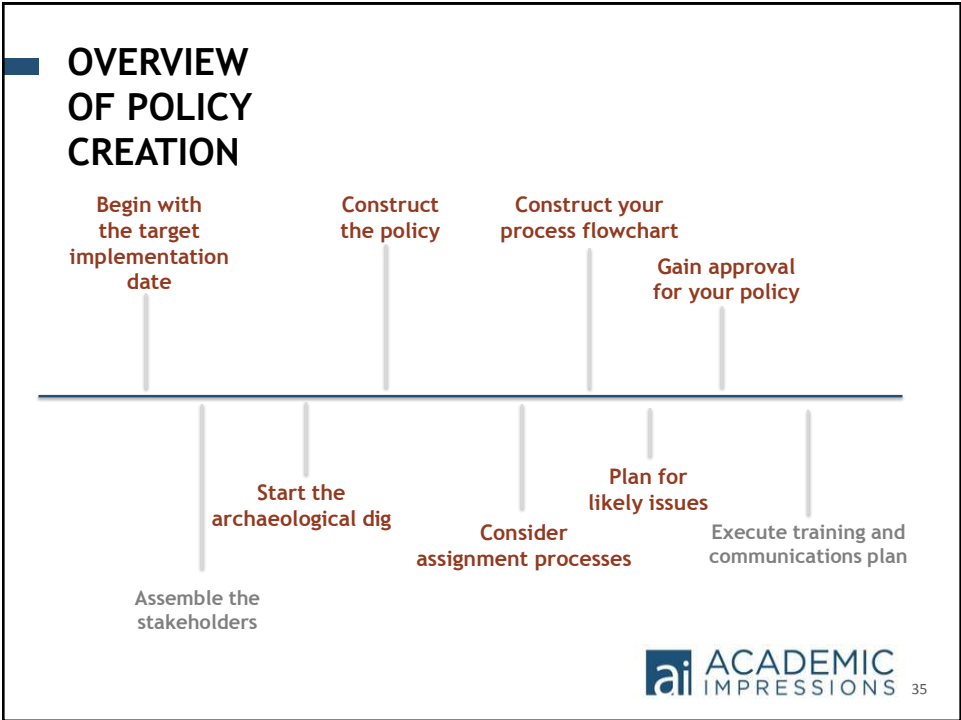
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## ASSISTANCE ANIMAL POLICY CHECKLIST



### OVERVIEW OF POLICY CREATION





## STEPS 1 AND 2



1. Determine when your assistance animal will take residence
2. Work backwards to determine key deliverables

## STEPS 3 AND 4



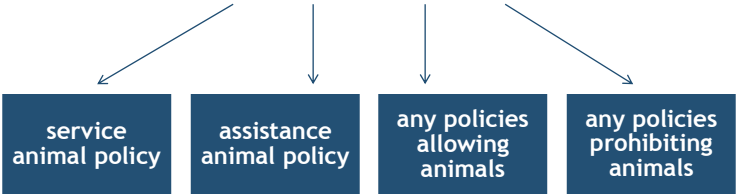
3. Select your stakeholder group
4. Schedule meetings with your stakeholder group

**PHASE 2. START THE  
ARCHAEOLOGICAL DIG**



**STEP 5**

Does your campus already  
have these policies in place?



### PHASE 3. CONSTRUCT THE POLICY



#### OVERVIEW OF POLICY PIECES



- Introduction and philosophy
- Agreement form
- Guidelines for animal care
- Guidelines for interaction with roommates and community



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## STEP 6

### WRITE THE INTRODUCTION AND PHILOSOPHY

- Why does the policy exist?
- Education on terms
- Conditions for exclusion
- Tasks

## STEP 7



Create the  
Agreement Form

## STEP 8

Include Guidelines  
for Animal Care



- Must be housebroken
- Responsibility for handling of animal waste
- Disposal of waste

## STEP 8, CONT.

Include Guidelines  
for Animal Care



- Effectively controlled
- Leash or lead required in public areas
- Cannot pose a direct threat to health and safety

## STEP 8, CONT.

Include Guidelines  
for Animal Care



- Routine maintenance
- Regularly updated verifications from Veterinarian
- Contact with vet

## STEP 8, CONT.

Include Guidelines  
for Animal Care



- Animal must be well cared for
- Be clear about your intended actions in case of neglect
- Have a plan for weekends and school holidays



## STEP 8, CONT.

Include Guidelines  
for Animal Care



Current tags

- Student's name and number
- Rabies tag for dogs

## STEP 9

Include Guidelines for  
Interaction with Roommates

### ANIMAL AS A ROOMIE

- Odors
- Noise
- Damage
- Disruption to the environment

### ROOMIE AS ROOMIE

- Be sensitive
- Be respectful
- Plan ahead

## STEP 9, CONT.

Include Guidelines for  
Interaction with the Community

### ANIMAL AS COMMUNITY MEMBER

- Noise
- Damage
- Disruption to the environment
- Use of outdoor space
- Awareness of presence for staff visits

## REMINDERS OF CONTRACT TERMS





## CHAT

**What part of constructing  
the policy creates the  
most anxiety for you?**

## **WHAT'S NOT IN THE POLICY**

- An assistance animal is not a pet!
  - No animal deposit or fee
  - No breed or species restrictions
  - No automatic restrictions on where student can bring the animal
    - Coordination between Student Disability or Student Access Services is key

## PHASE 4. CONSIDER ASSIGNMENT PROCESSES



### STEP 10

#### DISCUSS AND DOCUMENT THE FOLLOWING:

As you look at your housing inventory, what locations are more optimal than others?




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**STEP 10,  
CONT.**

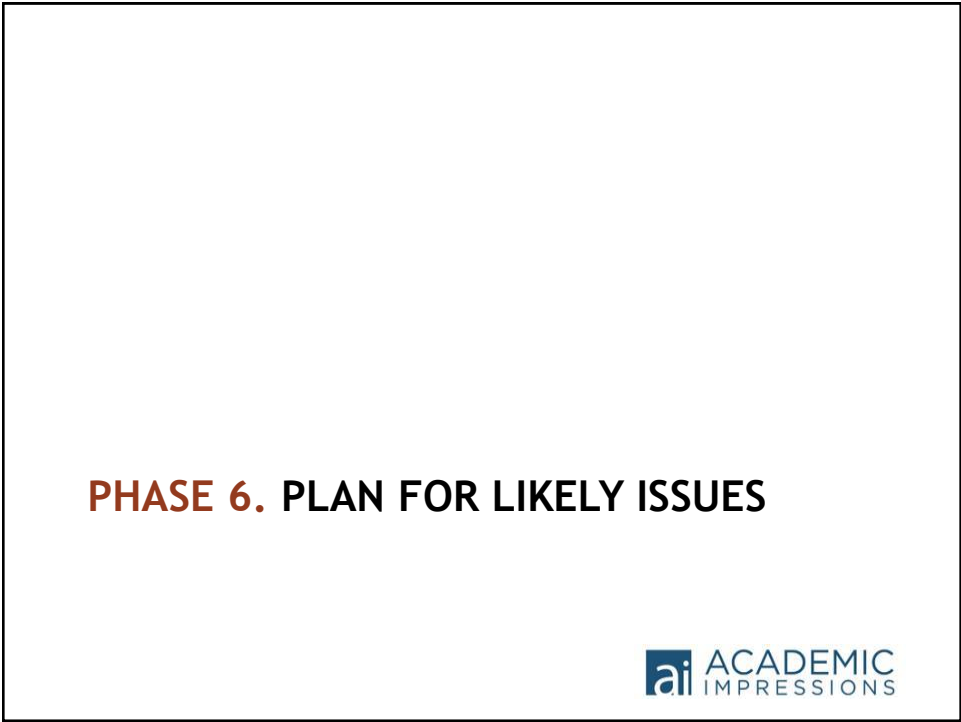
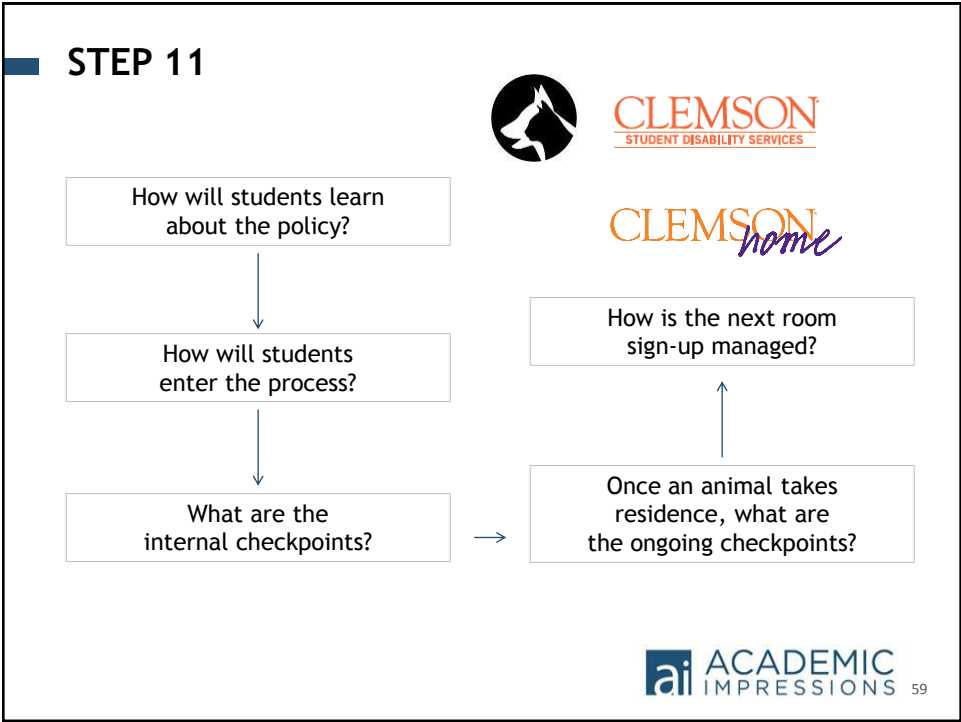
**CREATIVE MODIFICATIONS:**

- Daily Care Logistics
- Adjusting Occupancy
- Connection to Academic Programs or LLC's

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**PHASE 5. CONSTRUCT YOUR  
PROCESS FLOWCHART**

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## STEP 12

Consider and Define Procedures  
to Address Likely Issues



### Allergies

- “Allergies and fear of dogs are not valid reasons for denying access or refusing service” - DOJ
- Strive to accommodate both

## STEP 12, CONT.

Consider and Define Procedures  
to Address Likely Issues



### Expect other students to have:

- Questions
- Jealousies
- Homesickness triggers

## STEP 12, CONT.

Consider and define procedures  
to address likely issues.



Violations of policies

- Who will respond?
- How?
- What things might require continued education?
- What things are “dealbreakers?”
  - “Undue burden” is a high standard

## STEP 12, CONT.

Consider and define procedures  
to address likely issues.



How will you handle  
neighbor conflicts  
between animals?



## PHASE 7. GAIN APPROVAL FOR YOUR POLICY



### STEP 13

Gain all Appropriate Approvals for Your Policy





## TAKEAWAYS

- FHA requires accommodation for disabilities, which can include assistance animals of any species.
- Coordination between all campus partners, especially Residence Life and Disability Services, is key!
- Challenge yourself and others to find a way to “yes”. A blanket “that won’t work” is not one of your choices.
- Keep an open mind and engage in the interactive process.



## QUESTIONS



## EVALUATION

### Thank you!

Please remember to complete the event evaluation.  
Your comments will help us continually improve the  
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