Service and Assistance Animals: From Policy to Practice

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June 28, 2015
Introductions

• Who’s in the room?

• What do you hope to learn today?
Extremely complex topic

In 50 minutes...

We’re not lawyers

Today’s Session
Agenda

- Policy Landscape
- Definitions
- Compliance Tools
- Policy Examples
- Q & A
- **United States**
  - Americans with Disabilities Act (ADA)
  - Section 504 of the Rehabilitation Act
  - Fair Housing Act (FHA)

- **Australia**
  - Disability Discrimination Act

- **United Kingdom**
  - Disability Discrimination Act and Equality Act

- **Canada**
  - Provincial Law
Administered by Housing and Urban Development (HUD)

Changing climate in higher education
Civil Rights

Bans discrimination in housing

Must accommodate assistance animals in dwellings

Fair Housing Act

Housing & Food Services
University of Washington
Division of Student Life
“Unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such a dwelling because of a handicap of that person...”
Department of Justice

Title II
- State Govt
- Local Govt

Title III
- Business and Non-Profits
- Public Accommodations and Education

Americans with Disabilities Act
Access Driven
Modification of policy, practices, procedures
Service animals in all areas of public accommodation
“May not impose upon handicapped students other rules, such as the prohibition of...dog guides in campus buildings, that have the effect of limiting the participation of the handicapped students in the [institution’s] educational program or activity.”
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<tr>
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<th>ADA</th>
<th>Fair Housing Act</th>
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<tr>
<td><strong>Purpose</strong></td>
<td>Access to public accommodations</td>
<td>Civil rights in housing</td>
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<tr>
<td><strong>Applies to</strong></td>
<td>Government, public accommodations, educational entities</td>
<td>Most housing</td>
</tr>
<tr>
<td><strong>Requires</strong></td>
<td>Use of service animals</td>
<td>Reasonable accommodation, including assistance and emotional support animals</td>
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<tr>
<td><strong>In</strong></td>
<td>All areas of public accommodation</td>
<td>Dwellings, including public and common use areas</td>
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Accessibility
- Environment free from barriers
- Usable by everyone

Accommodation
- Adaptations that can’t be anticipated or standardized
- Differs for each request
› Comparable, convenient, and accessible housing at the same cost

› Reasonable modifications to policies, practices, or procedures to avoid discrimination

› Individualized assessment
“Any dog 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”
Access must be granted to handlers in public accommodations

Service animals are not:
› Any animals besides dogs (and miniature ponies)
› Crime deterrent only
› Emotional support, comfort, or companionship animals
- Comfort, therapy, emotional support
- Broader range is necessary in the home environment to assist with emotional support
- No restriction on type of animal; no requirements for training
Assistance animals as a reasonable accommodation in dwelling unit if:

› Person has a disability

› Animal is necessary to afford equal opportunity to use and enjoy a dwelling; and

› Identifiable relationship/nexus between disability and the assistance the animal provides
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<th>Assistance Animals</th>
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<tr>
<td><strong>Rights</strong></td>
<td>Presume entitled to be on site</td>
<td>Treated as accommodation request</td>
</tr>
<tr>
<td><strong>Verification</strong></td>
<td>Can only ask if service animal, and what task animal is performing</td>
<td>Sufficient documentation to establish animal is necessary, existence of disability, and nexus between animal and disability</td>
</tr>
<tr>
<td><strong>Exclusions</strong></td>
<td>Animal out of control, not housebroken, or direct threat</td>
<td>Outside of housing (although OCR says classroom requests must be considered as accommodation)</td>
</tr>
<tr>
<td><strong>Locations</strong></td>
<td>All areas of public accommodation</td>
<td>Dwelling unit and associated public areas</td>
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United States v. Millikin University
› Settled; university housing must be provided to persons with disabilities in non-discriminatory manner

United States v. University of Nebraska at Kearney
› Judicial ruling; FHA applies to university housing

Leland v. Portland State University
› Settled; equal access to services and room types

Velzen v. Grand Valley State University
› Settled; emotional support animals in common areas of dwelling
› Oregon State University:
http://oregonstate.edu/accessibility/serviceanimalpolicy

› Texas Tech University:
http://www.depts.ttu.edu/sds/studentresources/ServiceAnimals.php

› University of Florida:
Policy Examples

- Clearly define the policy and related laws
- Clarify what animals can be approved
- Outline the process by which a student can be successful
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<tr>
<td><strong>Request</strong></td>
<td>Not required</td>
<td>Part of the request for accommodation</td>
</tr>
<tr>
<td><strong>Verification</strong></td>
<td>Cannot require verification for the animal, only the disability</td>
<td>Sufficient documentation to establish animal is necessary, existence of disability, and nexus between animal and disability by medical professional</td>
</tr>
<tr>
<td><strong>Assignment</strong></td>
<td>Work with the student on best location based on need</td>
<td>Work with the student on best location based on need. Cannot require to live in specific area</td>
</tr>
<tr>
<td><strong>Considerations</strong></td>
<td>Be in communication with Disability Services staff on best options</td>
<td>Consult with Disability Services, general counsel, and counseling services when needed</td>
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UHDS Service and Assistance Animal Checklist

First Name: ___________________________ Last Name: ___________________________

OSU ID: ___________________________ Contact Phone: ___________________________

Please review each area and initial each paragraph. The student requesting the service must complete this form with the following UHDS staff members: the Resident Director for the assigned building, the Assistant Director for Operations, and a member of the Residential Education Leadership Team. The student may also request to have a staff member from DAS present.

Animal Name: ______________________ Animal Type: ___________________________

Animal Breed: ______________________ Animal weight (lbs): ______________________

General description of the animal: ____________________________________________

Veterinarian name: _________________________________________________________

Veterinarian phone: _________________________________________________________
Guidelines for animal care:

_____ The animal cannot pose a direct threat to the health or safety of others. If the animal is deemed to pose a physical threat to others, actions may be taken to remove the animal from university property.

_____ Animals must be housebroken. The resident is responsible for properly containing and disposing of all animal waste. Indoor animal waste must be placed in a sturdy bag and tied securely before being disposed of in outside trash dumpsters. Outdoor animal waste, such as dog feces, must be immediately retrieved by the resident, placed in a plastic bag and securely tied before being disposed of in outside trash dumpsters.

_____ The resident must effectively control the animal at all times (voice command, leash, or otherwise). If the resident cannot effectively control the animal, the permission to keep that particular animal in University Housing or Dining Services space will be rescinded until such time that the problem is rectified.

_____ Routine care for the animal is expected for health and safety reasons, and includes: flea and tick prevention, de-worming, rabies, other routine vaccinations and annual examinations. UHDS has the right to request documentation relevant to these health and safety concerns at any time during the animal’s stay in residence.

_____ The cost of care, arrangements and responsibilities for the well-being of a service or assistance animal are the sole responsibility of the resident at all times. The animal cannot be left in the care of other residents while the resident is away unless the situation is unforeseen or deemed an emergency. *The person UHDS staff can contact to care for the animal in case of emergency is:*

________________________________________________________________________
If any animal neglect is suspected, UHDS will contact the resident and Oregon State Police (OSP). The student is solely responsible for the health and safety of the animal. The animal should not be left alone in the unit for unreasonably long periods of time. Based on the type of animal, the resident and UHDS agree that a reasonable amount of time for the animal to be left alone in the unit is ________ hours.

All animals must have a tag with the animal’s name and a contact phone number for you, the resident, in case of emergency unless there is a prior agreed upon exception. The tag should not have your name or any information regarding which hall and room in which you reside.

Assistance animals only: The resident understands that when they are not present (i.e. in class) the animal must be crated or otherwise contained within the unit and remain in the assigned residential space. Based on the type of animal, the resident and UHDS agree that the animal will be contained in the room by these means while the resident is in class:

______________________________
Guidelines for interaction with roommates and the community:

____ The resident is responsible for any damage or injuries caused by their animal(s) and must take appropriate precautions to prevent property damage or injury.

____ The resident is responsible for assuring that the animal does not interfere with the orderly operation of the residence or cause difficulties for other residents of the community. Sensitivity to residents with allergies and to those who fear animals is important to ensure a positive residential community.

____ Assistance animals are not permitted in any area other than the student’s on-campus residence and immediate surrounding area, considered part of the residential dwelling.

____ The resident is responsible for instructing others on appropriate interactions with the animal and setting clear expectations.

____ Roommates will be notified about the presence of the animal. The notification will include the type of animal and size. Roommates may request a room change from UHDS if they have a desire to do so.

____ If the resident requests maintenance for the room, they will be given the opportunity to coordinate with UHDS Maintenance on a time that will work with their schedule to be present for the maintenance.
Additional Agreements:

_____ The resident is financially responsible for the actions of the animal including bodily injury, property damage, replacement of furniture, carpet, blinds, etc. The resident will be responsible for covering all costs of returning the unit to the same condition of move-in that are not due to normal wear and tear as reported via the Room Condition Report completed by the resident upon checking into the room. This may include the cost of cleaning all carpets and furniture to remove pet odors, dander, hair, etc.

_____ UHDS will inspect the residential unit on a regular basis as part of routine health and safety checks of all residential space (see contract and Policy Guide). If fleas, ticks, or other pests are detected through inspection, the unit will be treated using fumigation methods by the university-approved pest control services. Those costs will be billed to the resident’s account.
University Housing has the right to reassign the student to another accommodation if care of the animal or interactions with others become a concern. The resident is responsible for meeting with Residential Education staff if they decide to move from one location to another, arranging for staff notifications and trainings and assisting with re-introduction of the animal to a new community.

I have read and agree to all of the terms of the University Housing and Dining Service’s Service and Assistance Animal Checklist. I understand that if I have questions, concerns, or need assistance that I will call my liaison in Residential Education.

__________________________________________________________
Student Signature

__________________________________________________________
Resident Director Signature

__________________________________________________________
Operations Staff Member Signature

__________________________________________________________
Date

__________________________________________________________
Date

__________________________________________________________
Date
› Understanding what we can/can’t/should ask
› Understanding and planning for impacts of animals in residence

Tips and Strategies
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