

Northwest Missouri State University
Board of Regents
Date of Meeting: September 18, 2009

Cabinet Member: Douglas Dunham

Agenda Item: Service Animal Policy

Background:

The present NW Service Animal policy is very strong. However, the current policy makes reference to “therapy animals.”

“Therapy animals” are typically used to provide emotional/psychological support. Therapy animals are *not* covered by the Americans with Disabilities Act (ADA) and Missouri law [RSMO 209.150], so are not entitled to protection under the ADA or Missouri law.

Making reference to therapy animals provides opportunity to debate whether an animal is a service animal, therapy animal, or pet. Removing reference to therapy animals and relying solely upon the legal definition of service animal for appropriate accommodation guidance provides a stronger position in the event of debate. The proposed changes to the existing policy remove all reference to “therapy animals.”

Issue:

I recommend Board approval.

President’s Recommendation:



Service Animal Policy

I. Background

This policy defines "service animals," describes types of service animals, denotes campus locations that are off-limits to service animals, and sets behavioral guidelines for service animals.

Service animals are animals trained to assist people with disabilities in the activities of normal living. The Americans with Disabilities Act (ADA) definition of service animals is "Any guide dog, signal dog, or other ~~any~~ animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items." If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or a training program. A service animal is not a pet."

Additionally, Missouri law defines a Service Dog as "any dog specifically trained to assist a person with a physical disability by performing necessary physical tasks which the person cannot perform. Such tasks shall include, but not be limited to, pulling a wheelchair, retrieving items, and carrying supplies" [RsMO 209.150].

The ADA, Missouri law [RsMO 209.150] and Northwest Missouri State University Board of Regents Resolution [7849] allow service animals accompanying persons with disabilities to be on the Northwest Missouri State University campus. A service animal must be permitted to accompany a person with a disability everywhere on campus. However, there are some places on campus that are not safe for service animals; these areas are discussed in greater detail, in section VII.

~~This policy differentiates "service animals" from "pets," describes types of service animals, denotes campus locations that are off-limits to service animals, and sets behavioral guidelines for service animals.~~

II. Definitions

Laboratory Director: A person who is in charge of a research laboratory. This person makes decisions on the nature of research, funding and laboratory- related issues. A person who is managing a laboratory or who is in charge of a laboratory for a day is not a laboratory director.

Partner/Handler: A person with a service ~~or therapy~~ animal. A person with a disability is called a partner; a person without a disability is called a handler.

Pet: A domestic animal kept for pleasure or companionship. Pets are generally not permitted in university facilities, University farms, ~~or~~ the rodeo arena, ~~except and~~ those pets belonging to full-time professional staff that live year round in the residence halls. Permission may be granted by a professor/instructor, dean or other university administrator for a pet to be in a campus facility for a specific reason at a specific time (e.g., a pet dog is used as a demonstration tool in a zoology class, etc.)

Service Animal: ~~See definition in Section I of this policy. Any animal individually trained to do work or perform tasks for the benefit of a person with a disability. Service animals are usually dogs, but may be other animals. A few other animals have been presented as service animals (ex. horse, monkey, etc.). If there is a question about whether an animal is a service animal, contact the ADA Compliance Officer. A service animal is sometimes called an assistance animal.~~

If there is a question about whether an animal is a service animal, contact the ADA Compliance Officer.

Team: A person with a disability, or a handler, and her or his service animal. The twosome works as a cohesive team in accomplishing the tasks of everyday living.

~~Therapy Animal: An animal with good temperament and disposition, and who has reliable, predictable behavior, selected to visit people with disabilities or people who are experiencing the frailties of aging as a therapy tool. The animal may be incorporated as an integral part of a treatment process. A therapy animal does not assist an individual with a disability in the activities of daily living. The therapy animal does not accompany a person with a disability all the time, unlike a service animal who is always with its partner. Thus, a therapy animal is not covered by laws protecting service animals and giving rights to service animals.~~

Trainee: An animal undergoing training to become a service animal. A trainee will be housebroken and fully socialized. To be fully socialized means the animal will not, except under rare occasions, bark, yip, growl or make disruptive noises; will have a good temperament and disposition; will not show fear; will not be upset or agitated when it sees another animal; and will not be aggressive. A trainee will be under the control of the handler, who may or may not have a disability. If the trainee begins to show improper behavior, the handler will act immediately to correct the animal or will remove the animal from the premises.

III. Types of Service Animals

Guide Animal is a carefully trained animal that serves as a travel tool by persons with severe visual impairments or who are blind.

Hearing Animal is an animal who has been trained to alert a person with significant hearing loss or who is deaf when a sound, e.g., knock on the door, occurs.

Service Animal is an animal that has been trained to assist a person who has a mobility or health impairment. Types of duties the animal may perform include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after the person falls, etc. Service animals are sometimes called assistance animals.

SsigDog is a dog trained to assist a person with autism. The dog alerts the partner to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g., hand flapping). A person with autism may have problems with sensory input and need the same support services from a dog that a dog might give to a person who is blind or deaf.

Seizure Response Dog is a dog trained to assist a person with a seizure disorder; how the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure, or the dog may go for help. ~~A few dogs have somehow learned to predict a seizure and warn the person in advance.~~

IV. Requirements for Faculty, Staff and Students

Allow a service animal to accompany the partner at all times and everywhere on campus except where service animals are specifically prohibited.

Do not pet a service animal; petting a service animal when the animal is working distracts the animal from the task at hand.

Do not feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.

Do not deliberately startle a service animal.

Do not separate or attempt to separate a partner/handler from her or his service animal.

V. Requirements of Service Animals and Their Partners/Handlers

Documentation: Before a service animal becomes a part of the campus community, partners are required to submit a written request along with appropriate documentation of a disability to the Learning Assistance Programs/Services (LAP/S) Committee ~~and documentation from a certified professional that includes the diagnosis of a specific disability which verifies the need for a service animal. The LAP/S Committee will issue the partner a letter of verification that may be presented to faculty and staff, as outlined in the "Services for Students with Disabilities" brochure and website. The request to be accompanied by a service animal and a description of disability-related tasks the animal is trained to perform should be included.~~

Additional documentation that verifies current vaccinations and immunizations of the service animal must accompany the initial request and be re-submitted annually. The partner must also read and sign the "Service Animal Policy Agreement" annually.

If approved, the LAP/S Committee will issue the partner a letter of verification that may be presented to Northwest faculty and staff.

Vaccination: The animal must be immunized against diseases common to that type of animal. Dogs must have had the general maintenance vaccine series, which includes vaccinations against rabies, distemper, and parvovirus and must receive booster vaccinations annually. Other animals

must have had the appropriate vaccination series for the type of animal. All vaccinations must be current and the animal must be wearing current vaccination tags.

Licensing: The City of Maryville ordinance [4890 §1, 7-9-90] waives City licensing requirements for “seeing-eye” dogs.

Health: The animal must be in good health. Animals to be housed in university housing must have an annual clean bill of health from a licensed veterinarian. Preventative measures must be taken for flea and odor control.

Leash/Harness: The animal must be on a leash or in harness at all times.

Under Control of Partner/Handler: The partner/handler must be in full control of the animal at all times. The care and supervision of a service animal is solely the responsibility of its partner/handler.

Liability: The partner/handler of an animal on the Northwest campus or event is personally responsible for any damage to property and/or harm to others caused by the animal while on the campus or sponsored event.

Cleanup Rule: The partner should encourage the animal to use marked service animal toileting areas when such areas are provided and to properly dispose of animal waste.

Toileting Areas: The partner should encourage the animal to use marked service animal toileting areas when such areas are provided.

VI. When a Service Animal Can Be Asked to Leave

Disruption: ~~The partner of~~ an service animal ~~that~~ is unruly or disruptive or disrupts the living/learning environment (e.g., barking, running around, bringing attention to itself), the partner -may be asked to remove the animal from university facilities. If the improper behavior happens repeatedly, the partner may be told not to bring the animal into any university facility until the partner takes significant steps to mitigate the behavior. Mitigation can include muzzling a barking animal or refresher training for both the animal and the partner.

Health: Service animals that are ill should not be taken into public areas. A partner with an ill service animal may be asked to leave university facilities.

Uncleanliness: Partners with [service](#) animals that are unclean, noisome and/or bedraggled may be asked to leave university facilities. An animal that becomes wet from walking in the rain or mud or from being splashed on by a passing automobile, but is otherwise is clean, should be considered a clean animal. Animals that shed in the spring sometimes look bedraggled. If the animal in question usually is well groomed, consider the animal tidy even though its spring coat is uneven and messy-appearing or it has become wet from weather or weather-related incidents.

VII. Areas Off Limits to Service Animals

Research Laboratories: The natural organisms carried by dogs and other animals may negatively affect the outcome of the research. At the same time, the chemicals and/or organisms used in the research may be harmful to service animals.

Mechanical Rooms/Custodial Closets: Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.

Food Preparation Areas: Food preparation areas, such as those found in campus dining or in the Family & Consumer Sciences Department areas, are off limits to service animals [per health codes](#).

Areas Where Protective Clothing is Necessary: Any room where protective clothing is worn is off-limits to service animals. Examples impacting students include the kiln, chemistry laboratories, wood shops and metal/machine shops. (See attached list of Northwest labs/potentially restricted areas.)

Areas Where There is a Danger to the Service Animal: Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there is hot material on the floor (e.g., molten metal or glass); where there is a high level of dust; or where there is moving machinery is off-limits to service animals.

Exceptions

A laboratory director may open her or his laboratory to all service animals.

A laboratory director of a research laboratory or an instructor in a classroom or teaching laboratory with moving equipment may grant permission to an individual animal/partner team to enter the research laboratory or classroom or teaching laboratory with moving machinery. Admission for each team will be granted or denied on a case-by-case basis. The final decision shall be made based on the nature of research or machinery and the best interest of the animal. Example: The machinery in a classroom may have moving parts at a height such that the tail of a large dog could easily be caught in it; this is a valid reason for keeping large dogs out. However, a very small hearing dog may be shorter than any moving part and, therefore, considered for admission to the classroom.

Access to other designated off-limits areas may be granted on a case-by-case basis.

To be granted an exception: A partner who wants her or his service animal to be granted admission to an off-limits area should contact the ADA Compliance Officer.

VIII. Emergency Situations

In the event of an emergency, the Emergency Response Team (ERT) that responds should be trained to recognize service animals and to be aware that the animal may be trying to communicate the need for help. The animal may become disoriented from the smell or smoke in a fire or laboratory emergency, from sirens or wind noise, or from shaking and moving ground. The partner and/or animal may be confused from the stressful situation. The ERT should be aware that the animal is trying to be protective and, in its confusion, is not to be considered harmful. The ERT should make every effort to keep the animal with its partner. However, the ERT's first effort should be toward the partner; this may necessitate leaving an animal behind in certain emergency evacuation situations.

To help ensure appropriate ERT response, this policy is being disseminated to Campus Safety, Maryville Public Safety, and the Nodaway County Sheriff's Office.

IX. Grievances

Any partner dissatisfied with a decision made concerning a service animal should follow the applicable Northwest Missouri State University Accommodations Grievance procedure.

X. Clarifying Questions and Answers

Q: How can I know if the animal is a service animal and not just a pet?

A: Northwest students, faculty, and/or staff with an approved service animal will have an official "Letter of Verification" from the LAP/S Committee. Some handlers carry a certification from the school that trained the animal, but certification cannot be required. Many service animals will be wearing a harness, cape or backpack, but some will have only a leash. It may be possible to discern that an animal is a service animal from the partner's disability, but some disabilities are not visible. ~~You may have to rely on the verbal statement of the partner/handler.~~

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~~You may exercise your judgment concerning whether the partner's statements about the training and functions of the animal make it reasonable to think that the animal is a service animal. The following factors can be used in evaluating the credibility of the partner's statements:~~

- ~~• the nature of the individual's disability (when the disability is visible)~~
- ~~• the training the animal is said to have received~~
- ~~• the ability of the animal to behave properly in public places~~
- ~~• the functions the animal is said to perform for the individual~~
- ~~• the animal is fully controlled by the partner at all times~~

If there is a question about whether an animal is a service animal, contact the ADA Compliance Officer.

Q: What if the handler does not appear to have a disability?

A: A person does not have to have a disability to be training a dog for a service dog training program. A non-disabled person may be caring for the service animal at the request of the disabled partner. (The animal may be of a breed or have a personality type that requires a significant or constant presence by a person to maintain the level and quality of training the animal has received.) A handler may be transporting the animal to a disabled partner. A service animal being transported or temporarily cared for retains rights granted to service animals. The partner may indeed have a disability, but the disability is not visible the person does not "look" disabled. You may ask the partner how the animal is assisting her or him.

Q: What if an animal acts out of control?

A: Service animals are trained to behave properly in public settings. For example, a properly trained service animal will remain at its owner's feet. It does not run freely around, bark or growl repeatedly at other persons or animals, bite or jump on people, or urinate or defecate inside buildings. An animal that engages in such disruptive behavior shows that it has not been successfully trained to function as a service animal in public settings. Therefore, ~~you are~~Northwest is not required to treat it as a service animal, even if the animal is one that performs an assistive function for a person with a disability. ~~You can ask~~Northwest can ask a partner to remove a disruptive or unruly animal. However, Northwest~~you~~ should consider available means of mitigating the effect of an animal's behavior that are acceptable to the individual with a disability (e.g., muzzling a dog that barks frequently) that would permit the animal to

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remain. ~~You may not make Assumptions~~ may not be made about how a particular animal is likely to behave based on past experience with other animals. Each situation must be considered individually. ~~You may inquire, however, about whether a particular animal has been trained to behave properly in a public setting. Any questions or concerns regarding service animal behavior should be directed to the ADA/504 Compliance Officer.~~

Q: What else should I know about behavior?

A: The service animal should be unobtrusive, not solicit attention, pull or strain on leash (unless pulling a wheelchair), and not exhibit aggressive or fearful behavior. Aggressive behavior is growling, biting, raised hackles, baring teeth, etc. However, these examples are not always indicative of aggression. For example, growls are only means of communication to dogs and sometimes that communication is valuable and appropriate. A curled lip that exposes the teeth can also indicate the presence of distasteful odors or that something offensive has been picked up on the lip, tooth or gums. It is entirely appropriate for a dog to display a protective or fearful response in certain contexts.

XI. Resources

Most of the following resources were used in developing this policy. The ADA/504 Compliance Officer has copies of state, county and local legal documents and other materials and information on people, programs and agencies listed in this section.

The Americans with Disabilities Act, Public Law 101-336 (ADA).

City of Maryville, 425 N. Market, 660-562-8001

Nodaway County Health Department (food preparation), 515 N. Main, 660-562-2755.

Nodaway County Clerk, 660-582-2251

Dr. Joe Powell, DVM, 660-582-2300

Municipal Code, City of Maryville, 1999. Maryville Municipal Codes may be reviewed at the Maryville public library.

Missouri Bureau of Child Care, Safety, and Licensure, Sanitation
"Inspection Guidelines for Licensed Group Child Care Homes, Licensed

Child Care Centers and License-Exempt Child Care Facilities”, “Day Care Rule”. May be viewed at the Nodaway County Health Department.

Missouri Department of Health. Missouri Food Code, 1999. 19CSR 20-1.025 Sanitation of Food Establishments. May be viewed at the Nodaway County Health Department.

Revised Missouri Statutes, 2008~~4~~ (specific cites listed in policy as [RsMO 209.150])

~~Assistance Dogs International (ADI)/Freedom Dogs, Michael P. Roche, P.O. Box 150217, Lakewood, CO 80215-0217, (303)234-9512 from 10 a.m. to 6 p.m. (Mountain Time). ADI produced a booklet, Legal Rights of Guide Dogs, Hearing Dogs, and Service Dogs, listing state and federal regulations about service dogs.~~

~~Delta Society/National Service Dog Center, 289 Perimeter Road East, Renton, WA 98055-1329, 206-226-7357/voice, 800-809-2714/TTY, 206-235-1076/fax (Pacific Time), deltasociety@cis.compuserve.com~~

U.S. Department of Justice, Technical Assistance Manuals for ADA Titles II and III, may be viewed at the Department of Justice's ADA home page, <http://www.usdoj.gov/crt/ada/adahom1.htm>

U.S. Department of Transportation (with assistance from the U.S. Department of Justice), "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Nondiscrimination on the Basis of Handicap in Air Travel" Final Rule (14CFR Part 382 and 49 CFR Part 27), also at Federal Register, November 1, 1996, pages 56409-56425.

Disseminated by the ADA/~~504~~ Compliance Officer upon approval of the Learning Assistance Program/Services Committee, the Faculty Senate Committee on Access and Accommodation, the ~~President's Northwest~~ Cabinet, and the Northwest Missouri State University Board of Regents, April 26, 2002.

The Northwest Missouri State University Service Animal Policy was adapted, with permission, from the University of Wisconsin Service Animal Policy.