



University Operating Procedure

Service and Emotional Support Animals - Interim

Overview

The University of Vermont is committed to providing equal access to its facilities and programs for individuals with Disabilities in compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 (the ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008, (the ADAAA); the Fair Housing Act; Title 21 VSA 495; and all other applicable state and federal laws. This University Operating Procedure establishes the scope of access and procedures for individuals who use Service Animals, who are accompanied by a Service Animal in training, and for students or employees who require an Emotional Support Animal as a Reasonable Accommodation in University Residential Housing or in other facilities and programs of the University.

Definitions

Emotional Support Animal (ESA): Consistent with applicable law, ESAs are domesticated animals that provide emotional support, well-being, or companionship that alleviates or mitigates symptoms of a Disability in University Residential Housing, or as otherwise approved as a Reasonable Accommodation for other facilities and programs of the University. Emotional Support Animals are not considered Service Animals.

Service Animal: Consistent with applicable law, Service Animals are “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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the owner's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, . . . retrieving items such as medicine or the telephone, providing physical support and assistance

with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

Entities covered by the ADA must also permit miniature horses, which have been individually trained to do work or perform tasks for people with Disabilities, where reasonable. Four assessment factors are considered to determine if miniature horses can be accommodated:

1. Whether the miniature horse is housebroken
2. Whether the miniature horse is under the owner's control
3. Whether the facility can accommodate the miniature horse's type, size and weight
4. Whether the miniature horse's presence would compromise safe operation of the facility

Service Animal In-Training: A dog that is being trained to serve as a Service Animal.

University Residential Housing: The housing provided for students of the University located on the four residential campuses of the University: Athletic Campus, Central Campus, North Campus, and Redstone Campus, as well as University affiliated housing including Redstone Lofts and Redstone Apartments.

For additional definitions related to these Procedures, please see: Disability Accommodation for Employees and Applicants for Employment

(<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>) and Disability Certification, Accommodation and Support – Students (<http://www.uvm.edu/policies/student/disability.pdf>).

Procedures

I. Service Animals and Service Animals in Training

Service Animals accompanying an individual with a Disability are generally allowed in any public area of the campus during times when the public is allowed.

Service Animals that are approved as a Reasonable Accommodation for an employee or student of the University may accompany the employee or student in designated work and academic spaces where the public is generally not allowed, including University Residential Housing.

Inquiry Allowed by University Officials

When it is not obvious what service an animal provides or is being trained to provide, only limited inquiries of the individual with the animal are allowed. University Officials may ask the following questions of a person with a Service Animal:

1. Is the Service Animal required because of a Disability?
2. What work or task has the Service Animal been trained to perform?

If the animal is a Service Animal in Training, University Officials may inquire:

1. What service is the animal being trained to perform and when will the course of training be complete?

University Officials may not inquire about the Disability of the individual with the Service Animal, require medical documentation, a special identification card or training documentation, that the animal wear a vest or other identifier, or ask that the Service Animal demonstrate its ability to perform the work or task.

Visitors

Visitors with questions related to a Service Animal on University property or at University programs should contact the ADA/504 Coordinator in the Office of Affirmative Action and Equal Opportunity.

Use of a Service Animal by Employees and Students in Non-Public Spaces

When an employee or student wishes to be accompanied by a Service Animal in non-public spaces of the University, such as offices, classrooms, and residential buildings, the Service Animal must be approved as a Reasonable Accommodation for the individual. The procedures for requesting and receiving approval of Reasonable Accommodations differs for employees and students:

Employee Reasonable Accommodation Requests

Reasonable Accommodation requests by employees to have a Service Animal accompany them in any non-public University facility or program, such as office spaces, are reviewed through the Disability Accommodation for Employees and Applicants for Employment Policy:

(<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>)

Student Reasonable Accommodation Requests

Reasonable Accommodation requests by students to have a Service Animal accompany them in any non-public University facility or program, such as classrooms, University Residential Housing, or in off-campus clinical sites, are reviewed through the Disability Certification, Accommodation, and Support – Students Policy

(<http://www.uvm.edu/policies/student/disability.pdf>)

Service Animals in Training

Prior to bringing a Service Animal in Training on campus, the animal must be registered with the appropriate office.

Employees, with or without a Disability, who have a Service Animal in Training on campus must register the animal with the Americans with Disabilities Act/504 Coordinator in the Office of Affirmative Action and Equal Opportunity.

Students, with or without a Disability, who have a Service Animal in Training on campus must register the animal with Student Accessibility Services.

In these cases, no documentation of Disability is necessary, but registration is required to ensure appropriate access for the animal.

Safety and Control of Service Animals, Including Service Animals in Training

The Service Animal must be harnessed, leashed, or tethered. If the individual's Disability prevents the use of these devices or the devices interfere with the Service Animal's work, the individual must maintain control of the animal through voice, signal, or other effective means.

Care of Service Animals, Including Service Animals in Training

The Service Animal must be clean and in good health and must be free of fleas and other external parasites. The handler of a Service Animal must abide by current city ordinances regarding licensing, vaccination and waste removal. It is the responsibility of the handler of the Service Animal to know about and comply with these ordinances.

II. Emotional Support Animals

Emotional Support Animals are domesticated animals that are necessary as a Reasonable Accommodation, to enable a student or employee with a Disability to have equal access as their non-disabled peers to University Residential Housing.

Emotional Support Animals are not allowed at any other University facility or field site, unless approved for non-residential housing locations as a Reasonable Accommodation. Generally only one Emotional Support Animal is allowable per individual. There must be an identifiable nexus between the individual's Disability and the assistance the animal provides.

Process for Approval of an Emotional Support Animal as a Reasonable Accommodation

Employees: Reasonable Accommodation requests by employees to have an Emotional Support Animal in University Residential Housing, or on any other University property or field site, are reviewed through the Disability Accommodation for Employees and Applicants for Employment Policy: (<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>)

Employees with an approved Reasonable Accommodation to have an Emotional Support Animal are required to provide documentation that the animal is licensed, when applicable, and is current on all required vaccinations.

Students: Reasonable Accommodation requests by students to have an Emotional Support Animal in University Residential Housing, or on any other University property or field site, are reviewed through the Disability Certification, Accommodation, and Support – Students Policy (<http://www.uvm.edu/policies/student/disability.pdf>).

Individuals with an approved Reasonable Accommodation to have an Emotional Support Animal in their assigned University Residential Housing room or on any other University property or

field site are required to provide documentation that the animal is licensed, when applicable, and is current on all required vaccinations.

If a student seeks to have an Emotional Support Animal in University Residential Housing, the student must contact Student Accessibility Services by June 30th for incoming students and by November 30th for students who are planning to return to University Residential Housing for the subsequent year. If the need for an Emotional Support Animal as a Reasonable Accommodation becomes known at a later date, the student must contact Student Accessibility Services as soon as possible. With respect to University Residential Housing, the desired move-in date for the animal may be affected by timely receipt of required documentation and allowing for adequate time for Residential Life staff to prepare for the Emotional Support Animal.

Safety, Care and Control of Emotional Support Animals

The owner of an Emotional Support Animal is at all times responsible for the care and behavior of the animal, including abiding by state and local requirements regarding applicable licensure and vaccination, management of animal health, conducting appropriate removal of waste, ensuring control of the animal, and managing any disturbances caused by the animal.

The owner of the Emotional Support Animal must ensure the safety and wellbeing of the animal, as well as the safety of others with regard to the animal's presence. The owner is at all times responsible for ensuring that the animal is securely restrained in a manner that will not cause the animal harm, or cause the animal to act in a disruptive manner.

The owner of an Emotional Support Animal must ensure that the animal has adequate food and water. Emotional Support Animals may not be left unattended for periods of time that may jeopardize the health or well-being of the animal or put others at risk. Emotional Support Animals may never be left unattended overnight and may not be left in University Residential Housing during breaks or other times that housing is closed.

III. Exclusion or Removal of Service or Emotional Support Animals, Including Service Animals in Training

University Officials may make inquiries within the parameters of this procedure to determine if the animal is allowed on the premises. University Officials may also make decisions related to whether an individual with a Service or Emotional Support Animal may be asked to remove or restrain the animal.

A person accompanied by a Service or Emotional Support Animal may be asked to exclude or remove the animal from any University property or field site if:

1. The animal's presence fundamentally alters the nature of a service or program;
2. The animal poses a threat to the safety of others;
3. The animal is out of control and the owner does not take effective action to control it;
4. The animal is not housebroken;
5. The animal is disruptive (e.g., excessive barking or creating other nuisances through behavior that is not necessary to provide the support required by the handler); or
6. The handler/owner has the animal in spaces unassociated with their designated Reasonable Accommodation.

When there is a legitimate reason to ask that a Service or Emotional Support Animal be removed, University Officials responsible for the property or activity must offer the person accompanied by the Service or Emotional Support Animal the opportunity to participate or remain on the premises without the animal.

IV. Appeal of Exclusion or Removal of a Service or Emotional Support Animal

If an individual's Service or Emotional Support Animal is denied access or removed from a University facility or program and the individual disagrees with the decision, appeal of the decision may be made to the following, assigned University Officials or their designees.

- If the individual is an employee or non-affiliate visitor of the University, they may appeal to the Americans with Disabilities Act/504 Coordinator in the Office of Affirmative Action and Equal Opportunity.
- Students may appeal to the Director of Student Accessibility Services.

The reviewing official or designee shall review the appeal to determine if the decision to remove or deny access for a Service or Emotional Support Animal is consistent with this University Operating Procedure.

Any person who believes a decision to restrict or deny access to their Service or Emotional Support Animal is Disability-based discrimination may make a complaint to the Office of Affirmative Action and Equal Opportunity.

V. Responsibility for Damages or Injury

If damage or injury is caused by a Service or Emotional Support Animal, the individual responsible for the animal may be required to cover the associated costs.

VI. Treatment of Individuals with Service or Emotional Support Animals

Individuals with Service or Emotional Support Animals may not be treated less favorably than other individuals on the premises or participating in an activity. They may not be segregated from others involved in the activity and may not be charged an extra fee.

A Service Animal or Emotional Support Animal may not be excluded from a facility or space to which it has rightful access solely because another individual accessing the facility or space has a fear, allergy, or objection to the animal for religious or cultural reasons. University Officials should make reasonable efforts to accommodate the needs of the individual utilizing the Service Animal or Emotional Support Animal and the individual who has the conflict, such as arranging for seating in different areas.

Any conflict that involves the presence of a Service Animal or Emotional Support Animal will be reviewed on a case by case basis by the Americans with Disabilities Act/504 Coordinator (for employees) or the Director of Student Accessibility Services (for students).

Contacts/Responsible Official

Questions related to the daily operational interpretation of this University Operating Procedure should be directed to:

Americans with Disabilities Act/504 Coordinator
(802) 656-0945
ada@uvm.edu
<https://www.uvm.edu/aeo>

Director, Student Accessibility Services
(802) 656-8610
access@uvm.edu
<http://www.uvm.edu/access/>

The Vice Provost for Student Affairs is the official responsible for the interpretation and administration of this procedure.

Forms

None

Related Documents/Policies and Resources

Disability Accommodation for Employees and Applicants for Employment Policy
<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>
Disability Certification, Accommodation and Support – Students Policy
<http://www.uvm.edu/policies/student/disability.pdf>

Effective Date

Approved by the Vice Provost for Student Affairs September 20, 2018