



University Operating Procedure

Service and Comfort Animals

Overview

The University of Vermont is committed to providing appropriate access to its facilities and programs in compliance with the Americans with Disabilities Act, the Americans with Disabilities Amendments Act, Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act and applicable state law. These procedures establish 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 are required to live in University housing who require a comfort animal as a reasonable accommodation to a disability.

The University will determine, on a case-by-case basis and in accordance with applicable laws and regulations and these Procedures, whether a service or comfort animal may be present on University premises as a reasonable accommodation to a disability.

Procedures

I. Service Animals and Service Animals in Training

University Officials may make inquiries within the parameters allowed by this procedure, to determine if the animal is a service animal and allowed on the premises. University Officials may also make decisions related to whether an individual with a service animal may be asked to remove or restrain an animal. If an individual with a service animal is denied access to a University facility or program, or asked to remove an animal, and disagrees with the decision, appeal of the decision may be made to the following University officials or their designee: Vice President for University Relations and Administration (“VPURA”) if the individual is a visitor (non-affiliate of the University), or to the Vice President for Human Resources, Diversity and Multicultural Affairs (“VPHRMA”) if the individual is a faculty or staff member of the University, or to the Vice Provost for Student Affairs (“VPSA”) if the individual is a student. The reviewing office (VPURA, VPHRMA or VPSA) or designee shall determine whether the initial decision was based on legitimate health, safety or programmatic concerns. The reviewing official or designee will also determine whether modifications to the restrictions initially imposed are possible to meet the needs of the individual with the service animal without unduly interfering with the legitimate health, safety or programmatic needs of the University.

Any person who believes a decision to restrict or deny public access to a person with a service animal is discriminatory based on a disability may make a complaint to the Office of Affirmative Action and Equal Opportunity.

Inquiry Allowed by University Officials

When it is not obvious what service an animal provides or is being trained to provide, only limited inquiries are allowed. University officials may ask two 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? Examples of work or tasks a service animal may perform include, but are not limited to, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, alerting or guiding a person with visual impairments around obstacles or unsafe conditions, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, 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. If the animal is a service animal in training, University officials may inquire what service the animal is being trained to perform and when the course of training will be complete.

University officials may not inquire about the disability of the individual with the service animal, require medical documentation, require a special identification card or training documentation, require 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 Americans with Disabilities Act coordinator (ADA coordinator) in the Office of Affirmative Action/Equal Opportunity.

Conflicting disabilities or rights: A service animal may not be excluded solely because another individual attending an event or using a publicly accessible facility or space of the University has a fear of the service animal or an allergy or a religious or cultural objection to the animal. Efforts must be made to accommodate the needs of both individuals, such as arranging for seating in different areas.

Requests for Accommodations by Employees and Students

When an employee or student is accompanied by a service animal in classrooms, offices, residential buildings or other non-public space of the University, the following procedures apply.

Employees: Faculty or staff requests for disability accommodations, including requests to have a service animal at work, including University housing, are reviewed through the disability accommodation policy and procedures for accommodations in employment. See Disability Accommodation for Employees and Applicants for Employment (<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>). Faculty or staff who are training a

service animal and wish to have the animal accompany them at work as part of the training must register the animal with the ADA Coordinator.

Students: Student requests for disability accommodations, including requests to have a service animal accompany a student on campus and/or in classrooms or other programs of the University or to have a service animal live with a student in University housing should follow the procedures for determination of reasonable accommodations for students. See Disability Certification and Support - Students (<http://www.uvm.edu/policies/student/disability.pdf>). Students who are training a service animal and wish to have the animal accompany them on campus and/or in classrooms or in University Residential Housing as part of the training must register the animal with the student disability services office (“SAS”).

Service Animals in Training: Faculty or staff who do not have a disability but who have a service animal in training on campus must register the animal with the ADA Coordinator. Students who do not have a disability but who have a service animal in training must register the animal with the SAS Office. In these cases, no documentation of disability is necessary, but registration is required to ensure appropriate access of the animal on campus.

Generally Applicable Provisions for Service Animals on Campus Including Service Animals in Training

Service animals accompanying an individual with a disability are generally allowed in any area of the campus and during the times when the public is allowed. Service animals approved as a reasonable accommodation and accompanying a student or employee of the University may also accompany the student or employee in academic and work spaces where the public is not generally allowed, including residential housing.

Responsibility for Damages

Individuals with service 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. However, if damage is caused by a service animal, the individual may be required to cover the costs of repairs. Additionally, the needs of other individuals on University premises participating in activities of the University must be balanced with the needs of the individual with a service animal.

Safety and Control of Service Animals Including Service Animals in Training

The service animal **must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices.** In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

A person accompanied by a service animal may not be asked to remove the service animal from University premises unless: (1) the animal is posing a threat to the safety of others or is out of

control and the owner does not take effective action to control the dog; or (2) the animal is not housebroken; or (3) the animal is disruptive (e.g., barking other than for warning or protection, running around uncontrolled or otherwise creating a nuisance through behavior that is not necessary to provide the service required by the owner). When there is a legitimate reason to ask that a service animal be removed, University staff responsible for the premises or activity must offer the person accompanied by the service animal the opportunity to participate or remain on the premises without the animal.

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 external parasites. The owner/partner of a service animal must abide by current city ordinances regarding licensing, vaccination and waste clean-up and removal. It is the responsibility of the owner/partner of the service animal to know about and comply with these ordinances.

Service animals may be excluded when the presence of a service animal fundamentally alters the nature of a program or activity or is disruptive. Examples may include, but are not limited to, research labs, areas requiring protective clothing, food preparation areas.

II. Comfort Animals

Comfort animals may include service animals as well as untrained emotional support or therapy animals (not limited to dogs), that are necessary as a reasonable accommodation to allow a student with a disability to have equal access to use and enjoy University Residential Housing. Comfort animals may provide a specific function, similar to those provided by service animals, or may provide emotional support and comfort. There must be an identifiable relationship or nexus between the disability and the assistance the animal provides.

Generally Applicable Provisions for Comfort Animals in University Residential Housing

Comfort animals may be allowed in University Residential Housing if the animal is necessary to allow a student or Residential Life staff member with a disability to have equal access to the on-campus housing opportunities provided to all students. Comfort animals are not allowed in other University buildings, including academic buildings, the Davis Center, Royal Tyler Theater, Bailey Howe and Dana Libraries or other facilities and buildings of the University. Comfort animals are also not allowed in University dining facilities.

Faculty and Staff

Requests by faculty or staff to have a comfort animal in University Residential Housing are reviewed through the disability accommodation policy and procedures for accommodations in employment. *See* Disability Accommodation for Employees and Applicants for Employment (<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>). A Residential Life staff member who lives or plans to live in University Residential Housing should contact the ADA Coordinator to establish the existence of a disability and the necessity of a comfort animal in University Residential Housing as a reasonable accommodation in accordance with applicable University

policy (<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>). The faculty or staff member will also be required to provide documentation to Residential Life that the animal is healthy, spayed or neutered where appropriate and up to date on any vaccinations recommended by a veterinarian.

Students

Requests by students to have a comfort animal live with the student in University Residential Housing are reviewed through the policy and procedures for determination of reasonable accommodations for students. *See* Disability Certification and Support – Students (<http://www.uvm.edu/policies/student/disability.pdf>). In accordance with that policy, the student will be required to provide documentation from a qualified health care provider that the student has a disability for which the animal is needed and how the animal provides support that alleviates at least one of the identified symptoms or effects of an existing disability. The student will also be required to provide documentation to Residential Life that the animal is healthy, spayed or neutered where appropriate and up to date on any vaccinations recommended by a veterinarian.

If a student seeks to have a comfort animal in University Residential Housing, the student must contact SAS as soon as possible and generally by June 30 for incoming students and by the Monday after Spring Break for students who are planning to return to University Residential Housing for the subsequent year. If the need for a comfort animal as an accommodation becomes known after a student has moved into University Residential Housing, the student must contact SAS as soon as possible. SAS will determine whether the student has a disability and will obtain any necessary documentation described in the preceding paragraph and forward necessary information to Residential Life. A decision will then be made, including input from the student, on how best to accommodate the needs of the student in balance with the needs of the campus community. 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 comfort animal.

Safety, Care and Control of Comfort Animals

Consistent with federal and state law, a comfort animal may be prohibited from University Residential Housing, as well as any other property of the University, if the animal's behavior poses a direct threat to the health or safety of other members of the University community or to visitors to the University. An animal may also be excluded if its presence fundamentally alters the nature of a program or activity, if the animal is disruptive, if the animal causes physical damage to University property or the property of others, or if it substantially interferes with the reasonable enjoyment of Residential Housing by other students or visitors.

The student or staff member in University housing who is the owner of the comfort animal is at all times responsible for the behavior and care of the animal, including state and local requirements regarding vaccination and licensure if applicable, leash control, animal health, clean up and appropriate disposal of all waste, noise or other disturbances caused by the animal.

The student or staff member owner of the comfort animal must ensure the safety and well-being of the comfort animal, as well as the safety of other students and staff in University Residential Housing, with regard to the presence of the comfort animal. The owner is at all times responsible to ensure 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. When the owner is away from the residence hall room or facility, the owner must ensure that the animal has adequate food and water. Comfort 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. Comfort animals may never be left unattended overnight and may not be left in the residence halls over break weeks or other times that the residence halls are closed.

Definitions

Comfort Animal: Animals, trained or untrained, that provide a function or service to a person with a disability that is necessary for the person with a disability to have equal access to the residential facilities of the University.

Service Animal: As defined by the Americans with Disabilities Act: any dog (or in some cases a miniature horse), 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 with impaired hearing to intruders or sounds, pulling a wheelchair, fetching dropped items, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Crime deterrence, emotional support and/or companionship are not “work” or “tasks” that qualify an animal as a “service animal.”

A miniature horse may be a service animal under this University Operating Procedure if: (1) the miniature horse is housebroken; (2) the miniature horse is under the owner’s control; (3) the premises or facility can accommodate the miniature horse’s type, size, and weight; and (4) the miniature horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility or the program.

Service Animal In-Training: A dog (or in some cases a miniature horse) 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 including: Athletic Campus, Central Campus, North Campus, and Redstone Campus, as well as University affiliated housing including Redstone Lofts and Quarry Hill.

Contacts/Responsible Official

Questions related to the daily operational interpretation of this procedure should be directed to:

Americans with Disabilities Act Coordinator
(802) 656-0945
ada@uvm.edu

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

Forms

None

Related Documents/Policies/Resources

SAS Services

<http://www.uvm.edu/access/>

Affirmative Action and Equal Opportunity Office

<http://www.uvm.edu/aaeo>

Disability Certification, Accommodation and Support – Students Policy

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

Disability Accommodation for Employees and Applicants for Employment Policy

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

Effective Date

Approved by the Vice Provost for Student Affairs June 23, 2015