

# Assistance Animal Policies

The term 'Assistance Animal' refers to Service Animals and Emotional Support Animals (ESA). While both are commonly used by individuals with disabilities, they each possess their own set of policies, rules, and restrictions. Failure to abide could result in violation of Oregon Tech Student Code of Conduct.

**Service Animals** are dogs (OR miniature horses in rare cases) that have been specifically trained to perform a task needed by an individual with disability.

**Emotional Support Animals** can include a range of animal types and will provide emotional support and/or companionship to an individual with a disability.

## Student Responsibility for Assistance Animals

The full responsibility for Assistance Animals is that of the owner. If an Assistance Animal must be left under the supervision or control of fellow students, staff, faculty, or otherwise, the owner will need to make the necessary arrangements ahead of time.

- An Assistance Animal must not display any behaviors or noises that are disruptive to others such as barking, whining, growling or rubbing against people while waiting in lines. This includes aggressive behaviors.
- All Assistance Animals must be potty trained and under the control of the owner. The owner holds the sole responsibility for cleaning up after the Assistance Animal.
- The Assistance Animal must be on a leash at all times; unless a leash interferes with the work or task the dog needs to provide for their owner. If a leash interferes with the task provided by the Service Animal, the dog will need to be under voice control.
- Any expenses resulting from damage to property created by an Assistance Animal will be the responsibility of the owner.
- The Assistance Animal must not initiate contact with someone without the owner's direct permission. Furthermore, others should not initiate contact with an Assistance Animal without permission from the owner.
- Assistance Animals are subject to local vaccination, registration, and licensure requirements that are set in place for all dogs in the region.

**Exclusion for behavior:** An Assistance Animal may be excluded from the campus when that animal's behavior poses a direct threat to the health and safety of others or if it is out of control of the owner. When an Assistance Animal is determined out of control as reported by students, staff, or administration, the infraction will be treated on an individual basis through a collaborative process. If the animal poses a threat to the safety of other students, Campus Safety will be part of the collaboration team to determine the outcome of the behavior. In this determination, the owner may be directed to remove the Assistance Animal from the environment and the animal may

return when/if the behavior has been remediated. Determination of exclusion of an Assistance Animal from campus, whether permanent or temporary, will be accomplished through a collaborative process including the student, staff, Disability Services, Campus Safety, Housing and Residence Life, and any other relevant departments.

## **Emotional Support Animal (ESA) Policy:**

Disability Services staff will determine, on a case-by-case basis, and in accordance with applicable laws and regulations, whether individual requests for an ESA are a reasonable accommodation. In the case that a request for an ESA is approved by Disability Services, exceptions will be made to the Housing and Residence Life Animal Policy as well as any other campus policies excluding animals. Emotional Support Animals are not Service Animals and are not evaluated or treated in the same manner.

## **Requesting to Have an ESA on Campus**

If a student would like to bring their Emotional Support Animal (ESA) on campus, the process goes as follows:

- The student submits an application for Disability Services through Access Information Management (AIM). In the application, the student will select "Other".
- Once the application is completed, the student will need to upload documentation supporting the need for an ESA. This documentation must meet the same document requirements necessary for all disability accommodation requests (i.e., must be completed by a qualified professional or provider, include identification of specific disability diagnosis, etc.) For questions about qualifying documentation, please refer to Disability Services.
- The student will need to provide information pertaining to the animal including breed, size, and name.
- Vaccination records are required for ESAs. Questions about specific required vaccinations can be directed to Disability Services.
- Lastly, the student will complete an intake meeting with a Disability Services staff member.

For more detailed instructions and guidelines regarding the Disability Services application as well as documentation policy please refer to the 'Disability Services Documents' listed on the main Disability Services webpage.

## **Service Animal Policy:**

### **The ADA defines a Service Animal as:**

"[...] a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals.

### **Types of Service Animals:**

- Guide dog is a carefully trained dog that serves as a travel tool by persons who are blind or have severe visual impairment.
- Hearing dog is a dog 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 dog is a dog that has been trained to assist a person who has a mobility or health impairment. Types of duties the dog 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 dogs are sometimes referred to as assistance dogs.
- Sig dog is a dog trained to assist a person with autism. The dog alerts the owner 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. In some cases, these dogs have learned to predict a seizure and warn the person in advance.

### **Service Animal Requirements**

- Service Animals must be adult dogs, but there are no breed restrictions under the ADA (Americans with Disabilities Act). In some rare cases, miniature horses have been trained to be service animals, but no other animal types fall under the service animal category.
- Oregon Tech staff is not permitted to ask an individual to provide proof or documentation pertaining to a Service Animal. Oregon Tech staff is also not permitted to ask for demonstration of a trained task pertaining to an individual's disability. Service Animal vests or other forms of identification are not required.

- Oregon Tech staff is permitted to ask two questions if needed regarding a Service Animal. If a student is asked one or both of the questions below, they are not required to disclose personal disability information. The two questions that may be asked if it is not obvious that the animal is a Service Animal are as follows:
  - Is the dog a Service Animal required because of a disability?
  - What is the specific work or task that the dog is trained to perform?
- The Service Animal must be as unobtrusive as possible.
  - A Service Animal must not display any behaviors or noises that are disruptive to others such as barking, whining, growling or rubbing against people while waiting in lines. This includes aggressive behaviors.
  - The Service Animal must not block an aisle or passageway.
  - The Service Animal must never be more than 12 inches from the owner's leg or side of the chair.

## **Exclusion of Service Animals**

There are instances when it may be considered unsafe for animals in such places as medical facilities, laboratories, mechanical rooms or any other place where the safety of the Service Animal, owner, or other students and staff may be threatened. Additionally, there may be instances in which the Service Animal's involvement in an environment will compromise the educational activity taking place such as those taking place in sterile areas. The determination of these instances in which a Service Animal may be excluded from certain environments is accomplished through a collaborative process involving faculty, the student/owner, and Disability Services staff. This will be dependent upon the nature of the facility, laboratory, room, and/or activity in question, the nature of the individual's disability, and the task that the Service Animal is performing for the student. When it is determined unsafe for the Service Animal to be in one of these areas, reasonable accommodation will be provided to assure the student equal access to the activity. The alternative reasonable accommodations will be determined through the same collaborative process.

If the Service Animal is able to wear protective equipment in one of these areas, this can often be a solution that will allow them to remain in the environment. In this case, the owner will be responsible for purchasing any and all equipment.

## **Assistance Animals and On-Campus Housing**

An exclusion of all policies that prohibit animals from the Oregon Tech campus and within on-campus housing must be provided for dogs who meet the ADA definition of a Service Animal, or if an Emotional Support Animal (ESA) is considered a "reasonable accommodation" for an individual with a disability per HUD 24 CFR Part 5 ("Pet Ownership for the Elderly and Persons with Disabilities"):

- The student has completed the Disability Services process for request of an Emotional Support Animal (ESA) on campus.
- The animal is needed to assist with a disability or disabilities, and
- The individual who requests the reasonable accommodation demonstrates that there is a relationship between the disability and the assistance that the animal provides.

## **Emergency Situations**

In the event of an emergency, the Emergency Response Team (ERT) that responds should be trained to recognize Assistance Animals and to be aware that the animal may be trying to communicate the need for help. The Assistance Animal may become disoriented from the smell of smoke in a fire or laboratory emergency, from sirens or wind noise, or from shaking and moving ground. The owner and/or Assistance Animal may be confused from the stressful situation. The ERT should be aware that the Assistance 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 Assistance Animal with its owner. However, the ERT's first effort should be toward the owner; this may necessitate leaving the Assistance Animal behind in certain emergency evacuation situations. Oregon Tech is not responsible for the emergency response facilitated by outside entities or first responders.

## **Conflicting Disabilities**

It is common for persons to have a disability that precipitates an allergic reaction to animals. Persons making an asthmatic/allergy/medical complaint are to be directed to make that complaint with the Disability Services Office. Action will be taken to consider the needs of both persons and to resolve the problem as efficiently and expeditiously as possible. This will be done through a collaborative process between the students involved, Disability Services staff, and Housing and Residence Life. In the event this cannot be resolved, the institution will invoke first-person rights.

**First Person Rights:** If the person uses a Service Animal and is registered in a course or present in a college area, and another person arrives with serious allergies, you cannot remove the first person to accommodate the second person. (Disability Compliance for High Education (July 1996) Vol. 1, No. 12, p. 4 & 5).

**Have a question? Email us at [access@oit.edu](mailto:access@oit.edu)**