

## Use of Service and Assistance Animals

1. **Mayville State University** is committed to ensuring equal access, as defined by law, for persons with disabilities who participate in MAYVILLE STATE UNIVERSITY programs and services and/or use campus facilities. This policy pertains to individuals relying on the aid of a service or assistance animal to mitigate the impact of a disability, while being mindful of health and safety interests of all those in the campus community. This policy is aimed at delineating and facilitating access and providing guidelines with regard to the use of a service or assistance animal in campus buildings. Requests will be evaluated on a case-by-case basis through an interactive process.

"**Service Animal**", as defined by the Americans with Disabilities Act, means an animal, most commonly a dog, individually trained to do work or perform tasks for people with disabilities. Service animals perform some of the functions and tasks that an individual with a disability cannot perform for him/herself in activities of daily living. A service animal is a working animal, not a pet. Anyone claiming a pet as a service animal would be in violation of state law and could face penalties. Examples of service include, but are not limited to, guiding a person with impaired vision, alerting persons with hearing loss to intruders or sounds, interrupting distressing, or harmful behavior (example: compulsions), alerting persons when a seizure is imminent or occurring, and aiding persons with impaired mobility by steadying the person when walking. Their service for the individual entitles them to access public places and common areas. Note: Under specific circumstances, a miniature horse may qualify as a service animal; however, a service animal will commonly be referred to as a dog when explaining policy details.

### 2. Use of Service Animals at MAYVILLE STATE UNIVERSITY

- a. To qualify for having a service animal on campus, an individual must:
  1. Have a disability as defined by the Americans with Disabilities Act, AND
  2. Be accompanied by a dog that is trained to do specific tasks or work for the individual with a disability.
- b. If the work of the animal is not readily identifiable, MAYVILLE STATE UNIVERSITY may make the following inquiries:
  1. Is this animal needed because of a disability?
  2. What work or tasks is the animal trained to perform?
- c. Students with disabilities accompanied by a service animal are encouraged to open a file with the Disability Services office on campus. Registering with Disability Services can be useful to students to review additional disability-related needs and to identify reasonable accommodations. While having a service animal does not obligate the student to register with Disability Services, making requests for classroom or other reasonable accommodations does require registration with Disability Services. Students applying for campus housing are strongly encouraged to notify Housing and Dining Services of their plans to bring a service animal to campus. This can be very

important when making room assignments and considering building configurations as well as identifying roommates for compatibility.

- d. Employees with disabilities are subject to consideration under Title I of the Americans with Disabilities Act. As such, employers can expect employees to submit disability documentation to establish the need for a service animal as a reasonable accommodation at work, as warranted. Employees with disabilities seeking approval for a service animal are expected to register with the Human Resources office and, if necessary, establish that an animal meets the service animal definition.
- e. Visitors with disabilities who utilize a service animal at MAYVILLE STATE UNIVERSITY are invited to request accommodations related to their needs (if any) or that of the service animal. If additional information or accommodations are needed, visitors may contact the hosting department or event sponsor. Both the visitor and the hosting department are invited to consult with the Disability Services office or HR if accessibility questions surface.
- f. The University may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger or where their use may compromise the integrity of research (e.g., work in the life sciences.) Such restricted locations may include, but are not limited to, the following areas: research laboratories, classrooms with demonstration/research animals, wood shops and metal/machine shops, electrical shops, medical and veterinary surgical areas, mechanical rooms, and custodial closets. Exceptions to restricted areas may be granted on a case-by-case basis by contacting the Disability Services or Human Resources office and the appropriate department and/or laboratory representative. The person directing the work in the restricted area will make the final decision based on the nature of the research and the best interest of the service animal.

### **3. Use of Professional Therapy animals:**

1. Therapy animals may be allowed on a case-by-case basis. The premise of such a circumstance is that a university official or a student group will make arrangements for the limited presence of one or more animals to assist a student who has a therapeutic relationship with one or more students and the animal is there for a therapeutic reason; or an event in which the presence of animals for relaxation, community building, or other educational purpose has been advertised. The presence of such animals must be approved through special request and the animal(s) require the following documentation to be current and on file with the HR office on campus: Proof of certification
  - a. A copy of certification must be provided and updated annually (e.g., Alliance of Therapy Dogs, Pet Partners, etc.)
  - b. Proof of liability insurance for the therapy animal
  - c. Proof of animal's current vaccination records

**4. Use of Assistance Animals at MAYVILLE STATE UNIVERSITY**

- a. Assistance animals (those that do not meet the criteria for being a service animal) often referred to as emotional support animals (ESA's), are prescribed to mitigate the impact of a disability by providing emotional support, comfort, calming, stability, socialization and/or other types of assistance. Assistance animals may or may not have specific certifications, but are prescribed or deemed appropriate by a qualified professional to allow an individual equal access to use and enjoy campus housing facilities. Unlike service animals, the type of animal to qualify may vary and does not need to be trained to perform specific work for the individual with the disability. The university can and does require relevant disability documentation to evaluate the potential need for an assistance animal, while considering the reasonableness of the requested accommodation.
- b. The following documentation needs to establish the basis for an assistance animal in campus housing:
  1. Verification of a documented disability from a qualifying professional (acceptable examples: psychiatrist, psychologist, neuropsychologist etc.); Family/Internal Medicine practitioners do not qualify.
  2. Clear correlation between the functional limitation(s) of the disability and the role of the animal.
  3. Verification that the animal deemed appropriate for the student to use and enjoy campus housing.
  4. A student's acceptance of the terms and protocols as indicated in Protocol 993.
- c. Students with disabilities are required to contact the Disability Services office to begin the disability eligibility process by completing an application, submitting disability documentation and meeting with a staff member to make accommodation request(s) and to develop an accommodation plan.

Incoming or currently enrolled students should provide the Disability Services office with appropriate documentation prior to the animal arriving on campus. Such advance notice helps ensure accommodations are appropriate and help foster a smooth transition to University Housing.

The Disability Services office staff will review the documentation and arrange for conversations between the Director of Residence Life, the person making the request, and a Disability Services Director to facilitate the accommodation. Accommodation needs for the individual and/or assistance animal will be determined on a case-by-case basis.

- d. Employees with disabilities who request an accommodation are required to contact the Human Resources (HR) office to begin the disability eligibility process, submit disability documentation and make their accommodation request(s). Documentation required to establish the basis for an assistance animal will be the same as required of a student in section 3.b. above.

- e. Visitors with disabilities are required to contact the primary sponsoring/hosting department of the program/event for which they plan to attend for consideration to bring an assistance animal on campus to mitigate the impact of a disability. Documentation required to establish the basis for an assistance animal will be the same as required of a student in section 3.b. above. Both visitor and the sponsoring/hosting department are invited to consult with the Disability Services office or HR if accessibility questions surface.
- f. As a general rule, animals except as noted in sections 2 and 3 of this document are not permitted in any public space, including classroom or auditorium space, athletic space except when the animal is outside and away from most members of the public, in laboratory or working spaces, or in auxiliary service locations, such as the pool, bookstore, mailroom, or other public-facing buildings.

### **5. Responsibilities of Persons Using Service or Assistance Animals**

- a. The care and supervision of an approved animal is the responsibility of the individual who uses the animal's service. This person is considered the "handler" of the animal. It is important for the handler to maintain control of the animal at all times. Requirements for clean-up of animal waste are based on the [City of Mayville](#). If the handler is unable to physically remove the waste, an alternative arrangement should be coordinated through Disability Services, Residence Life, Human Resources for employees or the sponsoring/hosting department for visitors. When appropriate, spaces will be designated as animal toileting areas by MAYVILLE STATE UNIVERSITY Facilities Management and Residence Life staff.
- b. Animals need to be immunized against diseases common to that animal. Dogs, cats, and other mammals should wear a current rabies vaccination tag.
- c. Animals housed in a University residence hall or apartment (University Housing) must have an annual clean bill of health from a licensed veterinarian. When necessary, the university has authority to direct that a service animal receive veterinary attention.
- d. Students and employees utilizing a service animal will be required to follow the [City of Mayville](#) licensing and animal tag policy.
- e. The City of Mayville has an ordinance requiring pets to remain on a leash when not on the owner's property; service animals are subject to this ordinance, except when doing so would interfere with the task(s) they're trained to perform to mitigate the impact of the disability. Under such circumstances, the animal's behavior may be managed through voice commands (for example).

### **6. Expectations for Service and Assistance Animals' Behavior**

An animal whose behavior is disruptive or presents a direct threat to the safety of others may be removed from MAYVILLE STATE UNIVERSITY. For purposes of public health and safety, service and assistance animal users are asked to keep animals well-groomed and provide prompt and ongoing attention to the overall care of the animal.

### **7. Service Animals in Training**

A trainer with a service-animal-in-training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to make prior arrangement or to pay an extra charge for the service animal in training (NDCC 25-13-02.1). The trainer must notify the designated office regarding the presence of the animal, and have current immunization records available. The trainer is liable for any damage done to the premises or facility by a service-animal-in-training.

### **8. Professional staff living in University-owned housing.**

Certain university positions require or permit a full-time University employee to live in an apartment on the university campus, sometimes in a residence hall.

On a case-by-case basis, permission to own and keep a pet may be petitioned to the Dean of Student Affairs and/or the employee's cabinet member.

Elements 4 b-e above and Protocol MP993 apply to the employee. Documentation is filed in the Human Resources Office.

A disruptive animal will be cause for the permission to be rescinded.

### **9. Conflicting Disabilities**

The university will work with qualified individuals with disabilities who request accommodations to identify a solution that serves those with disabilities who have competing needs. Individuals who are adversely impacted by the presence of an animal due to a disability must submit documentation of their condition to the appropriate office for consideration when requesting reasonable accommodations. Students who request an accommodation are required to submit documentation to the Disability Services office and apply for services. Employees who request an accommodation would submit documentation and accommodation requests to the Human Resources/Payroll department. Visitors who request an accommodation should contact the sponsoring/hosting department. Consult the Disability Services office or HR if accessibility questions surface.

### **10. Dispute Resolution Procedure**

In the event of a dispute or disagreement about a disability determination, appropriateness of an accommodation, service quality, or an animal restriction, a student should confer with the Disability Services Director. The student would follow the dispute resolution procedure. If the student remains dissatisfied after following the dispute resolution procedure, he or she may

contact the Dean of Student Affairs to discuss the matter and file a formal equal opportunity grievance, if desired.

An employee with a dispute or disagreement would confer with a staff member in the Office of Human Resources and if the concern is not resolved, he or she may contact the Vice President of Business Affairs to discuss the matter and file a formal equal opportunity grievance, if desired.

A visitor with a dispute regarding the use of a service or assistance animal at Mayville State University should contact the sponsoring/hosting department. If the concern is not resolved, contact the Disability Services Director.

Students, employees, and visitors have the option, at any point, to consult with the Disability Services Director or Human Resources regarding concerns about possible discriminatory conduct.

#### **11. Responsibility of University Community Members Regarding Service or Assistance Animals**

Members of the university community are expected to follow these guidelines regarding service or assistance animals:

- a. Allow service animals to accompany the handler at all times and everywhere on campus except where animals are specifically prohibited due to safety or health restrictions, or where the animal may be in danger, or where the integrity of research may be compromised due to the presence of chemicals and/or organisms;
- b. Allow assistance animals to reside with the handler in their on-campus residence once proper approval has been obtained;
- c. Do not touch or feed a service or assistance animal unless invited to do so;
- d. Refrain from distracting, startling or taunting the animal, and;
- e. Do not separate or attempt to separate the animal from its handler.

Relevant MAYVILLE STATE UNIVERSITY policies and City of Mayville ordinances include:

\* City of Mayville regulations

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**Sponsor:** Human Resources, Disability Services, Vice President for Business Affairs, and Dean of Student Affairs