

## SECTION 800.33

### SERVICE AND ASSISTANCE ANIMAL

#### Introduction

Lake Region State College strives to accommodate individuals with disabilities who may rely on the assistance of a service animal. This policy seeks to accommodate individuals with disabilities while maintaining a healthy and safe campus community.

#### Definitions

Under Titles II and III of the ADA, the Department of Justice defines a service animal as:

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.

Under the ADA and ADAAA, the following animals are NOT considered service animals:

Any animal besides dogs with the exception of a special provision permitting miniature horses in some cases. Animals that serve solely to provide a crime deterrent effect, emotional support, comfort, or companionship.

Assistance animal, as defined under the Fair Housing Act:

A person may keep an assistance animal in his/her dwelling unit as a reasonable accommodation if:

1. The person has a disability.
2. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling.
3. There is an identifiable relationship or nexus between the disability and the assistance the animal provides.

Assistance animals are only allowed within their owner's assigned living space. They are not allowed to accompany their owner to other areas within campus.

#### Policy and Procedure

The owner of the service or assistance animal is expected to accept the following responsibilities:

1. Comply with applicable Local, State, and Federal laws concerning the ownership of an animal.
2. Ensure all Devils Lake city ordinances are being followed ([www.dvlnd.com](http://www.dvlnd.com), See Title 6, Chapters 6.04-6.38), Including but not limited to:
  - a. License animal with the city of Devils Lake (student is responsible for all licensing fees).
  - b. The owner is solely responsible for the care and conduct of the animal.
  - c. Animals must be kept clean, healthy, and under the control of the owner at all times.
  - d. All required immunizations must be up to date and a copy of the immunizations must be on file with the Housing Office.
  - e. If an animal is to be licensed, then a copy of the license must be on file with the Housing Office.
  - f. Animals (where appropriate) must be spayed or neutered prior to being brought to campus. A record of the procedure must be on file with the Housing Office.
  - g. Dogs or cats must wear a collar with appropriate tags (i.e. vaccinations, contact information) at all times.

- h. Animals must be fed on a regular and healthy feeding schedule.
- i. Animals must possess friendly and sociable characteristics. Some specific animals can be restricted from the premises by the Director of Housing based on any confirmed or territorial behavior.
- j. A service animal exhibiting disruptive or threatening behavior may be removed from the Lake Region State College campus.
- k. Animal and their accoutrements (i.e. heat lamp) must not pose a direct threat to the safety of others.
- l. The owner is responsible for prompt clean up and disposal of the animal's waste.
- m. The animal's waste must be taken to an appropriate residence hall or apartment dumpster.
- n. Owners with cats must properly maintain litter boxes. In consideration of the health of the cat and the occupants of the apartment or residence hall room, cat litter box contents must be changed with new litter regularly in accordance with manufacturer recommendations.
- o. No waste is to be disposed of in any trash receptacle inside any building or through any sewer system inside each building (i.e. sinks or toilets). Outside dumpsters should be used.
- p. Animals must sleep in the owner's room or apartment. Lake Region State College can inspect the residence on a regular basis to determine if there is infestation or other damages to the property.
- q. Animals must not be disruptive to other students including:
  - i. Excessive noise.
  - ii. Other behaviors that may be disruptive.
- r. Lake Region State College is not responsible for an animal during a fire alarm, fire drill, or natural disaster/building emergency.
- s. An animal cannot be left alone for more than twenty-four (24) hours.
- t. The owner is responsible for finding appropriate accommodations for the animal when they will be leaving for a period of more than twenty-four (24) hours. The Director of Housing must be notified of alternate accommodations in advance.
- u. A contact number for an off-campus caretaker should be on file.
- v. The owner is responsible for any bodily injury or damage caused by the animal to any individual and is also responsible for the subsequent charges.
- w. The owner must notify the Housing Office and the Disability Services Coordinator, in writing, when the animal is no longer needed in the residence.
- x. If the owner is seeking to replace a Service/Assistance Animal with another, the student must file a new registration form and file a new request with the Disability Services Coordinator.
- y. Approvals are only good for the academic year in which the approval is made. A new request must be filed at the beginning of each subsequent academic year.
- z. Animals must be under the owners control at all times. This means:
  - i. All animals are to be on a leash, harness, or within a carrier device at all times when outside of the designated living quarters.
  - ii. Service animals are generally allowed to be on campus wherever it is deemed safe for them to be.
  - iii. Assistance animals are only allowed to be in the privately assigned residential room and outdoor areas as approved by the Housing Office.
- aa. It is the owner's responsibility to keep a dog or cat on flea and tick control.

- bb. The owner will be responsible for the cost of eliminating any pest infestation as a result of the animal.
  - i. Lake Region State College will contract an appropriate pest control company and bill the student directly if there is a problem.
- cc. When a student and/or animal vacate the apartment at the end of their contract period, the college will inspect and clean the unit. The owner will be billed appropriate cleaning charges.
- dd. The owner is financially responsible for any property damage caused by their service/assistance Animal.
- ee. Failure to comply with any of the above policies may result in the removal of the animal and the owner of the animal.

#### Areas off limits to animals:

1. Assistance animals are only allowed in their owner's assigned living space. They are not allowed to accompany their owner to other areas of campus.
  2. Service animals may accompany their handler at all times and everywhere on campus, except where animals may be prohibited.\*
- \*Lake Region State College 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.

#### Guidelines for Campus Community

1. Do not touch or feed a service animal unless invited to do so.
2. Refrain from startling a service animal.
3. Do not separate or attempt to separate a service animal from its handler.
4. Allow the service animal to accompany its owner at all times, everywhere on campus, with the exception of areas specifically restricted for health and safety reasons.
5. The animal owner's disability is confidential information. Anyone with concerns regarding an individual owning an animal on campus should see the Disability Services Coordinator.

#### On-Campus Housing

1. Students must put in their request and provide appropriate documentation to the Disability Services Coordinator at least sixty (60) days in advance if they wish to have a service or assistance animal reside in the residence halls or apartments.
2. Once the request and appropriate documentation is received, the Disability Services Coordinator and Director of Housing will review the request.
3. Accommodations are determined on a case-by-case basis.
4. Individuals who are approved to have a service or assistance animal will be required to reside in a single occupancy room. Any changes to this must be approved by the Director of Housing.

#### Request Procedure

1. A complete formal request for any service or assistance animal must be received by the Disability Services Coordinator at least sixty (60) days in advance.
2. The request must include a completed request form and the appropriate documentation.
3. The appropriate documentation should include:
  - a. Name and credentials of licensed professional or evaluator.
  - b. Diagnostic statement identifying the disability or impairment (An IEP alone may not be sufficient).

- c. Description of the current functional limitations.
  - d. Specific tasks the service animal will perform to meet the accommodation needs of the individual and assist with the functional limitations.
4. All complete requests will be reviewed in a timely manner by the Disability Services Coordinator and, if necessary, the Director of Housing.
5. Students will be notified of the results of their request within 60 days of submitting all proper documents.

#### Dispute Resolution

1. Any dispute involving an animal living in residence housing should be brought to the Director of Housing.
  2. Any dispute regarding disability determination should be brought to the Disability Services Coordinator. If it is not resolved, the dispute may be brought to the Vice President of Academic and Student Affairs.
  3. Any concerns regarding animals in other areas of campus, outside the resident halls should be brought to the Disability Services Coordinator.
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#### History

Administrative Council Approved 08/18/14