Service and Assistance Animals

The University of Jamestown is committed to reasonably accommodating persons with disabilities, as defined by law, who require the assistance of service or assistance animals; however, the university is also mindful of the health and safety concerns of the campus community. Thus, the university must take into account both the needs of the individual with the disability and also the potential impact of such animals on other campus patrons. Any possible accommodations will be determined on a case-by-case basis as outlined in section III. University policy is continually being reexamined to reflect the needs and values of the community. As such, the University reserves the right to modify or cancel any statement in this policy at any time.

Section I. Definitions

Disability
"Disability" is defined as a physical or mental condition or impairment that is both medically recognizable and diagnosable, and that substantially limits one or more of a person's major life activities. These limitations may include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning. A person is substantially limited in major life activities if the individual is unable to perform the activity, or is significantly restricted as to the manner in which he or she can perform that activity when compared to the average person. Acceptable documentation of a disability can be from either a medical or mental health provider. It should verify the disability as well as the need for a service or assistance animal.

Service Animal
A "service animal," as defined by the Americans with Disabilities Act (ADA) is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Service animals perform some of the functions and tasks that an individual with a disability cannot perform for him/herself in activities of normal living. These tasks include but are not limited to: guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. A service animal is a working animal, not a pet. Animals whose sole function is to provide comfort or emotional support do not qualify as Service Animals.

Assistance Animal
“Assistance animals” are (1) animals that provide assistance, or perform tasks for the benefit of the person with a disability, or (2) animals that provide emotional support which alleviates one or more identified symptom(s) or effect(s) of an individual’s disability. Unlike a service animal, an Assistance Animal does not assist a person with a disability with activities of daily living, nor
does it accompany a person with a disability at all times. Assistance animals may be considered for access to university housing, however, they are not permitted in other areas of the university (e.g. libraries, academic buildings, classrooms, labs, student center, dining hall, etc.).

**Pet**
A pet is an animal kept for ordinary use and companionship. A pet is not considered a service animal or an assistance animal, and, therefore, it is not covered by this policy. Residents are not permitted to keep pets on university property or in university housing with the exception of fish in a 10 gallon tank or smaller.

**Handler**
The “Handler” is the resident student who has been permitted to keep/use an Approved Animal in housing/on campus under this policy.

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**Section II. Service Animals**

**Visitors:** An individual with a disability who utilizes a service animal and is a visitor at the University of Jamestown is welcome to request any specific accommodation related to the needs of the visitor or the service animal. If accommodations or additional information are needed, a visitor may contact Disability Services at 701-252-3467 ext. 5442. No registration with Disability Services is necessary.

**Students or Employees:** Students or employees with a disability who regularly utilize a service animal are required to register the animal either with Disability Services (students) or with the Human Resources/Payroll Office (employees) and, if necessary to establish that an animal meets the service animal definition above, to provide the relevant office with documentation of the disability within a reasonable period of time.

When requested, documentation for students or employees with a disability who use a service animal should include, but are not limited to the following:

- Name and credentials of licensed professional or evaluator;
- Diagnostic statement identifying the disability or impairment;
- Description of the current functional limitations; and
- Specific tasks the service animal will perform to meet the accommodation needs of the individual and assist with the functional limitations.

**Submission of the Request for Documentation Form**

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**Section III. Service or Assistance Animals in Housing**

Service or Assistance Animals may not reside in University Housing without expressed approval from university officials. No pets or animals are permitted in any student housing with the exception of fish in a 10 gallon tank or smaller. No other pets or animals are permitted in
student residences at any time, for any reason, even briefly. Students and their roommates who have an unapproved pet or animal found in their residence are subject to the following fines: $300 for the first offense and $500 for the second offense, per pet or animal.

Any residential student who, because of a disability, seeks approval for a Service or Assistance Animal must request a reasonable accommodation through Disability Services. This is a formal process that requires appropriate supporting documentation to verify that he or she has a qualifying disability and that the Service or Assistance Animal is needed. Such requests should be processed as follows:

A. A person requesting a Service or Assistance Animal must first open a file with Disability Services and provide the appropriate documentation at least 30 days in advance of the needed accommodation. The review process may take 30 days or more; accordingly, students should submit their requests to Disability Services at least 30 days prior to the date the student would like to bring the animal to university housing. The Service or Assistance Animal is not permitted on campus throughout the process, only once approved.

B. Documentation includes, but is not limited to: verification of a disability from a licensed profession in the area of the disability along with what services the animal provides, the student may utilize the Request for Documentation Form (http://www.uj.edu/wp-content/uploads/2015/01/University-of-Jamestown-Request-for-Documentation.pdf). The resident student must also submit a completed Housing Accommodation Request Form (http://www.uj.edu/studentlife/residence-life/housing-accommodation-request-form).

C. When the need for a Service or Assistance Animal is not readily apparent, the University may request additional documentation in support of the request for the purpose of determining whether an animal qualifies as a service animal, namely: (i) that the Service or Assistance Animal is required due to the functional limitation of the requesting student’s disability, and (ii) what work or tasks the Service or Assistance Animal has been trained to perform for the benefit of the requesting student. Any and all necessary documentation is valid for four (4 years).

D. Assistance Animals that are needed for emotional support should include a signed letter, on professional letterhead and/or the Disability Services Request for Documentation Form (http://www.uj.edu/wp-content/uploads/2015/01/University-of-Jamestown-Request-for-Documentation.pdf), from the person’s physical or mental healthcare provider or licensed therapist. The provider or therapist should be familiar with the professional literature concerning the assistive and/or therapeutic benefits of Assistance Animals for people with disabilities. A copy of the therapy/emotional support animal certification form or ID card from the agency or organization that provided the training should also be provided.

E. After receiving the completed documentation and request form(s), the Housing Accommodation Review Committee, which consist of a representative from Residence Life, Disability Services, and a staff/faculty member will meet to review the completed
request, these meetings take place at the end of each month, as needed. The Housing Accommodation Review Committee will collaborate with other University offices, including the Dean of Student’s Office to determine if there are any issues that may negatively impact the requesting student’s ability to effectively control and/or provide a safe environment for the Service or Assistance Animal. The Housing Accommodation Review Committee, in order to fully understand the request, may request an interview with the requesting student.

F. Once the Housing Accommodation Review Committee completes its review, the decision of the Committee will be provided in writing to the student.

G. If approved, the student would be required to meet with the Director of Residence Life to fill out a Handler Agreement and go over responsibilities of persons with Assistance Animals. All related parties must be notified before the animal is brought to campus, i.e. roommates, suitemates, building, maintenance staff, and others deemed necessary.

H. Requests for appeals must be submitted to the Dean of Students within ten (10) business days of the original decision. Failure to appeal in the allotted time will render the original decision final and conclusive. Appeals will be heard by an administrative Ad Hoc Committee convened by the Dean of Student. Grounds for an appeal, as stated in the written request, shall be based upon either of the following:
   a. Specified procedural errors or errors in interpretation of University regulations were substantial.
   b. New and significant evidence or documentation has become available which could not have been discovered by a properly diligent student before or during the original decision.

All requests for appeals shall be reviewed by the Dean of Students, who shall notify, in writing via official university email, the results of that review. If the request for an appeal is denied, the original decision becomes final. If an appeal is granted, the student shall be informed, in writing via official university email, that a review of the original decision is being conducted by an Administrative Ad Hoc Committee. A written statement for the committee must be submitted to the Dean of Students within five business days from the date of the letter notifying the student that an appeal has been granted. Failure to submit a written statement within the allotted time will render the decision of the original committee final and conclusive. Appeals shall be decided upon the record of the original proceedings and the written statements. A completely new review shall not be conducted by the appellate panel.

Section IV. Responsibility of Persons with Service or Assistance Animals

**Care and Supervision:** Care and supervision of the animal are the responsibility of the individual who benefits from the animal’s use. This person is considered the “Handler” of the animal. The handler is also responsible for ensuring the clean-up of the animal’s waste (e.g. urine, excrement, fur, cage shavings, etc.) and, when appropriate, must toilet the animal in areas designated by the University consistent with the reasonable capacity of the owner.
Animals, their crates, litter boxes, and other related materials may not be cleaned in common bathrooms. Animal waste must be placed in a sturdy plastic bag before disposal in an outside dumpster.

**Control:** The handler is required to maintain control of the animal at all times, where consistent with the capacity of the service animal user. The animal must be on a leash, harness, or other tether unless the handler’s disability prevents its use or would inhibit the animal’s ability to be of service.

**Vaccination:** In accordance with local ordinances and regulations the animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. Although not mandated, cats should have the normal shots required for a healthy animal. Local licensing requirements must be followed. The University may request updated verification regarding a Service or Assistance Animal’s vaccinations at any time during the animal’s residency.

**Health:** Animals to be housed in university housing must have an annual clean bill of health as documented annually by a licensed veterinarian. Appropriate documentation will be determined on a case-by-case basis, but may include a vaccination certificate for the animal or a veterinarian’s statement regarding the animal’s health. The university has authority to direct that the animal receive veterinary attention. (Local licensing law is followed.)

**Cleanliness:** An animal must be clean and well groomed, and measures must be taken at all times for flea and odor control. If fleas, ticks, or other pests are detected, the housing will be treated using approved fumigation methods by University approved pest control. The handler will be billed for the expense of any pest treatment. The handler will also be held responsible for any room damages including the excessive cleaning or replacement of the carpet, just as all residents are responsible for damages to property.

**Training:** Service animals must be properly trained. An owner of a service animal may be asked to provide verification that the animal has been individually trained as a service animal to provide the service needed. Acceptable verifications are 1) the letter or ID card provided by agency personnel who trained the animal or 2) a statement from the owner that the animal was trained by the owner or another private individual.

**Other Conditions:** The Office of Residence Life or Disability Services may place other reasonable conditions or restrictions on the animal depending on the particular facts and circumstances, including the nature and characteristics of the animal.

**Section V. Responsibility of Persons with Service or Assistance Animals in University Housing**

A. The behavior, noise, odor, and waste of a Service or Assistance Animal must not exceed reasonable standards and these factors must not create an unreasonable disruption or adversely affect the routine activities of other residents and Residential Life staff. If the
University determined that the Approved Animal threatens the health, safety, or property of anyone in the community, or that Approved Animal is adversely affecting UJ programs or activities, the University will take appropriate measures, up to and including a determination that the Approved Animal may no longer be permitted on campus.

B. Dangerous, poisonous, and illegal animals are not permitted.

C. The Assistance Animal must be contained within the student’s room at all times, except as required for transportation off-campus or to eliminate waste. During transportation and while outside, the animal must be in an animal carrier or controlled by a leash or harness.

D. Assistance animals are only permitted in the handle’s room, not other rooms or common areas.

E. Assistance animals are not permitted in other UJ facilities, including other residence halls, dining areas, classrooms, or other common areas.

F. A paw print decal may be affixed outside the handler’s unit as a notification to Facilities staff that an animal resides in the unit. The handler or roommate must be present or contain the animal in a crate during any scheduled maintenance or health and safety visit.

G. The handler is financially responsible for the Approved Animal, including any bodily injury or property damage caused by the Approved Animal. This financial responsibility may include replacement of furniture, carpet, beds, doors, window or wall covering, and costs of damage to other University owned property. The handler is also responsible for any expenses incurred for required cleaning above and beyond standard cleaning just as any other resident would be responsible for damage. The handler is expected to cover these costs at the time of the repair and/or check-out. The university shall bill the student account for unmet obligations.

H. The handler must notify Disability Services and Residence Life in writing if the Approved Animal is no longer needed or is no longer in residence. To replace an Approved Animal, the handler must file a new Housing Accommodation Request Form and have the new animal approved by committee.

I. The handler’s residence may be inspected for pests as needed. Residential Life staff will schedule any such inspection. If pests are detected upon inspection, the residence room or hall will be treated using fumigation or other methods by a University approved pest control service. The handler will be billed for the expense of any pest treatment above and beyond routine pest management in the residence halls.

J. From time to time, the University may use pesticides, pest control devices, de-icing material, cleaning supplies, and other materials for maintenance and operation of University Housing. The University is not responsible for any harm to Approved Animals caused by such materials.

K. Approved Animals are not to be left overnight in housing without the handler. In the event that the Approved Animal gets out or becomes lost, University Housing and Disability Services must be notified immediately.

L. Residence Life reserves the right to relocate the handler and Approved Animal as necessary according to the University of Jamestown housing contract and student handbook.
M. The handler agrees to continue to abide by all other University policies, including housing policies. Any violation of this policy may result in immediate removal of the Approved Animal from the University. Reported violations may be reviewed by the Dean of Students in accordance with the Student Code of Conduct.

N. Should the Approved Animal be removed from the premises for any reason, the handler is required to fulfill his/her housing obligations for the remainder of the University Housing contract term.

Section VI. Requirements for Faculty, Staff, Students, and Other Members of the University Community

Members of the University community are required to abide by the following guidelines regarding Service and Assistance Animals:

a. They are to allow a Service Animal to accompany its owner at all times and in all places on campus, except where animals are specifically prohibited due to safety or health restrictions.

b. They are not to touch or pet a Service or Assistance Animal unless invited to do so.

c. They are not to feed a Service or Assistance Animal.

d. They are not to deliberately startle a Service or Assistance Animal.

e. They are not to separate or to attempt to separate a handler from his or her Service or Assistance Animal.

f. They are not to inquire for details about the handler's disabilities. The nature of a person's disability is a private matter.

Section VII. Removal of Service or Assistance Animal

The University may exclude/remove a service animal when 1) its behavior is disruptive (particularly in classrooms, laboratories, or residence halls) 2) poses a direct threat to the health or safety of others or 3) results in a fundamental alteration of the University's program. For purposes of public health and safety, Service or Assistance Animal handlers are asked to keep animals well groomed and not to bring sick animals onto the campus or other University of Jamestown locations. If asked, the removal of the Approved Animal must take place within 48 hours of the request. If the handler chooses to appeal the decision, he/she should follow the guidelines in Section III, however, the animal must remain off campus throughout the process.

Section VIII. Areas Off Limits to Service Animals

The University may prohibit the use of service animals in certain locations due to health and safety restrictions (e.g. where the animals may be in danger, or where their use may compromise the integrity of research). Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research/demonstration animals, areas where protective clothing is necessary, wood and metal shops, electrical shops, motor pools, and rooms with heavy machinery and areas outlined in state law as being inaccessible to animals.
Exceptions to restricted areas may be granted on a case-by-case basis by contacting the Disability Services Office and the appropriate department representative. However, the person directing the work in the restricted area has the final decision.

Section XI. Damage

 Handlers of Service or Assistance Animals are solely responsible for any damage to persons or university property caused by their animals. It is highly recommended that handlers carry adequate animal liability insurance.

Section X. Conflicting Disabilities

Residence Life personnel will make a reasonable effort to notify tenants in the residence building where the animal will be located of the existence of a service or assistance animal in the building.

Students with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) are asked to contact Disability Services or Residence Life if they have a health or safety related concern about exposure to a service or assistance animal. The individual will be asked to provide medical documentation that identifies the condition(s), and will allow determination to be made as to whether the condition is disabling and whether there is a need for an accommodation.

Residence Life personnel will resolve any conflict in a timely manner. Staff members will consider the conflicting needs and/or accommodations of all persons involved. The committee may use outside resources for information on health issues. In the event that an agreement cannot be reached, the committee decision is final and not subject to appeal.