MHU Disability Services Faculty/Staff Guide for Service and Assistance/Emotional Support Animals

Service Animals and the Americans with Disabilities Act (ADA)

Service animals are defined as dogs (or can be miniature horses in rare situations) that are individually trained to do work or perform tasks for people with disabilities. The job or task that the dog performs must relate directly to the person’s disability. For additional information, refer to ADA2010.Revised.Requirements, US Department of Justice, CivilRightsDivision.

Questions for the Handler

In order to protect privacy and dignity, the ADA restricts what staff may ask of an individual who wishes to access an area with a service dog.  Here are the questions that are legally acceptable to ask, especially if the disability is not obvious:

1. Is the dog required because of a disability?
2. What work or task has the dog been trained to perform?
3. (Ask if the first two questions are affirmed) Do you live on campus? And if so, did you register the dog with the Office of Disability Services?

Be aware that it is considered to be a violation of ADA to ask a person directly about their disability or to require the show of certification or documentation that the animal has been certified, trained, or licensed. On the other hand, if the dog and handler plan to live in campus housing the institution is allowed to ask that the dog be registered with Office of Disability Services and that certain policies be followed to ensure the health and safety of persons who are present on campus. Also be aware that if the dog and handler live off campus, they may be encouraged, but are not legally required, to register with the Office of Disability Services or have the dog wear an identifying vest or collar.  If the student cannot sufficiently answer these questions, it is appropriate for a school official to request the removal of the animal from the campus and/or to refer the student to the Office of Disability Services for additional advisement.

Other Handler and Service Dog Etiquette

Faculty and staff are asked to be aware and to encourage their students of the following rules of etiquette when a service dog is present:

1. The service dog and its owner are a working team. A guide dog should remain with its owner and under owner control while in any public setting.
2. Do not distract or attempt to pet or touch the service dog without permission.
3. Do not offer food or treats to the service dog without permission.
4. Do not ask personal questions about the handler’s disability.
5. Remember that a service dog is not a pet; it is a worker.
6. Service dogs should be well trained and under their owners’ command. Sometimes a service dog will make a mistake and must be corrected in order to maintain its training. This correction usually involves a verbal
admonishment coupled with a leash correction. Service dog owners have been taught the appropriate correction methods to use with their dogs.

7. Service dogs go where their owners go: inside campus buildings and offices, inside the residence halls and rooms, in classrooms, in public restrooms, and in the cafeteria, for example. When the student service dog handler is seated, the dog will stay by the student’s side. The dog will sit at the student’s feet, next to the student’s chair, or sometimes – if the guide dog can fit – underneath the student’s chair.

8. Service dog handlers, or another designated third party, are responsible for the care for the dog and cleaning up after them.

Excluding a Service Animal from the Premises

There are few instances where a service dog can be denied access to the premises, primarily: (1) if the dog is out of control and the handler does not take action to control the animal or (2) if the dog is not housebroken. Any specific concerns regarding allowing a service dog in a particular setting, due to reasons related to health or safety should be addressed with the Office of Disability Services. In the rare event that an animal cannot be in a particular setting with its handler, accommodations must be made for the individual to still receive similar assistance. It is appropriate for a school official to ask for the removal of a dog that is out of control or not housebroken.

Other Invalid or Illegal Practices to Avoid

1. Exclusion of the animal due to allergies of others in the area; fear of dogs for others in the area; or that the establishment sells/prepares food
2. Isolation of the handler and dog
3. Extra fees or damage deposits

Also be aware that service dogs that do not reside in campus housing are not required, but may be encouraged, to be registered with the Office of Disability Services

Assistance/Emotional Support/Comfort Animals

An Assistance/Emotional Support/Comfort Animal (ESA) is permitted in University housing facilities, in accordance with the Federal Fair Housing Act, when approved as a reasonable accommodation by the Office of Disability Services. An ESA is defined as an animal that is prescribed to an individual with a disability by a healthcare or mental health professional to assist in alleviating the symptoms of that individual’s disabilities. The Office of Disability Services and Residence Lifework with the student to make decisions as to whether a particular type of animal can be suitable for residence hall setting. Faculty and Staff are asked to be aware of the following summary guidelines:

1. Persons who wish to have an ESA in campus housing are required to register with the Office of Disability Services and to seek approval prior to bringing an animal on campus.

2. An ESA does not do a specific task and does not accompany a person with a disability in places other than in the residence unless approved through the Office of Disability Services.

For additional information, forms, or to resolve any concerns regarding Service or Emotional Assistance Animals, please contact Kathy Koontz, Office of Disability Services located in the Wellness Center, 828-689-1410. For online policy and forms, refer to http://www.mhu.edu/campus-life/disability-services/service-and-assistance-animal-policy.