

**Executive Memorandum (P11-05), Supersedes P08-02
June 2011**

Subject: Humboldt State University Service Dog Policy

I. Policy:

It is the policy of Humboldt State University (HSU or the University) to provide equal access and reasonable accommodation for individuals with disabilities to participate in any program, service, or opportunity provided by the campus; and to comply with applicable law related to service dogs for persons with disabilities, including any such person studying at, employed at, and/or visiting the HSU campus. As used in this policy, disability means a physical or mental impairment that substantially limits one or more major life activities of an individual.

Campus visitors, new arrivals, or other interested persons with a service dog should be provided with this policy and referred to HSU's Student Disability Resource Center (SDRC) for more information and/or advising on using a service dog on the HSU campus. HSU employees should contact the HSU Human Resources office for more information.

II. "Service Dog" Defined:

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (Revised 2009), California law and the policy of the Trustees of California State University (CSU), a "service dog" is defined as any dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

Service animals are dogs trained to do specific tasks or "work" for the benefit of a person with a disability. The work or task that the dog performs must be directly related to the handler's disability. A service dog is sometimes called an assistance dog. Examples of service dogs include, but are not limited to, guide dogs, hearing dogs, service/assistance dogs, and seizure response dogs.

The law distinguishes between a "service dog" and a "therapy, or emotional support animal." A service dog is an animal with a good temperament and disposition, has reliable, predictable behavior, and is selected and trained to accompany people with disabilities. The dog may be incorporated as an integral part of a treatment process. A therapy/emotional support animal does not assist an individual with a disability in the activities of daily living. The therapy/emotional support animal does not accompany a person with a disability at all times, unlike a service dog that is always with a person with a disability. A therapy/emotional support animal is not considered to be a service dog under this policy or applicable law.

The laws protecting and giving certain rights to bona fide service dogs and their owners do not cover therapy/emotional support animals and their owners.

If there are any questions as to whether an animal qualifies as a service dog, determination will be made by the University's ADA Compliance Officer in Human Resources in consultation with the Student Disability Resource Center (SDRC).

III. Service Dogs Generally Permitted on the HSU Campus:

In accordance with federal law, use of a service dog in university facilities and on university campuses, including attendance at a campus-sponsored concert or special events, may not be challenged except if the use of the dog poses a direct threat to the health or safety of other persons, or if the presence of the service dog will result in a fundamental alteration of the service, program, or activity involved. (Title II of the ADA Regulations, 28 C.F.R. – 130 [b][7])

As a result, a service dog must be permitted to accompany any associated person with a disability anywhere on the HSU campus and at off-campus University activities such as curriculum-related internships, fieldwork and HSU-affiliated program outings, except in areas and situations where it is unsafe to do so or where the presence of the service dog fundamentally alters the nature of the service, program or activity.

IV. Requirements of Service Dogs and Their Owners on Campus:

HSU recognizes that service dogs can play an important and necessary role in fostering the independence of some individuals with disabilities. Consequently, an appropriately trained dog, under the control of the disabled individual, may be allowed in campus facilities where animals would typically not be permitted. The safety and health of HSU students, faculty, staff, and the service dog are important concerns therefore, only service dogs and owners that meet the specific criteria below will be exempt from regulations that otherwise restrict or prohibit animals. The care and supervision of a service dog is the responsibility of the person using the dog's services (owner).

To maintain the safety and health of HSU students, faculty and staff, requirements of service dogs and their owners include the following:

- Dogs must be licensed in accordance with local city or county regulations (i.e., Humboldt County or City of Arcata), which require proof of current rabies vaccination and/or rabies tags.
- In addition to receiving appropriate vaccinations, service dogs must be in good health. For example, dogs should have routine maintenance for fleas and tick prevention, de-worming, and have annual veterinary examinations. Animals to be housed in university housing must have an annual clean bill of health from a licensed veterinarian and conform to the requirements of the "Fair Housing Act".
- Service dogs must be on a leash at all times (except where the dog must perform a task requiring it to travel beyond the length of the restraint, or the owner is unable to maintain the dog on a leash due to a disability).
- The owner must be in full control of the dog at all times.
- The owner is responsible for the cost to repair any damage done by the service dog to university property, just as the owner would be responsible for damage he or she caused.
- If requested, the owner must provide information as to what task or work the dog has been trained to do for the benefit of a person with a disability.
- When entering campus facilities or University vehicles with a service dog, the owner is strongly encouraged to use an identifying vest, tag, leash, or other visible method to indicate to the general public that the animal is a service dog.
- The owner of a service dog must be responsible for the immediate removal and proper disposal of all fecal matter for the health and safety of all members of the campus community.

V. Students, Faculty and Staff with Service Dogs:

Students with disabilities desiring the use of a service dog on campus or in campus housing are strongly encouraged to register with SDRC as a student with a disability. The Director of SDRC (or designee) will evaluate the disability and recommend any additional accommodations appropriate to the functional limitations of the

disability. Students who plan to reside on campus with their service animal need to make the necessary arrangements with the Housing Office in advance, preferably by notifying the Housing Office in writing at least two months prior to the date when prospective housing will be needed.

Faculty or staff desiring the use of a service dog on campus should contact the Office of Human Resources. The Director of Human Resources (or designee) will evaluate the situation and make any appropriate recommendations.

VI. Expectations of Service Dogs and Their Owners:

Reasonable behavior is expected from service dogs while on campus properties. If a service dog, for example, exhibits unacceptable behavior, the owner is expected to employ the proper training techniques to correct the situation.

Cleanliness of the service dog is mandatory. Daily grooming and occasional baths (at a veterinarian, pet store or owner's home) should keep dog odor to a minimum. Flea control is essential and adequate preventative measures should be taken. If a flea problem develops, it should be dealt with immediately and in an effective manner. Considerations of others must be taken into account when providing maintenance and hygiene of service dogs.

The University has the authority to remove a service dog from its grounds or facilities if the service dog becomes unruly or disruptive, unclean, and/or unhealthy to the extent that the animal's behavior or condition poses a direct threat to the health or safety of others, or otherwise causes a fundamental alteration in the University's services, programs, or activities. If such behavior persists, the owner may be directed not to bring the dog into public campus areas until the problem is rectified.

VII. Areas Restricted to Service Dogs:

The University may prohibit the use of service dogs in certain locations due to health or safety restrictions, where service dogs may be in danger, or where their use may compromise the integrity of certain research. Such restricted locations include, but are not limited to, food preparation areas, certain research laboratories, mechanical rooms/custodial closets, classrooms with demonstration/research animals, areas where protective clothing is necessary and other areas where the dog's presence may constitute a danger or a fundamental alteration of the program or activity conducted in the area. Access to restricted areas may be granted on a case-by-case basis by contacting the appropriate department and/or laboratory representative and the SDRC.

VIII. Conflicting Disabilities:

If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals, and that person has contact with a service dog approved for presence on campus, a request for assistance should be made to the SDRC who will consider all facts surrounding the contact and make an effort to resolve the issue.

IX. University Evaluation Procedures:

Should there be questions or concerns about permitting the presence of a service dog on campus, the matter should be referred to the University's ADA Compliance Officer in Human Resources. Any questions regarding this policy should be directed to either the SDRC Office, 707-826-4678 or Human Resources, 707-826-3626.

X. Grievances:

In the event of a dispute about an accommodation relating to a service dog, or an animal restriction, the concerned party who is a member of the University community (faculty, employee or student) should follow the applicable HSU ADA Accommodation Requests and Appeal/Grievance Procedures, which are available at the [HSU Human Resources Office](#)¹. All others should contact the U.S. Office for Equal Opportunity or the California Department of Fair Employment and Housing to file a complaint.

¹ HSU Human Resources Office: <http://www.humboldt.edu/hsuhr/index.html>