



AMERICAN UNIVERSITY

WASHINGTON, DC

ACADEMIC SUPPORT AND ACCESS CENTER

Guidelines for Service and Emotional Support/Therapy/Assistance Animals on Campus

April 7, 2015

Service Animals

Applicable laws: Titles II and III of the Americans with Disabilities Act of 1990
§ 504 of the Rehabilitation Act of 1973
Fair Housing Act

Definition: As defined by the Americans with Disabilities Act (ADA), a service animal is any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (In some instances, as set out in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.) The work the dog has been trained to do must be directly related to the person's disability.

Examples include, but are not limited to: helping a blind or low-vision person with navigation or other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting a person during a seizure, alerting a person to the presence of allergens, retrieving items such as medicine or a telephone, providing balance and stability support for a person with a mobility impairment, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship **do not** constitute work or tasks for the purpose of this definition.

In compliance with federal law, service animals are generally allowed in buildings, classrooms, residence halls, dining areas, recreational facilities, and at meetings, activities and events when the animal is accompanied by the individual with a disability.

Service animals may not be allowed when the animal poses a substantial and direct threat to the health or safety of others, or if the presence of the animal fundamentally alters the nature of the program or service in which the person with a disability is participating. Determinations of this kind are made on a case-by-case basis.

If there is a question of whether or not a dog is a service animal, the following may be asked:

1. is the dog required because of a disability? (if the disability is not visibly apparent); and
2. what work or task has the dog been trained to do?

If the individual responds in the negative to either of the above questions, and the dog has not been approved by the ASAC as an emotional support/therapy/assistance animal (see, *infra*, Emotional Support/Therapy/ Assistance Animals), the individual may be asked to remove the dog from the area.

Registering service dog with ASAC:

While there is no requirement to document the disability and need for a service animal as an accommodation, any student who is registered to take classes at AU who uses a service dog is encouraged to register the presence of the animal with the ASAC. To do so, please make an appointment to see an ASAC counselor by visiting the office at MGC 243, or by calling 202-885-3360. Visitors on campus who use service dogs do not need to register the dog's presence on campus.

Control, removal of waste, and removal for a direct threat posed by a service dog:

Service dogs must be under the control of the handler. If the service dog repeatedly acts inappropriately or is not under the control of its handler, the dog may be excluded from any University facility or event until the handler can demonstrate that the dog's inappropriate behavior has been addressed and the dog is under control. A dog may also be excluded if it poses a direct threat to the health and safety of individuals. This might include, but is not limited to, the dog's illness, lack of cleanliness, or presence in an inappropriate area that may put the dog or others at risk.

Cleaning up waste from a service dog is the sole responsibility of its handler. A service dog may be removed from the University's facilities if the animal is not housebroken. The dog's feces must be removed by placing the waste in a closed container and depositing it in an appropriate outdoor waste receptacle. If the dog creates a mess that the handler is unable to clean up, the handler should contact the staff responsible for cleaning the area. Any cost incurred by the University to clean up a mess or repair damage to property caused by a service dog will be the responsibility of the handler. If the dog has fleas, the handler may also be responsible for the cost of flea abatement in the areas where the dog resides, as well as other areas it frequents routinely.

Emotional Support/Therapy/Assistance Animals

Applicable laws: ADA
§ 504 of the Rehabilitation Act of 1973
Fair Housing Act

Definition: As defined by the Fair Housing Act, an emotional support/therapy/assistance animal may provide physical assistance, emotional support, calming, stability, and other kinds of support. The presence of the animal must be necessary in order to provide the resident with a disability the use and enjoyment of the dwelling. There must be an identifiable relationship or nexus between the disability and the assistance or support the animal provides. Emotional support/therapy/assistance animals do not perform work or tasks that qualify them as “Service Animals” under the Americans with Disabilities Act.

No emotional support/therapy/assistance animal may be in a residence hall without it having been approved as an accommodation for the resident by the ASAC. (Guests of any resident may not bring an emotional support/therapy/assistance animal into a resident hall.) Directions for registering with the ASAC and making such a request can be found at:

<http://www.american.edu/ocl/asac/For-Students-Eligibility.cfm>

The deliberative process that is necessary to consider a request for accommodation can take time. Residents should start the process of registering with the ASAC well in advance of when s/he would ideally like to bring the animal into the residence hall. Although the registration process may vary depending on the complexity of the request, residents are encouraged to begin the process at least four weeks in advance. Under no circumstances may an emotional support/therapy/assistance animal be brought into a residence hall without the approval of the ASAC.

If an animal is approved as an accommodation by the ASAC for a resident, the housing office will be notified. The housing office will in turn notify the other residents of the floor or community where the individual resides. The student will also be given a letter of accommodation verifying the approval of the accommodation. The letter of accommodation should be retained by the student so that she or he can provide it as proof of the approval of the accommodation, in the event that it is questioned. The letter will specifically state that the animal has been approved to accompany the student in his or her residence hall.

If the accommodation is approved, it shall be for one academic year and will need to be renewed annually.

Generally, emotional support animals are only permitted in an individual's university residence. However, requests for accommodations beyond the residence halls will be considered and assessed on a case-by-case basis by the ASAC.

Control removal of waste, and removal for a direct threat posed by an emotional support/therapy/assistance animal

All emotional support/therapy/assistance animals must be under the control of the individual who has had the animal approved as an accommodation by the ASAC (hereafter referred to as "owner"). If the animal repeatedly acts inappropriately or is not under control, the animal may be excluded from being on campus until it can be demonstrated that the animal's inappropriate behavior has been addressed and the animal is under control. (See, *infra*, Responsibility of Persons with Service Dogs or Emotional Support/Therapy/Assistance Animals.) An animal may also be excluded if it poses a direct threat to the health and safety of individuals. This might include, but is not limited to, the animal's illness, lack of cleanliness, and presence in an inappropriate area that might put the animal or others at risk.

Cleaning up the waste of an emotional support/therapy/assistance animal is the sole responsibility of the owner. The animal's feces must be removed by placing the waste in a closed container and depositing it in an appropriate outdoor waste receptacle. It is the responsibility of the owner to clean up any mess created by the animal. Any cost incurred by the University to clean up a mess or repair property damage caused by an animal is the responsibility of the owner. If the animal has fleas, the owner may also be responsible for the cost of flea abatement in the areas where the animal resides, as well as other areas it frequents routinely

Licensing Requirements for a Dog or a Cat Approved as an Emotional Support/Therapy/Assistance Animal

Proof of the following must be provided to the ASAC:

Dogs-

1. proof of up-to-date rabies and distemper vaccinations;
2. proof of sterilization (spaying or neutering); and
3. each dog over four months old must have a DC license and wear it on a collar at all times.

(Licenses can be obtained through the [District of Columbia's Department of Health](#).)

Cats-

1. Proof of up-to-date rabies and distemper vaccinations. (Kittens need distemper shots at eight weeks of age, and a booster every three weeks until they are 12-16 weeks old. Their first rabies shot is given at 14-16 weeks, and it is good for one year only. After receiving the second rabies shot, a cat must be re-vaccinated at least every three years; and
2. Proof of sterilization (spaying or neutering).

Limitations on Animals allowed in the District of Columbia and Emotional Support/Therapy/Assistance Animals

No animal will be approved as an emotional support/therapy/assistance animal that does not qualify as an allowable animal under DC law. Please note that:

DC Code § 8-1808(h) provides that:

“Except as provided in this subsection, no person shall import into the District, possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a household pet any living member of the animal kingdom including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), domesticated rodents and rabbits, captive-bred species of common cage birds, nonpoisonous snakes, fish, and turtles, traditionally kept in the home for pleasure rather than for commercial purposes, and racing pigeons (when kept in compliance with permit requirements).”

Special Considerations:

Due to the unique living environments of a university setting, i.e., density of population, food preparation, and multi-use of space, some types of animals may not be permitted even if such animals are permitted to be owned in the District of Columbia. If an emotional support/therapy/assistance animal is not a dog or cat, other restrictions may apply as warranted by the unique living environment.

Responsibility of Persons with Service Dogs or Emotional Support/Therapy/Assistance Animals

1. The animal must never be let out of the residence hall room without being attended and under the control of the handler. This means the animal must be on a leash or in a carrier or cage. The owner is liable for all actions of the animal and should be in total control and restraint of the animal at all times.
2. The owner must clean up all messes immediately. Any waste material, including litter, should be placed in a plastic bag and disposed of in an outside trash receptacle. Indoor trashcans should not be used for this purpose.
3. The animal must be properly cared for and nourished.
4. The animal must not be unduly disruptive or pose an immediate threat to others. The Assistant Vice President for Housing & Dining Programs, or his or her designee, shall be responsible for making such determinations about an animal's conduct within the Residence Halls. The Executive Director, University Police and Emergency Management, or his or her designee, shall be responsible for making such determinations about an animal's conduct on all other University Property. If a decision is made that an animal has been unduly disruptive or poses an immediate threat to others, the animal must be removed immediately. The owner may appeal the decision to whichever unit made the decision to remove the animal. The appeal shall be in writing and delivered, as appropriate, to either the Assistant Vice President for Housing & Dining Programs or the Executive Director, University Police and Emergency Management. A decision on the appeal will be made within three business days of receipt of the appeal and will be final.
5. In the event that the Assistant Vice President for Housing & Dining Programs, or his or her designee, or the Executive Director, University Police & Emergency Management, or his or her designee, determines that an animal should be removed from campus, including a residence hall, for disruptive behavior, provided the decision is not based on the animal posing an immediate threat or being unduly disruptive (see 4 above), the owner shall be given written notice to remove the animal within 48 hours. The owner will have 24 hours to respond. The response, if any, will be reviewed and a final decision made within the same 48 hour period. The decision of the Assistant Vice President for Housing & Dining Programs, or his or her designee, or the Executive Director, University Police & Emergency Management, or his or her designee, shall be final.

6. All liability for the actions of the animal (bites, scratches, running away, etc.) are the responsibility of the owner. The University encourages owners to consider appropriate liability insurance.
7. The owner is responsible for taking all reasonable precautions to protect the property of the University and its residents.
8. If the owner takes vacation or has extended leave (more than 24 hours), the animal must be removed from the residence hall.
9. If the owner resides in a residence hall, the owner will notify the Resident Director if the animal escapes.
10. Necessary precautions should be made for Facilities Management and other University personnel to enter the residence hall room when the owner is not present. The animal must be caged or crated, or removed from the room, during the time that University personnel are in the room. The University is not liable if the animal escapes during one of these visits.
11. The owner of an emotional support/therapy/assistance animal in a residence hall will provide to Housing & Dining Programs, the emergency contact information of an individual to who will be on call to care for the animal in the event the owner is unable to care for the animal.
12. Owners of animals are solely responsible for any damage to University property caused by the animal. This shall include, after the owner vacates the premises, any cleaning outside that routinely done for any room. Cleaning services outside those routinely performed may include, but are not limited to, steam cleaning of all carpets and drapes, and abatement for fleas or other pests and odor. If furniture requires replacing, that also shall be the responsibility of the owner. Any such fees will be posted to the owner's individual student account.

Questions or concerns about these guidelines should be addressed to:

Academic Support and Access Center
American University
Mary Graydon Center 243
4400 Massachusetts Ave., NW
Washington, DC 20016-8027
202-885-3360
asac@american.edu