

Service & Assistance Animals in University Housing

University Operations - Facilities and Support

EWU Policy 204-08

Authority: EWU Board of Trustees

Effective: December 11, 2020

Proponent: Vice President for Student Affairs

Purpose: This policy prescribes university standards and procedures for providing resident owners of Service or Assistance animals ("Owner[s]") with equal access to university housing and to clarify owner and university roles and responsibilities.

History: This policy updates a previous version of the policy adopted by the Board of Trustees on December 6, 2019. It was approved by the Board of Trustees on December 11, 2020.

Applicability: This policy applies to persons residing in university housing facilities. This policy pertains to university housing facilities only. The use of service animals on EWU property or in EWU facilities other than housing is governed by EWU Policy 603-10 (Service Animals).

1. POLICY

Residents in university housing facilities are entitled to keep a service or assistance animal subject to the requirements of this policy.

2. DEFINITIONS

a. **Service Animals:** A service animal is any dog or miniature horse individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, mental, psychological, intellectual, or other mental disabilities. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples may include, but are not limited to, assisting individuals who are blind, pulling a wheelchair, assisting an individual during a seizure, or providing assistance with balance and stability. 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.

b. **Assistance Animals:** An animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals are also referred to as therapy, comfort or emotional support animals.

3. SERVICE ANIMALS

a. A service animal is permitted within university facilities, including housing, in accordance with EWU Policy 603-10 (Service Animals).

b. **Restrictions:** For those animals that qualify as service animals, the university may prohibit the service animal from being present in university housing if the animal:

- (1) is out of control and the handler does not take effective action to control it;
- (2) is not housebroken; or,
- (3) poses a direct threat to the health or safety of others that cannot reasonably be eliminated or reduced to an acceptable level.

4. ASSISTANCE ANIMALS - RESTRICTIONS

a. Only animals belonging to persons who reside in university housing may be designated as assistance animals. All other animals on campus, with the exception of Service Animals and Working Animals, shall be considered 'pets' and are subject to the provisions of Chapter 172-115, WAC, Pet Control. An approved assistance animal is permitted in living areas and in common areas of the university housing facility in which the owner resides. They are not permitted in other facilities on campus unless approved as part of a disability accommodation plan.

b. Designation as an assistance animal is applicable only within the confines of the specific housing facility in which the animal owner resides. Once taken outside of that specific university housing facility, a designated assistance animal shall be considered a 'pet' and is subject to the provisions of Chapter 172-115, WAC, Pet Control.

c. The following animals are generally not eligible for designation as an assistance animal and will not be permitted in university housing:

- (1) Any wild or poisonous animal.
- (2) Animals requiring feeding of live food (exception for feeding of insects and fish).
- (3) Animals whose waste cannot be contained in a cage, aquarium, or litter box.

d. The university reserves the right to prohibit a specific assistance animal if allowing the animal would impose an undue financial or administrative burden, would fundamentally alter the university's housing services, or if there is evidence that:

- (1) the specific animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or,
- (2) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

5. ALL ANIMALS

a. Animal Care, Treatment and Licensing

Owners are responsible for compliance with state and local laws including, but not limited to, the following:

- (1) Owners must ensure that their animal is in good health and is suitably vaccinated in compliance with Spokane County Code 5.04.031. A veterinarian certificate is required annually and prior to any animal being allowed in housing.
- (2) Owners are solely responsible for the care, behavior, and oversight of their animal. Neglect and abuse of animals is a crime. RCW 16.52.
- (3) Owners must ensure that their animal is licensed as required by Spokane County Code 5.04.030.
- (4) Owners of inherently dangerous mammals and reptiles must be licensed and in full compliance with Spokane County Code 5.12.

b. Handling of the Animal

- (1) Owners must maintain control of their animal at all times.
- (2) Owner's animal must be leashed, caged, or otherwise within Owner's physical control while outside of Owner's assigned residence. Assistance animals are not allowed in university

facilities other than housing in accordance with WAC 172-115.

(3) The animal must wear an identification tag bearing the Owner's name at all times.

(4) The animal must have a designated emergency contact listed for care in the event the owner is unable to care for the animal. Emergency contact information will be collected as part of the approval process.

c. Maintenance of Facilities

(1) Owners are responsible for maintaining the cleanliness of his/her animal and must immediately clean up any messes left or created by the animal.

(2) Owner must immediately report any damage to property caused by the animal to Housing and Residence Life.

(3) Owner will be charged for repair and/or cleaning for any damage to property outside of reasonable wear and tear caused by the animal. Normal wear and tear is defined as unavoidable deterioration in the dwelling resulting from normal use. For example, minor wear of carpet or floor coverings in traffic areas is normal wear and tear, while a stain and/or odor from animal waste is not.

(4) 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 routinely frequents.

(5) Owner must indicate the presence of the animal on any and all work orders filed.

d. Location of the Animal

(1) Owner must not leave their animal unattended in Owner's assigned residence or any other part of university housing for more than twenty-four (24) hours. When the owner is not present, the animal must be confined to the Owner's assigned residence.

(2) Owners are encouraged to contact the Housing Office to request that the university mark the exterior of the residence to alert those entering the residence to the presence of the animal.

e. Entry by University Staff and Contractors

(1) Members of university staff or contracted vendors occasionally enter residences for repairs or inspection. Except in emergencies or where notice is impractical, the university will provide at least twenty-four (24) hours-notice prior to entry to allow

the Owner time to confine the animal or arrange alternate placement of the animal while staff or contractors are present. Upon receipt of notice of entry, the Owner should contact his/her Residential Life Coordinator/Area Coordinator to determine the scheduled entry time.

(2) When a resident requests maintenance through the regular maintenance request process, the Owner has given authorization to enter the room and should make arrangements to confine the animal or arrange alternate placement because most maintenance requests are performed within the 2-day window.

(3) In the case of University Apartments, Owner will be notified of the plan for entry through their university e-mail account and given an approximate time frame that the staff or contractor will be present.

(4) In the event university staff or contracted vendors require access to Owner's residence, Owner may be requested to temporarily remove the animal for cases in which the nature of the maintenance work makes it impractical for the animal to be present.

(5) University staff and contracted vendors will not be held responsible if Owner's animal escapes from Owner's assigned residence during a pre-announced repair or maintenance visit.

f. Emergency Evacuation

University personnel are not responsible for removal of Owner's animal during emergency evacuations or in events such as fire alarm drills.

g. Emergency Evacuation

Any display of aggressive behavior by the animal may result in immediate and permanent removal of the animal from university housing.

h. Emergency Care

University personnel are not responsible for care of an animal during emergencies or owner absence. If the owner is known to be absent for longer than 24 hours, university personnel will contact the animal's emergency contact. If the owner does not return within the next 24 hours and the emergency contact is not available to provide care, university personnel will contact local animal emergency services to remove the animal.

6. COMPLAINTS

Persons who wish to report a violation of this policy may do so by contacting a residence hall coordinator, area coordinator, apartment manager, or the director of housing. Such complaints should be referred to the ADA Coordinator. Complaints shall be handled as follows:

a. The ADA Coordinator or designee shall investigate complaints of violations of this policy.

b. The ADA Coordinator will inform the owner that an investigation is taking place.

c. Investigations shall be guided by the provisions of EWU Guideline 401-01, Investigations.

d. The ADA Coordinator shall provide a report of their findings to the housing director.

e. The housing director, or designee, shall determine if a violation occurred and what corrective actions, if any, will be taken to resolve the complaint and shall inform the owner of all findings and necessary corrective actions.

f. The owner may appeal the corrective actions by filing an appeal with the Vice President for Student Affairs (for students) or Vice President for Business & Finance (for non-student owners). Any appeal must be filed within 5 calendar days of the date the owner is notified of the investigative findings.

7. PROCEDURES FOR ASSISTANCE ANIMAL DESIGNATION

a. Requests for an assistance animal must be approved in advance by Disability Support Services (for students) or Human Resources (for non-students) before the animal is permitted in university housing.

b. Requests must include current (within the last 6 months) documentation of the following from a qualified medical provider:

(1) Verification of the animal owner's disability;

(2) Statement on how the animal serves as an accommodation for the verified disability. There must be a nexus between the individual's disability and the assistance the animal provides; and

(3) Statement on how the need for the animal relates to the ability of the person/ family member to use and enjoy university housing.

c. Approvals for assistance animals will be valid for the current academic year and must be renewed annually before the animal is permitted on campus.

Any denial of a request for an assistance animal may be appealed to the Vice President for Student Affairs (for student owners) or with the Vice President for Business & Finance (for non-student owners). The appeal must be filed, in writing, within 5 calendar days of the date the resident is notified of the denial.

d. In assessing whether a person's request for an assistance animal is a reasonable accommodation, the university may consider a variety of factors in determining whether the request imposes an undue financial or administrative burden, poses a direct threat to the health or safety of others, or would result in significant physical damage to the property of others that cannot be eliminated or reduced, including, but not limited to, room size, location, roommate assignment, allergies, accommodation needs of other residents, and/or documented toxicity or danger of particular animals.

8. RELEASE OF INFORMATION

a. Housing and Residential Life may notify university staff, such as Area Coordinators, Residential Life Coordinators, Community Advisors, on-site managers and other staff with a legitimate need to know of the presence of the animal.

b. All roommates or suitemates of the Owner must be notified of the animal and sign an agreement allowing the animal to reside with them. In the event one or more roommates or suitemates does not approve, either the owner and animal or the non-approving roommates or suitemates, as determined by Housing and Residential, may be moved to a different location.

9. VIOLATIONS

Violations of this policy may result in removal of owners and/or animals from university housing facilities and may also subject violators to disciplinary action under the student conduct code or university employment policies.

APPENDIX A - ACKNOWLEDGEMENT

I acknowledge receipt of EWU Policy 402-08, *Service & Assistance Animals in University Housing* and have been given the opportunity to discuss the policy with a representative of Disability Support Services (for students) or Human Resources (for non-students). I understand and agree to fully comply with the policy.

I understand that if I have any questions or concerns pertaining to these expectations or regarding my ownership of a service or assistance animal in university housing, or if I have questions or concerns pertaining to my use of a service or assistance animal in university non-housing facilities, that I may contact the Disability Support Services office (for students) or Human Resources (for non- students) to discuss my questions or concerns.

Owner Name (Please Print)

Owner Signature

Date

DSS/HR Staff Name (please Print)

DSS/HR Staff Signature

Date

Animal Emergency Contact Information:

Name

Phone

Address

City

State

ZIP

*Emergency contact may not reside on campus.