

Service Animals

Health & Safety – Public Safety

EWU Policy 603-10

Effective: December 6, 2019

Authority: EWU Board of Trustees

Proponent: Vice President for Business & Finance

Purpose: This policy prescribes university standards and responsibilities related to individuals with disabilities requiring the assistance of a service animal.

History: This policy supersedes the previous version dated June 28, 2018. It was adopted by the EWU Board of Trustees (BOT) on December 6, 2019.

Applicability: This policy applies to the use of a service animal on EWU property or in EWU facilities, except university housing. The presence of service animals in university housing is governed by EWU Policy 204-08 (Service and Assistance Animals in University Housing).

1. POLICY

1-1. Background

Eastern Washington University provides individuals with disabilities, who require the assistance of a service animal, with equal opportunity to access University property, courses, programs, and activities.

2. DEFINITIONS

2-1. Service Animal

A service animal is any dog or miniature horse that is 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.

2-2. Assistance Animal

An assistance animal is 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 (also known as therapy, comfort, or emotional support animals) are not considered service animals under this policy, unless they also meet the definition of a service animal. If a person with a disability wishes to bring an assistance animal on campus, the person must file a request for a reasonable accommodation in accordance with EWU 403-03 Accommodating Persons with Disabilities prior to bringing the animal on campus or in a university facility.

2-3. Owner

Owner means a person having an interest in or right of possession to a service animal, or any person having control, custody, or possession of a service animal.

3. WHERE SERVICE ANIMALS ARE ALLOWED

Generally, the owner of a service animals is permitted to be accompanied by their service animal in all areas of the University's facilities and programs where the owner is allowed to go. Such areas include public areas, public events, classrooms, and other areas where University programs or activities are held. Limited exceptions for service animal access are noted in Section 7 below.

An owner is permitted to have multiple service animals only when the service animals are trained to perform different tasks or it is necessary to have two animals to perform a task.

4. ASSESSING SERVICE ANIMAL STATUS

4-1. Permitted Inquiries

University personnel must permit a service animal access to an event or facility with its owner when it is readily apparent that the animal is trained to do work or perform tasks for its owner. Examples include a dog guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

If the need for the service animal is not apparent, University personnel may only ask the following of service animal owners:

- A. Whether the service animal is required because of a disability; and
- B. What work or task the animal has been trained to perform.

If the owner states that the animal is required because of a disability and that the animal has been trained to do work or a task for the owner, then the service animal must be admitted. (See Section 7 for areas where a service animal may be excluded.) If there is any doubt that an animal is a service animal, University personnel should admit the animal and then consult with the ADA Compliance Officer regarding future access.

Service animal owners must not be asked about the nature of their disability or for medical documentation of it, except as provided in Section 8 below. Owners may not be asked for a special registration, identification card, license, or other documentation that the animal is a service animal, or to demonstrate the animal's ability to perform work or tasks.

It is a violation of state law for a person to expressly or impliedly represent an animal as a service animal in order to bring the animal on campus when such person knew or should have known the animal did not meet the definition of a service animal.

4-2. Disability Support Services

Service animal owners are not required to register their service animal with the University. Service animal owners, including students, employees and guests, who regularly access University buildings are encouraged to contact DSS or HR. DSS and HR can then assist the owner by providing advance notice to University personnel, such as faculty, advisors, building coordinators, etc., that the owner and service animal are entitled to access.

5. SERVICE ANIMAL OWNERS' RESPONSIBILITIES

Service animal owners are responsible for complying with Chapter 172-115 WAC, at Eastern Washington University, including:

- A. Keeping the service animal under their direct control at all times, such as by a harness, leash, or other tether; however, if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice control, signals, or other effective means;
- B. Ensuring the service animal does not disturb or disrupt normal academic or administrative functions;
- C. Immediately cleaning up after the service animal and properly disposing of the service animal's waste or other debris;
- D. Preventing the service animal from entering any pond, fountain, or stream located on University premises; and
- E. Complying with any relevant city, county, and/or state license and leash laws while the service animal is on University premises;
- F. Having a plan for the animal to be cared for, including in emergency situations. EWU employees cannot take care of a service animal for an owner.

The owner is responsible for damage or injury caused by the service animal.

6. REMOVAL OF SERVICE ANIMALS FROM UNIVERSITY FACILITIES

University personnel may only ask service animal owners to remove their service animal from University premises or from the immediate area as follows:

- A. If the service animal is not under the owner's direct control or the service animal is disturbing or disrupting the normal administrative, academic, or programmatic routine, then the owner must first be given an opportunity to get the animal under control. If the disruption or disturbance continues, then the owner may be asked to remove the animal; or
- B. If the presence, behavior, or actions of the service animal constitutes an immediate risk or danger to people or property, the owner can be asked to immediately remove the animal and 911 (emergency assistance) may be contacted.

If asked to remove the service animal, the owner must be offered the opportunity to return to the University premises or the immediate area without the service animal and be provided with reasonable assistance at that time to participate in the University service or program.

A service animal may only be excluded for an individual event based on its or the owner's behavior at that event. The service animal or its owner cannot be excluded from future events based on a problem at a past event, except as provided in Section 10.

If a service animal is removed from a university facility, the university employee removing the animal should file a report with the ADA compliance officer. The report should identify the owner of the animal and the reasons why the animal was removed.

Owners with concerns about the removal of their service animal should contact the ADA Coordinator.

7. RESTRICTIONS ON ACCESS FOR SERVICES ANIMALS

A service animal may be restricted from specific areas of the University when consistent with other University policies, state, and/or federal laws/regulations. Examples of these areas may include:

- A. Food preparation areas;
- B. Animal research facilities and grounds;
- C. Medically sensitive patient and clinic areas; and
- D. Biologically sensitive or hazardous research sites.

If a service animal is restricted from certain areas, DSS/HR is available to assist in evaluating reasonable accommodations for the owner.

8. SERVICE ANIMALS IN UNIVERSITY HOUSING

Requests to have a service animal in University housing must be made through the appropriate housing office or DSS in accordance with EWU Policy 204-08 (Service and Assistance Animals in University Housing). University residential housing kitchens and food preparation areas located in common use areas for residents are not considered University food establishments, but are part of residential housing and are covered by EWU Policy 204-08.

9. UNIVERSITY RESOURCES

The University's ADA Compliance Officer is available to review individual concerns relating to compliance, provide compliance support for anyone at the university regarding ADA requirements and conduct investigations if an individual feels their accommodation was not met.

Raymond Rector
 ADA Compliance Officer
 211 Tawanka Hall
 Telephone: (509) 359-6612
 Email: rrector4@ewu.edu

Disability Support Services is available to assist students in discussing, developing and providing resources regarding reasonable accommodation plans and other related services.

Disability Support Services
 121 Tawanka Hall
 Cheney, WA 99004
 Email: DSS@ewu.edu
 Telephone: (509) 359-6871
 Fax: (509) 359-7458
<https://sites.ewu.edu/dss/>

HR is available to assist job applicants and employees with discussing, developing and providing resources regarding reasonable accommodations plans and other related services.

Human Resources Office
 314 Showalter Hall
 Cheney, WA 99004
 Email: HR@ewu.edu
 Telephone: (509) 359-2381
 Fax: (509) 359-2874

10. COMPLAINT PROCESS

Anyone who believes this policy has been violated may file a complaint with the University ADA Compliance Officer or DSS. If it is determined this policy has been violated by an owner of a service animal, depending on the seriousness of the animal's conduct or repeated conduct, service animals may be excluded from University property temporarily or permanently. This decision will be made following an investigation. If a service animal is excluded, DSS or HR offices are available to assist in evaluating reasonable accommodations for the owner.

Owners who violate this policy or disregard an instruction to remove or exclude a service animal from University property may be subject to additional penalties, including banning from any University property, assessment of the costs of injury or damage caused by the service animal, or other fines or penalties under applicable city, county, or state rules, regulations, or laws. Violations of this policy by an owner who is a University student or employee may be referred for corrective or disciplinary action.

Complaints shall be handled as follows:

- A. The ADA Compliance Officer shall investigate complaints of violations of this policy.
- B. The ADA Coordinator will inform the owner that an investigation is taking place. Investigations shall be guided by the provisions of EWU Guideline 401-01, Investigations. The investigator will provide a report of his/her findings to the Associate Vice President for Civil Rights and Compliance. The Associate Vice President, or designee, shall determine if a violation has occurred and what corrective actions, charges, or restrictions may be appropriate.
- C. The owners may appeal the corrective actions, charges, or restrictions by filing an appeal with the Vice President for Business & Finance. Any appeal must be filed within 5 calendar days of the date the owner is notified of the AVP's determination.

11. RELEVANT POLICIES

- A. Americans with Disabilities Act (ADA) of 1990 as amended;
- B. Section 504 of the Rehabilitation Act of 1973 (P.L. 93-11) and 45 CFR Part 84;
- C. Chapter 49.60 RCW;
- D. WAC 172-115 Pet Control; and
- E. EWU 402-03 Accommodating Persons with Disabilities

- F. EWU Policy 204-08 Service and Assistance Animals
in University Housing

12. EXTERNAL RESOURCES

United States Department of Education Office for Civil
Rights

Email: ocr@ed.gov

Phone: (800) 421-3481

Equal Employment Opportunity Commission

Phone: (800) 669-4000

TTY: (800) 669-6820

Washington State Human Rights Commission

Phone: (800) 233-3247

TTY: (800) 300-7425