

**Muhlenberg College
Office of Disability Services
Service Animal Policy**

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Section I. General Policy and Description:

The Americans with Disabilities Act (ADA) Sec. 36.302 © (1), requires that a public accommodation modify its policies, practices and procedures to permit the use of a Service Animal by an individual with a disability in any area open to the general public. (Corresponding Pennsylvania laws would also apply when discussing the oversight authority.)

The Americans with Disabilities Act and the U.S. Department of Justice have established guidelines for inquiries about the use of a service animal in cases where the animal's purpose is not readily apparent. Two questions may be asked to determine whether an animal qualifies as a service animal:

1. Is the dog required because of a disability?
2. What work or task has the dog been trained to perform?

Muhlenberg College recognizes that Service Animals can play an important role in facilitating the independence of individuals with certain types of disabilities. Allowing individuals with disabilities to be accompanied by their appropriately trained Service Animal in campus facilities where animals are typically prohibited, is a reasonable modification of general Muhlenberg policies and practices concerning animals on campus. The health and safety of Muhlenberg College students, faculty, staff, as well as, the service animal are important. The health and safety of Muhlenberg College students, faculty, staff, as well as the Service Animal is important, therefore, only Service Animals that meet the criteria described in this policy will be exempt from the rules that otherwise restrict or prohibit animals.

In compliance with applicable laws, Muhlenberg College allows service animals in its academic and non-academic buildings, classrooms, residence halls, meeting areas, dining areas, recreational facilities, and at all campus activities and events, when the animal is accompanied by an individual with a disability who indicates the service animal is trained to provide a specific service to them that is directly related to their disability.

Generally speaking, the Muhlenberg College staff and faculty may not make any inquires regarding the presence of a Service Animal when it is readily apparent that the dog is trained to do work or perform a task foran individual with a disability.

Section II. Definitions and Terminology (reference-Americans with Disabilities Act, Sec. 36.1(4))

Handler: A person with a disability that a service animal assists or a personal care attendant who handles the animal for a person with a disability.

Service Animal: Is defined as “any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability including, but not limited to: guiding, alerting, pulling a wheelchair, fetching, opening doors, is classified as a service animal under the Americans with Disabilities Act.” Areas of disability may include physical, sensory, psychiatric, intellectual or other mental disabilities. The work or tasks performed must be directly related to the individual’s disability.

Guide Dog: A carefully trained dog that serves as a travel tool for a person with severe visual impairments or who is blind.

Hearing or Signal Dog: A dog that has been trained to alert a person with significant hearing loss, who is deaf, or has a hearing-related disability when a particular sound occurs.



Sensory or Signal (Sig) Dog: A dog trained to assist a person with autism. The dog alerts the handler to distracting, repetitive movements and may provide support similar to the provided by a dog for a person who is vision or hearing impaired.

Seizure Response Dog: A dog trained to assist a person with a seizure disorder. How the dog serves the person depends on the person’s needs. The dog may stand guard over the person during a seizure or may go for help.

Dog in Training: A Service Dog in the process of being trained. The dog has the same rights as a fully trained Service Animal.

Place of public accommodation: Places that serve the public generally must allow service animals to accompany a person with a disability in all areas of the facility where the public is normally allowed to go.

**Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal where reasonable. The regulations set out four assessment factors Muhlenberg College will reference when determining whether a miniature horse can be accommodated at the institution.*

Section III Documentation Requirements-

Muhlenberg College cannot require documentation, such as proof the dog has been certified, trained or licensed as a service animal.

1. **Students:** The students with disabilities who require the use of a Service Animal are not required to register with the Office of Disability Services related to the use of the Service Animal. Students bringing a Service Animal to the Muhlenberg College campus must abide by all state and local requirements for the presence of animals in public places including vaccinations, licensure, and identification tags, as appropriate.

While not required to contact or “register” the Service Animal with the Office of Disability Services, it is encouraged that students with disabilities contact the Office of Disability Services for additional information regarding additional accommodations or services that they may need in addition to the Service Animal component.

2. **Faculty and Staff:** Faculty / Staff who are not seeking accommodations are not required to submit documentation regarding the use of a Service Animal on campus. However, should Faculty/Staff require job-related accommodations and services, they should contact and provide documentation to the Human Resources Office.
3. **Visitors to Campus:** Visitors need not report the presence of a Service Animal when on campus, but are expected to follow all components of the Muhlenberg College Service Animal Policy located on the Office of Disability Services website.

Section IV Responsibilities of the Handler

- ▶ The cost of care, arrangements and responsibilities for the well-being of the animal are the sole responsibility of the handler at all times.
- ▶ The dog should be on a harness, leash, or other tether unless either the handler is unable because of a disability to use a harness, leash, or other tether; or the use of such would interfere with the service animal’s safe, effective performance of work or tasks.
- ▶ To the extent possible, the dog should be unobtrusive to other individuals and the learning, living and working environment.
- ▶ It is recommended, **but not required**, that the dog wear some type of easily recognizable identification designating it as a Service Animal (ex: vest, badge, backpack).
- ▶ The dog should respond to voice commands or hand commands at all times, and the handler is in full control at all times.
- ▶ The dog must be housebroken.



- ▶ The handler is responsible for cleaning up after the dog's waste. If the handler is not physically able to clean up after the dog, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal.
- ▶ The handler should ensure that the dog does not block aisles or passages for fire egress.
- ▶ The animal must be clean.
- ▶ The animal must be in good health.
- ▶ Handlers are responsible for any damage or injuries caused by their dog and must take appropriate precautions to prevent property damage or injury.

Additional Responsibility of the Handler in Residential Housing:

While not required, Muhlenberg College asks as a courtesy, that students requiring a Service Animal who plan to reside in the Residence Halls inform the College of their intention to have a Service Animal in residence. Advance notice of a service animal for on-campus housing may allow for additional time to submit the service animal's records and provide appropriate applications if additional Special Housing Requests are being requested by the student.

- ▶ Records, including the animal's licensing and current vaccinations, required by the City of Allentown, will need to be provided to the Office of Disability Services prior to acquiring residency. The dog must wear licensing tags.
- ▶ The handler must also follow the above mentioned Handler Responsibilities listed above.
- ▶ The handler is financially responsible for the actions of the Service Animal including bodily injury or property damage including but not limited to any replacement of furniture, carpet, window or wall covering, etc.
- ▶ The handler is responsible to designate an alternative caregiver for the animal if the handler becomes ill or unavailable
- ▶ Should the Service Animal be removed from the premises for any reason, the handler is expected to fulfill his/her housing obligations for the remainder of the housing contract.

Section V Exclusion of Service Animals

While Muhlenberg College recognizes that Service Animals can play an important role in facilitating the independence of individuals with certain types of disabilities, the College may not permit a Service Animal to be on campus if it poses a substantial and direct threat to the health or safety of others or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. If the Service Animal is directed to be removed, Muhlenberg College Office of Disability Services will work with the handler to determine reasonable alternative accommodations to participate in the service, programs, or activity provided by the college. Muhlenberg College will make those determinations on a case-by-case basis.

It is the handler's responsibility to ensure the safety of a Service Animal. While legal access rights are afforded users of Service Animals, with that comes the responsibility of ensuring that

the animal behaves and responds appropriately at all times in public. Disregard for the responsibilities and care may result in the handler's rights being denied.

1. **Disruptive Behavior:** A handler may be directed to remove the Service Animal that is out of control and the handler does not take effective action to control the dog. This behavior may include, but is not limited to, barking, whining, growling, wandering, sniffing (people, food, tables, others belongings), initiating contact with someone without owner's permission. If the improper behavior happens repeatedly, the handler may be prohibited from bringing the animal onto the college campus until the handler can demonstrate significant steps to mitigate the behavior have been implemented.
2. **Non-housebroken Dog:** The handler may be directed to remove a dog that is not housebroken.
3. **Illness:** Any animal that is ill shall not be permitted on any campus grounds.
4. **Hygiene:** A handler may be asked to remove a Service Animal if poor hygiene issues exist. The poor hygiene issues may include but are not limited to dogs that are physically dirty, emit strong, unpleasant odors, or have fleas or ticks.
5. **Aggressive Behavior:** A handler may be directed to remove an animal that Muhlenberg College determines to be a substantial and direct threat to the health and safety of another individual or service Animal on campus. Action in these cases will be determined on a case by case basis.
6. **Violation of Restricted Areas:** The presence of the Service Animal may be restricted in specific areas off-limit to all animals due to health and safety concerns. These areas include, but are not limited to, research laboratories, and areas where protective clothing is necessary, mechanical rooms, or custodial closets.

Section VI Emergency Situations

In the event of an emergency, emergency responders who respond should be trained to recognize Service Animals and to be aware that the animal may be trying to communicate the need for help. During emergencies, the animal may become disoriented or agitated from the smell or smoke if a fire, from sirens or wind noise, or from shaking and moving ground. The handler and/or Service Animal may be confused by the stress of a particular situation. The emergency responder should be aware that the animal is trying to be protective of its handler and may react defensively. The emergency responder should make every reasonable effort to keep the animal with its handler. However, the emergency responder's first effort should be toward the handler and this may necessitate leaving an animal behind in certain emergency evacuation situations.

Section VII Conflicting Disabilities

Muhlenberg College is aware that persons at the College may have a condition or disability that may precipitate an allergic reaction to the Service Animal. Persons who have asthma/allergy/medical issues because of the Service Animal are to be directed to make their

concerns to the Office of Disability Services and Health Services Office. Action will be taken to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.

Section VIII Appeals Process

Appeals should be submitted to the Office of Disability Services. The Office of Disability Services will form an ad hoc committee to discuss and resolve the issue(s). The ad hoc committee will be comprised of key representatives from Muhlenberg College Departments and other appropriate personnel.

Section IX Public Etiquette - Faculty, Staff and Students

Service Animals are working and are not considered pets. Muhlenberg College faculty, staff and students should refrain from the following interaction with the Service Animal:

- ▶ Prevent a Service Animal from accompanying its handler at anytime and anywhere on campus except where specifically prohibited.
- ▶ Should not pet, feed, or otherwise distract a Service Animal who is “on duty”.
- ▶ Startle, tease, or taunt the Service Animal
- ▶ Attempt to separate the Service Animal from its handler

Resources:

ADA National Network, Information, Guidance, and Training on the Americans with Disabilities Act by DBTAC, *Service Animals and Emotional Support Animals: Where are they allowed and under what conditions?*, 2011

OSU Service & Assistance Animal Policy, Oregon State University, Last Updated: 10-8-2012 (Adapted with permission)

Bridgemont Community and Technical College, Montgomery , West Virginia. Board of Governors Approved. (Adapted with permission)

www.ada.gov - ADA Business Briefs: Service Animals

www.ada.gov/service_animals_2010.htm - U.S. Department of Justice, Civil Rights Division, ADA Requirements: *Service Animals*

www.usdoj.gov/crt - Section 504; Americans with Disabilities Act (ADA); ADA Rules and Regulations Regarding Service Animals, 28 Code of Federal Regulations (CRF) Part 36