

Bemidji State University Policies

Policy Name: Service and Emotional Support Animals Policy	Effective Date: April 1, 2017
Policy Owner: Executive Director of Enrollment Management	Last Review: 3/1/2018
	Next Review: 9/1/2021

Policy Statement

In compliance with applicable law, Bemidji State University generally allows service animals in its buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied by an individual with a disability who indicates the service animal is trained to provide, and does provide, a specific service to them that is directly related to their disability.

Emotional Support Animals that are not service animals under the ADA may still be permitted, in certain circumstances, in university housing pursuant to the Fair Housing Act.

Bemidji State University may not permit service or emotional support animal when the animal poses a substantial and direct threat to health or safety or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. Bemidji State University will make those determinations on a case-by-case basis.

Scope and Purpose of Policy

Bemidji State University is committed to providing members of the BSU community with disabilities equal access to programs, services and physical facilities. It is acknowledged that some members of the community with disabilities may require the use of service or emotional support animals while at BSU. Below are guidelines concerning the appropriate use of and protocols associated with service animals and emotional support animals. BSU reserves the right to amend these guidelines as needed, with or without prior notice.

Definitions

Partner/Handler is a person with a disability that a service animal assists or personal care attendant who handles the animal for a person with a disability.

Service Animal is defined as a dog that has been 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 and meets the definition of "service animal" under the Americans with Disabilities Act (ADA) Title II Regulations 35.104. The work or tasks performed must be directly related to the individual's disability.

Examples include, but are not limited to: assisting individuals who are blind or have low vision with navigation and 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 an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, 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 purposes of this definition.

Under particular circumstances set forth in the ADA Title II Regulations 35.136(i), a miniature horse may qualify as a service animal and must meet the definitions and regulations set forth by the ADA Title II Regulations 35.136(i).

Emotional Support Animal (ESA) an emotional support animal (ESA) is a companion animal that provides therapeutic benefit, such as alleviating or mitigating some symptoms of the disability, to an individual with a mental or psychiatric disability. Emotional support animals are typically dogs and cats, but may include other animals. In order to be prescribed an emotional support animal by a physician or other medical professional, the person seeking such an animal must have a verifiable disability. To be afforded protection under United States federal law, a person must meet the federal definition of disability and must have a note from a physician or other medical professional stating that the person has that disability and that the emotional support animal provides a benefit for the individual with the disability. An animal does not need specific training to become an emotional support animal.

An Emotional Support Animal (ESA) is one that is necessary to afford the person with a disability an equal opportunity to use and enjoy University housing. Emotional Support Animals do not perform work or tasks that would qualify them as “service animals” under the Americans with Disabilities Act. Emotional Support Animals that are not service animals under the ADA may still be permitted, in certain circumstances, in university housing pursuant to the Fair Housing Act.

Pet is an animal kept for ordinary use and companionship. A pet is not considered a service or emotional support animal. Pets are not permitted in the facilities of BSU and any pets on the grounds of BSU must be under appropriate restraint (leash, cage, etc.) and must be in close proximity to the owner at all times. BSU may, in its sole discretion, require the removal of pets on its grounds for any reason, including but not limited to, failure to be appropriately restrained.

Procedures

I. Bemidji State University Inquiries Regarding Service Animals

- A. In general, BSU will not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. BSU may ask:
 - 1. If the animal is required because of a disability and;
 - 2. What work or task the animal has been trained to perform.
- B. BSU cannot require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, BSU may not make any inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
- C. Specific questions related to the use of service animals on the BSU campus by visitors can be directed to the Director of Disability Resource Center.

II. Responsibilities of Handlers

- A. Students who wish to bring a service animal to campus are strongly encouraged to partner with the Disability Resource Center, especially if other academic accommodations are required. Additionally, students who plan to live in on-campus housing are strongly encouraged to inform Housing and Residence Life that they plan to have a service animal with them in student housing. Advance notice of a service animal for on-campus housing may allow more flexibility in meeting student's specific requests for housing. Staff and faculty with service animals are encouraged to contact Human Resources.
- B. Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the handler at all times.

III. Service Animal Control Requirements

- A. The animal should be on a leash when not providing a needed service to the handler.
- B. The animal should respond to voice or hand commands at all times, and be in full control of the handler.
- C. To the extent possible, the animal should be unobtrusive to other individuals and the learning, living, and working environment.

- D. Identification – It is recommended that the animal wear some type of commonly recognized identification symbol, identifying the animal as a working animal, but not disclosing disability.

IV. Animal Etiquette

- A. To the extent possible, the handler should ensure that the animal does not:
 1. Sniff people, dining tables or the personal belongings of others.
 2. Display any behaviors or noises that are disruptive to others, unless part of the service being provided to the handler.
 3. Block an aisle or passageway for fire egress.

V. Waste Cleanup Rule

- A. Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically able to clean up after the animal, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal. The person cleaning up after the animal should abide by the following guidelines:
 1. Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
 2. Properly dispose of waste and/or litter in appropriate containers.

VI. Removal of Service Animals

- A. Service Animals may be ordered removed by Public Safety or the Director of Disabilities Services for the following reasons:
 1. Out of Control Animal: A handler may be directed to remove an animal that is out of control and the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any university facility until the handler can demonstrate that s/he has taken significant steps to mitigate the behavior.
 2. Non-housebroken Animal: A handler may be directed to remove an animal that is not housebroken.
 3. Direct Threat: A handler may be directed to remove an animal that BSU determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like certain laboratories or mechanical or industrial areas.
- B. When a service animal is properly removed pursuant to this policy, BSU Disabilities Services will work with the handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the service animal on the premises.

VII. Conflicting Disabilities

- A. Some people may have allergic reactions to animals that are substantial enough to qualify as disabilities. BSU will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Students requesting allergy accommodations should contact the Disability Resource Center. Staff requesting allergy accommodations should contact Human Resources.

VIII. Service Dogs in Training

- A. A dog being trained has the same rights as a fully trained dog when accompanied by a trainer and identified as such in any place of public accommodation. Handlers of service dogs in training must also adhere to the requirements for service animals and are subject to the removal policies as outlined in this policy.

IX. Emotional Support Animals in Residence Halls

- A. Housing and Residence Life will allow an Emotional Support Animal if certain conditions are met. The animal must be necessary for the resident with a disability to have equal access to housing and the accommodation must also be reasonable. An accommodation is unreasonable if it presents an undue financial or administrative burden on the University, poses a substantial and direct threat to personal or public safety or constitutes a fundamental alteration of the nature of the service or program. Requests for Emotional Support Animals in Housing and Residence Life should be made by:
 1. Making an accommodation request by filling out the Specific Housing Needs, available online with your housing application. This request must be made at least thirty (30) days prior to the desired move-in date so BSU can best accommodate the student and the animal.
 2. Submitting documentation of a disability to the Disability Resource Center. The documentation must be provided on the letterhead of a treating physician or mental health provider and permit BSU to determine:
 - o The student has a disability for which the animal is needed;
 - o How the animal assists the student;
 - o The nexus between the student's disability and the assistance the animal provides.
 - o There must be a link between the animal and a disability, emotional distress resulting from having to give up an animal because a "no pets" policy does not qualify a person for an accommodation under federal law.
 3. If all other criteria are met, as set forth by the Disabilities Services a meeting will be arranged between the student, Disabilities Services and a representative from Housing and Residence Life to discuss how best to accommodate the student, the Emotional Support Animal, and the campus community.

- B. Any approved Emotional Support Animal in Housing and Residence Life facilities must also meet Disabilities Services and Housing and Residence Life requirements/policies for animal health and behavior as well as their Housing & Dining Contract. Emotional Support Animals in BSU Housing must not be left for extended periods of time either unattended or to be cared for by someone other than the owner.

X. Appeals and Grievances

- A. Any person dissatisfied with a decision concerning a Service Animal or Emotional Support Animal may appeal by following these steps:
 1. Written or emailed complaints should be filed with the Director of the Disabilities Services within 30 days of the date of the decision.
 2. If an agreeable informal resolution is not reached, the student should file a complaint under the Equal Opportunity and Nondiscrimination Policy to the Designated Officer, Deb Peterson, Deputy Hall 315 #3, 1500 Birchmont Drive NE, Bemidji MN 5660, 218-755-4121 or dpeterson@bemidjistate.edu.
 3. File a complaint directly with the U.S. Department of Education, Office for Civil Rights, by calling 800-421-3481 (Voice) 800-877-8339 (TTY) or the Minnesota Department of Human Rights by calling 800-657-3704 (Voice) or 800-627-3529 (MRS/TTY). The Statute of Limitations for filing a complaint with OCR is 180 days from the time the incident occurred.

XI. Public Etiquette Toward Service or Emotional Support Animals

- A. It is okay to ask someone if she/he would like assistance if there seems to be confusion, however, faculty, staff, students, visitors and members of the general public should avoid the following:
 1. Petting an animal, as it may distract them from the task at hand.
 2. Feeding the animal.
 3. Deliberately startling an animal.
 4. Separating or attempting to separate a handler from his/her service animal.

Rationale

Bemidji State University is committed to providing members of the BSU community with disabilities equal access to programs, services and physical facilities. It is acknowledged that some members of the community with disabilities may require the use of Service or Emotional Support Animals while at BSU. This policy is written to inform and provide guidance to students, staff and faculty regarding Service and Emotional Support Animals and BSU.

Supporting References

[Minnesota State Policy 1B.4 Access and Accommodation for Individuals with Disabilities](#)

Policy:		
Formal Review Process	Date Submitted	Date Reviewed
MSUAASF		
BSUFA		
Classified Meet and Confer		
BSUSA		
Provost/Vice President Recommendation		Date
Presidents Approval		Date