

Bemidji State University Policies

Policy Name: Service Animal Policy	Effective Date: 5/1/2021
Policy Owner: Advising and Accommodations Coordinator	Last Review: 3/1/2021
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Policy Statement

In compliance with the Americans with Disabilities Act and its amendments (ADA, ADAAA), Bemidji State University (BSU) 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.

Bemidji State University may not permit service animals 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 animals while at BSU. Below are guidelines concerning the appropriate use of and protocols associated with service 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 or miniature horse that has been individually 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. Service animals are working animals, not pets. 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.

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

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:

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

B. If the answers to the questions do not clearly identify the animal as a service animal, BSU may inquire further to better understand the nature of the presence of the animal on campus.

C. 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 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).

D. Specific questions related to the use of service animals on the BSU campus by visitors can be directed to the Accessibility Services Office.

II. Responsibility of Handlers

A. Students who wish to bring a service animal to campus are strongly encouraged to partner with Accessibility Services, especially if other academic accommodations are required.

B. Students with service animals who plan to live in University housing will need to provide sufficient notice to Accessibility Services and Residential life to ensure appropriate arrangements regarding placement, roommate notification, and any

other needs that may arise from having an animal in residence. Students bringing a service animal into University housing must meet with Accessibility Services and Residential Life staff to complete and sign the Campus Animal Orientation form.

C. Faculty and Staff who need service animals are encouraged to work with Human Resources.

D. 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 under the control of the handler at all times. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. If the individual's disability prevents using the aforementioned devices, the individual must maintain control of the animal through voice, signal, or other effective controls.

B. To the extent possible, the animal should be unobtrusive to other individuals and the learning, living, and working environment.

C. Identification: It is recommended that the animal wear some type of commonly recognized identification symbol, identifying the animal as a working or service animal, but does not require disclosure of the disability, or the nature of the 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

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 by Accessibility 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 significant steps have been taken 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, mechanical areas, or industrial areas.

B. When a service animal is properly removed pursuant to this policy, BSU Accessibility Services will work with the handler to determine reasonable 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 a disability. 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 Accessibility Services. Staff requesting allergy accommodations should contact Human Resources.

VIII. Service Dogs in Training

A. The Americans with Disabilities Act (ADA) assures people with disabilities who are accompanied by service animals that they will not be excluded from public places or activities, nor charged any additional fees, because they are accompanied by their service dog. However, the ADA does not provide the same protection to service animals in training (that is, the ADA assures access for the handler/partner only if the dog is fully trained to give some disability-related service).

B. Minnesota State Law (256C.02) suggests those same rights of access for individuals who are training service animals but does not clearly define the meaning of "trainer" or of an animal "being trained." Bemidji State University has established policy, based on accepted practices suggested by Assistance Dogs International (ADI). A

service-dog-in-training is a dog, accompanied by its trainer, that is undergoing individual training to provide specific disability-related work or service for an individual with a disability. Such task-specific training is undertaken with an adult dog, only after having completed a period of obedience and socialization training (obedience training, being house broken, getting acclimated to public places and every day activities as pets). A service animal trainer may bring such dog onto campus and interact with the campus community in public areas, campus offices, and so on.

C. As service animals in training in Minnesota are mentioned in state law only when accompanied by a trainer presumed to be actively engaged in the training process, they cannot be in-residence in University housing, nor be present in other areas of campus except those places where all students are welcome to bring pets. Similarly, puppies who are being raised/trained in preparation for participating in formal service animal training are not permitted in University housing or on campus except where pets are allowed.

IX. Appeals and Grievances

A. Any person dissatisfied with a decision concerning a Service Animal may appeal by following these steps

1. Written or emailed complaints should be filed with Accessibility Services within 30 days of the date of the decision.
2. If an agreeable informal resolution is not reached, the student may file a complaint utilizing the formal complaint procedure outlined in the Student Complaints and Grievances Policy
3. A student may also file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) 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 the OCR is 180 days from the time the incident occurred.

X. Public Etiquette Toward Service Animals

A. It is acceptable to ask someone if assistance is needed if it appears there is confusion, however, faculty, staff, students, visitors and members of the general public should avoid the following:

1. Petting an animal, as it may distract the animal from its purposed task.
2. Feeding the animal.
3. Deliberately startling an animal.
4. Separating or attempting to separate a handler from the 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 a service animal

while at BSU. This policy is written to inform and provide guidance to students, staff, and faculty regarding service animals.

Supporting References

Minnesota State Policy 1B.4 Access and Accommodation for Individuals with Disabilities The

Americans With Disabilities Act (1990) and amendments (2008) 42 U.S.C. § 12101 USA v.

University of Nebraska at Kearney: Case 4:11CV3209

[Minnesota State Statute 256C.02](#)