

WASHINGTON STATE UNIVERSITY
EXECUTIVE POLICY MANUAL

Executive Policy #39
Approved March 25, 2019

WSU Service and Support Animals Policy

INTRODUCTION

Intent

Washington State University (WSU or University) recognizes the importance of, and supports, the work that trained service animals can provide to those with disabilities.

The University also supports providing accommodations for emotional support animals to those with a medically-documented need for such animals.

Scope

This executive policy (EP39) applies to all WSU campuses and WSU-controlled locations, including academic and administrative units. All University employees, students, and visitors are required to comply with this policy and the accompanying procedures.

The terms of this policy are construed and interpreted consistent with local, state, and federal laws and regulations.

DEFINITIONS

The following definitions apply to terms used in this policy.

Service Animal

A service animal is defined as a dog or a miniature horse that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, or intellectual disability. The work or tasks performed by a trained service animal must be directly related to the individual's disability. (28 *USC* 36.104, *RCW* 49.60.040)

A service animal is not considered a "pet."

Handler

A handler is an individual with a disability, including a physical, psychiatric, intellectual, or other mental disability, for whom a trained service animal does work or performs tasks.

Service Animal-in-Training

A service animal-in-training is defined as a dog or a miniature horse that is being trained to do work or perform tasks for the benefit of an individual with a disability. (28 *USC* 36.104, *RCW* 49.60.040) For more information, see the Accessibility at WSU website:

access.wsu.edu

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Emotional Support Animal

An emotional support animal is defined as an animal:

- That alleviates one or more of the identified symptoms or effects of an individual's existing disability;
- Is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling; and
- For which there is an identifiable relationship between the disability and the assistance the animal provides.

(Federal Housing Act (FHA) (42USC3601); Department of Housing and Urban Development (HUD) Regulations (24 CFR 5))

NOTE: An emotional support animal does not need to be trained to perform a disability-specific task.

Emotional support animals are also commonly referred to as assistance, comfort, or therapy animals. Emotional support animals are not considered service animals, in accordance with the definition in [Service Animal](#).

Service Animal Administrator

A service animal administrator is the person(s) or committee(s) designated by the University to review requests and make decisions regarding prohibiting service animals in certain areas on or within University property. The service animal administrator also reviews complaints regarding the presence or behavior of service animals on or within University property.

The University may designate more than one person or committee to serve as a service animal administrator and may designate different service animal administrators for different campuses or specific properties. For more information and contact information for the service animal administrator(s), see the Accessibility at WSU website:

access.wsu.edu

Disability Services Provider

The disability services provider is the office designated to address the reasonable accommodation needs of individuals with disabilities. Each campus has an assigned disability services provider for students and employees, e.g., Human Resource Services (HRS) Disability Services (for employees), the Access Center (for WSU Pullman students). For a complete list of disability services providers, see the Accessibility at WSU website:

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SERVICE ANIMALS

Allowed/Prohibited Locations

Service animals are permitted in all WSU locations where handlers are allowed access, unless the service animal administrator approves a prohibition.

The service animal administrator maintains a list of locations where service animals are prohibited. Locations that do not permit service animals for reasons approved by the service animal administrator must clearly identify the prohibition through signage and policy that are available in accessible formats.

To request a prohibition, the appropriate senior administrators responsible for the program or facility must provide the following information to the service animal administrator:

- Sufficient information to demonstrate the unreasonable or direct threat that service animals pose or the fundamental alteration that service animals would cause.
- Risk assessments for each individual area where restrictions are proposed.

NOTE: Requesting a restriction on an entire building is not appropriate without sufficient supporting information and documentation. Requesters must identify each individual area within a building and provide risk assessments for each area requested to be restricted.

- Sufficient information to demonstrate that the University cannot eliminate the risks through modifications of policies, practices, or procedures.

The service animal administrator reviews the materials and provides a decision regarding the proposed prohibited location. Service animal access may be prohibited in WSU locations where:

- The presence, behavior, or actions of service animals poses an unreasonable or direct threat to property and/or the health or safety of others (including other animals); and/or
- The presence of service animals would cause fundamental alterations to University programs.

The service animal administrator's decision is the final decision of the University. However, prohibition requests may be revisited from time to time as circumstances change. The service animal administrator may revisit prohibitions when requested or when new information is provided.

Inquiries, Documentation, and Identification

Unless it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability, WSU employees are permitted to ask the individual the following two questions to determine if the animal is a service animal:

- Is the animal required because of a disability?
- What work or task is the animal trained to perform?

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Inquiries, Documentation, and Identification (cont.)

Individuals may **not**:

- Ask an individual with a service animal about the nature or extent of their disability;
- Require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal;
- Require the animal to perform a task it has been trained to perform; or
- Ask *any* questions if it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability.

Service animals do not have to be identified by a vest or paperwork. Students and visitors to campus do not need to register their service animals with any University office or department.

An employee who needs to bring a service animal to the workplace must contact HRS Disability Services, which may require documentation for an accommodation. If the employee is assigned to a new workplace location or if the current facility's use changes to one in which the presence of a service animal may present challenges, HRS Disability Services may need to consult with the service animal administrator to determine if any temporary permissions, exceptions, and waivers are available to accommodate service animals.

Request for Removal of a Service Animal

University employees may not ask a handler to remove their service animal from a University premises unless:

- The animal is out of control and the handler does not take effective action to control it;
- The animal is not housebroken;
- The animal is in a prohibited area as identified under [Allowed/Prohibited Locations](#); or
- The animal injures or attempts to injure a person or property.

Prior to requesting removal because the animal is out of control, the handler is first afforded the opportunity to bring the animal under control. If the behavior persists, a University employee may request that the handler immediately remove the animal from the facility pending a prompt evaluation of the incident by the office or departmental supervisor responsible for the program or facility, in consultation with the service animal administrator.

If the animal is not housebroken, is in a prohibited area, or injures or attempts to injure a person or property, the animal may be removed from the facility immediately.

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Request for Removal of a Service Animal (cont.)

In the event an animal is removed from a facility, the office or department supervisor or the appropriate central administrative unit responsible for the program or facility works with the handler to assess alternative options to allow continued participation without the animal. This may include referring them to the appropriate disability services provider. See [Disability Services Provider](#).

Handler's Responsibilities

The care and supervision of a service animal is the responsibility of the handler. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents use of these devices. In that case, the individual must maintain control of the animal through voice, signal, or use of other effective controls. (Americans with Disabilities Act (ADA) (42 *USC* 12101 et seq.))

Handlers are required to comply with local animal control or public health requirements, including vaccinations and immunizations, as required.

Student handlers intending to reside in University housing with a trained service animal are encouraged to notify Housing and Residence Life by email to:

housing@wsu.edu

Complaint Processes

Discrimination Complaints

Handlers may file complaints of discrimination on the basis of their disability with the Office of Civil Rights Compliance and Investigation (CRCI). The CRCI reviews the complaints in accordance with this policy and/or *Executive Policy Manual* EP15: Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct.

For more information about compliant procedures, contact CRCI; telephone 509-335-8288; or see the CRCI website:

crci.wsu.edu/

Access Complaints

Handlers may contact the CRCI, who consults with the service animal administrator, to discuss concerns and potential University response options. Handler concerns or objections may include, but are not limited to, the University's implementation of this policy and/or the level of access granted to the service animal.

For more information, see the CRCI website:

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Complaints Regarding Behavior or Presence of Service Animals

Individuals are to report concerns or complaints about a service animal to the office or department personnel responsible for the program or facility. The applicable office or department personnel must work with the service animal administrator to coordinate a response.

If such a review could result in actions against the service animal or handler, the applicable office or department personnel must give the handler notice of the concern and the opportunity to respond and/or to remedy the behavior.

In the event an animal is prohibited from accessing a facility, the office or department supervisor or the appropriate central administrative unit responsible for the program or facility works with the handler to assess alternative options to allow continued participation without the animal. This may include referring them to the appropriate disability services provider. See [Disability Services Provider](#).

SERVICE ANIMAL-IN-TRAINING

A service animal-in-training is not entitled to the same access as a fully-trained service animal. An individual seeking to enter campus buildings with a service animal-in-training must submit a request to the service animal administrator for an exception to the animal access restrictions in *WAC* 504-36-020.

Consistent with *WAC* 504-36-020, the Vice President for Finance and Administration, the President, a campus chancellor, or the President's designee may, at their discretion, grant a conditional exception to permit service animals in training in certain WSU buildings where they would not otherwise be permitted. The trainer or handler present with the animal must have a demonstrated history of training such animals. For more information, see the Accessibility at WSU website:

access.wsu.edu.

EMOTIONAL SUPPORT ANIMALS

Accommodations

The presence of emotional support animals at WSU campuses is controlled by *WAC* 504-36-020 unless the applicable disability services provider approves an accommodation to this regulation.

Requesting an Emotional Support Animal in University Housing

Although WSU generally prohibits individuals from having animals in University housing (see *WAC* 504-36-020), WSU does consider requests by individuals with disabilities for a reasonable accommodation from this prohibition.

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Requesting an Emotional Support Animal in University Housing (cont.)

Residents wishing to request that their emotional support animal be allowed to reside in University housing must follow the procedures for requesting an emotional support animal accommodation through the applicable campus disability services center (e.g., the Access Center for WSU Pullman students). For more information, see the Access Center's Service/Emotional Support Animals Guidelines website:

accesscenter.wsu.edu/residence-lifehousing-accommodations/serviceemotional-support-animal-guidelines/

Employee Requesting an Emotional Support Animal

An employee who wishes to bring an emotional support animal to the workplace must contact HRS Disability Services, which may require documentation for an accommodation. If the employee is assigned to a new workplace location or if the current facility's use changes to one in which the presence of an emotional support animal may present challenges, HRS Disability Services may need to determine if any temporary permissions, exceptions, and waivers are available to accommodate emotional support animals.