

General/Student Policy – Animals on Campus – Service/Emotional Support/Pets

Purpose:

In accordance with applicable state and federal laws, and in consideration of the personal safety and well-being of the Bismarck State College campus community, this policy is intended to provide information regarding direction and process for animal interactions on the BSC campus.

Service Animals

“Service Animal” as defined by the Americans with Disabilities Act (ADA), is a dog that is trained to do work or perform tasks for an individual with a disability which the person is unable to perform for himself/herself. Examples include, but are not limited to, guiding those with impaired vision, alerting those with impaired hearing to sounds, assisting with seizures, retrieving medicine or other items, preventing or interrupting distressing or harmful behavior, or assisting with balance/stability. The dog’s service for the individual with a disability entitles them to access public places and common areas. Under specific circumstances, a miniature horse may qualify as a service animal; however, when explaining details of this policy, a service animal will be commonly referred to as a dog.

BSC employees cannot ask about the nature or extent of a student’s disability to determine whether the dog qualifies as a service animal. However, if the work of the animal is not readily identifiable, BSC employees, per the ADA, may make the following two inquiries:

- a. Is the animal required because of a disability?
- b. What tasks/work is the animal trained to perform?

Use of Service Animals at BSC

1. To qualify for having a service animal on campus, a student must:
 - a. Have a disability as defined by the ADA; and
 - b. Be accompanied by a dog that is trained to do specific tasks or work for the student with a disability.
2. Students with disabilities who are accompanied by a service animal are encouraged to open a file with the Student Accessibility office on campus. While having a service animal does not obligate the student to register with this campus service, making requests for classroom or other reasonable accommodations does require registration with the Student Accessibility office. Students applying for campus housing are strongly encouraged to notify the Student and Residence Life office of their plans to bring a service animal to campus as this can be very important when making room assignments and identifying roommates for compatibility.
3. BSC may prohibit the use of service animals in certain locations due to health or safety restrictions. Such restrictions may include, but are not limited to, the following areas: labs

or areas requiring protective clothing and food preparation areas, or situations where the handler is unable to provide evidence of current vaccinations required by the City of Bismarck ordinance (Title 3-Animal Control and Protection, Chapter 3-03-01).

Service Animals in Training

A **trainer with a service animal** in training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being requested to pay an extra charge for the service animal in training (NDCC 25-13-02.1). Upon request, the trainer must have pertinent immunization records available and satisfactorily answer the following inquiries in the event the work/training of the animal is not readily identifiable:

- a. Is the dog being trained as a service animal?
- b. What tasks/work is the dog being trained to perform?

The trainer is liable for any damage done to the premises of facility by a service animal in training.

Emotional Support Animals (ESA's)

“Emotional Support Animals” are prescribed to mitigate the impact of a disability by providing emotional support, comfort, calmness, stability, socialization and/or other types of assistance. Pursuant to the Fair Housing Act (FHA), emotional support animals are prescribed and deemed necessary by a qualified professional to allow an individual equal access to use and enjoy residence facilities. Unlike service animals defined in the previous section, the type of animal to qualify may vary and does not need to be trained to perform specific tasks or work for the individual with a disability. **BSC can and does require relevant disability documentation to evaluate the potential need for an emotional support animal, while considering the reasonableness of the requested accommodation.**

1. **The following documentation is needed and required to establish the basis for an emotional support animal in campus housing:**
 - a. Verification of a documented disability from a qualifying professional (examples: psychiatrist, psychologist, neuropsychologist, etc.).
 - b. Clear correlation between the functional limitation(s) of the disability and the role of the animal.
 - c. Verification that the animal is necessary for the student to use and enjoy campus residence facilities.
2. Students with disabilities requesting to have an emotional support animal in BSC residence facilities are required to begin the eligibility process by completing and submitting the Request for Disability Related Accommodations (Residence Life) forms which can be requested through the Student and Residence Life office. The completed forms which include supporting documentation from the appropriate medical provider, should then be submitted to the Student Accessibility Coordinator at the address/fax indicated on the form.

Incoming or currently enrolled students should provide the Student Accessibility office with application information and appropriate documentation at the time of application for residence life or at least 60 days before housing is needed. Such advance notice helps ensure accommodations are appropriate and necessary, while fostering a smooth transition to campus housing. After review of complete application information, the Student Accessibility Coordinator will arrange for conversation between the Student and Residence Life staff and the student making the request, as deemed necessary. Accommodation needs for the individual and/or assistance

animal will be determined on a case-by-case basis.

Responsibilities of Students Using Service or Emotional Support Animals

1. The care and supervision of a service or emotional support animal is the responsibility of the student who uses the animal's service. This person is considered the "handler" of the animal. It is important for the handler to maintain control of the animal in all public places on the campus using a leash, harness, or tether, unless the student is unable to hold those, or such use would interfere with the animal's performance of work/task or support. In such instances, the animal must be kept under control by voice or signal commands or other effective means.
2. Requirements for clean-up of animal waste, which is the responsibility of the handler, are based on the City of Bismarck ordinance (Title 3 Animal Control and Protection, Chapter 3-03-05). Information regarding spaces designated as animal toileting areas and guidance regarding proper disposal of animal waste will be provided by BSC Buildings and Grounds and Student and Residence Life staff.
3. Service and emotional support animals need to be immunized against diseases recommended/required for that species and should wear the proper City of Bismarck license (Title 3 Animal Control and Protection, chapter 3-03-01).
4. Service and emotional support animals housed in a BSC residence facility must have an annual clean bill of health from a licensed veterinarian. When necessary, the college has authority to direct that a service animal or emotional support animal receive veterinary attention or be removed from the campus for health/safety reasons.
5. Any person who has a service animal or emotional support animal on campus is financially responsible for property damage caused by his or her animal.

Restrictions and Exclusions

BSC may impose some restrictions on, and may even exclude, a service or emotional support animal in certain instances. Restrictions or exclusions will be considered on a case-by-case basis in accordance with applicable laws. Consideration for restriction and/or exclusion may be considered if an animal:

- a. Is out of control and effective action is not taken to control it;
- b. Is not housebroken;
- c. Poses a direct threat to the health or safety of others that cannot be reduced or eliminated by reasonable modifications.

In the event that restriction or exclusion of an animal is deemed necessary by BSC, a written statement of explanation will be provided to the handler. The person with the disability will still be given opportunity to participate in the service, program, or activity without having the service or emotional support animal present.

Conflicting Disabilities

The college will work with qualified students with disabilities who request accommodations to identify a solution that serves all students with disabilities who have competing needs. Students who, because of a disability, are adversely impacted by the presence of an animal, must apply for services and submit documentation of their condition to the Student Accessibility office.

Pets

A “pet” is any animal kept for ordinary use and companionship. Service animals and emotional support animals are not considered pets. Pets are not permitted in BSC campus buildings.

Exceptions

Following are instances where animals other than service animals or emotional support animals may be allowed in campus buildings:

1. Small fish are permitted in student housing facilities and other campus buildings on a case-by-case basis.
2. Animals used for or involved in instructional purposes, as approved by the instructor.
3. Animals assisting law enforcement or other agencies such as on-duty police or search and rescue dogs.

Dispute Resolution

Bismarck State College is an equal opportunity institution that does not discriminate on the basis of race, color, sex, gender, gender identity, national origin, age, religion, sexual orientation, genetic information, marital status, disability, veteran’s status or any other status protected by law in its admissions, student aid, employment practices, education programs or other related activities.

Concerns regarding compliance with Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and the Age Discrimination and Employment Act may be referred to Rita Lindgren, Chief Human Resources Officer, Bismarck State College, BSC Meadowlark Building, 1700 Schafer Street, Bismarck, ND 58501, (701) 224-5427, rita.lindgren@bismarckstate.edu or to the Office for Civil Rights/Chicago, U.S. Department of Education, Citigroup Center, 500 W Madison Street, Suite 1475, Chicago, IL 60661. Telephone: (312) 730-1560, Fax: (312) 730-1576, TDD: (800) 877-8339, email: OCR.Chicago@ed.gov, website: <http://www.ed.gov/ocr/>.

References:

Americans with Disabilities Act (ADA)
<http://www.ada.gov/>

City of Bismarck ordinance (Title 3-Animal Control and Protection)
www.bismarcknd.gov/DocumentCenter/Home/View/150

N.D.C.C. §25-13-02.1
<http://www.legis.nd.gov/cencode/t25c13.pdf>

Fair Housing Act
<http://www.justice.gov/crt/about/hce/title8.php>

History of This Policy:

Reviewed by the Operations Council on November 24, 2010, and approved by the Executive Council on December 2, 2010.

Revisions – Reviewed by the Operations Council on July 22, 2015, and approved by the Executive Council on August 26, 2015.