

SECTION: 5. Student Policies

SUBJECT: Service, Companion and Therapy Animals

Background: This policy addresses the use of service animals by persons with disabilities on the LCSC campus, students in need of companion animals within college owned residences, and the use of therapy animals on campus. The policy outlines a standard of behavior for these animals, and responsibilities of those using service, companion, or therapy animals, and for college representatives implementing this policy.

Point of contact: Vice President for Student Affairs, Disability Services, Human Resource Services

Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy: Residence Life and Security

Date of approval by LCSC authority: February 2016

Date of State Board Approval: n/a

Date of Most Recent Review: July 2019

Summary of Major Changes incorporated in this revision to the policy: Inclusion of therapy animals on campus.

1. Policy Statement

This policy was created in accordance with the Americans with Disabilities Act, as well as the Housing and Urban Development (HUD) Statutes and the Fair Housing Act (FHAct), and outlines policies and procedures for students, faculty, or staff who require use of service animals or companion animals. Additionally, this policy outlines the procedures for individuals who wish to bring a therapy animal onto campus.

If any provision herein conflicts with the applicable provisions of the federal regulations, the federal regulations will apply. If a state law provides a greater right and/or protection to an individual with a disability as it relates to the use of service animals at a public institution of higher education, said state law will prevail. For additional information see: <http://portal.hud.gov/hudportal/HUD> or www.ada.gov/.

A. Definitions:

1) Service Animals: Under the American's with Disabilities Act (ADA), a service animal is defined as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. (ADA Title III, 28 SCF Sec 36.104). For the full definition and law see: <https://www.ada.gov/> and <https://legislature.idaho.gov/statutesrules/idstat/Title66/T66CH4/>. LCSC follows federal regulations regarding service animals.

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- 2) Service animals are not considered pets. Businesses and organizations that serve the public must allow individuals with disabilities to bring their service animals with them anywhere they would allow the individual to go without the animal – unless doing so would pose a danger to health or safety or cause undue burden.
 - 3) In situations where it is not obvious that the dog or miniature horse is a service animal, the ADA allows only two specific questions may be asked:
 - a. Is your service animal required because of a disability?
 - b. What work or task has the service animal been trained to perform?
 - 4) It is not acceptable or respectful to require identification or certification or ask about the specific type and nature of the individual's disability. You may not ask that the service animal demonstrate training. The verbal statement of the individual should generally be taken as sufficient proof.
 - 5) If there is reason to question the legitimacy of a claim at Lewis-Clark State College, you should inform Disability Services. Disability Services may be able to request additional information to establish whether the dog or miniature horse is a service animal.
2. Companion and Emotional Support Animals (ESA):
- A. Health care professionals have long recognized and documented the therapeutic effects of animal companionship and mental health. Sometimes, when an individual has a documented disability, a mental health care professional may recommend an “emotional support animal” or a “companion animal” as an essential part of treatment. For the purposes of this policy, these animals will be referred to as *companion animals*.
 - B. It is important to note that companion animals are not “service animals” as defined by the ADA. Companion animals are not trained to provide specific work or tasks directly linked to an individual’s disability. At the college, a companion animal accommodation is restricted to the housing in which the student resides (Fair Housing Act, FHA).
 - C. Companion Animal Summary:
 - 1) A companion animal provides therapeutic benefit to someone with a verified mental impairment that substantially limits one or more major life activities.
 - 2) A companion animal is not a “service animal” trained to perform specific work or tasks directly linked to an individual’s disability, but rather provides prescriptive comfort to an individual with a mental disability.

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- 3) A companion animal is considered a reasonable travel or housing accommodation (dog, cat, or other species), prescribed by the individual's mental health professional (current medical documentation is required).
 - 4) Companion animals may not attend classes or campus activities with their handlers.
 - 5) The animal must be healthy, hygienic, and housebroken.
 - 6) The animal must be well behaved and under the handler's control at all times.
 - 7) The animal and handler must not disrupt the normal flow of business.
 - 8) The handler is responsible for the animal's health and well-being; as well as any necessary cleanup and/or damage that their companion animal may cause.
- D. Requests to have a companion animal in LCSC housing are considered requests for accommodation and will be reviewed on an individualized basis by Disability Services. Companion animals are not permitted to attend LCSC classes or activities.
3. Procedure for Accommodations involving Companion Animals
- A. Provide the Disability Services office evidence of a documented disability, the need and justification for a companion animal, and agree to the requirements outlined in the Service/Companion Animal Agreement form. This must be updated annually.
 - B. Residence Life requires dogs and cats approved as companion animals, wear current vaccination and identification tags at all times.
<https://www.codepublishing.com/ID/Lewiston/html/Lewiston08.html>.
 - D. Specific rules and procedures for companion animals are presented to students after Disability Services approves the request for a service animal.
 - E. For a full definition and law see: <http://portal.hud.gov/hudportal/HUD>
4. Therapy Animals:
- A. Therapy Animals under this policy refer to dogs and handlers that are trained or certified to provide animal assisted interactions for educational and therapeutic purposes. Therapy animals and handlers may be invited onto campus or utilized within specified educational or therapeutic settings.
 - B. Therapy Animal Summary:

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- 1) Registered therapy animal teams can provide affection, comfort, occupational therapy, education and entertainment to members of the public; typically in facility settings such as hospitals, assisted living, and schools.
- 2) Therapy animal teams have no special rights of access, except in facilities where they are welcomed. For example, therapy animals may not enter businesses with “no pets” policies or accompany their handler in the cabin of an airplane regardless of their therapy animal status.
- 3) Therapy animal teams must be formally invited to visit LCSC or the handler must make a formal request to be a part of an official college sponsored program, educational activity or event.
- 4) The animal must be housebroken.
- 5) The animal must be well behaved and under the handler’s control at all times.
- 6) The animal and handler must not disrupt the normal flow of business.
- 7) The handler is responsible for the animal’s health and well-being; as well as any necessary cleanup and/or damage that their therapy animal may cause.

5. Pets:

- A. Per LCSC Policy 3.116, Animals are not allowed in any building owned or leased by LCSC unless required to assist an owner with a disability or for pre-approved educational or research purposes. Although interactions with animals are known to provide measurable benefits to owners both with and without disabilities, general benefits do not qualify pets to accompany their handler-owners on campus. In the State of Idaho, leaving a pet unattended in a vehicle during prolonged inclement weather (hot or cold) is unlawful. All provisions regarding animals on public property as outlined in Lewiston City Code, Art. I. Section 8-1 through 8-20 and Art. II. Section 8-21 through 8-48 will apply.
- B. Request and Campus Notification Procedures
 - 1) Primary Contacts
 - a. Students with service animals are not required to notify academic offices or officials of the animal’s presence on campus. However, students residing in the Residence Halls must notify the Residence Hall office.
 - b. Students requesting to have a companion or service animal in a college residence hall, must also complete and sign the Service/Companion Animal Agreement form. Forms are available on the Disability Services webpage at <http://www.lcsc.edu/disability-services/accommodations/>

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- c. Students in need of a companion animal in the residence halls must contact the Disability Services office to determine their need, verify appropriate documentation and assist in communication with Residence Life office. Students requesting companion animals may contact:

Disability Services
Library 161
208-792-2677

- d. Space in campus housing is appropriated on a first come, first served basis. Students who have been assigned a space in campus housing should begin making arrangements to keep service or companion animals immediately. Students may not bring an animal into their room until it has been approved by Disability Services and the student has met with Residence Life staff to review the rules for care and keeping of the animal.
- e. Employees with disabilities who use service animals, and supervisors or managers with questions about service animals used by employees, may contact:

Director, Human Resource Services
Administration Building, Room 102
208-792-2269

- f. All students, faculty, staff and visitors or contractual service providers who require the use of a service animal to participate in an event or activity on campus, or to perform a required service should follow all guidelines outlined by the ADA Service Animal requirements which can be found at: www.ada.gov/.
- g. Students, faculty, staff, or members of the public with questions or concerns involving service animals outside of regular work hours, contact:

Campus Security
Meriwether Lewis Hall, Room 110
208-792-2226

- h. Therapy animal handlers must complete the Therapy Animal Agreement form located on the Human Resource Services website at <http://www.lcsc.edu/hr/>. This form must be signed by the department head or supervisor and returned to the Human Resource Services office at least one week prior to the animal's arrival on campus. The Therapy Animal Agreement form addresses the following items:
- i. The date(s), hour(s) and location(s) during which the therapy animal will be on campus. (Note: This signage must be posted clearly in the building or general area at which the animal will be present at least one week prior to the animal's arrival on campus.)

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- i. The manner in which the animal will be supervised while on campus must be described in detail. Unless the therapy animal is confined to a crate when not interacting with a student or employee, the employee/handler must describe how the dog will be otherwise supervised while on campus. The employee must describe how he or she will accomplish assigned duties and responsibilities while supervising the animal. (When not in a crate, the therapy animal should be on a leash at all times.)
- ii. The therapy animal should be present in an area that is easy for those who do not wish to interact with the animal to avoid such contact. The area may be an outside or office area, but such an area should not be office space shared with others (such as a shared office or an office suite). Therapy animals shall not be in food preparation or food service areas.

C. Lewis-Clark State College - Service/Companion/Therapy Animal Responsibilities

- 1) Upon learning a student has or is requesting a companion animal for on campus residency and verification of the documentation for such an animal is in order, Disability Services will provide a housing request verification that the student may present to housing.
- 2) Physical Plant grounds crew will work with Residence Life to designate a reasonable location for the animal to toilet, and will keep the animal's toilet area free from obstructions (snow, branches, etc.).
- 3) Faculty and staff should contact LCSC Security if they have concerns regarding the behavior of an animal in a particular classroom, course-related, or non-course-related settings and locations.
- 4) Disability Services will contact the identified alternate handler in the case of an emergency.
- 5) Similar notifications and coordination will be conducted by Human Resource Services for staff, contractors, and guests.

D. Service and Companion Animal Handlers

- 1) Handlers of service dogs are encouraged, but not required, to ensure the animal is wearing an identification tag (with handler contact name and phone number), and an identifying cape, bandana, or harness at all times.
- 2) The handler must be in control of the animal at all times.

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- 3) Handlers must ensure all animal needs are met and all public health and safety concerns are addressed properly.
- 4) Handlers must maintain the health and hygiene of the animal and keep residence to agreed upon standards, as outlined by the Service/Companion Animal Agreement form.
- 5) All animals must meet all the required state and municipal license requirements as outlined here:
Idaho Statutes: <https://legislature.idaho.gov/statutesrules/idstat/Title25/T25CH35/>
Lewiston: <http://www.codepublishing.com/ID/Lewiston/html/Lewiston08.html>
- 6) Handlers must assure their animal use designated areas on campus for outdoor toilet and/or exercise of the service or companion animal, and properly dispose of animal waste immediately, as outlined by the LCSC Service/Companion Animal Agreement form.
- 7) Handlers must make prior arrangements for a person to take custody of the service or companion animal in the event of a handler emergency. The handler shall complete contact information for a backup handler on the Service/Companion Animal Agreement form.
- 8) Handlers must have arrangements to house the animal off-campus if the handler intends to be gone from the premises overnight or longer. Roommates are not expected to care for the animal.
- 9) Handlers shall be responsible for all liability and claims related to the service animal.

E. Therapy Animals and Handlers Requirements

- 1) The therapy animal must wear a harness, cape, identification tag or other gear that readily identifies its status at all times.
- 2) The handler must be in full control of the therapy animal at all times. The care and supervision of a therapy animal is solely the responsibility of its handler.
- 3) The handler must assure the therapy animal is on a leash at all times, except when it is crated. Exceptions will not be made.
- 4) Handlers must assure their therapy animals meet local, county, and/or state license or permit regulations. It is required that therapy animals have an owner identification tag.
- 5) Handlers must comply with local, county, and/or state vaccination and health requirements, which may include distemper, Parvovirus, Parainfluenza, and Bordetella. A copy of immunization records must be submitted with a proposal for the animal to be on campus. Animals must have an annual clean bill of health from a licensed veterinarian, including current vaccinations and immunizations against diseases common to that type of

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animal. Therapy animals must be pest and parasite-free (i.e., not infested with fleas or ticks).

- 6) All handlers must carry equipment sufficient to clean up the animal's feces, immediately remove the waste and be responsible for the proper disposal of the animal's feces. Handlers are responsible for any damage caused by the waste or its removal. Crates and cages must be clean and odor-free.
- 7) Handlers must assure that their animal is in control and remove the animal from college facilities if it becomes disruptive.
- 8) Food and water areas must be kept clean, and food must be stored properly.

F. Insurance Requirements

Any person who is approved to bring therapy animals onto campus property, whether on a recurring basis or on special occasions, must provide a commercial general liability certificate of insurance for the handler and therapy animal, with coverage of no less than \$300,000 per occurrence, and with the college named as an additional insured.

G. Removal of a Service/Companion/Therapy Animal

- 1.) LCSC may require a service, companion, or therapy animal to be removed from any LCSC facility or location if one or more of the following occurs:
 - a. The animal's behavior is aggressive in nature.
 - b. The handler is unable or unwilling to maintain proper control over the animal or if the other provisions outlined in this policy are unmet
 - c. The animal's presence creates a significant hazard to the academic or workplace environment.
 - d. The animal's presence fundamentally alters or is disruptive to the workplace and/or learning environment or educational program.
 - e. The student consistently violates the terms set forth in the Service/Companion Animal Agreement form.
 - f. Instances of conflicting disabilities (e.g. an extreme allergic reaction to animals) will be reviewed by Disability Services or Human Resources, as appropriate, to consider the needs of both persons, and to resolve the conflict as fairly and efficiently as possible.

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- b) Companion animals are not to be left alone for more than four hours, depending on the needs of the animal, in the resident's room or apartment as specified and agreed to on the LCSC Service/Companion Animal Agreement form. In the event a companion animal is left alone in a room or apartment for an unreasonable amount of time, or is not being attended to as needed (food, time outside, allowed to create a disturbance, etc.), Residence Life will contact the resident or their emergency contact to remove the animal. If this is unsuccessful, LCSC may notify the City of Lewiston Animal Control Officer and have the animal removed from campus. Such action may be taken by Residence Life without liability. Any cost of removing the animal shall be the responsibility of the resident.

H. Grievance and Complaint Procedure

- 1) Any person dissatisfied with a decision concerning a service or companion animal should consult the Disability Services Grievance Procedure Policy at: <http://www.lcsc.edu/disability-services/grievance-procedure/>.
- 2) Any person who feels they have been discriminated against on the basis of their disability should consult LCSC policy prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct at: <http://www.lcsc.edu/media/4180506/3110-discrimination-sexual-harassment-and-sexual-misconduct-prohibited.pdf>.

I. Non-compliance

1. Violation of any portion of this policy may result in disciplinary action. Incidents will be evaluated on a case-by-case basis and may result in the following sanctions up to:
 - a. Exclusion or expulsion in the case of students, or
 - b. Exclusion up to and including dismissal from employment in the case of faculty and staff, or
 - c. Exclusion from campus, in the case of the public
2. If the handler feels they have been improperly excluded from campus, the handler may contact Disability Services or Human Resource Services as appropriate.