



UNIVERSITY OF MARYLAND EASTERN  
SHORE

Policy Title:

## ASSISTANCE & SERVICE ANIMAL POLICY

POLICY No. 11.0

Authority: University President

Category: Campus-wide

Applies to: ALL UNITS

Originally Issued:

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Revised: \_\_\_\_\_

Withdrawal:

Related Policies:

Policy Location:

[www.umes.edu/university\\_policies](http://www.umes.edu/university_policies)

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### AUTHORITY FOR POLICY:

The University System of Maryland, through the Chancellor and the Board of Regents has delegated authority to university presidents to establish policies and procedures for the efficient and orderly administration of the university.

### REASON FOR POLICY:

This policy addresses the existence and use of assistance and service animals at the University of Maryland Eastern Shore. Animals of all types are not permitted in residence halls at the University of Maryland Eastern Shore. However, under the Americans with Disabilities Act (ADA), legislation was enacted that will allow QUALIFIED individuals to be accompanied by assistance and/or service animals that may reside in the residence halls under certain special conditions. Qualification is determined by medical/health care professionals and presented to the Coordinator of Student Disability Services and the Director of Housing and Residence Life to assess overall feasibility and execution. Service and/or assistance animals may not be housed in the residence halls without the approval of the University's Coordinator of Student Disability Services and the Director of Housing and Residence Life.

In order for assistance and service animals to be considered for a reasonable accommodation, the following documentation must be on file within the Office of Student Disability Services:

- The existence of a documented disability;
- A relationship between the disability and the relief the animal provides;

- The animal is necessary for specific therapeutic reasons for the resident.

Residents who are requesting an assistance and/or service animal must comply with all state laws and local animal ordinances to include, but not limited to: required licenses, current vaccinations and identification tags

## DEFINITIONS:

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### ASSISTANCE ANIMALS

- **Service Animal:** A guide dog or signal dog individually trained to do work or perform tasks for the benefit of an individual with a disability, as defined earlier in this document. A service animal meeting this definition is not required to be licensed or certified by a state or local government or animal training program.
- **Emotional Support/Comfort Animal:** An animal that provides comfort, reassurance, social interaction and other emotional benefits. The animal does not have to be trained to provide comforting. An emotional support/comfort animal is not considered a service animal. The use of an animal (i.e., as a comfort or therapy animal) may be allowed as a reasonable accommodation through established Student Disability Services procedures.
- **Therapy Animal:** An animal that provides affection and comfort and is specifically trained to be gentle and stable in stressful situations. Therapy animals are most often used in hospitals, nursing homes, mental health facilities and children's settings. The use of a therapy animal may be incorporated into the treatment process as prescribed by an appropriate health care professional. A therapy animal is not considered a service animal and has received training appropriate for animal assisted therapy ("AAT") as evidenced by receipt of the Canine Good Citizen ("CGC") certificate from the American Kennel Club (AKC), or registration by a national Therapy Animal organization, such as the Delta Society or Therapy Dogs International.
- **Partner/Handler/Owner:** A person with a service or therapy animal. (The term Handler will be used in this document to reflect any of these terms.)
- **Pet:** A domestic animal kept for pleasure or companionship. Pets are not permitted in any university-controlled buildings.

**RELATED POLICIES (IF ANY):**

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Students who require the use of a service or assistance animal on campus are required to contact the Coordinator of Student Disability Services to register as a student with a disability. If the definition of a service or assistance animal is not met, then the use of the animal (i.e., as an assistance or therapy animal) may not be allowed as a reasonable accommodation through established Student Disability Services procedures.

**POLICY:**

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**I. POLICY**

In compliance with the Americans with Disabilities Act, public institutions are required to allow the use of service animals on college campuses in order to achieve access to programs, activities and services. Under this policy, the University of Maryland Eastern Shore does allow service animals in all buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied on campus by individuals with a disability or who indicate the service animal provides a specific service to them.

Service animals are defined as any dog or miniature pony that is individually trained or in the process of being trained to do work or perform specific tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Some State and local laws also define service animals more broadly than the ADA does. Information about such laws can be obtained from the State Attorney General's office.

Assistance animals may also be known as companion, therapy, comfort or emotional support animals. **Assistance animals are not pets.** When approved as a disability-related accommodation, an assistance animal may live with a student in University Housing, and must be kept within the residential setting in which the student lives. Assistance animals may not accompany the student outside of the residential setting, and are not allowed in any other buildings on University property, nor are they allowed in other controlled spaces on campus. The assistance animal does not need to be professionally trained because they provide support. The laws under ADA only extends to animals that are individually trained to perform tasks for the benefit of an individual with a disability. Due to this distinction, an assistance animal is not protected by the same laws that govern service animals. Animals that provide assistance/emotional/therapy support which are recommended by a medical professional for a person with a disability can qualify as an accommodation. Assistance animals qualify as an accommodation for emotional/therapy support for some disabilities as the animal has a calming influence and provides affection and stability for the well-being, comfort, or companionship. Assistance animals are not considered the same as a service animal because it does not perform tasks to assist with an individual's daily living. Please keep in mind, assistance animals need to be well behaved in public and follow basic commands.

For an individual to qualify for having an assistance animal on campus:

1. He or she must have a disability as defined by the ADA;
2. The accompanying animal must be trained to do specific tasks for the qualified individual;
3. The individual must complete a **Request for an Assistance Animal in University Housing** form. This is an evaluative report from the individual's attending licensed mental health or health professional containing a specific diagnosis. The assessment narrative from the licensed medical profession(s) must fully articulate the relationship of the emotional support/comfort animal to the individual's disability and treatment plan.

**THERAPY ANIMALS:**

**Responsibilities/Requirements**

The Owner/Handler:

- The therapy animal must pass the American Kennel Club's Canine Good Citizen test (CGC). This certification program evaluates dogs in simulated everyday situations in a relaxed, noncompetitive atmosphere.
- Proof that the animal passed a recently administered standardized temperament evaluation from a reputable source such as AKC or Pet Partners (the evaluation should have been completed within the past two years because appropriate animal temperament can deteriorate over time).
- The purpose of the test is to ensure that therapy dogs are respected members of their communities and are trained to act mannerly in the home, in public places and in the presence of other dogs.
- Dogs that pass the CGC test are deemed to be reliable family and community members and will receive a certificate from the American Kennel Club.

**EMOTIONAL SUPPORT/COMFORT ANIMALS IN UNIVERSITY-OWNED RESIDENCES:**

**Responsibilities/Requirements**

The Owner/Handler:

- Is responsible to attend and be in full control of the assistance animal at all times.
- The emotional support animal shall have a harness, leash, tether or be transported in an appropriate enclosure whenever it is outside of the residence hall room where it will be housed.
- In shared living spaces, the assistance animal should be in an appropriate container if the owner is not in the room with the animal.
- Is responsible for following all rules related to the restrictions of assistance animals from buildings on the campus other than their residence hall.
- Is responsible for the costs of care necessary for the assistance animal's well-being.
- The arrangements and responsibilities for the care of an assistance animal are the sole responsibility of the owner at all times, including regular bathing and grooming, as needed.

- Is responsible for not leaving the assistance animal unattended for an unreasonable length of time.
- Is responsible for independently removing or arranging for the removal of the assistance animal's waste. Waste must be disposed in a sealed bag in the designated trash area of the residence hall.
- If the assistance animal voids on the floor or carpet anywhere inside a residence hall, the student is responsible to clean up promptly to the best of their own ability, as well as submit a work request with Facilities Management for the area to be properly disinfected. The student must pay all costs associated with such clean up. Assistance animals must be housebroken and accidents should be infrequent.
- Is responsible for complying with local and state licensing laws for animal rights and owner responsibilities. Emotional support animals should be current with immunizations and wear a rabies vaccination tag if appropriate.
- Animals must leave campus with the student if the student leaves overnight and during all University breaks if the student leaves campus.
- Is responsible for paying for any damage to University property or pest treatment caused by the animal.
- Must abide by all applicable residential policies, including room inspections.
- Is responsible for notifying Office of Residential Life if the emotional support animal is no longer needed.

## **SERVICE ANIMALS**

### **Responsibilities/Requirements**

#### **The Owner/Handler:**

- Is responsible to attend and be in full control of the service animal at all times. A service animal shall have a harness, lease, or other tether unless a) the handler is unable to use a harness, leash or tether, or b) using a harness, leash, or tether will interfere with the animal's ability to safely and effectively perform its duties.
- Is responsible for ensuring that the service animal is wearing a leash, harness or cape that identifies the animal is a service animal when on duty anywhere on campus.
- Is responsible for the costs of care necessary for a service animal's well-being. The arrangements and responsibilities with the care of a service animal is the sole responsibility of the owner at all times, including regular bathing and grooming, as needed.

- Is responsible for independently removing or arranging for the removal of the service animal's waste.
- Is responsible for complying with the Somerset County dog control and licensing laws for animal rights and owner responsibilities. Service animals must be current with immunizations and wear a rabies vaccination tag. Documentation is required.

**University Community:**

- Must allow service animals to accompany their handlers at all times and everywhere on campus where the general public (if accompanying a visitor) or other students (if accompanying a student) are allowed, except for places where there is a health, environmental, or safety hazard.
- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Contact the Coordinator of Student Disability Services if any questions or concerns arise relating to assistance animals.
- Contact the Coordinator of Student Disability Services if faculty/staff have any additional questions regarding visitors to campus who have service animals.
- Report any service animals who misbehave or any handlers (or other individuals) who mistreat their service animals to University Police.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the service animal is out of control and the handler does not take effective action to control it or (2) the service animal is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

Significant allergies to animal dander and other concerns

- Concerns of this nature will be addressed on a case by case basis. The Office of Residential Life will alert potential roommates of the fact that an assistance animal will be present in an effort to address concerns including those related to allergies and objections or fears related to certain types of animals as early as possible in the



housing assignment process. Issues or concerns that may arise during the academic year should be reported as quickly as possible.

- Owners who have concerns about any matter affecting their use of an assistance animal should contact the Office of Residence Life.

### **Exclusion from Campus**

An assistance animal may be excluded from campus for the following reasons:

- Disruptive behavior: including, but not limited to, barking, whining, growling, wandering, sniffing (people, tables in eating areas, other people's belongings) initiation of contact with others without partner's permission.
- Illness.
- Hygiene-dirty, strong odor, evidence of having fleas, ticks, etc.
- Animal is not on a leash.
- Obstruction of aisles or passageways.
- Aggressive behavior.

Should the animal be removed from the premises by the University for any reason, the owner is responsible for any costs associated with the removal, transportation and/or boarding of the animal. Additionally, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

Violation of the above rules or incidence of other violations may result in removal of the animal from the University and, if appropriate, other disciplinary action. If the Assistance Animal is banned from campus, the Coordinator of Disability Services, and the Office of Residence Life will continue to work with the student to determine if there are other appropriate accommodations that would allow the student to access the residential experience and programs.

### **Appeal Procedure**

Appeals concerning this policy may be addressed through the Office of Student Disability Services.

### **Special Situations or Exceptions**

Students and employees should contact the Office of Residence Life to discuss any special situations regarding assistance animals that are not covered by this policy, as well as any exceptions to this policy that might be requested by a student or employee.