



**BOISE STATE UNIVERSITY**

University Policy #9160

## Animals on Campus

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### **Effective Date**

May 2017

### **Responsible Party**

Chief Operating Office and Vice President for Campus Operations, (208) 426-1233

Vice President for Student Affairs, (208) 426-2384

Office of Institutional Compliance and Ethics, (208) 426-1258

Educational Access Center, (208) 426-1583

### **Scope and Audience**

This policy applies to all University faculty, staff, students, and visitors to campus.

### **Additional Authority**

- Americans with Disabilities Act
  - Section 504 of the Rehabilitation Act of 1973
  - Fair Housing Act
  - University Policy #1060 Non-Discrimination and Anti-Harassment
  - Boise City Code Chapter 6-07
  - Idaho Code Title 36, Chapter 7
  - Idaho Code Title 25
  - Idaho Administrative Code 13.01.06, 13.01.10
  - Idaho Administrative Code 02.04.27, 02.06.09
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## 1. Policy Purpose

To establish policy that guides how the University supports the use of Service and Support Animals, as well as Pets on campus.

## 2. Policy Statement

The University is committed to making reasonable modifications to its rules, policies, and practices as required by law to afford people with disabilities an equal opportunity to access its programs, services, and activities. Possession of any animal on campus including but not limited to domestic pets, wildlife, livestock, wild animals, exotic animals, vicious animals, and insects must comply with local, state, and federal laws and regulations. [Boise City Code Chapter 6-07](#) should be consulted before bringing any animal on campus.

All animals must be attended and restrained at all times.

## 3. Definitions

### 3.1 Handler

The owner and person in charge of an animal.

### 3.2 Pet

Any animal kept for ordinary use and companionship. Service and Support Animals are not considered Pets.

### 3.3 Service Animal

Any dog or in some circumstances a miniature horse that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a Service Animal must be directly related to the person's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.

### 3.4 Service Animal in Training

An animal who is participating in a formal program to learn how to become a Service Animal.

### 3.5 Support Animal

An animal that provides emotional or other support that improves one or more identified symptoms or effects of a person's disability. Unlike Service Animals, Support Animals are not required to be trained to perform work or tasks, and they may include species other than dogs and miniature horses. Support Animals could include, but are not limited to domestic dogs, domestic cats, rabbits, companion birds, and other animals commonly kept as Pets.

## 4. Responsibilities and Procedures

### 4.1 Service Animals

Service Animals are permitted to accompany people with disabilities in all areas of University facilities, including on-campus housing, where students, members of the public, and other participants in services, programs, or activities are allowed to go.

- a. A Service Animal must be trained so that it controls its waste elimination, absent illness or accident. The Handler must maintain control of the Service Animal at all times by a harness, leash, or other tether, or by voice, signals or other effective means if the Handler is unable to hold control devices, or such use would interfere with the Service Animal's performance of work or tasks.
- b. The University does not require documentation, such as proof that the animal has been certified, trained, or licensed as a Service Animal.
- c. University employees may only ask two questions of the Handler to determine whether the animal qualifies as a Service Animal:
  - (i.) Is the animal required because of a disability?
  - (ii.) What work or task has the animal been trained to perform?

Asking additional questions of the Handler may be a violation of University Policy 1060 (Non-Discrimination and Anti-Harassment). If a University employee has concerns about a Service Animal, contact the Educational Access Center staff.

### 4.2 Request for Assistance with Service Animals

- a. Students – The Educational Access Center staff.

- b. Employees – If requesting the use of Service Animals in the course of employment, contact Human Resources for information on employment accommodations.
- c. Others – Contact the Office of Institutional Compliance and Ethics.

### **4.3 Support Animals and Pets**

The following are procedures for where Support Animals and Pets are allowed and under what circumstances.

#### **4.3.1 On Campus Student Housing**

- a. A Support Animal may reside in on-campus housing, including accompanying persons with disabilities in all public or common use areas of on-campus housing, when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy on-campus housing.
- b. Before a Support Animal can move into on-campus housing with a person with a disability, the student requesting use of an Animal must submit a request to the Educational Access Center. The Educational Access Center will review the request and notify the student and Housing and Residence Life Administration if the request is approved or denied. Prior to a final decision, the Educational Access Center staff may request additional information from the student. The request for a Support Animal should be made at least thirty (30) days prior to the student bringing the Support Animal into on-campus housing.
- c. The Educational Access Center will require documentation from a licensed physician or mental health provider, including without limitation a qualified psychiatrist, social worker, or other mental health professional, to provide sufficient information for the University to determine that:
  - (i.) The individual qualifies as a person with a disability.
  - (ii.) The Support Animal is necessary to afford the person with a disability an equal opportunity to use and enjoy on-campus housing.
  - (iii.) There is a reasonable, documented connection between the animal and the disability.
- d. Once approved, refer to the Service and Support Animal Guidelines for more information. These guidelines will be given to Handlers of living in on-campus housing upon approval of a Support Animal.

- e. Pets are not allowed in On Campus Student Housing.

#### 4.3.2 Beyond Campus Student Housing

- a. Support Animals or Pets are not allowed in classrooms.
- b. Managers and supervisors have the authority to ban Support Animals and Pets from an office suite or floor of a building.
- c. Support Animals and Pets are not allowed on University shuttles.
- d. If any member of the University community is concerned about a Support Animal or Pet, they may address their concerns with the building manager or other unit manager/supervisor.

#### 4.4 Service Animal Trainees

Service Animals in Training are allowed on campus to the same extent and subject to the same limitations as Service Animals.

#### 4.5 Responsibilities

The University is not responsible for the care or supervision of Service or Support Animals.

- a. Handlers are responsible for the cost, care, and supervision of their animals, including:
  - (i.) Compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
  - (ii.) Keeping the animal under control and taking effective action when it is out of control; and
  - (iii.) Feeding and walking the animal as necessary and disposing of its waste.
- b. Handlers may be charged for damage caused by their animals to the same extent that the University would normally charge a person for the damage they cause. However, the University will not require any surcharges or fees for the use of Service or Support Animals.
- c. Handlers must ensure their animals comply with applicable University rules regarding noise, safety, disruption, and cleanliness.

#### 4.6 Exceptions and Exclusions

The University may impose some restrictions on, and may even exclude an animal in certain instances, including Service and Support Animals. Any animal may be excluded from an area in which it was previously authorized to be if:

- a. It is out of control and effective action is not taken to control it,
- b. It is not housebroken or the Handler fails to clean a cage or box designated for the animal's waste such that the cleanliness of the room is not maintained, or
- c. It poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services.

In the event that restriction or removal of a Service or Support Animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the animal present.

#### 4.7 Guidelines for Members of the University Community

To ensure equal access and nondiscrimination of people with disabilities, members of the University community must abide by the following practices:

- a. Allow Service Animals, and in some cases Support Animals, to accompany people with disabilities on campus;
- b. Do not ask for details about a person's disability;
- c. Do not pet a Service or Support Animal as it distracts the animal from its work;
- d. Do not feed a Service or Support Animal;
- e. Do not deliberately startle, tease, or taunt a Service or Support Animal;
- f. Do not allow Pets to approach and/or interfere with a Service or Support Animal; and
- g. Do not separate or attempt to separate a Handler from his/her Service or Support Animal.

#### 4.8 Policy Non-Compliance

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 or dismissal from employment, in the case of faculty and staff, or
- c. Exclusion from campus, in the case of the public.

If a Handler feels his or her animal has been improperly excluded from campus, the Handler may contact the Educational Access Center, HR, or the Office of Institutional Compliance and Ethics as appropriate.

#### 5. Related Information

[Educational Access Center](#) – Available to students at (208) 426-1583

[Human Resources](#) - Available to University employees at (208) 426-1616

[Office of Institutional Compliance and Ethics](#) – Available to visitors at (208) 426-1258

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#### Revision History