

Service & Assistance Animals in a Changing Landscape

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We ask you to join us in creating a culture that reflects...

Access and Inclusion

and

Civility and Respect

...this week and in all aspects of our organization.

Welcome

I am Scott Lissner I am delighted that you have chosen to join me in a conversation about the evolving roles on animals on campus from unwelcomed roommate to valued partner in an individual's access. At the end you will know the lay of the land and be able build a process to match your institution's culture.



Social & Legal Landscape

- A brief note on language
- The expanding and contracting role of Service Animals
- The changing attitude towards Companion Animals on and off campus
- The transition from Companion Animal to Emotional Support Animal

What Does the Law Say Across Jurisdictions

- Federal Laws
 - ADA Titles II & III
 - ADA Title I
 - Section 504
 - Fair Housing Act
- State laws
- Local ordinances



- Roles
 - Training
- Documentation
- Limits and exceptions
 - Species, breed, size,
 - age, origin
 - Care
- Control, behavior & consequences

University Policy: What Needs To Be Covered

The Ohio State University and the Wexner Medical Center have a general “*no pets*” policy in all of its buildings. Pets are allowed on the grounds when leashed and under control. Service Animals are generally allowed to accompany their handlers in any building or public space where their handlers are permitted.

Emotional Support and Visiting Therapy animals may be allowed in specified areas of the University and Wexner Medical Center with advanced approval. All animals are the responsibility of their handlers and should be under their control (house broken, in proximity to the handler and responsive to commands, in harness, on a three-foot lead, or in a carrier, not exploring others or the environment, and not disruptive).

An animal's behavior is considered the handler's behavior; the animal will be held to the same basic standard of conduct as their handlers. If they are disruptive to university business or community behavioral expectations for educational, medical and residential environments handlers may be asked to correct the animal's behavior or remove it from the environment.

COVID-19 and Animals

- Dogs and cats can catch a form of COVID
- Research indicates that the risk of transmission of that form to people approaches zero
- Animals are a surface
- Quarantine and animal care

N95 Pet Mask



SCENARIOS & CONTEXTS

Training: Community Service or



Visiting Therapy Animals: Animals in the company of their handlers that have been trained to make wellness, stress reduction or therapeutic short term visits



A student comes in with an imposing porcupine in tow. Fill in your half of the conversation where you see ***.



This is Fluffy, my service animal. *** Yes it definitely performs a service: keeping people who want to bother me at a distance and giving me the personal space I need to control my annoyance. *** No, she does not “shoot” her quills or anything like that. *** Oh, I see! Fluffy is an Emotional Support Animal and not a Service Animal. But having her in the residence hall to help me manage my relationship with my roommates is still a reasonable accommodation under the Fair Housing Act, right? ****

SCENARIO 1

Also, crowds are a trigger. Having Fluffy with me in crowded places like the dining hall, the Rec. Center and football games is important. I need her in class too, particularly those really crowded survey classes or when there is group work. Isn't that a reasonable accommodation under 504 or Title II & III of the ADA? ****

Fluffy is also super helpful at work. I am not sure I could deal with the clients without her and let's not even talk about my boss. I know I can bring her to work as a reasonable accommodation under Title I of the ADA? ***

Fluffy is also my "Spirit Animal". As my animal totem can't I have her with me at work as a religious accommodation under Title VII of the Civil Rights Act? ***

Build a Scenario

RESOURCES

“Section 504 would require the school to modify their policies and procedures as necessary to avoid discrimination. The student with a disability who wants to use a non-service animal, for instance, the rabbit, is free to follow the particular college's reasonable procedures for requesting a modification or an accommodation. We would hope to see, as Jeanine mentioned, an interactive process in determining what is appropriate and necessary. And it's going to be a case-by-case basis.”

Ramin Taheri, Staff Attorney, U.S. Department of Education

Service Animals in Post Secondary Education Settings

June 18, 2013

<http://www.ada-audio.org/Archives/AudioConference/index.php?type=transcript&id=2013-06-18&app=1>

Title II State and Local Government 28 C.F.R. Part 35 (with guidance)

http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

Title III Places of Public Accommodation 28 C.F.R. Part 36 (with guidance)

http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.pdf

Department of Justice Revised FAQ on Service Animals

http://www.ada.gov/service_animals_2010.htm

National ADA Network (DBTAC) Fact Sheet # 5

http://www.humancentereddesign.org/neada/documents/National_ADA_Center_Fact_Sheet_5_SERVICE_ANIMALS.pdf

Dept. of Housing and Urban Development Memo: New ADA Regulations and Assistance Animals as Reasonable Accommodations under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973

http://www.nacua.org/documents/FHA_Memo_ServiceAnimals.PDF

Notice: FHEO-2020-01 Issued: January 28, 2020: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act

<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

Animals in Housing: What the DOJ Consent Decrees with the University of Nebraska and Kent State University Tell Us, The HUB, February 2016, <https://www.ahead.org/hub/01-Feb2016/legal-update> (also posted with session materials)

Frequently Asked Questions about Service Animals and the ADA, July 20, 2015, https://www.ada.gov/regs2010/service_animal_qa.html

DOJ/HUD Joint Statement on Reasonable Accommodations under the Fair Housing Act, 2004, http://www.justice.gov/crt/about/hce/jointstatement_ra.php or <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

Consent decree between the United States and Kent State University, January 4, 2016, <http://www.justice.gov/opa/file/809811/download>

Consent decree between the United States and University of Nebraska, Kearney (UNK), September 2015, <http://www.justice.gov/opa/file/767276/download>

COVID-19 GUIDANCE

CDC Animal Guidance Summary

<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/animals.html>

]Interim Guidance for Public Health Professionals Managing People With COVID-19 in Home Care and Isolation Who Have Pets or Other Animals

<https://www.cdc.gov/coronavirus/2019-ncov/animals/interim-guidance-managing-people-in-home-care-and-isolation-who-have-pets.html>

COVID-19 GUIDANCE

Toolkit: One Health Approach to Address Companion Animals with SARS-CoV-2

<https://www.cdc.gov/coronavirus/2019-ncov/animals/toolkit.html>

What you need to know about COVID-19 and Pets and Other Animals

<https://vet.osu.edu/about-us/news/covid-19-and-animals>

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Session Evaluation

- Your feedback helps shape future programming.
- Thank you for attending!