



Policy Number: 800.5
Policy Title: Animals on Campus
Subject: Section 800 – Miscellaneous
Date Adopted: May 28, 2014

Date(s) Revised:

Approved by:

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Daniel J. Bingham
Dean/CEO
Helena College University of Montana

POLICY STATEMENT:

Helena College University of Montana restricts the access of animals on the campuses of the college to those animals exempted in this policy in order to provide a safe and substantive learning environment and workplace.

Exceptions are made under certain conditions for service animals.

The College reserves the right to enforce all relevant rules for the use of service animals through the student conduct code and applicable laws. The College also reserves the right to revoke permission granted for the campus presence of any service animal whose owner fails to follow the requirements set forth in this procedure.

State and federal laws have no specific provisions for people to be accompanied by service animals in places of public accommodation that have a no-pet policy. Therefore, requests for service animals in campus facilities will be reviewed under the College's policy.

Requests that do not carry evidence of the necessity of the animal will be denied.

All Helena college policies shall adhere to and be consistent with relevant federal and state laws, rules, and regulations; with Board of Regents' policies and procedures; and with The University of Montana's policies and procedures.

PROCEDURES:

I. DEFINITIONS:

- A. **Service Animal** - A "service animal" is a dog or other animal individually trained to provide assistance to an individual with a disability. (§49-4-203(2), MCA) Service animals include, but are not limited to, guide dogs for the blind, hearing dogs for the deaf/hard of hearing, and service animals for people with physical disabilities and seizure disorders. Service animals/service dogs are not considered "pets" and are explicitly permitted under state and federal civil rights laws. (See Montana Code Annotated, Title 49 Human Rights: §49-4-214, MCA. Right To Be Accompanied By Service Animal—Identification For Service Animals In Training.) Helena College may require documentation that an animal used in campus facilities is a service animal that falls under the protections of federal and state laws. Service animals in training must be appropriately marked. See §49-4-214(4), MCA.
- B. **Therapy Animal** - A "therapy animal" is an animal owned by an individual and selected to play an integral part of a person's treatment process that demonstrates a good temperament and reliable, predictable behavior. A therapy animal is prescribed to an individual with a disability by a healthcare or mental health professional. A therapy animal is not a service animal, and unlike a service animal, a therapy animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times.
- C. **Companion Animals** - A "companion animal" is a pet that is owned by an individual with a disability. A companion animal is not a service animal and unlike service animals, in some cases, companion animals will not need to accompany the individual with the disability at all times.
- D. **ADA** – The Americans with Disabilities Act, passed in 1990 and amended in 2009, is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability.
- E. **Disability** – defined by the ADA as "a physical or mental impairment that substantially limits a major life activity."
- F. **Handler/Partner** – the term used to refer to an individual with a disability who has a service or comfort animal as an accommodation.

II. EXEMPTED ANIMALS

The following animals are permitted on Helena College property:

- A. **Service animals while performing their duties** – Service animals, as defined by the ADA, must be individually trained to perform a specific task for a person with a disability. If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or a training program. It is also the policy of Helena College to permit members of the public who are service dog trainers, while engaged in the actual training process and activities of service dogs, the same rights, privileges, and responsibilities as other members of the public, as provided by §49-4-214, MCA. Further information about service animals can be obtained from the Office of Disability and Veteran Resources, the ADA Officer in the Human Resources office, or on the Helena College website at <http://umhelena.edu/current/disability/policies.aspx>.
- B. **On-duty police dogs.**
- C. **Animals used for instructional or school-related purposes** – Animals which will be brought on campus for these reasons must receive prior approval for the activity by the Associate Dean of Academic Affairs or the Director of Continuing Education, as appropriate, followed by notification of the College's Facility Manager before the animal is brought on campus.

III. HANDLER/PARTNER RESPONSIBILITIES

Handlers/partners who are on campus on a regular basis are required to adhere to the following:

- A. Individuals with disabilities using service animals are responsible for their animals at all times and must comply with the following requirements:
- B. The user/owner must have completed the requirements outlined in this procedure.
- C. The user/owner must register the service animal by completing the Service Animal Registration Form (Policy 800.5 Animals On Campus – Appendix A)
- D. The user/owner must acknowledge and sign the User/Owner Statement for Service Animals (Policy 800.5 Animals On Campus – Appendix B).
- E. The animal must wear a leash, collar, cape, harness, backpack or other appropriate visible identification that identifies in writing that the animal is a service animal.
- F. The user/owner of the animal must be in full control of the animal at all times.
- G. The user/owner must ensure that animals are on a leash at all times. The user/owner must take responsibility for the behavior of the animal in private and public places, and for due care and diligence in the use of the animal on campus.
- H. The animal must be accompanied by the user/owner at all times while in University facilities.
- I. The user/owner is responsible for any property damage caused by the animal.
- J. The user/owner must clean up after the animal, including the sanitary disposal of animal wastes.
- K. Use of the animal shall not constitute a direct threat to the health and safety of others.
- L. The user/owner must ensure that dogs are licensed in accordance with Helena City and Lewis and Clark County regulations and wear a valid vaccination tag.
- M. The user/owner is responsible for the health of the animal and must provide verification from a qualified veterinarian that all vaccinations appropriate for that type of animal are current.

The user/owner of a service animal must carry and be able to produce the Helena College owner identification card while in any Helena College University of Montana facility.
- N. If an owner/user obtains a new/different service animal to be used under the provisions of this procedure the new/different service animal must be registered and approved. A new Helena College owner identification card will be created by the Office of Disability Resources.

IV. APPROVAL PROCESS

A. Students

The Office of Disability Resources serves as the campus authority for the approval for students or their family members requesting a service animal in any Helena College facility. Students planning to bring a service animal to any Helena College owned facility must notify the Office of Disability Resources and comply with this procedure. Disability Resources will gather and assess evidence as necessary from the diagnostician/therapist that the service animal is necessary as a reasonable program modification. Requests that lack evidence of the animal's necessity to the student will be denied.

B. Employees

Human Resource (HR) serves as the campus authority for the approval of service animals for employees. A request must be made to HR by the employee using the Reasonable Accommodation Request form. HR will evaluate the request using documentation of disability from the employee and determine if the animal is a reasonable accommodation. The employee will also be required to complete the Service

Animal Registration Form (Policy 800.5 Animals on Campus – Appendix A) and User/Owner Statement for Service Animals (Policy 800.5 Animals on Campus – Appendix B).

C. Campus Visitors

Helena College campus visitors who require the assistance of a service animal inside a campus facility must complete the Service Animal Registration Form and User/Owner Statement for Service Animals to be approved by the Office Disability Resources and will be issued the visitor's animal user/owner temporary identification. Helena College campus visitors may also be asked to provide verification of the individual's disability and an assessment may be made as to whether the animal is necessary as a reasonable program modification to allow the individual to participate.

V. EXCLUSION OF SERVICE ANIMALS

- A. A service animal may be excluded from a facility, including a classroom, if that animal poses a direct threat to the health and safety of others, or conflicts with a service animal.
- B. A service animal may be excluded from a facility, including a classroom, if that animal's behavior, such as barking or displaying aggressive behavior, is disruptive to the other participants within the facility.
- C. A service animal will be excluded from a facility where the animal is prohibited due to safety or health restrictions, where the animal may be in danger, or where the animal's use will compromise the integrity of other programs. For example: food preparation areas, laboratories, and areas requiring protective clothing.

VI. CONFLICTS OVER THE USE OF SERVICE ANIMALS

- A. The use of, service animals may negatively affect others with allergies, respiratory impairments and other relevant disabling conditions.
- B. Conflict resolution will be managed by the Office of Disability Resources, and Human Resource for students, employees, and visitors respectively. Evidence of disability and its impact may be required of those negatively affected by the use of the animals by these authorities. For more information to file a complaint, please contact the following individuals:

Student Complaints

Assistant Dean of Students
1115 N. Roberts Street
Helena, MT 59601
406-447-6903

Employees and Visitors

Director of Human Resources
1115 N. Roberts Street
Helena, MT 59601
406-447-6925

VII. REMOVAL OF ANIMALS

Service animals whose behavior poses a direct threat to the health or safety of others or that are disruptive to the campus community may be removed or excluded regardless of training or certification.

Due to the risk of injury from animals to persons at the College, owners of non-exempt animals found on campus will be asked to remove them. If an unrestrained animal is sighted on campus, a member of the maintenance staff will call the local authorities to capture and impound the animal. When appropriate, disciplinary measures may be invoked.

VIII. SEEKING CLARIFICATION OF SERVICE ANIMAL

Following Title II of the Americans with Disabilities Act (§35.136 Service animals (f)) and §49-4-214, MCA, the only questions which may be asked of an individual with a service animal are the following:

- A. Is this a service animal?
- B. Is your animal registered with the appropriate campus office?