

Service and Therapy/Emotional Support Animal Policy
Brigham Young University
Revised March 28, 2005

Brigham Young University is committed to reasonably accommodate persons with disabilities who require the assistance of service or therapy/emotional support animals. However, the University is also mindful of the health and safety concerns of the campus community. Thus, the University must balance the need of the individual with the disability with the potential impact of animals on other campus patrons. The University Accessibility Center (UAC) is responsible for implementing this policy. The successful implementation of the policy requires the cooperation of all students, faculty, and staff.

Definitions:

Disability:

“Disability” is defined as a physical or mental condition or impairment that is medically cognizable, diagnosable, and substantially limits one or more of a person’s major life activities. These limitations may include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning. A person is substantially limited in major life activities if the individual is unable to perform the activity, or is significantly restricted as to the manner in which he or she can perform that activity when compared to the average person.

Service Animal:

A “service animal” is any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. These tasks include but not limited to: guiding individuals with impaired vision; alerting individuals who are hearing impaired to intruders or sound; providing minimal protection or rescue work; pulling a wheelchair; or fetching dropped items.

Therapy/Emotional Support Animal:

A "therapy/emotional support animal" is an animal selected to play an integral part of a person’s treatment process that demonstrates a good temperament and reliable, predictable behavior. A therapy/emotional support animal is prescribed to an individual with a disability by a healthcare or mental health professional. A therapy/emotional support animal is not a service animal. Unlike a service animal, a therapy/emotional support 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 the times. However, a therapy/ emotional support animal may be incorporated into a treatment process to assist in alleviating the symptoms of that individual’s disability. This treatment occurs within the person’s residence and therefore may be considered for access to university housing.

Pet:

A pet is an animal kept for ordinary use and companionship. A pet is not considered a service animal or a therapy/emotional support animal, and therefore, it is not covered by this policy. Pets are not permitted on university property.

Responsibility of Persons with Service or Therapy/Emotional Support Animals

Care and Supervision: Care and supervision of the animal is the sole responsibility of the individual who benefits from the animal's use. The person is required to maintain control of the animal at all times. The person is also responsible for ensuring the clean up of the animal's waste and, when appropriate, must toilet the animal in areas designated by the University.

Vaccination: The animal must be immunized against disease common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag.

Health: The animal must be in good health. Animals to be housed in University housing must have an annual clean bill of health from a licensed veterinarian. The University has authority to direct that the animal receive veterinary attention.

Licensing: The City of Provo requires all dogs 4 months or older to be licensed. Dogs must wear license tags at all times.

Training: Service animals must be properly trained. An owner of a service animal may be asked to provide verification that the animal has been individually trained as a service animal to provide the service needed.

Leash: The animal must be on a leash, if appropriate for the animal, at all times.

Other Conditions: The UAC may place other reasonable conditions or restrictions on the animals depending on the nature and characteristics of the animal.

Requirements for Faculty, Staff, Students, and Other Members of the University Community

Members of the University community are required to abide by the following practices:

- A. Allow a service animal to accompany its owner at all times and in all places on campus, except where animals are specifically prohibited.
- B. Do not touch or pet a service or therapy/emotional support animal unless invited to do so.
- C. Do not feed a service or therapy/emotional support animal.
- D. Do not deliberately startle a service or therapy/emotional support animal.
- E. Do not separate or attempt to separate an owner from his or her service or therapy/emotional support animal.
- F. Do not inquire for details about a person's disabilities. The nature of a person's disability is a private matter.

Removal of Service or Therapy/Emotional Support Animal

The owner of a service or therapy/emotional support animal may be asked to remove the animal from University facilities if the owner or animal fails to comply with this policy. The following describes behaviors which may result in the removal of the animal:

Disruptive Behavior: An animal may be removed if its behavior is unruly or disruptive (e.g., barking, growling, running around, displaying aggressive behavior). If such behavior persists, the owner may be prohibited from bringing the animal on campus until the owner takes significant and effective remedial steps to correct the animal's behavioral problems.

Poor Health: Animals that are ill or in poor health must not be taken into public areas. An owner with an ill animal may be required to remove the animal from University property.

Uncleanliness: Owners who fail to properly clean up and dispose of the animal's waste may be required to remove the animal from University property. Owners of animals that are otherwise unclean or unkempt may be required to remove the animal from University property. An animal that becomes wet from walking in the rain or mud, but is otherwise clean, is considered a clean animal.

Damage

Owners of service or therapy/emotional support animals are solely responsible for any damage to persons or property caused by their animals.

Areas Off Limits to Service Animals

The University may prohibit the use of service animals in certain locations due to health and safety restrictions (e.g. where the animals may be in danger, or where their use may compromise the integrity of research). Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research/demonstration animals, areas where protective clothing is necessary, wood and metal shops, motor pools, and rooms with heavy machinery.

Exceptions to restricted areas may be granted on a case-by-case basis by contacting the University Accessibility Center and the appropriate department representative. However, the person directing the restricted area has the final decision.

Service and Therapy/Emotional Support Animals in University Housing

Service and therapy/emotional support animals may not reside in University housing without expressed approval of University officials. Such requests should be processed as follows:

- A. A person requesting a service or therapy/emotional support animal must provide the University Accessibility Center with appropriate documentation at least 30 days before prospective housing will be needed. Animals will not be allowed to reside in University

- housing if this condition of reasonable advance notice is not fulfilled in a timely manner.
- B. Documentation includes a signed letter, on professional letterhead, from the person's physical or mental healthcare licensed provider or therapist. The provider or therapist should be familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities. A completed copy of the "Certification of Therapy/Emotional Support Animal" form should also be provided if the animal is certified by a certification agency or organization. At a minimum, the letter should include the following items (template letter is provided at the end of this document):
1. The provider's diagnosis of the person's condition.
 2. The provider's professional opinion that the condition qualifies as a disability under federal law, including the major life activity which is substantially limited by the disability.
 3. The provider's opinion that the service or therapy/emotional support animal has been prescribed for treatment purposes and is necessary to help alleviate symptoms associated with the person's condition and/or to help the person use and enjoy University housing services.
 4. The provider's description of the service(s) that the animal will provide.
 5. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.
- C. The University Accessibility Center will review documentation and, if the UAC determines a qualifying disability exists, it shall arrange a meeting with a University housing representative and the person requesting that a service or therapy/emotional support animal be housed in University housing. This policy will be carefully reviewed with the person at that time and an interactive dialogue will take place to determine whether or not the animal is a reasonable accommodation considering alternative accommodations and the impact of the animal on the University housing program.

Verification of Disability and Need for a Service Animal

A person desiring the assistance of a service animal to use University facilities and services must provide verification to the University Accessibility Center that he or she has a qualifying disability and that the service animal is needed for the use and enjoyment of University facilities and services. The person's health care provider, who is familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities, must submit a signed letter, on professional letterhead, expressing the following:

1. The provider's diagnosis of the person's condition.
2. The provider's opinion that the condition qualifies as a disability under federal law, including the major life activity which is substantially limited by the disability.
3. The provider's professional opinion that the service animal is used to help with the person's daily living activities and is necessary to use and enjoy University facilities and services.
4. The provider's description of what service(s) the animal will specifically provide.
5. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.

Conflicting Disabilities

The University Housing Office will make a reasonable effort to notify tenants in the residence building where the animal will be located of the existence of a service or therapy/emotional support animal in the building.

Students with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) should contact the University Accessibility Center if they have a health or safety related concern about exposure to a service or therapy/ emotional support animal. The individual will be asked to provide medical documentation that identifies the condition(s), and will allow determination to be made as to whether the condition is disabling and whether there is a need for an accommodation.

The University Accessibility Center will resolve any conflict in a timely manner, considering the conflicting needs and/or accommodations of all persons involved. The University Accessibility Center may use the University Student Health Center as a resource for information on health issues. In the event that an agreement cannot be reached, the University Accessibility Center's decision is final and not subject to appeal.

Service Animals in Training

Individuals who desire an accommodation for a service animal in training must demonstrate that there is a proper training plan designed to work for the benefit of an individual with a disability. They must also abide by all relevant provisions of this policy. An animal being trained to be a service animal has all the same rights as a fully trained animal when accompanied by a trainer and identified as such.

Questions

Questions or concerns related to this policy should be addressed to the UAC:

University Accessibility Center (UAC)

1520 WSC PO Box 27920

Provo, UT 84602-7920

Phone: (801) 422-2767

Fax: (801) 422-6667

E-mail: <http://campuslife.byu.edu/uac/mail.htm>

Sample Letter from a Service Provider:

[Date]

Name of Professional (therapist, physician, psychiatrist, rehabilitation counselor)
XXX Road
City, State Zip

Dear [University Accessibility Center]:

[Full Name of Tenant] is my patient, and has been under my care since [date]. I am familiar with his/her history and with the functional limitations imposed by his/her disability. He/She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973 because he/she has been diagnosed as suffering from the _____ which substantially limits the following major life activities:

Due to the _____ disorder, [first name] has certain limitations regarding [social interaction/coping with stress/anxiety, etc.]. In order to help alleviate these difficulties, and to enhance his/her ability to live independently and to fully use and enjoy the University owned and administered housing unit, I am prescribing an animal that will assist [first name] in coping with his/her disability. It is anticipated that the animal will assist _____ in the following manner:

I am familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities such as that experienced by [first name]. Upon request, I will share citations to relevant studies, and would be happy to answer other questions you may have concerning my recommendation that [Full Name of Tenant] have a therapy animal. Should you have additional questions, please do not hesitate to contact me.

Sincerely,

Name of Professional