

## **1. PURPOSE**

This policy addresses the process under which persons may request the use of service animals and therapy animals as an accommodation in accordance with the rights afforded to persons with disabilities under the University policy, state and federal law. UW Oshkosh will accommodate those individuals as outlined below, while simultaneously being mindful of the health and safety interests of its general campus community and complying with Wisconsin Policy Chapter 18: *Conduct on University Lands*.

Although this document is a single policy by definition, it is divided into two specific sections addressing each animal policy separately: Service Animals and Therapy Animals.

## **2. RESPONSIBLE OFFICER**

Dr. Cheryl Green, Vice Chancellor for Student Affairs

## **3. SCOPE**

This policy applies to faculty, staff, students, and visitors on all UW Oshkosh owned and operated grounds during and after normal business hours.

## **4. BACKGROUND**

This policy is intended to protect the rights of students, staff, faculty, and visitors at UW Oshkosh who utilize a service animal, outline responsibilities for all involved, set parameters for the use of therapy animals, and ensure the welfare of the animals involved.

## **5. DEFINITIONS**

- 1. Reasonable Accommodation** - Reasonable accommodation is a modification to a campus policy, procedure, or environment that will allow a person with a disability to perform the essential duties and functions of their position or allow a person to participate in the academic programs of the campus (including classes, housing, university events, and activities).
- 2. Service Animal** - A service animal is an animal individually trained to do work or perform tasks for the benefit of an individual with a disability. Species of animals that may be service animals are dogs and miniature horses. Other animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.
- 3. Therapy Animal** - Therapy dogs are trained and certified by qualified handlers who use the dogs to provide comfort and companionship to others in a way that increases emotional well-being and improves quality of life by sharing the animal with students,

faculty, and staff of the University.

## 6. POLICY STATEMENT

### 1. Service Animals

- a. This section addresses the use of service animals by persons with disabilities on the UW Oshkosh campus and presents a standard of behavior for the animal. This section applies to an individual with a disability who requires the use of a service animal during their employment or to enjoy access and participation in an academic program, activity, or event. This policy also applies to service animal trainers and service animals in training.
- b. When it is not obvious what service an animal provides, only two questions may be asked of the handler by the university:
  - Is the service animal required because of a disability, and
  - What work or task has the dog been trained to perform.
- c. University property/buildings where service animals are allowed
  - For individuals and visitors who are not employees or students on campus, service animals will be permitted at campus locations which are generally open to the public, such as the student center, restroom facilities, common areas and recreational facilities (when not restricted by a pass, permit or ticket). For individuals with disabilities who are either employees or students, service animals will be permitted at campus locations where staff or students are allowed access for purposes of employment or academic matters, such as general classrooms, offices, residence halls, and assembly areas.
- d. University property/buildings where service animals may be prohibited
  - Service animals may be prohibited in the following locations: mechanical rooms, utility rooms, animal research facilities, food preparation areas, laboratories, shops, or studios with hazardous activities. Service animals may also be prohibited where the presence of a service animal would be inappropriate or disruptive to the learning activity.
- e. Responsibilities of the Handler
  - Meet with the Accessibility Center (if student) or the ADA Coordinator (if employee) to discuss equal access and participation, work environment, educational programs, or working conditions on campus.
  - Be in control of the animal at all times.
  - Have a harness , leash or other tether unless:
    - Handler is unable because of a disability to use the mechanisms or
    - Mechanisms would interfere with the service animal's work or tasks
  - Ensure all animal care needs are met and all public health and safety concerns addressed properly; Maintain animal health, hygiene and vaccination.
  - Ensure all required state and municipal license requirements (including vaccination) are met.
  - Ensure the immediate clean-up and disposal of animal waste.
  - Make prior arrangements for a person to take custody of the service animal in the event of a handler emergency.

- f. Responsibility of the University
  - A reasonable location for the animal to toilet and the animal's toilet area free from obstructions (snow, branches, etc.).
  - Faculty and staff will contact the Accessibility Center if they have concerns over the use of a service animal in a particular classroom or other course-related setting or location.
  - An identified alternate handler be contacted in the case of an emergency.
- g. Service Animals in Training
  - Wisconsin Statutes chapter 106.52 provides for individuals to be able to have service animals in public places when the animals are in training. If these animals are being trained by an individual who is not using the service animal for their own personal disability, or the future use of a faculty/staff/student, the training service animal is not allowed in classrooms, residence halls, or other nonpublic areas. Questions should be addressed to the Office of Equal Opportunity and Access for faculty and staff and to Dean of Students Office for students.
- h. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

## **2. Therapy Animals**

- a. For the purposes of this University, the only therapy animals approved are canines. This Section applies only to dogs certified through Therapy Dogs International (TDI), or an equivalent organization. Therapy dogs are trained and certified by qualified handlers who use the dogs to provide comfort and companionship to others by sharing the animal with students, faculty, and staff of the University. This is done in a way that increases emotional well-being and improves the quality of life for the people being visited. For the purpose of this policy, therapy dogs are not defined as service dogs or assistance animals.
- b. Therapy Dog Requirements
  - Therapy dogs on the UW Oshkosh campus must be registered with Therapy Dogs International (TDI) or an equivalent organization and be in good standing with that organization and comply with identification requirements as applicable. All therapy dogs must meet health requirements as required by their registered organization. Because the registration through TDI requires these documents, the University does not need additional documentation. Therapy dogs must comply with all provisions under this section.
- c. Rules applied to Therapy Dog visits
  - All therapy dogs require advanced review and approval from the Risk Management Office.
  - Therapy dogs are only allowed in commons areas/entrances of University buildings, and possibly in other specified areas (such as a classroom) with advanced approval and are required to have authorization and approval for the visit.

- Therapy dog visits are not allowed in food preparation areas, laboratories, or research areas where the animal is in potential danger of any form of contamination.
  - Therapy dogs are not allowed in classes unless all requirements are met, including but not limited to:
    - The class professor has approved the visit in advance.
    - That class's subject matter pertains directly to the study of therapy dogs and their work.
    - The dog and handler are not disruptive to the learning environment.
  - During visits, handlers are expected to protect works made by students, faculty, staff, and the general public wherever those works are on display and could be damaged.
  - University employees who act as handlers during a therapy dog visit, must do so at times completely separate from any other University-related work. While the dog and handler are on campus, the handler's sole responsibility is to the therapy dog work.
  - Handlers are allowed to bring personal items to an office/designated area for storage during a therapy dog visit, but are not allowed to leave the dog alone in an office/designated area. Further, handlers may not keep the dog as a companion in their office during University-related work time on the day of the visit.
  - Handlers must keep the dogs on leash and under control at all times.
  - Any pet waste deposited on university lands shall be removed and properly disposed of by the handler.
- d. Exemption: The Counseling Center maintains a separate, pre-approved therapy dog program. Contact the Counseling Center for more information. Any other request for approval of a therapy animal must be routed through the Risk Management Office and the Institutional Animal Care and Use Committee (IACUC) for advanced review.

### **3. Liability and Insurance**

- a. The handler shall be responsible for all liability and claims and insurance related to the service or therapy animal. UW Oshkosh/State of Wisconsin provides no indemnification to the animal, handler, or resident using the animal. UW Oshkosh/State of Wisconsin provides no personal property insurance coverage. Any events involving animals on campus require consultation with Risk Management and the Institutional Animal Care and Use Committee (IACUC) prior to approval.

## **7. REFERENCES**

Fair Housing Act (42 U.S.C. Part 3604);  
 Titles I and II of the Americans with Disabilities Act, as amended, Section 504 of the  
 Rehabilitation Act of 1973;  
 Wis. Stat § 106.52(3)(am);  
 Wisconsin Policy Chapter 18: Conduct on University Lands

## **8. PROCEDURES**

**1. Removal of Service or Therapy Animal**

- a. If a person has a dispute, disagreement or complaint as to a service or therapy animal or its handler/owner under this policy, or said person suspects or has observed animal abuse or neglect of an animal, the Dean of Students Office (for students) and the Office of Equal Opportunity and Access (for staff) should be contacted immediately for appropriate action.
- b. The University may require a service or therapy animal to be removed from a UW Oshkosh facility for the following reasons, including but not limited to:
  - The animal's behavior is aggressive in nature.
  - The handler is unable or unwilling to maintain proper control over the animal.
  - The animal's presence creates a significant hazard to the academic, workplace, or residential environment.
  - The animal's presence fundamentally alters or is disruptive to the workplace, education program, or residential or learning environment.
  - The animal poses a direct threat to the health or safety of others.
  - The animal is not properly housebroken.

**9. REVISION HISTORY**

<b>01/15/2019</b>	Approved by Faculty Senate
<b>12/12/1208</b>	Approved by University Staff Senate
<b>12/06/2019</b>	Approved by Senate of Academic Staff
<b>02/26/2019</b>	Approved by OSA Assembly and Senate

**10. CHANCELLOR'S APPROVAL**



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Chancellor's signature

3/13/2019

\_\_\_\_\_  
Date

TO: Andrew Leavitt, Chancellor

FROM: John Koker, Provost and Vice Chancellor 

DATE: March 5, 2019

RE: Service and Therapy Animal Policy

On the recommendations of the Faculty Senate, Senate of Academic Staff, University Staff Senate and OSA Senate, I am recommending your approval of the Service and Therapy Animal Policy.

I have attached the policy for your review. Please contact me if you have questions regarding the proposal.

JK/eh

Attachment

Approve

Do not approve

  
Chancellor Signature

3/13/2019  
Date