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| TITLE: | Service Animals |
| Policy Number: | 2018-059 |
| Responsible Department: | Institutional Animal Care and Use Committee |
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| Reviewed: | |
| Revised: | |
| Legislation: | 28CFR35.104; 28CFR35.136(i); American Disabilities Act |

Purpose of Policy: To establish the Institutional Animal Care and Use Committee’s (IACUC) position on the use of service animals within any vivarium owned or operated by Western University of Health Sciences (WesternU). (Contact the WesternU Center for Disability & Health Policy ([CDHP](#)) on the use of service animals in other areas of the University.)

Policy Information: [28 CFR 35.104](#) defines a service animal as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability”. The regulation further states that “Other species of 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. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. **The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition”.**

[28 CFR 35.136\(i\)](#) makes the following provisions for the use of miniature horses ([Sizes](#) generally range in height from 24-34 inches at the shoulders and generally weigh between 70-100 pounds):

- (1) A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
- (2) In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider—
 - (i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - (ii) Whether the handler has sufficient control of the miniature horse;
 - (iii) Whether the miniature horse is housebroken; and
 - (iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Under the [ADA](#), State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. Service animals must be harnessed, leashed, or tethered unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. If so, the individual must maintain control of the animal through voice, signal, or other effective controls.

Staff may only ask the following two questions in determining whether or not to allow a service animal entry to a facility:

- Is the animal a service animal required because of a disability?
- What work or task has the dog been trained to perform?

Staff may not ask about the person's disability, require medical documentation, require a special identification card or training documentation, or ask that the dog demonstrate its ability to perform the work or task.

A person with a disability cannot be asked to remove his/her service animal from the premises unless:

- the animal is out of control and the handler does not take effective action to control it;
- the animal is not housebroken.
- For miniature horses: if the size, weight and type of horse cannot be accommodated in the area.

When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to perform their work without the animal's presence.

Policy: Access to vivaria owned or operated by WesternU is restricted and not open to the public. Service animals are generally excluded from entry into any vivarium owned or operated by WesternU where their presence may fundamentally alter the nature of the activities, is disruptive to those activities, or may pose risks to the service animals. Entry of a service animal into a vivarium must be preauthorized by the Attending Veterinarian in consultation with the IACUC.