



Service Animals, Assistance Animals, and Pets

The purpose of this policy is to provide direction and information on accommodating persons with disabilities who use a service or assistance animal, and how to interact with animals on campus.

Please note that students and employees are protected under different laws. Students are protected under the Americans with Disabilities Act (ADA) [Title II and III](#). Employees are protected under ADA [Title I](#).

If students have questions about this policy or seek accommodations for a service or assistance animal, contact [Disability Services](#). For employee accommodations, contact [Vanessa Van Dyk](#), Director of Human Resources.

Policy

Montana Tech prohibits discrimination on the basis of disability in its educational programs, student activities, activities open to visitors, and in employment. The [Montana Code, Section 504 of the Rehabilitation Act of 1973](#), the [Americans with Disabilities Act](#), the [Fair Housing Act](#), and their accompanying regulations, current or future, prevail in implementing this policy as it relates to Service and Assistance Animals.

In general, these laws address when an entity such as Montana Tech must provide reasonable accommodations to a student, employee, or visitor with a disability in order to afford the individual with an equal opportunity to participate in Montana Tech's programs, activities, employment, and services.

The scope of this policy governs all Montana Tech students, employees, and third parties present and participating in Montana Tech's educational and working environment.

Service Animals and Service Animals in Training

A "service animal" is a dog (or, in some cases, a miniature horse) that is individually trained to do work or perform tasks for an individual with a disability. Service animals include, but are not limited to, guide dogs for the blind, hearing dogs for the deaf or hard of hearing, and service dogs for people with physical disabilities and seizure disorders. Service animals are not considered "pets" and are explicitly permitted under state and federal civil rights laws.

Service animals in training are also protected under federal and state law and must be properly marked as provided in § 49-4-214(4), MCA. [Disability Services](#) recommends that service animals wear a visible identification such as a collar, cape, harness, or backpack that identifies that the animal is a service animal. Only dogs or miniature horses are recognized as service animals under Titles II and III of the ADA.

A service animal must be specifically trained to do work or perform a task for the 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. Federal law does not require the individual to provide documentation that an animal has been trained as a service animal.

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

Federal and State Law

Updated 01/19/2022

When [Disability Services](#) determines whether an animal qualifies as a service animal, it considers only two questions:

1. Is the animal required because of a disability?
2. What work or task is the animal trained to perform?

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

Allergies and fear of dogs are not valid reasons for denying access or refusing service to a person using a service animal. 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, both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

A person with a disability may not be asked to remove the person's service animal from the premises unless the dog is out of control and the handler does not take effective action to control it, or the dog is not housebroken.

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 obtain goods or services without the animal's presence.

Area Restrictions

A service animal may go anywhere an owner can go in the facility "where the public is normally allowed to go" (e.g. residence halls, classrooms, libraries, etc.). For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms.

However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment. This same principle applies to Montana Tech. The service animal may not be allowed in spaces that may be considered unsafe for the animal itself or persons using the areas. Such areas include, but are not limited to, medical facilities, labs, mechanical rooms, or where the animal's use will compromise the integrity of research or other similar locations where the animal's presence may constitute a danger or a fundamental alteration of the program or activity conducted in the area.

Assistance Animals

Also known as emotional support animals (ESAs) or comfort animals, an assistance animal is an animal that has been permitted in designated areas of residential communities such as residence halls and Montana Tech apartment housing as a reasonable accommodation. Dogs are commonly used as assistance animals, but another type of animal may be approved if it serves the person with the disability.

Federal and State Laws

The Fair Housing Act protects owners of assistance animals in residential communities. A request for an accommodation must be submitted to [Disability Services](#) and it must be approved before arriving on campus. More details are listed below.

Area Restrictions

Assistance animals are only allowed and must remain in the owner's Montana Tech assigned residential room. If AAs are accompanied by their owner and under the owner's control, they are also allowed in designated areas of the residential facilities and outside dwellings.

Assistance Animals are NOT permitted in non-designated areas of the residential facilities or other areas of Montana Tech such as classrooms, academic buildings, administrative buildings, libraries, dining services areas, fitness center, or pools.

The owner of an assistance animal may be asked to remove the animal from Montana Tech's facilities if the owner fails to comply with the Rules and Responsibilities outlined in Montana Tech's Assistance Animal Policy, as this would be a violation of the signed student agreement.

Requests for Service or Assistance Animals

The application for an assistance animal is a 3-step process. Students must complete the follow forms and submit verification from a licensed veterinarian, if applicable.

1. [User/Owner Agreement](#) – the student is responsible for submitting this form.
2. [Verification Form for An Assistance Animal](#) – this must be filled out by a counselor, physician, or other licensed professional who can verify the students' need for an assistance animal on campus.
3. Documentation – If applicable, submit proof of a completed wellness exam, including current vaccination records, from a veterinarian who has seen the animal.

A request for an Assistance Animal must include the following information to verify the students' need for one. The student seeking to use and live with the animal must have a disability, and the animal must work, assist, and/or perform tasks or services for the benefit of the student, or provide emotional support that alleviates one or more of the identified symptoms or effects of the student's disability.

Service and Assistance Animals for Employees

Title I of the ADA prohibits employment discrimination because of a disability. Allowing an individual with a disability to have a service animal or an assistance animal accompany them to work may be considered an accommodation.

The [Equal Employment Opportunity Commission](#) (EEOC) which enforces the employment provisions of the ADA Title I, does not have a specific regulation on service animals and Title III regulations do not apply to questions arising under Title I. Montana Tech may request documentation to establish the existence of a disability and how the animal helps the individual perform her or his job.

If approved as an employment accommodation, an assistance animal is considered a "service animal" for purposes of this policy. Both service and assistance animals may be excluded from the workplace if they pose either an undue hardship or a direct threat in the workplace.

For employees to request this accommodation, contact to [Vanessa Van Dyk](#) and complete the Reasonable Accommodation Request Form.

A request for an accommodation must include the following information to verify the employee's need for one. The employee seeking to use the animal on campus must have a disability, and the animal must work, assist, and/or perform tasks or services for the benefit of the student, or provide emotional support that alleviates one or more of the identified symptoms or effects of the employee's disability.

Service Animal Responsibilities

Individuals with a disability using a service animal must comply with the following regulations:

- The user/owner of the animal must be in full control of the animal at all times or controlled by verbal commands. The user/owner must ensure that animals are on a leash at all times unless a leash interferes with the animal's work or the person's disability prevents use of a leash. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.
- 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.
- The animal must be accompanied by the user/owner at all times while in Montana Tech facilities.
- The user/owner is responsible for any property damage caused by the animal while on campus or at Montana Tech Apartment Housing.
- The user/owner must clean up after the animal, including the sanitary disposal of animal wastes while on campus or at Montana Tech Apartment Housing.
- Use of the animal shall not constitute a direct threat to the health and safety of others.
- The user/owner is responsible for the health of the animal and must provide vaccinations and be on a wellness program with a veterinarian.

Assistance Animal Responsibilities

- Individuals with disabilities using an assistance animal are responsible for their animals at all times
- and must comply with the following requirements. Failure to comply with these requirements may
- result in the withdrawal of the accommodation.
- The user/owner must have completed the requirements outlined in this procedure.

- The user/owner must register the assistance animal with Montana Tech by completing the Verification Form included in these procedures.
- The user/owner must acknowledge and sign the User/Owner Statement for assistance animals included in these procedures.
- The animal must wear a leash, collar, cape, harness, backpack or other appropriate visible identification that identifies in writing that the animal is an assistance animal.
- The user/owner of the animal must be in full control of the animal 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 while at Montana Tech Residence Halls or Apartment Housing.
- The animal must be accompanied by the user/owner when outside the privacy of their Montana Tech Residence Hall or Apartment Housing.
- The user/owner is responsible for any property damage caused by the animal while in Montana Tech Residence Halls or Apartment Housing.
- The user/owner must clean up after the animal, including the sanitary disposal of animal wastes while in Montana Tech Residence Halls or Apartment Housing.
- Use of the animal shall not constitute a direct threat to the health and safety of others.
- The user/owner must ensure that animals are licensed and wear a valid vaccination tag at all times.
- The user/owner is responsible for the health of the animal and must provide verification from a qualified veterinarian that all vaccinations and is on a wellness program with a veterinarian.
- If an owner/user obtains a new/different assistance animal to be used under the provisions of this procedure, the new/different assistance animal must be registered and approved.

Accommodation Conflicts

Campus members with medical conditions that are adversely affected by service animals or assistance animals should contact the [Disability Services](#) (students) or [Human Resources](#) (employees) if they have health or safety related concerns about exposure to a service or assistance animal.

An individual registering concerns may be asked to provide medical documentation that describes her or his condition, which will allow a determination to be made as to whether the condition is disabling and, if so, what reasonable accommodations may be appropriate.

Interaction with Animals on Campus

Service and assistance animals are working companions and are not considered pets. Campus members should not touch a service or assistance animal when it is harnessed or without the permission of the user/handler. It distracts the animal from the task at hand.

Campus members should not feed a service or assistance animal when it is harnessed or without the permission of the owner/handler, nor should they deliberately startle a service or assistance animal when it is harnessed or off leash. Animals react differently to noise than humans, even with the level of training that such animals may receive.

Campus members cannot ask about the owner/handler's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Visitors with Service Animals

All visitors to campus with service animals must adhere to the same animal control, behavior and safety guidelines as Montana Tech students, staff, and faculty.

Staff and faculty cannot ask about a visitor's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task. They can only ask two questions:

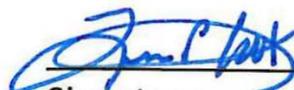
1. Is the animal required because of a disability?
2. What work or task is the animal trained to perform?

Pets

A pet for the purpose of this policy is any other animal that does not meet the definition of a service animal or assistance animal as set forth above. Montana Tech enforces a no-pet policy in all campus facilities. If an unauthorized animal is suspected on Montana Tech's premises or if animal behavior is of concern, please complete an [Unauthorized Animal Form](#).

Effective Date: January 1, 2020

Approved By: Les P. Cook, Chancellor


Signature

12/31/2019
Date