The purpose of this policy is to provide direction and process information for accommodating persons with disabilities who may be served by a service animal or an assistance animal, as well as provide direction and process information for animal and pet interactions on campus.

Please note that students and employees are protected under different laws. Students are protected under ADA Title II (state and local government services) and ADA Title III (public accommodations and commercial facilities). Employees are protected under ADA Title I (prohibits employment discrimination against qualified individuals with disabilities).

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If Students have questions about this policy or requests for accommodations to academic, living, working, transportation, or other arrangements; they should contact Student Disability Services:

**Student Disability Coordinators:**

<table>
<thead>
<tr>
<th>North Campus</th>
<th>Highlands College</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amy Lorang</td>
<td>Cricket Pietsch</td>
</tr>
<tr>
<td>(406)496-4429</td>
<td>(404)496-3730</td>
</tr>
<tr>
<td><a href="mailto:Alorang@mtech.edu">Alorang@mtech.edu</a></td>
<td><a href="mailto:Cpietsch@mtech.edu">Cpietsch@mtech.edu</a></td>
</tr>
</tbody>
</table>

Accommodation Requests for Employees:

If employees have questions about this policy or requests for work accommodations, including requests for a service animal or assistance animal, they should contact:

**Vanessa Van Dyk**
Director of Human Resources
(406) 496 - 4322
Vvandyk@mtech.edu
Policy

Montana Tech prohibits discrimination on the basis of disability in its educational programs, student activities, Montana Tech 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, will prevail in implementing this policy as it relates to Service Animals 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.

Scope

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 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.

To work on campus, 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.

Laws Protecting Owners of a Service Animal - Americans with Disabilities Act

When Student 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 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, for example, in a school classroom, 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:

(1) the dog is out of control and the handler does not take effective action to control it; or

(2) 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 for Service Animals:**

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.
Laws Protecting Owners of Assistance Animals:

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

Area Restrictions for Assistance Animals (AA):

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.

No Pet Policy in All Campus Facilities

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.

Area Restrictions for Pets:

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 or the form may be found on the Student Conduct page.

Approval Process

Student Requests for the Use of Service or Assistance Animals:

• For students who have a service animal, it is recommended they contact one of Montana Tech’s disability coordinators listed above.
• For Students requesting an assistance animal the student must complete two forms, a (1) Student Verification Form for an Assistance Animal and a (2) Student User/owner Statement for an Assistance Animal Form in the Student Disabilities Services Office located in Engineering Hall, Room 103, and it must be approved before arriving on campus.
A request for an Assistance Animal must include information to verify:

1. The person seeking to use and live with the animal has a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities, and
2. The animal works, provides assistance, performs tasks or services for the benefit of a person with a disability, or provides emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability.

Approval Process 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 (public accommodations and commercial facilities) 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 his or her 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 an accommodation, the employee must make the request to the HR Director and complete the Reasonable Accommodation Request Form.

A request for a Service Animal must include information to verify:

1. The person seeking to use and live with the animal has a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities, and
2. The animal works, provides assistance, performs tasks or services for the benefit of a person with a disability, or provides emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability.

Responsibilities of Persons Using Service Animals:

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

- 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.

**Responsibilities of Persons Using Assistance Animals**

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 at Montana Tech Residence Halls or Apartment Housing.
• The user/owner must clean up after the animal, including the sanitary disposal of animal wastes while at 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.

**Conflicting/Competing Disability Accommodations:**

Students and employees with medical conditions that are adversely affected by service animals or assistance animals should contact the Student Disability Services Office (student inquiries) or Human Resources (employee inquiries) if they have health or safety related concerns about exposure to a
service or assistance animal. Students and employees registering concerns may be asked to provide medical documentation that describes their conditions allowing a determination to be made as to whether the condition is disabling and, if so, what reasonable accommodations may be appropriate.

**Student and Employee Etiquette:**

The following rules should be followed by members of the Montana Technological University campus community, including those in the residence halls:

- Service and assistance animals are working companions and are not considered pets. Other persons should not touch a service or assistance animal when it is harnessed or without the permission of the resident user/handler. It distracts the animal from the task at hand.
- Other persons should not feed a service or assistance animal when it is harnessed or without the permission of the owner/handler.
- Other persons should not 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.
- Other persons, students, or employees 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 students attending Montana Tech.

Staff cannot ask about the 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?