

## PSU Assistance Animal Policy

Portland State University (PSU) is committed to making reasonable modifications to its rules, policies, and practices as required by law to afford people with disabilities an equal opportunity to access its programs, services, and activities.

### GETTING HELP

#### **Students**

- . . . bringing an assistance animal to campus. Disability Resource Center  
116 Smith Memorial Student Union  
503-725-4150  
<http://www.drc.pdx.edu>
  
- . . . bringing an assistance animal to University Housing. Disability Resource Center  
116 Smith Memorial Student Union  
503-725-4150  
<http://www.drc.pdx.edu>
  
- . . . reporting any animal *in University Housing* that is disruptive, out of control, or poses a threat to safety. University Housing Office  
503-725-4370
  
- . . . reporting any animal *elsewhere on campus* that is disruptive, out of control, or poses a threat to safety. Campus Public Safety Office  
503-725-4404
  
- . . . reporting a concern about disability discrimination or harassment. Office of Equity and Compliance  
503-725-5919  
[www.pdx.edu/diversity/office-of-equity-compliance](http://www.pdx.edu/diversity/office-of-equity-compliance)

#### **Faculty/Staff**

- . . . bringing an assistance animal to campus. Human Resources  
503-725-4926
  
- . . . reporting any animal *in University Housing* that is disruptive, out of control, or poses a threat to safety. University Housing Office  
503-725-4404
  
- . . . reporting any animal *elsewhere on campus* that is disruptive, out of control, or poses a threat to safety. Campus Public Safety Office  
503-725-4404
  
- . . . reporting a concern about disability discrimination or harassment. Office of Equity and Compliance  
503-725-5919  
<http://www.pdx.edu/diversity/office-of-equity-compliance>

## PETS

A "pet" is any animal kept for ordinary use and companionship. Assistance animals (service and support animals), as defined below, are not considered pets.

Pets are generally prohibited indoors on the PSU campus, except in University Housing, where fish and cats are sometimes permitted as pets. For more information on fish and cats in University Housing, please refer to the PSU Housing Handbook.

## ASSISTANCE ANIMALS

This policy applies to assistance animals that may be used by individuals with disabilities at PSU. The term "assistance animal" is the overarching term that refers to both service animals as well as support animals as defined below. Therefore, an assistance animal is an animal that either (1) works, provides assistance, or performs tasks for the benefit of a person with a disability; or (2) provides emotional or other type of support that alleviates one or more identified symptoms or effects of a person's disability.

### a. SERVICE ANIMALS

A "service animal" means any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the person's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition. Species other than dogs or, in some cases, miniature horses, are not considered service animals for the purpose of this definition of a service animal.

Service animals will be permitted to accompany people with disabilities in all areas of PSU's facilities, including University Housing, where students, members of the public, and other participants in services, programs or activities are allowed to go. PSU does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Individuals accompanied by a service animal on campus but who do not need any disability-related accommodations are not required to register with the DRC, nor is such individual required to submit a request for a reasonable accommodation to receive access of his or her service animal.

Additionally, PSU cannot ask about the nature or extent of a person's disability to determine whether a person's animal qualifies as a service animal. However, when it is not readily apparent that a dog is a service animal, PSU staff may make two inquiries to determine whether the dog qualifies as a service animal, which are:

- (1) Is the dog required because of a disability?
- (2) What work or task has the dog been trained to perform?

A service animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether, unless the person is unable to hold those, or such use would

interfere with the service animal's performance of work or tasks. In such instances, the service animal must be kept under control by voice, signals, or other effective means.

PSU will assess requests for the use of miniature horses by people with disabilities on a case-by-case basis. Requests should be submitted to the Disability Resource Center and, consistent with applicable laws, PSU may make modifications in its policies to permit their use if they meet certain criteria and have been individually trained to do work or perform tasks for the benefit of people with disabilities.

#### b. SUPPORT ANIMALS

A "Support animal" is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, support animals are not required to be trained to perform work or tasks, and they include species other than dogs and miniature horses.

Support animals are generally not allowed to accompany persons with disabilities in all public areas of PSU as a service animal is allowed to do, but a support animal may reside in University Housing, including accompanying such individual in all public or common use areas of University Housing, when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy University Housing. Before a support animal can move into University Housing with a person with a disability, a request must be submitted to PSU's Disability Resource Center and approval must be granted (preferably at least 30 days prior to move in). If the disability is not obvious, the DRC may require documentation from a licensed physician or mental health provider, including without limitation a qualified psychiatrist, social worker, or other mental health professional, to provide sufficient information for PSU to determine:

- that the individual qualifies as a person with a disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities); and
- that the support animal may be necessary to afford the person with a disability an equal opportunity to use and enjoy University Housing (i.e. that the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability).

While support animals are generally not allowed indoors on PSU's campus other than in University Housing, people with disabilities may request approval from the Disability Resource Center to have the support animal accompany them to other campus areas. Such requests will be considered on a case-by-case basis consistent with applicable laws.

**GUIDE AND HEARING TRAINEES:** Oregon law allows animals that are being trained to be dog guides for the blind, hearing assistance dogs, or assistance animals for persons with physical impairments to access PSU facilities.

## **RESPONSIBILITIES OF PEOPLE WITH DISABILITIES USING ASSISTANCE ANIMALS**

PSU is not responsible for the care or supervision of assistance animals. People with disabilities are responsible for the cost, care, and supervision of assistance animals, including:

- compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
- keeping the animal under control and taking effective action when it is out of control; and
- feeding and walking the animal, and disposing of its waste.

For specific campus areas designated by PSU for toileting service animals, contact the Disability Resource Center. Waste disposal via university plumbing is prohibited in university residences, but the Disability Resource Center or University Housing can provide guidance on where to appropriately dispose of animal waste.

PSU will not require any surcharges or fees for assistance animals. However, a person with a disability may be charged for damage caused by an assistance animal to the same extent that PSU would normally charge a person for the damage they cause.

People with disabilities who are accompanied by assistance animals must comply with the same university rules regarding noise, safety, disruption, and cleanliness as people without disabilities.

### **EXCEPTIONS AND EXCLUSIONS**

PSU may pose some restrictions on, and may even exclude, an assistance animal in certain instances. As noted above, support animals are generally not allowed indoors on PSU's campus other than in University Housing. Persons with disabilities may request approval from the Disability Resource Center to have the emotional support animal accompany them to other campus areas as a reasonable accommodation. Such requests will be considered on a case-by-case basis consistent with applicable laws. Any animal may be excluded from an area in which it was previously authorized to be only if:

- it is out of control and effective action is not taken to control it;
- it is not housebroken (or in the case of a support animal that deposits waste in a designated cage or litter box, the owner fails to clean such cage or box such that the cleanliness of the room is not maintained); **or**
- it poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services.

In considering whether an assistance animal poses a direct threat to the health or safety of others, PSU will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine: (1) the

nature, duration, and severity of the risk; (2) the probability that the potential injury will actually occur; and (3) whether reasonable modifications of policies, practices, procedures, or the provision of auxiliary aids or services, will mitigate the risk. The University President shall name a designee who shall provide a written statement of explanation to any person with a disability if a determination is made that the presence of that person's assistance animal would fundamentally alter the nature of a program, service, or activity.

In the event that restriction or removal of an assistance animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the assistance animal present.

The above provisions on restrictions and exclusions is not intended to cover modifications to reasonable accommodations. The reasonable accommodation process and modifications to reasonable accommodations are covered under PSU's policy on reasonable accommodations.

As noted above, support animals are generally not allowed indoors on PSU's campus other than in University Housing. Persons with disabilities may request approval from the Disability Resource Center to have the emotional support animal accompany them to other campus areas as a reasonable accommodation. Such requests will be considered on a case-by-case basis consistent with applicable laws.

## **GUIDELINES FOR MEMBERS OF THE PSU COMMUNITY**

To ensure equal access and nondiscrimination of people with disabilities, members of the PSU community must abide by the following practices:

- Allow assistance animals to accompany people with disabilities on campus;
- Do not ask for details about a person's disabilities;
- Do not pet an assistance animal, as it distracts the animal from its work;
- Do not feed an assistance animal;
- Do not deliberately startle, tease, or taunt an assistance animal; and
- Do not separate or attempt to separate a person from his/her assistance animal.

If you have a disability that may be affected by the presence of animals, please contact the Disability Resource Center. PSU is committed to ensuring that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible.

## **GRIEVANCE PROCEDURE**

A student or employee who wishes to file a disability discrimination complaint should contact the Office of Equity and Compliance at 503-725-5919 or [diversity@pdx.edu](mailto:diversity@pdx.edu). The website for the Office of Equity and Compliance is at [www.pdx.edu/office-of-equity-compliance](http://www.pdx.edu/office-of-equity-compliance).

Students with concerns about potential discrimination may also contact the United States Department of Education, Office for Civil Rights, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099; the United States Department of Housing and Urban Development by phone at (800)-877-0246, or on the web at <http://www.hud.gov/complaints/> (and click on "Housing Discrimination"); or the United States Department of Justice, Disability Rights Section by email at [ADA.complaint@usdoj.gov](mailto:ADA.complaint@usdoj.gov), or on the web at <http://www.ada.gov>.

## **LEGAL REFERENCES**

Title II of the Americans with Disabilities Act  
Section 504 of the Rehabilitation Act of 1973  
Fair Housing Act  
Oregon Revised Statutes  
Oregon Administrative Rules