

## Assistance Animal Policy

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### I. Policy Statement

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Portland State University (University) is committed to providing students, faculty, staff and visitors equal opportunities in education and employment in accordance with laws and the University's policies. An important aspect of that commitment is to afford individuals with disabilities who require the assistance of service or support animals (assistance animals) equal opportunity to access University property, courses, programs and activities.

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### II. Reason for Policy/Purpose

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This policy advances the University's commitment to accessibility by establishing standards for permitting individuals with disabilities who depend on assistance animals to have equal access to the facilities, programs, services and activities of the university. This policy complies with federal and state laws, including: the Americans with Disabilities Act of 1990 (ADA) as amended; Section 504 of the Rehabilitation Act of 1973 (P.L. 93-11) and 45 CFR Part 84; the Fair Housing Act of 1968, 42 U.S.C. 3601 et seq.; ORS Chapter 659: OAR 839.006.0290 and 839.006.0345.

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### III. Applicability

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This policy applies to all students, employees, visitors, schools, colleges, contractors, and administrative units of the University

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## IV. Definitions

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**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.

**Owners/handler:** An “owner/handler” is any person having an interest in or right of possession to an animal, or any person having control, custody, or possession of an animal.

**Assistance Animals:** The term “assistance animal” is an overarching term that applies to both service animals and 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 disability; or (2) provides emotional or other types of support that alleviate one or more identified symptoms or effects of a person’s disability.

**Service Animals:** A “service animal” is any dog or miniature horse 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 crime deterrent benefits of an animal’s presence or the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

**Support Animals:** A “support animal” is an animal that provides emotional or other support, just by being with a person, that alleviates one or more identified symptoms or effects of a person’s disability. Unlike service animals, support animals are not individually trained to perform work or tasks, and they include species other than dogs and miniature horses.

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## V. Policy and Procedures

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## **1. Pets**

Except as permitted by PSU Pets on Campus Policy, Pets are not permitted indoors on the PSU campus, although fish are sometimes permitted as pets. For more information about pets and other animals on campus and in PSU facilities, please see PSU's Pets on Campus Policy (currently being drafted.)

## **2. Service Animals**

Service dogs are generally permitted to accompany owners/handlers with disabilities in all areas of PSU's facilities (including University Housing) where students, faculty, staff, members of the public and other participants in services, programs or activities are allowed to go. Limited exceptions to access by service animals are included in Section VIII.

A service dog must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept in 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 other tasks. In such instances, the service animal must be kept under control by voice, signals, or other effective means.

### **2.1 Documentation**

Individuals with disabilities are not required to provide documentation of the nature of their disability or training of their service animals in order to be accompanied by service animals in areas of PSU facilities where students, faculty, staff, members of the public and other participants in service, programs or activities are allowed to go.

### **2.2 Registration of Service dogs:**

**2.2.1 Students:** Students accompanied by a service dog on campus who do not need any disability related accommodations are not required to register with the University, or to submit a request for a reasonable accommodation to have access to their service dogs. Such student handlers/owners who regularly access University facilities are encouraged, however, to contact the Disability Resources Center (DRC). The DRC can facilitate

access for these handlers/owners by providing advance notice to University personnel regarding the handlers/owners' right to be accompanied by their animals.

2.2.1 (a) If a student accesses laboratories on campus and desires to bring a service dog into a laboratory, the student should contact the DRC to assure appropriate protocol is arranged for the health and safety of the service animal and lab attendees. Students are required to follow university established procedures.

2.3 Employees: University employees who require the use of a service dog in the workplace are encouraged to inform their manager/supervisor in advance of bringing the service dog into the workplace. Managers/supervisors who receive such a notice from an employee must ensure appropriate arrangements are made to accommodate the employee, their service animal and other unit employees. Manager/supervisors must also inform the HR Leaves and Accommodations Team that a service animal will be present in their unit.

2.3.1 If other employees in the involved unit have disabilities that may be negatively affected by the presence of a service animal, the HR Leaves/Accommodation team will initiate an interactive process and make a good faith effort to develop an accommodation that will meet the needs of both/all of the affected employees.

2.3.2 If an employee accesses laboratories on campus and desires to bring a service dog into a laboratory, the employee should contact Human Resources to assure appropriate protocol is arranged for the health and safety of the service animal and lab attendees. Employees are required to follow university established procedures.

2.3.3 If an employee is accompanied by a service animal solely for the purpose of attending an event or activity or are accessing facilities other than their workplace that are

open to the public, they do not have to provide advance notice or request an accommodation.

### **2.3 Visitors:**

Visitors on campus accompanied by a service dog who do not need any disability related accommodations are not required to register with the University, or to submit a request for a reasonable accommodation to have access to their service dogs.

### **2.4 Miniature Horses:**

PSU will assess requests for the use of miniature horses by people with disabilities on a case-by-case basis. Requests for use of miniature horses by students or visitors must be submitted to the Disability Resource Center. Requests by employees for their use should be directed to the Human Resources, Leaves/Accommodation Team. Once PSU has received such a request, and consistent with applicable laws, the University will engage in the interactive process to determine if the use of a miniature horse is a reasonable accommodation. An individual requesting the use of a miniature horse as a service animal must meet established criteria.

## **3. Support Animals**

Unlike service animals, support animals generally are not allowed to accompany persons with disabilities in all PSU owned and operated facilities. Support animals may, however, be allowed to reside in University Housing and to accompany their owners/handlers in all public or common use areas of University Housing when it may be necessary to allow the owner/handler an equal opportunity to use or enjoy University Housing. Although support animals generally are not allowed indoors in campus facilities other than University Housing, owners/handlers may request approval 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.

**3.1 Approval Process for Students:** Before a support animal(s) 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.) The link to the University Housing support animal request form can be found in Section XI below.

Students who wish to appeal support animal denial determinations for University Housing made by the Disability Resource Center may appeal the decision to the PSU ADA Coordinator by emailing the ADA Coordinator with an explanation of how the support animal provides assistance to ameliorate the student's disability. The ADA Coordinator will also review the documentation provided to the DRC in order to decide on the appeal. PSU generally does not permit the use of support animals in others indoor areas of campus facilities. Requests to have a support animal accompany its owner/handler to the other indoor areas of campus facilities may be submitted by the owner/handler to DRC and will be determined on a case-by-case basis by the DRC.

**3.2 Approval Process for Employees:** PSU generally does not permit the use of support animals in the workplace. Requests to have a support animal accompany its owner/handler to the workplace may be submitted by the owner/handler to the Human Resources Leaves/Accommodation Team for consideration under the University's reasonable accommodation process and will be determined on a case-by-case basis by the Human Resources Leaves/Accommodation Team.

**3.3 Documentation:** The DRC or HR 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 disability and/or reasonable accommodation, per PSU's Reasonable Accommodation/Access Policy and DRC and HR processes.

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## **VI. Service Animals in Training**

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Consistent with Oregon law, animals that are being trained to be service animals for persons with disabilities are treated the same as trained service animals for purposes of accessing PSU facilities.

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## **VII. Owner/Handler Responsibilities for Assistance Animals**

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

- Compliance with any laws pertaining to animal licensing, vaccination, and owner/handler 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.

Waste disposal via university plumbing is prohibited in university facilities, but the DRC, University Housing or HR Leaves/Accommodation teams 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 damage they cause.

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

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## **VIII. Exceptions and Exclusions**

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PSU may impose some restrictions on, and may even exclude, an assistance animal, in certain instances. Examples include:

- If the animal is out of control and effective action is not take to control the assistance animal;
- If the animal is not housebroken (or in the case of a support animal that deposits waste in a designated cage or litter box, the owner/handler fails to clean such cage or box such that the cleanliness of the room and/or office is not maintained); or
- The animal poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, 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 objective evidence to determine:

- The nature, duration and severity of the risk;
- The probability that the potential injury will actually occur; and
- Whether reasonable modifications of policies, practices, procedures or the provision of auxiliary aids or service 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, activity or workplace.

In the rare 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. Other options may be presented as well in an attempt to meet the student or employee's accessibility needs.

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## **IX. Responsibilities of Members of the PSU Community**

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### **1. Service Animals.**

To ensure equal access and nondiscrimination against people with disabilities, PSU must allow a service animal to accompany its owner/handler to any event, activity or facility when it is readily apparent that the dog is trained to do work or perform tasks for its owner/handler. If the need is not apparent, individuals may ask only the following two questions to determine whether the dog or miniature horse qualifies as a service animal:

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

If the owner/handler states that the animal is required because of a disability and that the animal has been trained to perform a task or work for the owner/handler, the employee and/or student must not interfere with the individual's right to have a service animal present with the individual. Even



if the University employee or student has doubts, they may not follow up with a request for documentation of the disability or the dog's training. The animal should be admitted, and the employee or student should consult with the DRC, HR Leaves/Accommodation team or the ADA coordinator regarding future access.

University personnel must also observe the following rules when interacting with a person with disabilities accompanied by an assistance animal:

1. Do not pet or interact with an assistance animal, as it distracts the animal from its work;
2. Do not feed an assistance animal;
3. Do not deliberately startle, tease, or taunt an assistance animal; and
4. Do not separate or attempt to separate a person from their assistance animal.

University personnel or students who have a disability that may be affected by the presence of assistance animals, should contact the DRC, HR Leaves/Accommodation team or the ADA coordinator. 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.

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## **X. Filing a Complaint**

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If a current or prospective student, employee, contractor, visitor or other member of the public disagrees with a proposed accommodation or the manner in which they or their assistance animal are treated by university personnel or a student, the person may contact the ADA Coordinator in the Office of Equity and Compliance at [equityandcompliance@pdx.edu](mailto:equityandcompliance@pdx.edu).

Anyone who wishes to file a complaint involving prohibited discrimination and/or harassment based on disability (or any other protected class) may also contact the Office of Equity and Compliance at [equityandcompliance@pdx.edu](mailto:equityandcompliance@pdx.edu).

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## **XI. Links to Related Policies, Procedures or Information**

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PSU's policy on Reasonable Accommodations/Access may be found at [www.pdx.edu/ogc/university-library/adopted-policies](http://www.pdx.edu/ogc/university-library/adopted-policies)

PSU's policy on Prohibited Discrimination and Harassment may be found at [www.pdx.edu/ogc/university-library/adopted-policies](http://www.pdx.edu/ogc/university-library/adopted-policies)

[PSU's policy on Animal on Campus \(being drafted\)](#)

[More information for students on requesting use of support animals can be found at http://www.pdx.edu/drc/assistance-animals-in-housing](http://www.pdx.edu/drc/assistance-animals-in-housing)

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## **XII. Contacts**

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If you have any questions regarding this policy, please contact the ADA Coordinator at [equityandcompliance@pdx.edu](mailto:equityandcompliance@pdx.edu)

For students & prospective students:

DRC, 116 Smith Memorial Student Union, 1825 SW Broadway  
Telephone: (503) 725-4150; TTY/Relay: (503) 725-6504; E-mail:  
[drc@pdx.edu](mailto:drc@pdx.edu)

For employees (faculty & staff), applicants, and members of the public:

HR, Suite 518, Richard and Maureen Neuberger Building, 1600 SW 4th Avenue; Telephone: (503) 725-4926; TTY: (503) 725-6503; E-mail:  
[Leaves@pdx.edu](mailto:Leaves@pdx.edu)

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## **XIII. History/Revision Date**

[May 29, 2020]

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**Adoption Date:** [date policy first approved by UPC and is in effect]

**Reaffirmation Date:** [date UPC concurs with responsible officer that an existing policy requires no change, and remains in effect]

**Revision Date:** [date policy has been changed and reapproved]

**Next Review Date:** Month, Day, Year [at least every five years, sooner as needed]

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**XIV. Policy Adoption/Reaffirmation/Revision/Approvals**

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**Approved by Portland State University President**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Approved by Portland State University General Counsel**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_