



## ADMINISTRATIVE POLICY

# Animals on Campus Policy (SA 4)

## POLICY STATEMENT

NSHE tasks each institution with developing a policy on the presence of Service and Emotional Support Animals in institutional housing and other campus facilities.

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## DEFINITIONS

**Emotional Support Animal (ESA):** An animal that provides comfort to an individual with a disability upon the recommendation of a healthcare or mental health professional; its role is to alleviate the symptoms of an individual's disability, but not to assist an individual with a disability with activities of daily living.

**Guide Dog:** A trained dog that serves as a travel tool for persons with severe visual impairments or who are blind or have low-vision.

**Hearing Dog (sometimes referred to as a Signal Dog):** A dog trained to alert a person with significant hearing loss, or who is deaf, to the presence of sounds or people.

**Partner:** The person assisted by a Service Animal.

**Pet:** An animal kept for ordinary use and companionship.

**Psychiatric Service Dog:** A dog trained to detect the onset of psychiatric episodes and lessen their effects.

**Seizure Response Dog:** A dog trained to assist a person with a seizure disorder.

**Service Animal:** A dog (or a miniature horse, provided it meets the same work and safety requirements as a dog) trained to assist people with disabilities in the activities of daily living. As defined by the Americans with Disabilities Act (ADA), only dogs and miniature horses qualify as Service Animals; "other species of animals, whether wild or domestic, trained or untrained, are not service animals..."

**Service Animal in Training:** A dog or miniature horse that is being trained as a Service Animal. For the purposes of this policy, all statements that pertain to Service Animals apply equally to Service Animals in Training.

**Social Signal (SSig) Dog:** A dog trained to assist a person with autism.

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## PROCEDURES

### I. Animals Allowed on Campus

The Americans with Disabilities Act (ADA) allows Service Animals and Service Animals in Training to be on the Nevada State College campus. If a person with a disability requires a Service Animal, the animal must be allowed to accompany the person anywhere on campus, including food service

areas, except in situations where the Service Animal may cause a safety issue or interfere with the fundamental nature of campus activities, such as research or clinical areas that require a sterile environment.

Nevada State College prohibits individuals from bringing animals other than Service Animals to campus without prior written approval from the Dean of Students or Vice President of Finance and Business Operations. Animals other than Service Animals may be on campus only if they are approved in advance as part of a campus-sponsored event, program, or service (e.g., test anxiety relief days sponsored by a unit). The Dean or Director of the sponsoring unit is responsible for securing approval, ensuring proper supervision and control over the animal, and any necessary waste clean-up. Failure to do so will result in revocation of approval to have the animal on campus. Moreover, an animal participating in a campus-sponsored event, program, or service may be removed for any of the reasons listed in Section V below.

## **II. Eligibility for Service Animal Status**

To qualify as a Service Animal, a dog (or, if approved, a miniature horse) must perform work or tasks that directly relate to the Partner's disability. According to Section 504 of the Rehabilitation Act (including clarifications issued in September 2010), examples include, but are not limited to:

- Assisting individuals who are blind or have low vision with navigation or other tasks;
- Alerting Deaf or hard-of-hearing individuals of the presence of people or sounds;
- Providing non-violent protection or rescue work;
- Pulling a wheelchair;
- Assisting an individual during a seizure;
- Alerting an individual to the presence of allergens;
- Retrieving items such as medicine or a telephone;
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities;
- Helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

If an animal meets this criterion, it qualifies as a Service Animal. Emotional Support Animals do not qualify as Service Animals under the ADA or Section 504 of the Rehabilitation Act.

If the service an animal performs is not obvious, the Disabilities Resource Center (DRC) may ask two questions to determine if it qualifies as a Service Animal:

1. Is the animal a Service Animal that is required because of a disability?
2. What disability-related work or task has the animal been (or is the animal being) trained to perform?

The DRC may not require other proof of a Service Animal's status. Faculty and staff may not require medical documentation of the need for the animal, training documentation, or a demonstration of its ability to perform a task. Service Animals do not have to be licensed or certified by the state, local government, or any training program.

- A. *Dogs*: A dog used as a Service Animal may be any breed or size. Service Animals may (but are not required to) wear specialized equipment, such as a backpack, harness, or special collar or leash, as needed to assist their Partners with activities of daily living.
  1. Types of Service Animals include, but are not limited to, Guide Dogs, Hearing Dogs, Psychiatric Service Dogs, Social Signal (SSig) Dogs, and Seizure Response Dogs.

- B. *Miniature horses*: The revised ADA and Nevada Revised Statutes require institutions to make appropriate provisions for miniature horses that have been individually trained to do work or perform tasks for people with disabilities.
1. *Size*: Miniature horses generally range in height from twenty-four (24) to thirty-four (34) inches at the shoulders and weigh seventy (70) to one hundred (100) pounds.
  2. *Assessment factors*: NSC will determine whether to grant permission for a miniature horse to serve as a Service Animal on a case-by-case basis. When making such a determination, the DRC will take the following factors into account:
    - i. Whether the miniature horse is housebroken;
    - ii. Whether the miniature horse is under the Partner's control;
    - iii. Whether our facilities can safely accommodate the miniature horse's type, size, and weight; and
    - iv. Whether the miniature horse's presence will compromise legitimate safety requirements necessary for safe operation of NSC facilities.

According to Nevada statute (NRS 426.805), it is "unlawful for a person to fraudulently misrepresent an animal as a Service Animal or Service Animal in Training."

### III. Responsibilities of Individuals Using Service Animals

Partners using Service Animals on campus are responsible for the following:

- A. *Safety*: Service Animals must not pose a direct threat to the health and safety of others on campus.
- B. *Compliance with local ordinances*: Service Animals must have all immunizations, licenses, and other items required by City of Henderson ordinances (or the relevant municipality for events sponsored off-campus) and must comply with laws regulating noise, restraint, and at-large animals. Dogs used as Service Animals must wear a City of Henderson (or other relevant municipality) license tag and a current rabies vaccination tag at all times.
- C. *Control over animal*: Partners must maintain control over their Service Animals at all times. Service Animals must be harnessed, leashed, or tethered unless the animal needs to perform a task requiring it to travel beyond the length of the restraint or if the Partner's disability prevents the use of such devices. In that case, the Partner must maintain control through voice, signal, or other commands.
- D. *Care and supervision*: The care and supervision of the Service Animal is solely the responsibility of the Partner.
  1. The Partner must provide the animal with food and water at appropriate intervals. Food and water should not be provided in classrooms, laboratories, the library, the campus café, or other areas where it may present a health risk or create a disturbance. Food and water should be provided outside or in a public area of campus, such as a lobby. The Partner is responsible for bringing clean bowls for food and/or water and for cleaning up the area as necessary after the Service animal eats or drinks.
- E. *Hygiene*: The Service Animal should be bathed regularly to avoid significant odors and/or shedding. Regular grooming may be necessary for flea, tick, and shedding control.
- F. *Waste*: Service Animals must be housetrained and able to control their waste elimination, which should take place outdoors. The Partner is responsible for independently removing or arranging for the removal of the Service Animal's feces and/or urine, placing the waste in a

closed container or bag, and disposing of it in an outdoor trash bin. The Partner must carry sufficient equipment and/or bags for cleaning up and disposing of the Service Animal's waste. Partners who are physically unable to pick up and dispose of waste are responsible for making all necessary arrangements for assistance.

- G. *Damage*: The Partner is responsible for any damages caused by the Service Animal.
- H. *General regulations*: Partners accompanied by a Service Animal are subject to the same campus conditions, regulations, and limitations that apply to individuals without Service Animals.

Temporary visitors with Service Animals who visit campus for conferences, workshops, class work, or other circumstances must adhere to all requirements listed in this section.

#### **IV. Animals in Campus Housing**

This policy will be amended as needed to address issues specific to bringing or keeping animals in campus housing.

#### **V. Removing a Service Animal**

A Service Animal may be temporarily or permanently asked to leave Nevada State College facilities, grounds, or sponsored events for any of the following circumstances:

- A. The Partner is unable to control the animal's behavior (including barking) and/or does not take effective action to control the behavior;
- B. An animal intended for use as a Service Animal is objectively determined to be presently incapable of performing appropriate and disability-related work or tasks for the Partner and is deemed not to qualify as a Service Animal under the ADA;
- C. A Service Animal demonstrates unruly or disruptive behavior that indicates it has not been successfully trained to function as a Service Animal in public settings;
- D. The animal is ill;
- E. The animal is not clean (this does not apply to Service Animals that become wet from weather-related incidents but are otherwise clean);
- F. The animal is destructive;
- G. The animal is aggressive;
- H. The Partner violates the responsibilities set out in this policy;
- I. The animal is abandoned or left for an extended time without supervision.

The timeframe for removing the animal will be determined based on the facts of the specific case and whether the animal poses an imminent threat of harm to members of the campus community.

If asked to remove a Service Animal, the Partner may return to campus without the Service Animal and the College will provide the Partner a reasonable accommodation in place of the Service Animal.

## VI. Complaints about Animals on Campus

Individuals with medical issues that are affected by a Service Animal should contact the Disability Resource Center (DRC). The person raising the concern must provide verifiable medical documentation supporting the claim that the presence of the Service Animal is a medical issue. The DRC will consider the needs of the Partner and the person filing the complaint in attempting to resolve the problem as efficiently and effectively as possible.

If there is cause to be concerned that a Service Animal may be a health or safety risk, contact the Disability Resource Center to discuss these concerns. Such reports will be handled on a case-by-case basis.

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## FORMS/INSTRUCTIONS

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### CONTACTS

OFFICE/UNIT	CONTACT	PHONE	EMAIL
Dean of Students	Gwen Sharp	X2645	Gwen.sharp@nsc.edu
Disability Resource Center	Sandi Patton	X2182	Sandi.Patton@nsc.edu

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### RELATED INFORMATION

- Americans with Disabilities Act (ADA) [https://www.ada.gov/2010\\_regs.htm](https://www.ada.gov/2010_regs.htm)
- Americans with Disabilities Act as Amended (ADAAA)
- Nevada State law NRS 426, Persons with Disabilities <https://www.leg.state.nv.us/NRS/NRS-426.html>
- Section 504 of the Rehabilitation Act of 1973
- NSHE Code Title 4, Chapter 8, Section 17
- UNLV Animals on Campus Policy (October 2016)
- U.S. Department of Justice regulation on Service Animals [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)

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### HISTORY

N/A

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## APPROVAL SIGNATURES PAGE



3.12.2019

Faculty Senate (Chair's Signature)

Date

Recommendation (check one):

<input type="checkbox"/>	Denial*	<input checked="" type="checkbox"/>	x	Approval	<input type="checkbox"/>	Approval w/ condition*
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3-19-2019

Office of the Provost (Provost's Signature)

Date

Recommendation (check one):

<input type="checkbox"/>	Denial*	<input checked="" type="checkbox"/>	X	Approval	<input type="checkbox"/>	Approval w/ condition*
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4.08.2019

Office of the President (President's Signature)

Date

Final decision (check one):

<input type="checkbox"/>	Denied*	<input checked="" type="checkbox"/>	x	Approved
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\*Attach rationale for denial or conditional approval