

Service and Emotional Support Animals as Reasonable Accommodation

Civil Rights – ADA

CWU Policy 402-03

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Policy Executive: Chief of Staff

Responsible Office/Unit: Office of Civil Rights Compliance

Policy Statement:

Applicability:

Content:

Policy

(1) Purpose

- A. Central Washington University recognizes the importance of, and supports, the work that trained service animals and emotional support animals provide to individuals with disabilities. The purpose of this policy is to provide guidance on the presence of service animals in university facilities. Emotional support animals are only allowed in University housing as an exception to standard policy. This policy complies with the Americans with Disabilities Act (ADA) of 1990 as amended; Section 504 of the Rehabilitation Act of 1973 (P.L. 93-11) and 45 CFR Part 84; Fair Housing Act of 1968 42 U.S.C. 3601 et seq.; Chapter 49.60 RCW; and WAC 106-124-801.

(2) Definitions

- A. Owner: A person with a disability that requires a service or emotional support animal.
- B. Service Animal: A dog that is individually trained to do work or perform tasks for a person with a disability. The work or task a dog has been trained to provide must be directly related to the person's disability. (28 USC 36.104, RCW 49.60.040) Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals. See section 4.D for information about miniature horses as serving as service animals.

- C. Emotional Support Animal: Animals that provides comfort to their owners, but are not trained to perform a specific task. An emotional support animal is defined as an animal:
1. that alleviates one or more of the identified symptoms or effects of an individual's disability;
 2. that is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling; and
 3. for which there is an identifiable relationship between the disability and the assistance the animal provides. [Federal Housing Act 42USC3601; Department of Housing and Urban Development Regulations, 24 CFR 5].
 4. Emotional support animals are also commonly referred to as assistance or comfort animals. Emotional support animals are not considered service animals and are only allowed in University housing as an exception to standard policy.
- D. Disability Services Provider: A representative from the CWU Department of Disability Services, which exists to ensure the reasonable accommodation of needs of students with disabilities, and to ensure students with disabilities have an equal opportunity to fully participate in the educational process and university experience.

(3) Assessing Service Animal Status

- A. CWU employees must permit service animal access to an event or activity with its owner when it is readily apparent the animal is trained to do work or perform tasks for its owner (e.g., a dog guiding an individual who is blind, pulling an individual's wheelchair, or providing assistance with stability or balance). In this case, CWU employees may ask no questions of the owner.
- B. When it is not obvious what service an animal provides, only limited inquiries are allowed. CWU employees are permitted to ask only the following two questions to determine if an animal is a service animal:
1. Is the animal required because of a disability?
 2. What work or task is the animal trained to perform?
- C. CWU employees may not:
1. Ask about the individual's disability;
 2. Ask an individual with a service animal about the nature or extent of their disability;
 3. Require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal; or
 4. Require the animal to perform a task it has been trained to perform.
- D. If the owner states the animal is required because of a disability and the animal has been trained to do work or perform tasks for the owner, the service animal must be admitted. If there is any doubt that an animal is a service animal, CWU employees should admit the animal and then consult with the Disability Services Provider regarding future access.
- E. Miniature Horses as Service Animals

1. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.
2. A miniature horse will be considered a service animal provided it can be accommodated in a CWU facility if the following conditions are met:
 - a. the miniature horse is housebroken;
 - b. the miniature horse is under the owner's control;
 - c. the facility can accommodate the miniature horse's type, size, and weight; and
 - d. the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.
3. Assessment of these factors will be conducted during the interaction process when possible.

(4) Service Animals

A. Employees:

1. An employee who requires a service animal in the workplace will contact HR, which may require disability documentation

B. Students:

1. Optimally, an owner will inform the faculty member, prior to the first day of class, about their need for a service animal as an accommodation, especially when class is held in a laboratory, workshops, and research facilities.
2. The owner, faculty member, lab technician/instructor, and Disability Services Provider will engage in an interactive process to discuss class content, syllabus, safety concerns and schedule.
3. There may be some situations where certain activities, chemicals, and/or spaces may warrant additional precautions regarding the service animal. When foreseeable, these potential situations will be discussed during the interactive process. Assessments will be done on a case-by-case basis.
 - a. The faculty member and/or lab technician/instructor will talk with the owner about the possible exposure of the service animal to hazardous chemicals, equipment and procedures.
 - b. Once notified of the potential risk to the service animal, the owner accepts the risk on behalf of their service animal. Laboratories, workshops, and research facilities that require personal protective equipment for humans, will require similar equipment for service animals. A faculty and/or laboratory technicians/instructors may recommend reasonable safety precautions such as booties, goggles, and/or a lab coat for service animals in particular areas

- c. If the decision is made that the risk is too great, by the owner for the service animal or by faculty member for others in the environment, efforts will be made to reasonably accommodate the student with a disability in coordination with Disability Services Provider.

(5) Restrictions on Access for Service Animals

- A. A service animal may be restricted from specific areas of the university when consistent with other university policies, state, and/or federal laws/regulations. Examples of these areas may include:
 - 1. Food preparation areas;
 - 2. Animal research facilities and grounds;
 - 3. Medically sensitive patient and clinic areas; and
 - 4. Biologically sensitive or hazardous research sites.
- B. If a service animal is restricted from certain areas, the Disability Services Provider will work with the faculty member and owner to identify reasonable accommodations.

(6) Request for Removal of a Service Animal

- A. CWU employees may not ask an owner to remove their service animal from a university facility unless:
 - 1. The animal is out of control and the owner does not take effective action to control it;
 - 2. The animal is not housebroken;
 - 3. The animal is in a prohibited area as identified through the interactive process; or
 - 4. The animal injures or attempts to injure a person or property.
- B. In the event an animal is removed from a facility, the faculty member and Disability Services Provider will make efforts to reasonably accommodate the student with a disability without the animal.
- C. A student with a disability who uses a service animal cannot be isolated from other students, treated less favorably than other students, or charged fees that are not charged to other students without service animals.

(7) Emotional Support Animals

- A. In accordance with federal law (Fair Housing Amendments Act), CWU considers requests for exceptions to the housing “no pets” policy to allow students experiencing significant mental health problems to keep an Emotional Support Animal.

- B. Residents wishing to request that their service animal or emotional support animal be allowed to reside in University housing must follow the procedures for requesting a service animal or emotional support animal accommodation through Disability Services. For more information, see the CWU's Emotional Support Animal Request Procedure.

(8) Owner's Responsibilities

- A. The care and supervision of a service animal is the responsibility of the owner. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the owner's disability prevents use of these devices. In that case, the owner must maintain control of the animal through voice, signal, or use of other effective controls. (Americans with Disabilities Act (ADA) (42 USC 12101 et seq.))
- B. The owner must comply with local animal control or public health requirements, including licensing, vaccinations and immunizations. The owner is solely responsible for immediate clean up after the animal and proper disposal of the animal's waste or other debris.
- C. Owners are responsible for any damage or injuries caused by their service animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the owner. Additionally, owners are responsible for the safety of their service animal.
- D. Owners intending to reside in University housing with a trained service animal should notify Housing and Residence Life.

(9) Complaint Processes

- A. An individual with a disability may file a complaint of discrimination based on their disability with Human Resources (HR). HR reviews the complaints in accordance with [CWU 403-04](#) Discrimination Complaint and Resolution Policy. Contact HR at HR@cwu.edu or 509-963-1202.
- B. HR also maintains a list of Washington State and federal agencies (and contact information) where allegations of discrimination may be filed. Contact HR at HR@cwu.edu or 509-963-1202.

History:

*Responsibility: Business & Financial Affairs Division; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 02/19/2020 Approved by: James L. Gaudino, President
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