



## Ohio Administrative Code

### Rule 3341-2-42 Service animal and assistance animal policy.

Effective: January 3, 2024

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#### (A) Policy statement and purpose

Bowling Green state university is committed to granting reasonable accommodations to its rules, policies, practices, or services when such accommodations may be necessary to afford people with disabilities an equal opportunity to use and enjoy their dwellings, as required by federal, state and local law. A reasonable accommodation may include a change or exception to a rule or policy that is needed because of a person's disability, or it may be a physical change to a unit or common area. It is Bowling Green state university's general policy to provide reasonable accommodations to individuals with disabilities whenever an individual has a disability and there is a disability-related need for the requested accommodation. A disability-related need for a requested accommodation exists when there is an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. Bowling Green state university will permit the use of a service animal by an individual with a disability. Pursuant to federal law, a person with a disability to keep an assistance animal in their university housing dwelling unit. The policy below discusses the procedures regarding these topics.

#### (B) Policy definitions

##### (1) Service dog/service animal

A dog, as described in 28 CFR 35.104, that is individually trained to do work or perform tasks for the benefit of an individual 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 individual's disability. Under the particular circumstances and conditions set forth in 28 CFR 35.136, a miniature horse may also qualify as a service animal. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. This policy generally refers to service animals as "service dogs."



## (2) Assistance animal in university housing

An assistance animal (also known as an "emotional support animal") is an animal that provides comfort to an individual with a disability within that individual's dwelling unit in university housing. An assistance animal may be a reasonable accommodation if, upon the recommendation of a reliable third party (such as a doctor, physician assistant, psychiatrist, psychologist, or social worker) who is familiar with the individual's disability and the necessity for the requested accommodation, it will assist the individual with their disability and is necessary to afford that individual an equal opportunity to use and enjoy their residence at the university. An assistance animal does not assist a person with a disability with activities of daily living but rather its role is to live with the person and alleviate the symptoms or effects of that person's disability. The process for requesting an assistance animal is outlined in paragraph (C)(7) of this policy.

## (3) Handler

A handler is the person who is responsible for controlling an assistance animal or service animal.

## (4) Service dogs in training

Pursuant to Ohio law, a service dog in training is a dog that is in training to assist a blind person, a deaf or hearing-impaired person, or a mobility-impaired person.

Handlers of service dogs in training are afforded the same rights as the handlers of fully-trained service dogs. This means that service dogs in training may attend class, accompany trainers to dining facilities, and take part in other campus activities. All service dogs in training are required to have insurance through their sponsoring non-profit special agency. Puppy raising, fostering and socialization activities are not considered training. Questions about service dogs in training can be directed to accessibility services.

## (5) Pet

A pet is an animal, other than a fish, that is not a service dog or an assistance animal. Pets are not



allowed in university residence halls.

(C) Policy

(1) Service dogs

Service dogs are trained to do work or perform a task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or task must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. If they meet this definition, dogs are considered service dogs.

University personnel shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether a dog qualifies as a service dog (unless the dog's service training and duties are readily apparent). They may ask if the dog is required because of a disability and what work or task the dog has been trained to perform. Documentation, such as proof that the dog has been certified, trained, or licensed as a service dog is not required.

Students, faculty, staff and visitors are allowed to bring service dogs onto BGSU property. A university employee may be accompanied by their service dog whenever they are acting within the scope of their employment, unless the dog's presence would compromise a sterile environment.. Service dogs are permitted to safely accompany a person with a disability in any public space, unless the dog's presence would compromise a sterile environment or otherwise fundamentally alter the nature of a university service, program, or activity. Service dogs may attend class, visit the dining halls, and take part in other campus activities. An accommodation through accessibility services is not required for a service dog.



Service dogs should be regarded as working and should not be treated as or referred to as pets.

(2) Service dogs in training

Pursuant to Ohio law, handlers of service dogs in training are afforded the same rights as the handlers of fully-trained service dogs. This means that service dogs in training may attend class, accompany trainers to dining facilities, and take part in other campus activities. All service dogs in training are required to have insurance through their sponsoring non-profit special agency and to provide proof of that insurance to accessibility services. Questions about service dogs in training can be directed to accessibility services.

(3) Code of conduct

(a) A service dog must be under the control of its handler at all times. A service dog shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the dog's safe, effective performance of work or tasks, in which case the service dog must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

(b) Service dogs must be immunized according to section 90.17 of Bowling Green code of ordinances. Additionally, the service dog must be in good health. Handlers may be asked to leave a classroom, office or other university property if their service dog is visibly ill or becomes ill.

(c) The service dog must be clean. Temporary un-cleanliness due to weather conditions is understood.

(d) BGSU is not responsible for providing food, water, health care, supervision or shelter for a service dog or assistance animal.

(e) The handler of a service dog or assistance animal is responsible for cleaning up the animal's waste, and should carry appropriate equipment for that purpose. Waste must be bagged and discarded in waste receptacles located outside of the residence halls.



(f) The handler of a service dog or assistance animal must assure the animal does not interfere with the daily routine or activities (ability to sleep, enter or exit the hall, study, etc.) of others. A person with a disability may be asked to remove their service dog or assistance animal from the premises if the animal is out of control and the handler does not take effective action to control it (for example, a dog that barks repeatedly during a class) or if the animal is not housebroken.

(g) An individual with a disability is not required to:

(i) Pay a surcharge, even if people accompanied by pets are required to pay fees, or

(ii) Comply with requirements applicable to pets. But if other individuals are charged for the damage they cause, an individual with a disability may be charged for damage caused by his or her service dog or assistance animal.

(4) Interacting with service dogs and service dogs in training

(a) Allow a service dog or service dog in training to accompany the handler everywhere at all times on BGSU property, unless a specific area is deemed off limits.

(b) Do not pet a service dog or a service dog in training without the permission of the handler as this may distract the animal from the task at hand.

(c) Do not feed a service dog or service dog in training.

(d) Do not separate or attempt to separate a service dog or service dog in training from their handler.

(e) In general, allergies or fear of dogs are not sufficient reasons for denying access to people using service dogs. Most allergies to animals are caused by direct contact with the animal. A separate space may be adequate to avoid allergic reactions. Service dog access should not be denied without consultation with accessibility services.

(f) The service dog or service dog in training must be under the handler's control at all times. It may be appropriate to ask the handler to remove the dog from the premises if the dog is not under control



of the handler (e.g. excessive barking, poses a threat to the safety of others, etc.).

(g) Emergency situations

If university personnel are aware that a service dog or assistance animal is present when an emergency occurs, then they will notify the responding emergency personnel that an animal is present with a handler who is disabled. University personnel will relay information concerning the type of animal.

In the event of an evacuation or other calamity, emergency personnel may try to rescue both the handler and the animal. The animal may have to be left behind in some circumstances.

(5) Service dogs in laboratory settings

These guidelines are intended to ensure the safety of both handlers and service dogs within the laboratory environment. Because hazardous chemicals, open flames, glassware, and electrical equipment pose unique risks, accessibility services recommends the following precautions:

(a) Alternative seating at the end of benches or using gates, pens, or kennels (for kennel-trained service dogs) may be appropriate. Handlers should be permitted to keep the service dog as close as is safe for the handler and the dog. Handlers may wish to visit the lab in advance to familiarize themselves and their dog with the layout of the lab, as well as the smells and sounds of the lab.

(b) Service dogs entering laboratories must be similarly protected as is expected of the student to prevent exposure to hazardous chemicals, broken glass or other hazards that might be present in the laboratory environment. This equipment would be provided by the handler and includes disposable or reusable boots to cover the feet, eye protection, and/or lab coats. accessibility services recommends disposable, plastic-backed, absorbent lab paper or pet pads for the dog to lie on rather than direct contact with the floor. If appropriate protective equipment is not provided, the service dog may not be permitted into the lab.

(c) Service dogs in labs are expected to maintain the same level of appropriate behavior as in other university settings. This includes no jumping, barking unless in the proper context, growling, or



interfering with lab activities. Interaction with the dog is by permission of the handler and may only be permitted outside of the laboratory.

(d) Service dog access can be restricted if the presence of the dog can interfere with the outcomes of the experiments or if substances used can be hazardous to a dog. Service dog access should not be denied without consultation with accessibility services. Accessibility services will facilitate an interactive dialogue to determine what other reasonable accommodation could be provided.

(6) Safety restrictions

(a) There are instances when a service dog may be restricted because places of public accommodation may impose restrictions if these are based on safety requirements.

In determining whether reasonable accommodation can be made to allow a service dog into a specific facility, the following factors for consideration are permissible:

(i) The type, size, and weight of the dog and whether the facility can accommodate these features;

(ii) Whether the handler has sufficient control of the dog;

(iii) Whether the dog is housebroken; and

(iv) Whether the dog's presence in a specific facility compromises legitimate safety requirements necessary for safe operation.

(b) If a service dog is properly excluded, the individual with a disability shall be provided the opportunity to obtain goods, services, and accommodations without having the dog on the premises. There may be restrictions to service dogs in the clinical practice of nursing and health science programs, in food services programs, or in laboratories that can pose a safety risk. Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service dogs. Any contemplated denial or refusal must be considered on a case-by-case basis. In such instances, accessibility services will facilitate an interactive dialogue to determine what other reasonable accommodation could be provided.



(7) Assistance animals living in university housing

(a) An assistance animal is an accommodation granted through accessibility services for individuals in residential housing, and any individual needing an assistance animal must complete the accessibility services process. An assistance animal is restricted to the residence hall unit of the individual except to the extent the individual takes the animal outside for natural relief. When taking the animal outside of the residence hall unit, the animal must be in a carrier or controlled by a leash or harness. An assistance animal is not permitted in any university facilities other than the residence hall unit in which the handler is assigned.

(b) Requesting an assistance animal

Although it is the policy of BGSU that individuals are generally prohibited from having animals other than fish in any type of university housing, accessibility services will consider a request by an individual with a disability for a reasonable accommodation from this prohibition to allow an assistance animal. However, no assistance animal may be kept in university housing until the individual has received approval of that animal as a reasonable accommodation pursuant to this policy.

An individual wishing to request an assistance animal should follow accessibility services' general procedures for requesting an accommodation. accessibility services may require a statement from a reliable third party indicating that the individual has a disability and that the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability.

BGSU, in consultation with the individual (and other parties, as appropriate), may consider the criteria below in determining whether the presence of the animal is reasonable in the making of a housing assignment for an individual with an assistance animal:

(i) Whether the animal poses or has posed in the past a direct threat to the individual or others;

(ii) Whether the animal causes or has caused excessive damage to housing beyond reasonable wear





and tear;

(iii) Whether the size of the animal is too large for available assigned housing space;

(iv) Whether the animal's presence would force another person from individual housing (e.g., due to conflicting disability accommodation needs) and that person was assigned to the housing before the resident with a disability-related animal accommodation;

(v) Whether the animal's presence violates individuals' right to peace and quiet enjoyment; and

(vi) Whether the animal is housebroken or is unable to live with others in a reasonable manner.

An individual wishing to request an assistance animal must provide written consent for accessibility services to disclose information regarding the request for and presence of the assistance animal to those individuals (including, but not limited to, university personnel and each potential and/or actual roommate or neighbor) who may be impacted by the presence of the animal in university housing. The disclosure shall be limited to information related to the animal and shall not include information related to the individual's disability. BGSU reserves the right to assign an individual with an assistance animal to a single room without a roommate.

(c) Removal of an approved assistance animal

The office of residence life and/or the office of student housing, in consultation with accessibility services, may remove an assistance animal if:

(i) The animal poses a direct threat to the health or safety of others;

(ii) The animal causes substantial damage to university property or the property of others;

(iii) The animal's presence requires or results in a fundamental alteration of a program;

(iv) The handler consistently fails to comply with this policy; or



(v) The animal or its presence creates an unmanageable disturbance or interference with the university community.

Any removal of an assistance animal may be appealed to the director of accessibility services (or designee); however, the assistance animal may not return to university housing unless an appeal is granted. The written appeal must be received within fifteen (15) business days following the written notice of removal and must include:

(A) A detailed description of the issue, including significant dates;

(B) The basis for the appeal and any supporting documentation as necessary; and

(C) The resolution requested.

The decision of the director of accessibility services (or designee) is final. Should the assistance animal be removed from university housing, the handler is still subject to all terms and conditions of the on-campus housing and dining agreement.

(D) Equity impact statement

The policy has been assessed for adverse differential impact on members of one or more protected groups.