**Summary Sheet**

**Navigating the Law Regarding Animals on Campus**

* Overview of the problem: A student comes to your office and requests to have her cat with her in her room due to her anxiety disorder.
  + Do you allow it?
  + What does the law say?
  + Is this a therapy animal or service animal? What’s the difference?
  + Does the university ***have*** to allow animals on campus for students with a disability?
* Service animals are defined as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Under ADA, we must allow these animals to accompany people with disabilities.

* If a miniature horse, they must meet four conditions:
  + Housebroken
  + Under the owners control
  + The facility must be able to accommodate a miniature horse
  + The horse must not compromise the safety of the facility
* Service animals are working animals, not pets. Dogs whose sole function is to provide emotional support are not service animals.
* Therapy (or companion) animals are not defined by federal law (expect in some states) and have no training requirement. Therapy animals are not services animals.
* The conflict is that Title II & III have been amended to say that universities don’t have to accept comfort or therapy animals, only animals who perform an actual “service.”
* Then enter (from the side) HUD and the Fair Housing Act that turned it on its head by supporting a student at UN-K in a “lawsuit” overseen by an administrative law judge who decided the university violated her rights under FHA because they would not let her pet dog “Butch” live in her dorm room to give her comfort.

***Sec. of U.S. Dept. of Housing & Urban Development v. University of Nebraska at Kearney* Office of Administrative Law Judge (Sept. 30, 2011)**



* Complainant (“X”) filed a complaint with the U.S. Dept. of Housing and Urban Development, under the Fair Housing Act, alleging discrimination based on her disability. X was diagnosed with depression and anxiety sufficient to limit her major life activity. She took medications for the symptoms and also relied on a comfort animal… her Miniature Pinscher named Butch.
* The Administrative Law judge found that the University engaged in discriminatory housing practice under the FHA (who defines a dwelling to be “any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families”).
* The judge issued an injunction against the university for discrimination against a person based on disability in any aspect of occupancy, use or enjoyment of a dwelling; awarded her damages sufficient to fully compensate her for her damages; awarded attorney fees; and issued a $16,000.00 civil penalty against the university for each violation of the act.

***Kendra Velzen & Fair Housing Center v. Grand Valley State University***

**U.S. Dist. Ct., W. Dist. Michigan (2012)**



* Ms. Velzen was diagnosed with depression, cardiac arrhythmia and had a pacemaker implanted. She relied on her attachment to animals as emotional support and was formally prescribed an emotional support animal….a guinea pig, Blanca. The prescribing physician prescribed Blanca as a means of controlling Velzen’s stress and manage her symptoms.
* In January, 2013 the university settled the case for $40,000. Additionally, the settlement requires that if Velzen chooses to live on campus and requests to live with a guinea pig or another animal similar in size or nature, the request will be approved by the university. The university also agreed to create a “Support Animal Accommodation Policy” within 90 days and train their staff within 90 days of creation of the policy.

**What to do?**

* **Work with Students to Find a Solution**
  + Don’t require the student to jump through hoops. This can be stressful and overwhelming
  + Work with the student through the process, not against them
  + If you cannot grant a request, help the student identify other ways to have their needs met
* **Some Creative Approaches**
  + What Student working with animal shelter or local pet store
  + University helps student coordinate a pet stress free zone during the semester (finals, parents’ weekend)
  + Locate a place on campus that can allow or encourage animals (farm or designated residence hall)

**Additional Resources**

**Definitions and Explanations**

[www.ada.gov/service\_animals\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

<http://www.ada.gov/regs2010/factsheets/title2_factsheet.html>

**About the helpfulness of therapy or companion animals**

<http://www.deltasociety.org/page.aspx?pid=642>

Stress in Pet Owners and Non-Pet Owners

[www.deltasociety.org/document.doc?id=120](http://www.deltasociety.org/document.doc?id=120)

Life Care Health

[www.deltasociety.org/document.doc?id=114](http://www.deltasociety.org/document.doc?id=114)

The Health Benefits of Companion Animals

[www.pawssf.org/document.doc?id=15](http://www.pawssf.org/document.doc?id=15)