

# UNH SERVICE ANIMAL STATEMENT

## for Faculty, Staff, Students and Visitors

The University of New Hampshire is committed to creating a diverse, welcoming and equitable campus and recognizes the important partnership that exists between an individual with a disability and his or her service animal.

Access rights afforded to users of service animals come with the responsibility of the individual with a disability to ensure compliance with all requirements of this Statement. The individual assumes full personal liability for any damage to property or persons caused by their service animal, and UNH shall not be responsible for any harm to a service animal while on campus, including but not limited to injury to the animal caused by pest management or lawn care products.

### The definition of a service animal

(DOJ, Title II, Amended Regulation, 28 CFR Part 35.104)

- A service animal is a dog 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.
- With the possible exception of miniature horses, other species of animals, whether wild or domestic, trained or untrained, are not service animals.
- The work or tasks performed by a service animal 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,
  - helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- 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.

Animals not covered under the service animal definition can be asked to leave a UNH program or facility.

[Note: emotional support/ therapeutic animals that are not within the service animal definition may be entitled to reside in UNH housing as an appropriate accommodation under the Fair Housing Act as determined on a case by case basis].

### Determining if a dog meets the definition of a service animal

(DOJ, Title II, Amended Regulation, 28 CFR Part 35.136(f))

- If it is not readily apparent that the animal has been trained to perform work or a task for a person with a disability the ADA allows two inquiries; please be discrete and non-threatening
  - You may ask if the animal is required because of a disability.
  - You may ask what work or task the animal has been trained to perform.
- You may not ask about the nature or extent of a person's disability.
- You may not ask for proof that the animal is certified, trained or licensed as a service animal.

### Assessment factors for determining if a miniature horse may be accommodated on campus

(DOJ, Title II, Amended Regulation, 28 CFR Part 35.136(i)); -- all other service animal provisions, outlined in this statement, apply.

- The miniature horse is housebroken.
- The miniature horse is under the control of the individual with a disability.
- The specific facility can accommodate the miniature horse's type, size and weight.

- The miniature horse's presence in a specific facility will not compromise legitimate safety requirements necessary for the safe operation of the facility.

### The behaviors expected of a service animal and individual with a disability

- The animal will remain under the direct control of the individual and performs the required behavior.
- The animal will respond to commands, cues, and corrections from the individual (voice command, hand signal, laser light, sound cue, and behavioral cues).
- The animal will not initiate interaction with other animals or people unless released by the individual.
- The animal will maintain a controlled position, in appropriate proximity and position to the individual, on cue by the individual and/or as appropriate to the behavior.
- The animal should not bark, howl, whine, growl, snarl or display bared teeth or gums (unless panting). These behaviors may be considered a direct threat. Note that some alert dogs are trained to bark to get their individual's attention.
- The individual's commands and/or cues are given in a manner that is understood and consistently responded to by the dog, and in a manner appropriate for a public setting.
- The individual is responsible for the care and supervision of the dog including anticipating the dog's need to relieve itself, cleaning up after the animal, and maintaining the grooming, health and local license of the dog.

### Exclusion of service animals

#### **(DOJ, Title II, Amended Regulation, 28 CFR Part 35.136(b))**

- A public entity may ask an individual with a disability to remove a service animal from the premises if:
  - The animal is out of control and the animal's individual does not take effective action to control it, or
  - The animal is not housebroken.

### Responding to a service animal in public

- Remember that the dog is working. Don't do anything to interrupt the service animal while it is performing its tasks. A dog sleeping at its individual's feet is still at work.
- Speak to the person first. Do not aim distracting or rude noises at the dog.
- Do not touch the service animal without asking for and receiving permission.
- Do not offer food to the dog.
- Do not ask personal questions about the individual's disability, or otherwise intrude on his or her privacy.

### Areas of Safety

There are certain instances when it may be considered unsafe or unhealthy for animals in places such as sterile environments, certain laboratories, mechanical rooms, food preparation areas or any other place where the health or safety of the dog, individual with a disability or others may be threatened. Evaluation of such a situation is conducted on a case by case basis. When it is determined unsafe for the service animal or individual to be in one of these areas, reasonable accommodations may be provided to assure the individual has equal access to the activity.

### Any questions or concerns?

**Faculty, Staff and Visitors:** please contact the Office of Affirmative Action and Equity:

- Voice: 603-862-2930; (Relay NH): 7-1-1 or 800-735-2694
- [wendy.beckwith@unh.edu](mailto:wendy.beckwith@unh.edu)

**Students:** please contact the Office of Disability Services for Students:

- Voice: 603-862-2607; (Relay NH): 7-1-1 or 800-735-2694
- [disability.office@unh.edu](mailto:disability.office@unh.edu)