

# Service and Assistance Animals Policy

This policy applies to all Lincoln schools (Lincoln Technical Institute, Lincoln College of Technology and Euphoria Institute of Beauty Arts & Sciences) and addresses Service Animals and Assistance Animals, as defined below, while they are on campus.

## A. Service Animals

The Department of Justice defines service animals as "**dogs that are individually trained to do work or perform tasks for people with disabilities.**" Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act (FHA)." (see policies for assistance animals in section B below)

Service animals need not have special certification or identification in order to qualify as such. They need only be required because of a disability and to be trained to work or perform a task. If it is not readily apparent what work an animal performs, Lincoln employees will limit inquiries to only two questions, which are:

- 1) Is this animal a service animal required because of a disability?
- 2) What task or work has this animal been trained to perform?

Service animals shall be allowed into any area of the campus\* that students may go including the classrooms, library, cafeteria, etc., but must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Lincoln encourages students, faculty, and staff to register their service animals with the campus.

## B. Assistance Animals

The definition of assistance animals under the FHA (Fair Housing Act) and for the purposes of Lincoln's policies is broader than the definition of "service animal" under the ADA, and may include animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, but do not meet the ADA definition of "service animal" as defined above. Assistance animals can also provide emotional support that alleviates one or more identified symptoms of a person's disability. An assistance animal is not a pet.

The United States Department of Housing and Urban Development applies the FHA to numerous housing situations including dorms and residence halls on college and university campuses. It requires such entities to provide *reasonable accommodations* for people with disabilities living in dorms and residence halls. Assistance animals are considered a reasonable accommodation under the FHA.

Because assistance animals do not qualify as service animals under the ADA, they are only allowed in the room and building of the student, faculty or staff member who has been approved for reasonable accommodation. They will be allowed in outdoor spaces under proper handling when appropriate, but they are not allowed in other rooms or buildings on campus.

#### **i. Reasonable Accommodation Request for Assistance Animals**

In order to request a reasonable accommodation to possess an assistance animal in residence halls on campus, a person must initiate the accommodation process by contacting the appropriate resource:

##### **For Students:**

Contact your Director of Education/Academic Dean

##### **For Employees:**

Contact your Campus President

Each request to possess an assistance animal in residence halls will be evaluated on an individualized basis using the general policies applicable to all reasonable accommodation requests.

If reasonable accommodation of an assistance animal is approved by Lincoln, prior to a student commencing his or her training, or, for employees, prior to commencement of employment (or, for existing employees, as soon as the request is made), assistance animals must be registered (in accordance with U.S. Department of Justice guidance), for students, with Lincoln's Academic Dean/Director of Education, or, for employees, with the Campus President. A denial for reasonable accommodation may be appealed by following the procedures outlined in Lincoln's ADA Policy. Information on the animal registration form may be shared with the Department of Public Safety, Facilities, and the Residential Life staff in order to confirm and/or receive confirmation that the animal has been approved as an accommodation.

### **C. Owner/Handler Responsibilities Relating to Service Animals and Assistance Animals**

#### **i. Care and Supervision**

-Animals must be accompanied by their owners/handlers and under their control at all times.

-Owners/handlers are responsible for their animal's behavior in both public and private areas, and they must ensure their animals are harnessed or on a leash at all times. Further guidance on service

animals from the U.S. Department of Justice provides that service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.

-Owners/handlers are responsible for cleaning and grooming related to their animal including bathing and grooming, pest control, and sanitary disposal of animal waste.

-The owner/handler is responsible for any property damage caused by their animal, including the cost to cover repairs for damage the animal causes to Lincoln property, except reasonable wear and tear.

## **ii. Licensing**

The animal must be licensed and vaccinated in accordance with state, county, and/or municipal laws. The vaccination tag and license must be worn by the animal at all times.

## **iii. Removal of a Service Animal**

Lincoln maintains the right to remove a service animal under certain circumstances if:

-the animal is not housebroken, or-the animal is out of control and the owner/handler does not take effective action to control it.

An individual with a disability whose service animal is removed shall be offered the opportunity to obtain goods and services without the animal's presence.

## **iv. Removal of an Assistance Animal**

Lincoln maintains the right to remove an assistance animal under certain circumstances if:

-the animal is not housebroken,

-is not under the direct care and supervision of the owner/handler,

- the animal is out of control and the owner/handler does not take effective action to control it,

- it is not vaccinated or licensed,

- it causes disturbances such as noise, barking, or excessive odors, or

-if it poses a direct threat to any member of the Lincoln student body or staff.

\*This does not apply in the case of offsite training activities including, but not limited to, externships, internships, clinicals or field trips, where the offsite training activity provider has sole discretion in permitting the presence of a service animal. In these instances, the campus should review with the student and have the student sign the Service and Assistance Animal Acknowledgement and Release.