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Service Animals and Assistance/Support Animals for Students

Introduction

Virginia Tech recognizes the importance of **Service Animals** as defined by the ADA Amendments Act of 2008, and the broader category of **Assistance/Support Animals** under the Fair Housing Act that provide physical or emotional support to individuals with disabilities. The University is committed to providing appropriate services and accommodations to students identified with disabilities. The Services for Students with Disabilities Office (SSD) at Virginia Tech is the primary authorized office to determine the presence of **Service Animals** in non-public areas, and the presence of **Assistance/Support Animals** in on-campus University housing, for students with disabilities ([SSD office link](#)). Every student's request for an animal on campus in non-public areas will be determined on a case-by-case basis. Virginia Tech reserves the right to amend these guidelines as circumstances require.

University ADA Services is the authorized office on campus to determine the presence of **Service Animals** and **Assistance/Support Animals** on-campus in non-public areas for University employees with disabilities ([University ADA Services link](#)).

There are differences in the process for **Service Animals** and for **Assistance/Support Animals**, which are specified in separate sections below. However, for all students living in University housing, it is important to understand the following information.

- If a student's need for a **Service Animal** arises after a student is already placed in campus housing for the year, they should notify the University through the appropriate process (see Part II below) as soon as possible.
- If a student's need for an **Assistance/Support Animal** arises after a student is already placed in campus housing for the year, they should submit a request to the University through the appropriate process (see Part III below) at least thirty days prior to the date the student would like to bring the animal to the residence hall.
- Students making requests after University housing assignments have already been determined should note that even if the animal is acceptable or approved, the student may need to wait until the following semester to bring the animal into their assigned residence hall room, depending on their current housing arrangements.
- The University will make every effort to make needed arrangements as quickly as possible on a case-by-case basis.

Part I: Definitions

Handler:

An individual with a disability who receives assistance from a **Service Animal** or a personal care attendant who handles the **Service Animal** for an individual with a disability.

Service Animal:

Any dog* 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 and meets the definition of “Service Animal” under the Americans with Disabilities Act (“ADA”) regulations. The work or tasks performed must be directly related to the individual’s disability.

Examples of work or tasks performed by a trained **Service Animal** include, but are not limited to:

providing nonviolent protection or rescue work, assisting an individual with navigation and other tasks, alerting an individual to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or the telephone, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, wellbeing, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

* Under particular circumstances set forth in the ADA regulations (28 CFR 35.136(i)), a miniature horse also may qualify as a Service Animal.

Owner:

An individual with a disability who has requested the accommodation and has received approval for bringing their **Assistance/Support Animal** into University housing.

Assistance/Support Animal:

An **Assistance/Support Animal** is one that is necessary to afford the person with a disability an equal opportunity to use and enjoy University housing. An **Assistance/Support Animal** may provide physical assistance, emotional support, calming, stability and other kinds of assistance. **Assistance/Support Animals** do not perform work or tasks that would qualify them as “**Service Animals**” under the Americans with Disabilities Act. **Assistance/Support Animals** that are not **Service Animals** under the ADA may still be permitted, in certain circumstances, in University housing pursuant to the law.

Access to Campus Areas:

In compliance with applicable law, Virginia Tech generally allows **Service Animals** in areas to which the general public is invited subject only to the conditions and limitations established by

law and/or University policy, and applicable alike to all persons, when the **Service Animal** is accompanied by a Handler who indicates the **Service Animal** is trained to provide, and does provide, a specific service to them that is directly related to their disability.

Handlers with **Service Animals** visiting the Virginia Tech campus are welcome in all areas open to the general public, including any specific events being held in a reserved classroom or lecture hall.

Handlers who wish to bring their **Service Animals** into non-public areas of campus, including, but not limited to, classroom lectures and labs in which they are enrolled, are expected to consult in advance with the SSD Office to discuss access to non-public areas of campus, and issues regarding animal control, waste clean-up and other responsibilities (see also Part II, A. and B. below).

Owners living in University housing with an approved **Assistance/Support Animal** are allowed to have their **Assistance/Support Animals** in their assigned residence hall rooms, and all student common areas of the specific residence hall, such as the hallways, elevator and stairwells required to access the assigned room, along with student lounges and any other student-related common areas within or attached to the specific residence hall.

Owners may not take, under any circumstances, their **Assistance/Support Animals** into other student rooms of the assigned residence hall or into any other residence halls on campus, or into any dining centers, or any other campus area or building. The single exception to these requirements occurs only when the student is assigned to a residence hall that is directly attached to a dining center (currently Cochrane Hall only).

General Responsibilities of Handlers and Owners in University housing:

Any student approved for an animal in University housing must abide by current local, state and federal ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws and regulations. The University has the right to require documentation of compliance, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed, as appropriate.

Handlers and Owners with approved animals living in University housing at Virginia Tech may not transfer daily care responsibilities for their animal to another person without consulting with an SSD coordinator in advance. These include feeding, exercising/walking, waste clean-up, and supervision of the animal outside of the student's assigned residence hall room. In a suite-style residence hall, the common area of the suite is outside the student's assigned private room and therefore requires the Owner or Handler to supervise their animal.

Overnight care of the animal on-campus by another person in the absence of the student Handler or Owner is prohibited. The animal must be taken off-campus whenever the student does not remain overnight in their assigned residence hall room, including but not limited to the student's weekend travel plans or mid-semester breaks (Thanksgiving week, Spring Break week) and all other designated periods when students leave campus overnight.

A Handler or Owner may be charged for any damage caused by their **Service Animal** or approved **Assistance/Support Animal** beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Handler's or Owner's living accommodations in University housing also may be inspected for fleas, ticks or other pests if necessary as part of the University's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The Handler or Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The university shall have the right to bill the individual's account for unmet obligations under this provision.

The Owner must provide written consent for the SSD Office to disclose information regarding the request for and presence of the **Assistance/Support Animal** to those individuals who may be impacted by the presence of the animal. These individuals include, but are not limited to, University housing personnel, potential and/or actual roommates, or neighbors. Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

Animal Waste Clean-up Rule

Cleaning-up after the **Service Animal** or **Assistance/Support Animal** is the sole responsibility of the Handler or Owner. In the event that the Handler or Owner is not physically able to clean up after the animal, it is then the responsibility of the Handler or Owner to hire someone capable of cleaning up after the animal. The Handler or Owner or other-designated person cleaning up after the animal should abide by the following guidelines:

- Always take the animal to a pre-determined, designated area for the animal to relieve itself.
- Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
- Properly dispose of waste in appropriate containers.
- Contact designated staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the Handler or Owner.

Part II: Virginia Tech's Process regarding Service Animals

A. Inquiries Regarding Service Animals

A student Handler, enrolled at Virginia Tech, and who has a **Service Animal**, whether living on or off campus, should schedule an appointment to meet with the Director of the Services for Students with Disabilities (SSD) Office at Virginia Tech to discuss access to non-public areas of

campus, and issues regarding animal control, waste clean-up, and other responsibilities. The student Handler should bring their **Service Animal** with them to the scheduled meeting.

In general, Virginia Tech will not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a **Service Animal**. Virginia Tech may ask:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

Virginia Tech cannot require documentation, such as proof that the animal has been certified, trained, or licensed as a **Service Animal**. Generally, Virginia Tech may not make any inquiries about a **Service Animal** when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

In an effort to minimize the frequency of inquiries from faculty and staff about whether a specific animal qualifies as a **Service Animal** for a particular student, the SSD Office will provide, upon request from the student, written confirmation in the form of a letter for the student.

*** The SSD Office does not make any determinations regarding housing issues related to **Service Animals** for students living off-campus. Enrolled students living off-campus who need a Service Animal should consult their apartment manager or landlord.

Specific questions related to the use of **Service Animals** on the Virginia Tech campus by visitors and University employees can be directed to University ADA Services online: [University ADA Services link](#), by email: hrServicecenter@vt.edu, or phone: (540) 231-9331. Specific questions regarding the use of Service Animals within the Virginia Tech Athletic Facilities, including Cassell Coliseum and Lane Stadium, can be directed to the Department of Athletics General Information by phone: (540) 231-9984.

B. Responsibilities of Handlers

A student Handler who wishes to bring a **Service Animal** into non-public areas of campus, including, but not limited to, classroom lectures and labs in which they are enrolled, is expected to consult in advance with the SSD Office to discuss access to non-public areas of campus, and issues regarding animal control, waste clean-up and other responsibilities. Additionally, a student Handler who is planning to live in campus residential housing is expected to inform the SSD Office ([SSD office link](#)) that they intend to have a **Service Animal** with them in student housing. Advance notice of a **Service Animal** for on-campus housing may allow more flexibility in meeting student's specific requests for housing. The **Service Animal** is allowed in

University housing only as long as it is necessary because of the Handler's disability. The Handler must notify the SSD Office in writing if the **Service Animal** is no longer in residence.

Each Handler is responsible for any damage or injuries caused by their **Service Animal** so they 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 Handler at all times.

Staff and faculty with **Service Animals** are strongly encouraged to contact University ADA Services in the Office of Equity and Access ([University ADA Services link](#)).

C. Service Animal Requirements

1. Service Animal Control Requirements

Consistent with applicable federal and Virginia state law, a trained **Service Animal** should be in a harness, backpack, or vest identifying the dog as a trained Service Animal. The **Service Animal** should respond to voice or hand commands at all times, and be under the full control of the Handler. The **Service Animal** should be on a leash or harness at all times, unless either the Handler is unable because of a disability to use a leash or harness, or the use of a leash or harness would interfere with the **Service Animal's** safe, effective performance of required work or tasks. In this case, the **Service Animal** must be otherwise under the effective control of the Handler by voice control, hand signals, or other effective means.

2. Service Animals-in-training

Consistent with applicable federal and Virginia state law, a **Service Animal-in-training** must be at least six (6) months of age, be housebroken, be on a leash and in a harness, backpack, or vest identifying the dog as a **Service Animal-in-training**, and be accompanied by an experienced trainer. The trainer must be a) wearing a jacket identifying the specific **Service Animal** organization they represent or b) be part of a three-unit Service Animal team, comprised of the trainer, the Handler and the **Service Animal-in-training** for on-going training in public areas only. A **Service Animal-in-training** is not allowed in classrooms or labs or other non-public campus areas under any circumstances.

3. Service Animal Etiquette

To the extent possible, the **Service Animal** should be unobtrusive to other individuals and the learning, living, and working environments.

Thus, the Handler should ensure that the **Service Animal** does not:

- Actively seek the attention of other people.

- Sniff people, dining tables or food service bars, or the personal belongings of others.
- Display any behaviors or noises that are disruptive to others, unless it is part of the service, work or task that is being provided to the Handler.
- Block an aisle or passageway for emergency/fire egress.

D. Removal of Service Animals

The Handler may be ordered to remove a **Service Animal** for any of the following reasons:

1. Out of Control Animal

A Handler may be directed to remove an animal that is out of control if the Handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the Handler may be prohibited from bringing the animal into any University facility until the Handler can demonstrate that they have taken significant steps to mitigate the improper behavior.

2. Non-housebroken Animal

A Handler may be directed to remove an animal that is not housebroken.

3. Direct Threat

A Handler may be directed to remove an animal that Virginia Tech determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories or mechanical or industrial areas.

Virginia Tech will make these determinations on a case-by-case basis. Where a **Service Animal** is properly excluded under these provisions, Virginia Tech will work with the Handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the **Service Animal** on the premises.

E. Conflicting Disabilities

Some people may have serious allergic reactions to animals causing substantial impairment which thus qualify as disabilities. Virginia Tech will consider the needs of both the person with the disabling animal allergy and the Handler in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible.

Students requesting **Service Animal-related** allergy disability accommodations should contact the SSD office ([SSD office link](#)). University employees requesting **Service Animal-related** allergy disability accommodations should contact University ADA Services ([University ADA Services link](#)).

F. Service Animal-in-training

Under applicable Virginia law, a dog being trained has the same rights as a fully trained **Service Animal** when accompanied by a trainer and identified as such in all areas of campus available to the general public. A **Service Animal-in-training** does not have access to classroom lectures or labs, even if the **Handler-trainer** is a currently-enrolled student in a particular lecture or lab. A trainer of a **Service Animal-in-training** also must adhere to the **Service Animal Control Requirements** (Part II, Section C (1) above) and is subject to the removal policies as outlined in these guidelines.

G. Public Etiquette towards Service Animals

It is acceptable to ask a Handler if they would like assistance. However, faculty, staff, students, visitors and members of the general public should avoid the following behaviors:

- Petting a **Service Animal**, as it may distract them from the task at hand.
- Feeding the **Service Animal**.
- Deliberately startling a **Service Animal**.
- Separating or attempting to separate a Handler from their **Service Animal**.

Part III: Virginia Tech's Process Regarding Assistance/Support Animals

While it is the general policy of the University that, for both resident students and guests, animals (pets) are not permitted in the residence halls, Virginia Tech will consider a request by an individual with a disability for reasonable accommodation. And, the University will not limit room assignments for students with approved **Assistance/Support Animals** to any particular building or buildings because the students need **Assistance/Support Animals** due to disability.

Assistance/Support Animals in Residence Halls

The SSD Office will authorize an **Assistance/Support Animal** for a student with a documented disability residing in University housing if certain conditions are met, consistent with the Fair Housing Act. The animal must be necessary for the student with a disability to have equal access to University housing and the accommodation must be reasonable. The **Assistance/Support Animal** is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the SSD Office in writing if the **Assistance/Support Animal** is no longer needed or is no longer in residence. To replace an **Assistance/Support Animal**, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in these Guidelines and the Reasonable Accommodation Policy when requesting a different animal.

An accommodation is unreasonable if it presents an undue financial or administrative burden on the University, poses a substantial and direct threat to personal or public safety or constitutes a fundamental alteration of the nature of the service or program. The SSD Office will make these determinations on a case-by-case basis.

A. Request Process for an Assistance/Support Animal:

A student who will be residing on-campus and is requesting an **Assistance/Support Animal** should complete the **Special Housing Accommodation Packet** and provide documentation of a disability to the SSD office by the posted Fall semester deadline. Detailed information, including the link to the **Special Housing Accommodation Packet** and the current deadlines for incoming and returning students can be found on this SSD webpage: [SSD Special Housing link](#).

If a student's need for an **Assistance/Support Animal** arises after a student is placed in campus housing for the year, they should notify the University's SSD office through completion of the **Special Housing Accommodation Packet** at least thirty (30) days prior to the date the student would like to bring the animal to the residence hall.

A student making a request for an **Assistance/Support Animal** after University housing has already been determined should note that even if the animal is acceptable or approved, the student might need to wait until the following semester to bring the animal to their assigned residence hall room, depending on their current housing arrangements. The University will make every effort to make needed arrangements as quickly as is possible on a case-by-case basis.

The documentation from a qualified professional must establish the presence of significant impairment due to disability, **and** provide a description of the relationship between the impairment and the presence of the animal. The professional may be asked to provide additional details to support the relationship between the disability and the need for the animal.

The completed **Special Housing Accommodation Packet** must be submitted in its entirety, including the documentation from a qualified professional, before the request for the accommodation of an **Assistance/Support Animal** will be considered. After receipt of the completed **Accommodation Packet**, the SSD office will contact the student to schedule an appointment to meet with the Director of the Services for Students with Disabilities (SSD) Office at Virginia Tech to discuss the decision regarding the request for the animal. And if the animal is approved as an accommodation, the discussion will include restrictions on access to non-public areas of campus, and issues regarding animal control, waste clean-up and other responsibilities.

Emotional distress resulting from having to give up an animal because of a "no pets" policy does not qualify a person for an accommodation under federal law. Any student who brings an **Assistance/Support Animal** into University housing before receiving approval from the SSD office is in violation of the "no pets in University housing requirement" as stated in the current Hokie Handbook, and is subject to a Student Conduct Referral.

*** The SSD Office does not make any housing determinations regarding **Assistance/Support Animals** for students living off-campus. Enrolled students living off-campus who are interested in applying for an **Assistance/Support Animal** accommodation should consult their apartment manager or landlord about the request process.

B. Responsibilities of Owners

Any student Owner approved for an **Assistance/Support Animal** in University housing must meet requirements/policies for animal health and behavior in addition to their University Housing & Dining Contract.

An **Assistance/Support Animal** must be contained within the Owner's assigned room or common areas of their University residence hall, except if/when the Owner must take their animal outside for natural relief.

When the **Assistance/Support Animal** is outside the Owner's assigned room, it must be in an animal carrier or controlled by leash or harness. The Owner is responsible for ensuring that the **Assistance/Support Animal** is contained in their assigned room, as appropriate, when the Owner is not present during the day while attending classes or other activities. In a suite-style residence hall, the common area of the suite is outside the Owner's assigned private room and therefore the animal must be supervised by the Owner.

The Owner of an approved **Assistance/Support Animal** living in University housing at Virginia Tech may not transfer daily care responsibilities for their animal to another person without consulting with an SSD coordinator in advance. These include feeding, exercising/walking, waste clean-up, and supervision of the animal outside of the student's assigned residence hall room.

Overnight care of the **Assistance/Support Animal** on-campus by another person in the absence of the Owner is prohibited. The animal must be taken off-campus whenever the Owner does not remain overnight in their assigned residence hall room, including but not limited to the Owner's weekend travel plans or mid-semester breaks (Thanksgiving week, Spring Break week) and all other designated periods when students leave campus overnight.

The Owner must provide written consent for the SSD Office to disclose information regarding the request for and presence of the **Assistance/Support Animal** to those individuals who may be impacted by the presence of the animal. These individuals include, but are not limited to, University housing personnel, potential and/or actual roommates, or neighbors. Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

C. Removal of an Assistance/Support Animal

Notwithstanding the restrictions set forth herein, the **Assistance/Support Animal** must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. When an **Assistance/Support Animal** is outside the student Owner's assigned room in

University housing, it must be in an animal carrier or controlled by a leash or harness. No Owner shall permit their animal to run loose or be at large. If an **Assistance/Support Animal** is found running at large, the animal is subject to capture and confinement and immediate removal from the University housing.

A student may be ordered to remove their **Assistance/Support Animal** by a Virginia Tech Police Officer, University housing staff, professor, or other University official for the following reasons:

- 1. Out of Control Animal:** A student Owner may be directed to remove an animal that is out of control and the Owner does not take effective action to control it. If the improper animal behavior happens repeatedly, the Owner may be prohibited from keeping the animal in University housing until the Owner can demonstrate that they have taken significant steps to mitigate the improper behavior.
- 2. Non-housebroken Animal:** An Owner may be directed to remove an animal that is not housebroken. When the animal is one that is kept in a cage or other small enclosure, the Owner may be directed to remove the animal if the Owner repeatedly fails to maintain a clean, healthy environment for it.
- 3. Direct Threat:** An Owner may be directed to remove an animal that Virginia Tech determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, threatening or aggressive behavior of the animal, or a substantial lack of cleanliness of the animal.

E. Emergency Situations

In the event of an emergency evacuation, the student Owner, if present in their residence hall room at the time of the evacuation, is responsible for safe removal of their **Assistance/Support Animal**. A suitable carrier should be maintained in the room for transporting a small animal as needed. University personnel shall not be required to provide care or food for any **Assistance/Support Animal** including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal. If an emergency occurs when the student is not present in the room, then the situation may necessitate leaving the **Assistance/Support Animal** behind until the area is deemed safe for return by proper authorities.

F. Student Conduct Referral Process regarding Assistance/Support Animals

A student Owner with an authorized **Assistance/Support Animal** is responsible for the animal's behavior and for their presence in designated areas only. The owner is encouraged to be mindful of their responsibilities for the animal at all times. The Owner is expected to maintain a healthy, clean living environment in their assigned room for the animal, to the greatest extent possible, and to address immediately any problems with the environment or noise issues brought to their attention by their Resident Assistant or Area Coordinator. Also, the Owner is expected to decline

all invitations from other students to take their **Assistance/Support Animal** into non-authorized rooms or residence halls, and to decline all invitations to take the **Assistance/Support Animal** into non-public campus areas, including invitations from faculty to bring the animal to class lectures or labs. Faculty, in turn, are discouraged from inviting a student to bring their **Assistance/Support Animal** into class. An Owner who fails to meet their responsibilities regarding keeping their **Assistance/Support Animal** in a healthy environment, or an Owner who takes their **Assistance/Support Animal** into a non-authorized area at any time will be subject to a Student Conduct Referral.

Part IV: Appeals and Grievances

Any student Handler who is dissatisfied by a decision concerning a **Service Animal** may appeal through the SSD Office grievance procedure: (540-231-3788) or [SSD grievance process link](#). The Office of Equity and Access is available for consultation: (540) 231-8771 or [Equity and Access link](#).

Any student dissatisfied by a decision concerning an **Assistance/Support Animal** in University housing may appeal through the SSD Office grievance procedures: (540) 231-3788 or [SSD grievance process link](#). The Office of Equity and Access also is available for consultation: (540) 231-8771 or [Equity and Access link](#).

Part V: Legal References

Americans with Disabilities Act: [link to ada.gov](http://link.to.ada.gov)

Frequently Asked Questions about Service Animals and the ADA:
[link to ADA Service Animals FAQ](#)

Fair Housing Act-Service Animals and Assistance Animals in Housing_FHEO-2013-01: [link to FHEO-2013-01 document](#)

Code of Virginia, Titles 3.2 and 51.5-44: [link to Code of Virginia](#)

Blacksburg Code of Ordinances, Chapter 5, Article II: [link to Blacksburg Ordinances](#)

Approved 01/20/2016.

End