



Disability Services for Students

275 Eastland Road

Berea, Ohio 44017

www.bw.edu/DisabilityServices

Phone: (440) 826-2147

Fax: (440) 826-3832

Email: disability@bw.edu

Service Animal (SA) Policy, Procedures & Guidelines

Baldwin Wallace University (“BW” or “University”) recognizes the importance of Service Animals (SAs), as defined by the Americans with Disabilities Act Amendments Act (ADAAA), in providing safety and independence for individuals with disabilities. BW is committed to allowing individuals with disabilities the use of Service Animals on campus to facilitate their full participation and equal access to the University’s programs and activities.

The Americans with Disabilities Act defines a Service Animals as a dog, “that is individually trained to do work or perform tasks for people with disabilities.” The work or tasks a dog has been trained to provide must be directly related to the person’s disability. A Service Animal can be any breed or size. It may wear specialized equipment such as a backpack, harness or special collar or leash, but it is not a legal requirement.

The Department of Justice further states that “dogs whose sole function is to provide comfort or emotional support do not qualify as Service Animals.”

Baldwin Wallace University reserves the right to amend the ESA Policy, Procedures and Guidelines at any time as circumstances require.

Section I: Definitions

A. Service Animal: “Service Animals (SAs)” perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. Guide dogs are one type of Service Animal, used by some individuals who are blind. But there are Service Animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

1. Alerting persons with hearing impairments to sounds
2. Pulling wheelchairs or carrying and picking up things for persons with mobility impairments
3. Assisting persons with mobility impairments with balance.

B. Pet: A “Pet” is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an Emotional Support Animal. It is not covered by these guidelines. Residents are not permitted to keep pets on university property or in university housing, other than non-dangerous fish in an aquarium no larger than 20 gallons.

C. Owner: The “Owner” refers to the student who requested the accommodation and received written approval to bring the ESA into University Housing.

D. Disability Services for Students: Disability Services for Students (“DSS”) collaborates with students, faculty and staff to ensure that students with documented disabilities have equal access to all BW programs, services and activities.

Section II: Service Dogs in Training (SDIT)

In the State of Ohio, representatives of accredited non-profit agencies that are training future Service Animals to do tasks or provide disability-related services in support of people with disabilities must maintain a liability insurance policy provided by the non-profit special agency, protecting members of the public against personal injury or property damage caused by the dog. Trainers who fulfill this requirement will be provided with the same right of access to public facilities as is afforded to a person with a disability who is accompanied by a Service Animal. Service Animals in training are not mentioned (and thus not protected) in the ADA.

Ohio State Law about SDIT:

- A. The Americans with Disabilities Act (ADA) assures people with disabilities who are accompanied by Service Animals that they will not be excluded from public places or activities, nor charged any additional fees, because they are accompanied by their Service Animal. However, the ADA does not provide the same protection to Service Animals in training (that is, the ADA assures access for the handler/partner only if the dog is **fully trained** to give some disability-related service).
- B. Ohio state law (RC §955.43) provides those same rights of access for individuals who are training Service Animals for a non-profit special agency. For example, an individual employed by Pilot Dogs, Inc., who is preparing future guide dogs to be paired with someone who is blind (in order to provide independent mobility) may bring the dog onto campus and interact with the campus community in public areas, campus offices, and so on.
- C. Because Ohio state law does not clarify further its use of the term “in training,” the Baldwin Wallace University has established a policy, based on accepted practices suggested by Assistance Dogs International (ADI).
 1. A service-dog-in-training is a dog, accompanied by its trainer that is undergoing individual training to provide specific disability-related work or service for an individual with a disability.
 2. This does not include obedience training or socialization of puppies who may later become Service Animals (generally 15-18 months).
 3. Thus, adult dogs are recognized as being “in training” to provide disability-specific assistance **only after** they have completed an earlier period of socialization (obedience training, being housebroken, getting acclimated to public places and everyday activities as pets).
- D. Since Service Animals in training in Ohio are only given access rights when accompanied by someone employed by a nonprofit agency, they cannot be in residence in University housing, nor be present in other areas of campus. Similarly, puppies who are being raised/trained in preparation for participating in formal Service Animal training are not permitted in University housing.

Service Animals in training are not allowed in University housing based on the aforementioned definitions.

Puppies who are being socialized in preparation for more formal Service Animal training are not considered Service Animals by the University and are therefore not appropriate for the University’s campus and/or housing environments.

Section III: Service Animal Inquiries

An individual’s disability may be invisible. When it is not obvious what service an animal provides, only limited inquiries should be made. Generally speaking, University personnel may make two inquiries to determine whether the animal qualifies as a Service Animal:

1. Is this animal trained to provide a disability-related service for you?
2. What work or task has the dog been trained to perform?

Section IV: Voluntary Registration of Service Animals While on Campus

For those individuals who are enrolled in courses at BW that would like to voluntarily register their Service Animal with the University, please contact Disability Services for Students (DSS) at (440)-826-2147 (Ritter Library, 203). Registration is voluntary but may aid one in accessing the University premises. Registration is not available for visitors to campus.

Section V: Areas of Accessibility

Under the Americans with Disabilities Act, individuals with disabilities may use Service Animals in any public area unless doing so would pose a danger to the health and safety of others, or cause an undue burden. Service Animals are permitted to accompany people with disabilities in all areas of BW’s facilities including University Housing where students, members of public and other participants in services, programs or activities are allowed to go.

Section VI: Guidelines for Members of the BW Community

To ensure equal access and non-discrimination of people with disabilities, members of the BW community must abide by the following practices:

1. Allow Service Animal to accompany people with disabilities on campus;
2. Do not ask for details about an individual's disability;
3. Do not pet a Service Animal, as it distracts the animal from its work;
4. Do not feed a Service Animal;
5. Do not deliberately startle, tease or taunt a Service Animal; and
6. Do not separate or attempt to separate a person from his/her Service Animal

If you have a disability that may be affected by the presence of animals, including Service Animals, please contact Disability Services for Students. BW is committed to ensuring that the needs of all people with disabilities are met, but will determine how to resolve any conflicts or problems as expeditiously as possible.

Section VII: Responsibilities of Owners and Services Animals

Baldwin Wallace University is not responsible for the care or supervision of Service Animals. Service Animal owners are responsible for the cost, care, and supervision of the Service Animal including:

1. Compliance with any laws pertaining to animal licensing, vaccination and owner identification;
2. Keeping the animal under control and taking effective action when it is out of control; and
3. Feeding and walking the animal and disposing of waste (for specific campus areas designated by BW for toileting of animals, please contact the Office of Residence Life)

Additionally, the handler:

1. Should ensure that the Service Animal does not approach and sniff other individuals, dining tables, or the personal belongings of others;
2. Must assure that the Service Animal does not block fire or emergency exits; and
3. Must assure that the Service Animal does not display behaviors or noises that are deemed disruptive to others unless said noise/behaviors are part of the needed disability service to the handler

Note: BW will not require surcharges or fees for Service Animals. However, the Owner may be charged for damage caused by a Service Animal to the same extent that BW would normally charge a person for the property damage they cause.

Section VIII: Service Animal Exclusions

A Service Animal may be excluded from any authorized area and its owner may be subject to disciplinary action if, including but not limited to:

- The Service Animal displays aggressive or disruptive behavior or noises, and effective action is not taken to control it unless said noise/behavior(s) are part of the needed disability service to the owner*;
- The Service Animal is not housebroken;
- The Service Animal poses a direct threat to the health and safety of others;
- The Service Animal is not in good health, well-groomed or cared for;
- The Service Animal infringes inappropriately into others' personal space;
- The Owner intentionally uses the Service Animal to block identified fire or emergency exits.

*Service Animals who exhibit aggression are not permitted on University premises, regardless of whether or not they have "actually" injured someone. In other words, the University does not have to wait until someone is harmed; aggressive behavior is automatically disqualifying.

Section IX: Procedure for Requesting Service Animals in University Housing

For information on Service Animals in University Housing, please refer to the Service Animals in University Housing Policy at www.bw.edu/DisabilityServices.

Section X: Removal of the Service Animal

If an issue arises as to whether an approved Service Animal should be removed from campus, the University will base such determinations upon consideration of the behavior of the particular Service Animal at issue, unless it has demonstrated aggressive or threatening behavior. The determination will not be based on speculation or fear about the harm or damages the Service Animal may cause. Any removal of the Service Animal will be done in consultation with DSS and may be appealed through the Disability Services for Students Grievance Procedure. The Owner will be afforded all rights of due process and appeal as outlined in that process. BW may require the individual to remove the Service Animal from University housing if:

- A. The Service Animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- B. The Service Animal's presence results in a fundamental alteration of a University program;
- C. The Owner does not comply with the Owner's Responsibilities set forth above;
- D. The Service Animal or its presence creates an unmanageable disturbance or interference with the University community. If the Service Animal is disruptive to the living environment for others (for example, barking or other loud noises, significant odor from litter boxes or cages, etc.).

If such removal is necessary, the student will be given twenty-four (24) hours' notice to remove the animal voluntarily. After which time the University may remove the Service Animal to the nearest animal shelter.

In the event that restriction or removal of a Service Animal is determined to be necessary, every effort will be made to assure the individual still has access to the programs, services, or activities of the University without the use of the Service Animal.

Section XI: Grievance Procedure

Complaints arising under this Policy shall be handled under the provision of Disability Services for Students, Grievance Procedure.

Section XII: Additional Information

For additional information concerning Emotional Support Animals or other DSS policies and procedures, please contact:

Baldwin Wallace University
Disability Services for Students
Ritter Library 203
Phone: (440) 826-2147
Fax: (440) 826-3832
Email: disability@bw.edu
Website: www.bw.edu/DisabilityServices