

504/ADA Coordinator

Higher Education Training & Certification Course



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Section 504 & Other Disability Laws Overview

Section 504 of the Rehabilitation Act
The Americans with Disabilities Act
Fair Housing Act

KEY ISSUE

All individuals with a qualifying disability must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or level of achievement as others

Institutions may provide a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit or service is as effective as others





UNDERSTANDING DIFFERENT LAWS

Laws apply differently to housing than to the campus in general, including classrooms and dining facilities

Laws apply different definitions and standards related to service vs. assistance/emotional support animals (ESAs)

Laws may impose different standards or response protocols

SECTION 504 OF THE REHABILITATION ACT (1973)

Prohibits discrimination on the basis of disability in all programs or activities that receive federal financial assistance

Forbids institutions from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services

Enforced by the U.S. Dept. of Education, Office for Civil Rights

Codified at 29 U.S.C. § 701

SECTION 504

"No otherwise qualified individual with a disability in the United States, as defined in Sec. 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Section 704(a) Promulgation of nondiscriminatory rules and regulations

TITLE I, TITLE II & TITLE III OF THE ADA (1990)

Title I

Prohibits discrimination on the basis of disability in employment

Enforced by the EEOC.

Title II

Prohibits discrimination on the basis of disability by public entities, including state colleges and universities, regardless of whether they receive federal financial assistance

Enforced by DOJ and OCR.

Title III

Prohibits discrimination on the basis of disability in private education facilities and in the activities of places of public accommodation

The language of the ADA tracks Section 504 and explains that the remedies, procedures, and rights under the ADA are the same as under the Rehabilitation Act.

HOW IS SEC. 504 DIFFERENT FROM THE ADA?

Section 504 and the ADA are both civil rights laws; however:

Section 504 was created to protect individuals with disabilities from discrimination for reasons related to their disabilities

FAIR HOUSING ACT (1968)

FHA applies to residential “ dwellings,” a term that likely encompasses campus housing, including residence halls

FHA makes it unlawful to “ discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, OR in the provision of services or facilities in connection with such a dwelling because of a handicap... ”

FHA requires allowance for “ assistance animals” for a qualified individual with a disability in all dwellings

Enforced by the U.S. Department of Housing and Urban Development



DISABILITY OVERVIEW

Qualified Individual with a Disability

Impairment vs. Disability

"Record of" vs. "Regarded as" Having an Impairment

WHO IS PROTECTED UNDER SEC. 504 & THE ADA?

Under these laws, qualified individuals with disabilities are defined as:

Persons with a physical or mental impairment

WHO IS A "QUALIFIED INDIVIDUAL WITH A DISABILITY" ?

Someone who, with or without reasonable modifications to rules, policies, or practices or provision of auxiliary aids and services:

- meets the academic and technical standards required for admission or to participate in programs or activities of the educational entity

- is able to perform the essential functions of the job

All qualified individuals with a disability must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or level of achievement as others



DIFFERENCE BETWEEN IMPAIRMENT AND DISABILITY

The law draws a distinction between an impairment and a disability

There are more people with impairments than with disabilities

The difference lies in the effect the impairment has on the person

If the impairment causes a “substantial limitation” of a “major life activity” then the person has a disability

WHAT DO "RECORD OF" AND "REGARDED AS" HAVING AN IMPAIRMENT MEAN?

Record of
Having an
Impairment

Individual has a history of having a mental or physical impairment that substantially limits one or more major life activities

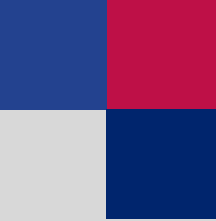
Regarded as
Having an
Impairment

Person may or may not have a qualifying impairment but is treated as having an impairment that qualifies as a disability



HOW IS THE SEC. 504 COORDINATOR
DIFFERENT FROM THE DISABILITY
SERVICES COORDINATOR?







SECTION 504/ADA GENERAL COMPLIANCE

TYPICAL 504/ADA COORDINATOR ADMINISTRATIVE REQUIREMENTS

The Section 504/ADA Coordinator is, at a minimum, responsible for:

- Coordinating and monitoring compliance with Section 504 and Titles I, II, or Title III of the ADA

- Overseeing state civil rights requirements regarding discrimination and harassment based on disability

- Overseeing prevention efforts to avoid Section 504 and ADA violations from occurring

- Implementing the institution's discrimination complaint

REQUIRED STANDARD NOTICE

In accordance with the requirement of 504 of the Rehabilitation Act of 1973 and Titles I and II [or Title III if a private school] of the Americans with Disabilities Act of 1990 (ADA) the [name of your institution] will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The [name of institution] does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Dept. of Education, the U.S. Dept. of Justice, and the U.S. Equal Employment Opportunity Commission.

SUGGESTIONS FOR THE GRIEVANCE PROCESS

All grievances related to disability discrimination or harassment should be directed to the Sec. 504/ADA Coordinator

The complaint should be in writing, clearly stating the issue presented

The Sec. 504/ADA Coordinator should conduct an investigation of the complaint (could be formal or informal)

The Sec. 504/ADA Coordinator shall issue a written report and decision

ELEMENTS OF THE GRIEVANCE POLICY –

ELEMENTS OF THE GRIEVANCE POLICY – THE APPEAL

Information on how to appeal the grievance decision or accommodation appeal made by the 504 Coordinator following the investigation.

Establish a time limit for making the appeal of an accommodation or a grievance.

Identify to whom the Appeal should be filed

A statement that the decision by the Appeal Officer is a final decision

Note: the availability and use of the grievance procedure does not prevent a person from filing a complaint with the state Civil Rights Commission or the U.S. Dept. of Education, Office for Civil Rights.



ACCOMMODATION PROCESS: HIGHER EDUCATION

Notification

Review of Claim

Interactive Process

Temporary Disabilities

ACCOMMODATION PROCESS: NOTIFICATION

A COLLEGE HAS NO OBLIGATION TO ACT OR TO PROVIDE ACCOMMODATIONS UNTIL A REQUEST IS MADE.

ACCOMMODATION PROCESS: REVIEW OF CLAIM

Step Two:

The student's educational limitations must be identified by certificated staff and described in the Academic Accommodation Plan

Eligibility for each service provided must be directly related to an educational limitation

In unusual cases where agreement cannot be reached between the student and the institution's staff, additional documentation of the impact of the disability on the student may be required

What about using a student's high school IEP/504 Plan?

ACCOMMODATION PROCESS: REVIEW OF CLAIM (CONT.)

Step Two:

Once a disability has been verified, the certified accessibility/disability services staff will need to utilize the interactive process to work with the student to identify the functional limitations of the educational environment and determine the needed auxiliary aids, services, academic adjustments, and educational assistance classes



TEMPORARY DISABILITIES

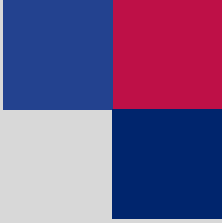
Under both the ADA & the ADAAA* (2008) the institution must recognize and accommodate temporary disabilities

Examples include a broken leg, recovery from surgery, or a pregnancy-related disability condition

If a temporary disability is very short-term (e.g., 2-3 weeks) the student may be given permission to discuss temporary adjustments with their professor

In cases of longer-term disabilities such as a pregnancy-related disability spanning six months, the accessibility/disability services office should be the coordinating entity for academic adjustments

*Americans with Disabilities Act Amendments Act



NOT FOR DISTRIBUTION

ADDRESSING COVID

LONG COVID UNDER SEC. 504 & THE



ACCOMMODATION PROCESS: EXCEPTIONS

Fundamental Alteration Guidelines

Undue Hardship

SOME IMPORTANT THINGS TO KNOW

An institution is not required to provide:

Personal devices such as wheelchairs

Individually prescribed devices such as prescription eyeglasses or hearing aids

E-readers for personal use or study

Services of a personal nature including assistance in eating, toileting, or dressing

ACCOMMODATION PROCESS EXCEPTIONS

Accommodations should be made on a case-by-case basis

An institution is not required to provide an accommodation in circumstance in which the individual would pose a "direct threat" to the health or safety of others, and that a less restrictive option is not feasible. (28 C.F.R. § 36.208)

A "direct threat" is defined as "a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services." (28 C.F.R. § 36.104)

THE ACCOMMODATION PROCESS EXCEPTIONS

An accommodation or modification is not required when

FUNDAMENTAL ALTERATION GUIDELINES

Guidelines in Assessing Essential Standards and Fundamental Alteration:

The faculty member (often in collaboration with the accessibility/disability services office) should identify the essential academic and technical standards of the course, the learning outcomes, and the goals for reaching those

FUNDAMENTAL ALTERATION GUIDELINES (CONT.)





UNDUE HARDSHIP (CONT.)


Factors to consider include the:

Type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer;

Impact of the accommodation on the operation of the facility



SITUATION



An employee has diabetes and has recently been having substantial difficulty with neuropathy in their arms and hands. Their job is data entry and some paper file organizing and filing in the student financial aid office. They have asked to hire a work study student or administrative assistant to do the data entry and filing for them, or to create a new position for them that does not require

FUNDAMENTAL ALTERATION ANALYSIS

Probably. We need more information regarding their job responsibilities, but if it is substantially the data entry and filing, and they cannot do it with an accommodation, they likely are not otherwise qualified for the position.

The institution is not under obligation to hire new staff to do their job.

However, ethically the institution should consider if there are other jobs in the financial aid area for which they would be suitable.

SITUATION



A student tells you they cannot complete writing assignments, with or without accommodations. The student requests that writing assignments not be included in their grade.

Fundamental Alteration?

FUNDAMENTAL ALTERATION ANALYSIS

Probably. If submitting writing assignments is an essential academic or technical requirement of the class and assignments are articulated on the syllabus, there would be no legal mandate to comply with the student's request to exclude those assignments from the grade.

If, however, writing assignments were not essential to mastering the learning objectives and the student's achievement in the course could be evaluated in other ways, such as in a conversation-based setting, then the accommodation may be acceptable.

SITUATION

A student with a learning disability requests the use of a calculator and a multiplication table in a beginning arithmetic class. The instructor of the class is adamant that the accommodation should not be allowed. In the instructor's opinion, the ability to perform the actual calculations is a basic requirement of the class. The student asserts that they can do the analytical work, but that sheer memorization is a disability-related problem for them.

Fundamental Alteration?

WHAT DOES THIS MEAN FOR STUDENTS, FACULTY, & STAFF?

For students, this means that a qualified student with a disability will be “otherwise qualified” for admission to a specific academic program if they can meet all the necessary and articulated essential academic and technical standards of the college program with reasonable accommodations.

For employees, it means that if the employee meets the essential elements to perform a job, the institution must provide appropriate accommodations.

Students and employees with disabilities are also protected from discriminatory harassment directed at them because of their disabilities.



SEC. 504, the ADA, & ACADEMICS

Guidelines for Academic Accommodations

Campbell v. Lamar Institute of Technology

Accommodation Examples

GUIDELINES FOR ACADEMIC ACCOMMODATIONS

Academic requirements should not discriminate against qualified students with disabilities.

However, if colleges can demonstrate that certain academic or technical requirements are essential to the program, then the requirement is not regarded as discriminatory.

104 C.F.R. § 104.44(a)

CASE EXAMPLE: THE ADA & ACADEMICS

Russell Campbell v. Lamar Institute of Technology,
842 F.3d 375 (5th Cir. 2016)

Campbell was a student at Lamar Institute of Technology (LIT) and was provided accommodations for his learning disability.

Campbell had a brain injury impacting his ability to retain and process information.

LIT provided extended time for all exams, and a laptop and a voice recorder to help him with note-taking.

A faculty member even gave him two different final exams two weeks apart – the faculty member created a

CASE EXAMPLE: THE ADA & ACADEMICS (CONT.)

Campbell asked for two extra weeks of study time after the other students took the final for all his exams

Campbell provided a doctor's note that stated, "He needs a week to two weeks to retain new information prior to testing over that material"

LIT refused the two extra weeks' request, as they considered it:

Unreasonable because all faculty would have to create two exams

The accommodation would give Campbell an unfair advantage over other students

Could require faculty to lower the standards of their class

CASE EXAMPLE: THE ADA & ACADEMICS (CONT.)

LIT met with Campbell and his wife and said he could ask individual instructors to accommodate him.

Campbell met with instructors, who denied his request for two extra weeks to study, indicating it was not reasonable.

LIT offered to “provide reasonable accommodations supported by medical documentation and would waive tuition and fees for the next semester.” Campbell refused.

Campbell filed a lawsuit alleging denial of accommodations.

The 5th Circuit held in favor of LIT, stating their denial of the requested accommodations was not discriminatory.

ACCOMMODATION EXAMPLES

Additional time to complete tests or coursework

Substitution of nonessential courses for degree requirements

Adaptation of course instruction

Recording of classes or being provided PowerPoints or lecture notes

Modification of test taking/performance evaluations so as not to discriminate against students with sensory, manual, or speaking impairments (unless such skills are the factors the test purports to measure)

ACCOMMODATION EXAMPLES (CONT.)

Qualified interpreters

Note takers

Computer-aided transcription services

Written materials, assistive listening systems



SECTION 504, the ADA, & ACADEMICS: HIGHER EDUCATION CASE DISCUSSION

The Case of Elyce

THE CASE OF ELYCE

Elyce provided documentation to the Accessibility/Disability Services Office that she frequently experienced panic attacks, especially when she was under pressure or stress. The Office reviewed her documentation and determined that she was entitled to request extended deadlines for completion of her academic work.

She met with her professor, who taught psychology, in a large lecture class (the course was required for Elyce's major) and presented the accommodation letter from the Accessibility/Disability Services Office.

THE CASE OF ELYCE

Elyce told the professor that she read the syllabus and noted that the professor does not give make-up exams in the course. Elyce told the professor, "What if I have a panic attack during the exam? You have to give me a make-up exam. This letter says so."

The Professor has now come to you to explain that the course in question is required of all psychology majors and is the core course of Elyce's program. The professor stated, there are exams, lab reports, presentations, and papers in a tightly choreographed sequence that barely fits into the term.

THE CASE OF ELYCE

Falling behind in one assignment could cause a cascading problem for Elyce and leave her at risk for failure in the rest of her program. The Professor stated, "I simply cannot provide or allow for make-up exams, given the rigor of this program."

How will you advise the professor and Elyce?



PREGNANT & PARENTING STUDENTS

2013 Dear Colleague Letter

Regulatory Language

OCR Guidance

Athletics and Pregnancy

PREGNANCY, SEC. 504, & TITLE IX: 2013 DCL*

June 25, 2013 DCL on pregnancy and parenting students:

Educators must ensure pregnant and parenting students are not discriminated against

Educators must ensure that pregnant and parenting students are fully supported in preparation for graduation and careers

Secondary school administrators, teachers, counselors, and parents must be well-educated on the rights of pregnant and parenting students as provided under Title IX

*Dear Colleague Letter from the U.S. Department of Education's Office for Civil Rights

PREGNANCY, SEC. 504, & TITLE IX: REGULATORY LANGUAGE

Pregnancy defined:

“Pregnancy and related conditions”:

PREGNANCY, SEC. 504, & TITLE IX: OCR GUIDANCE

Doctor's Note to Participate

"Schools cannot require a pregnant student to produce a doctor's note in order to stay in school or participate in activities, including interscholastic sports, unless the same requirement to obtain a doctor's note applies to all students being treated by a doctor."

"That is, schools cannot treat a pregnant student differently from other students being cared for by a doctor, even when a student is in the later stages of pregnancy; schools should not presume that a pregnant student is unable to attend school or participate in school activities."

Source: U.S. Department of Education (June 2013),



PREGNANCY, SEC. 504, & TITLE IX: REGULATORY LANGUAGE

Pregnancy as Temporary Disability

A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan, or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity."

Source: 34 C.F.R. 106.40

PREGNANCY, SEC. 504, & TITLE IX: REGULATORY LANGUAGE

Leave Policies

In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began."

Source: 34 C.F.R. 106.40

PREGNANCY, SEC. 504, & TITLE IX: OCR GUIDANCE

“When the student returns to school, she must be reinstated to the status she held when the leave began, which should include giving her the opportunity to make up any work missed.”

“A school may offer the student alternatives to making up missed work, such as:

- Retaking a semester,

- Taking part in an online course credit recovery program, or

- Allowing the student additional time in a program to continue at the same pace and finish at a later date, especially after longer periods of leave.”

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ATHLETICS, PREGNANCY, SEC 504, & TITLE IX

NCAA Guidance

A pregnant student-athlete's physician should make medical decisions regarding sports participation

A student-athlete with a pregnancy-related condition must be provided with the same types of modifications provided to other student-athletes to allow continued team participation

Pregnant student-athletes cannot be harassed due to pregnancy

A student-athlete whose athletic career is interrupted due to a pregnancy-related condition will typically be entitled to a waiver to extend her athletic career

Source: NCAA, Pregnant and Parenting Student-Athletes

ADDITIONAL SPECIAL ISSUES TO ADDRESS

Nursing rooms, mothers' lounges, etc.

Children at school and in the classroom... No

Residence halls

Cannot remove prior to birth of child

Refund

Labs, chemicals, exposure to diseases, etc.

Reasonable restrictions for health and safety (as deemed by a physician) are permitted

Cohort programs

Licensure requirements



PREGNANCY & SECTION 504 CASE DISCUSSION

The Case of Janet

PREGNANCY & SEC. 504

CASE DISCUSSION: HIGHER EDUCATION

Janet is seven months pregnant and has had an easy pregnancy. She's in the Allied Health Program for EMT. In this cohort program, clinical/experiential placements only occur during the spring term. Janet is scheduled to graduate next December. The paramedic program to which she's been assigned won't allow her to participate on their ambulance runs because of her pregnancy. She needs to complete this program this term.

What will you suggest?



ADA, SECTION 504, & MENTAL HEALTH ISSUES

Guidelines Regarding Mental Illness
Involuntary Withdrawals
“Direct Threat” Test

SEC. 504/ADA GUIDELINES REGARDING

EXAMPLES OF A MENTAL DISABILITY

A mental impairment that substantially limits one or more major life activities

Examples of mental disabilities include:

- Major depression

- Bipolar disorder

- Schizophrenia

- Anxiety disorders

- Post-traumatic stress disorders

- Autism Spectrum Disorders

ADDRESSING INVOLUNTARY WITHDRAWAL

Engaging in involuntarily removing a student or employee with a disability is complex

" DIRECT THREAT" TEST

" Direct Threat" means a significant risk to the health or safety of self or others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.

OCR says DUE PROCESS is necessary to challenge factual assumptions that behavior being exhibited represents is " Direct Threat" of harm to others that would support involuntarily removing a student or employee from the institution

A " Direct Threat" analysis applies to any individual who poses a " significant risk" of substantial harm or safety to others that cannot be eliminated or reduced by reasonable accommodation.

APPLICATION OF THE DIRECT THREAT TEST

1. To rise to the level of a direct threat, there must be a high probability of substantial harm and not just a slightly increased, speculative, or remote risk.
2. Then there must be an Individualized and objective assessment of the student's ability to safely participate in the college's program
3. This assessment must be based on a reasonable medical judgment relying on the most current medical knowledge or the best available objective (non-medical) evidence

APPLICATION OF THE DIRECT THREAT TEST (CONT.)

4. The assessment must determine:
 - The nature, duration, and severity of the risk;
 - The probability that the potentially threatening injury will actually occur; and
 - Whether reasonable modifications of policies, practices, or procedures (accommodations) would sufficiently mitigate the risk.

POLICY IMPLICATIONS

The Direct Threat Test (as proscribed by the ADA) may only be applied when a student's conduct represents an "unreasonable threat of harm to others"

The student conduct process should be applied when the student's conduct creates a disruption to the education environment or violates other behavior standards

Both approaches provide due process before involuntary removal from the institution

Thus, offer appropriate due process and follow your process.

RESPONSE CONSIDERATIONS

Involve your accessibility/disability services office

Offer appropriate due process and follow your process if you plan to involuntarily remove from school or job

Use clearly written policies and referrals based on behaviors, not disabilities or conditions

Address actual significant disruptions to the institution, not simply risk of disruption

Be consistent in referrals – the same disruptive behavior should warrant a conduct process regardless of the individual. Sanctioning should also be consistent

RESPONSE CONSIDERATIONS (CONT.)

Do not treat students or employees with disabilities differently than other students or employees other than



ADA/SEC. 504 & MENTAL HEALTH: HIGHER EDUCATION CASE DISCUSSION

The Case of Dennis





MENTAL HEALTH & ADA/SEC. 504: THE CASE OF DENNIS

Dennis is also having trouble in the residence hall. If there is noise in the hall while he is trying to sleep or study, Dennis will often confront the people talking in the hallways or playing music. He is a large young man and will yell and become very aggressive when confronting someone about making noise. Many residents have made complaints or expressed a fear of Dennis. Dennis's therapist is aware of these situations and has been working with Dennis on behavior modification techniques, but he still has impulse control issues.

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THE ISSUE

Colleges and universities frequently receive requests to bring service animals (as defined by the ADA) and assistance animals, which can be service animals, but also therapy, comfort, or emotional support animals (as defined by HUD) to class or their living environment as an accommodation

Service and/or assistance animals may make institutions more accessible for the students and enrich the educational environment by allowing the institution to be more accessible to students with a wide range of disabilities

BUT there is a confusing backdrop of disability-based laws that impose differing obligations and apply differently based on locations on campus



SERVICE ANIMALS

ADA Guidelines

Inquiries About Service Animals

Rights of Individuals with a Disability and Service Animals

ADA GUIDELINES REGARDING SERVICE ANIMALS





WAIT! A HORSE? WHY?

Miniature horses are as trainable as dogs

Miniature horses are hypo-allergenic

Miniature horses have a longer life span than a dog

Miniature horses are generally no larger than a big dog

BUT... THERE ARE GUIDELINES TO CONSIDER:

Whether the facility can accommodate the type, size, and weight of the horse

Whether the handler has sufficient control of the horse.

Whether the horse is housebroken.

Whether the horse's presence compromises legitimate safety requirements.

ADA GUIDELINES REGARDING SERVICE ANIMALS

“Service animals are working animals, not pets. The

INQUIRIES ABOUT SERVICE ANIMALS AND THEIR OWNERS

You may not ask about the nature or the extent of a person's disability.

A qualified person with a disability using a service animal does not need to register with the accessibility/disability services office, nor produce documentation of the disability because a service animal is not an accommodation. They are an extension of their handler.

You may only ask:

If the animal is required because of a disability and/or
What work or task the animal has been trained to perform.



EXAMPLES OF WORK OR TASK OF SERVICE ANIMALS

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

Preventing or interrupting impulsive or destructive behavior for those with a psychiatric disability

For example, for autistic students, service animals can be trained to interrupt inappropriate repetitive behavior.



Source: U.S. Department of Justice (February 2020), *ADA Requirements: Service Animals*.

TO REVIEW: GUIDELINES FOR SERVICE ANIMALS



EMOTIONAL SUPPORT, THERAPY, & COMPANION ANIMALS

HUD Fair Housing Act

Documentation for Emotional Support Animals

Owner Obligations for Emotional Support Animals





HUD: FAIR HOUSING ACT & ASSISTANCE ANIMALS

Institutions must accommodate a qualified individual with a disability by making provisions for an assistance/comfort/ESA in a residence hall or campus apartment

The institution is not required to allow the individual to bring

HUD GUIDELINES REGARDING ASSISTANCE ANIMALS

As long as the

WHAT TO EXPECT FOR DOCUMENTATION FOR AN ESA

Confirmation the individual has a mental health diagnosis

The documentation should be from a medical

OWNER OBLIGATIONS RE: ESAs

The animal cannot interfere with the reasonable use and enjoyment of others living in the same dwelling

The animal must be caged when the owner is not in the room

The animal must always be under the control of the owner, either on a leash or harness, or in a crate or carrier

The owner may not leave the animal for extended periods of time or overnight

The owner may not leave the animal in the care of another resident overnight



ASSISTANCE ANIMALS IN THE WORKPLACE CASE DISCUSSION

The Case of Jack

THE CASE OF JACK

Jack works as a proctor in the microbiology lab. He has missed a great deal of work lately and reported that he is experiencing a great deal of stress as a result of his recent divorce and child custody issues. Jack was diagnosed as suffering from depression, insomnia, anxiety, and panic

FINAL ADVICE: REQUIREMENTS FOR BOTH SERVICE ANIMALS & ESAs

Must be in good health and well cared for by the owner

Must meet all state requirements for vaccinations and licensing

The owner must clean up after the animal and must appropriately dispose of all animal waste

The animal may not disturb, annoy, or cause any nuisance to other members of the campus community

They may not pose an undue threat or fear to the residence environment

FINAL ADVICE: REQUIREMENTS FOR BOTH SERVICE ANIMALS & ESAs (CONT.)

They may not cause undue financial or administrative burden to the institution in order to provide the accommodation

May not fundamentally alter the nature of the institution's operations

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