

## 513 - Service and Emotional Support Animals

### **Purpose:**

The purpose of this procedure is to establish guidance for service and emotional support animals on campus in compliance with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and the Fair Housing Act.

Based on reasons of health, sanitation, and safety, students and employees are not allowed to have their animals inside any campus facilities without prior approval.

### **Definitions**

**Owner:** An Owner is an individual that has a service or emotional support animal.

**Pet:** A pet is an animal kept for ordinary use and companionship. A pet is not considered a service or emotional support animal. Pets are not permitted in College facilities and any pets on the grounds must be under appropriate restraint (leash, cage, etc.) and must be in close proximity to the Owner at all times. The College may, at its discretion, require the removal of pets on its grounds for any reason, including but not limited to, failure to be appropriately restrained.

**Service Animal or Service Animal in Training:** A service animal or a service animals in training is a dog that is individually trained to aid an individual with disability including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or task that a service animal has been trained to provide must be directly related to the person's disability. Service animals are not considered pets and are explicitly permitted under the Americans with Disabilities Act and North Dakota Century Code. Service animals or service animals in training must be appropriately identified through harness or vest with "Service Animal" or "Service Animal in Training" clearly visible. Emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this definition.

**Emotional Support Animal:** An Emotional Support Animal (ESA) provides emotional or other support that minimizes one or more identified symptoms or effects of an individual's disability. Unlike service animals, support animals are not required to perform work or tasks, and they may include species other than dogs. An ESA is not a Service Animal; therefore, an ESA does not accompany its Owner outside of the Owner's living quarters and is instead approved to stay in the living quarters except for outdoor exercise and bodily functions.

**Procedure:**

**Scope**

This policy applies to all students, faculty, staff, volunteers, and visitors on the Bismarck State College campus.

1. Service Animals

- a. To qualify for having a service animal on campus, an Owner must:
  - i. Have a disability defined by the ADA
  - ii. Be accompanied by a dog that is trained to do specific tasks or work for the student with a disability.
- b. Owners who are accompanied by a service animal must register with BSC's Accessibility Office or Employee Owners should register with the BSC's Human Resource Office. Students living on campus will complete their registration process with BSC Student and Residence Life in Campus Connection through BSC Self Service.
- c. Restricted Areas - BSC may prohibit the use of a Service Animal in certain locations due to health or safety restrictions. Restricted areas may include but are not limited to food preparation areas, research or educational laboratories, classrooms that require protective clothing, situations where the Owner is unable to provide evidence of current vaccinations required by the City of Bismarck ordinance (Title 3 – Animal Control and Protection, Chapter 3-03-01), and other areas as required by state or local laws. Exceptions to these restrictions may be requested and will be considered on a case-by-case basis. Case -by-case considerations will be considered through the Student Accessibility Office for students and the Human Resources Office for employees by submitting a request to modify the restriction through an email description.

2. Service Animals in Training

- a. A trainer/Owner with a service animal in training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited without being requested to pay an extra charge for a service animal in training (NDCC 25-13-02.1). Upon request, the trainer/Owner must have pertinent immunization records available and



satisfactorily answer the following inquiries in the event the work/training of the animal is not readily identifiable:

- i. Is the dog being trained as a service animal?
  - ii. What tasks/work is the dog being trained to perform?
- b. The trainer is liable for any damage done to the premises by a service animal in training. Restricted areas apply to service animals in training. Student and employee trainers will be made aware of responsibility for damages through this operational procedure. Trainers who are visitors on BSC's campus will be informed at the time of infraction.

### 3. Emotional Support Animals

- a. State and Federal laws have no specific provisions for people to be accompanied by an ESA in places of public accommodation that have a no-pet policy. Pursuant to the Fair Housing Act (FHA), emotional support animals are prescribed and deemed necessary by a qualified professional to allow an individual equal access to use and enjoy residence facilities. BSC can and does require relevant disability documentation to evaluate the potential need for an emotional support animal, while considering the reasonableness of the requested accommodation.
- b. Owners with ESAs are required to:
  - i. Have a disability defined by the ADA.
  - ii. Seek an accommodation initial approval through BSC Accessibility Office and complete their registration and placement processing through the BSC Student and Residence Life Office.
  - iii. Have an already established relationship with the animal. Rare exceptions to this rule must be supported by sufficient documentation.
  - iv. Complete the approval process with BSC's Student Accessibility Office and registration with Student and Residence Life no less than 60 days prior to the arrival of the animal, to thoroughly review the request and gather all necessary documentation. Animals should not be brought to campus prior to approval being granted. The Housing Accommodation and registration forms may be accessed through Campus Connection in the BSC Self-Service section.



- v. Notify the BSC Student and Residence Life Office if an animal is no longer present on the BSC property. If the animal is replaced, a new request must be submitted by the Owner through the BSC Accessibility Office. The animal must be renewed with each academic year contract for staying on campus.

#### 4. Responsibilities for Service Animals, Emotional Support Animals, and Pets

- a. The care and supervision of a service animal, emotional support animal, or pet is the responsibility of the Owner. The owner must maintain control of the animal in all public places on the campus using a leash, harness, or tether, unless the owner is unable to hold those, or such use would interfere with the animal's performance of work/task or support. In such instances, the animal must be kept under control by voice or signal commands or other effective means.
- b. Requirements for clean-up of animal waste, which is the responsibility of the owner are based on the City of Bismarck ordinance (Title 3 Animal Control and Protection, Chapter 3- 03-05). Information regarding spaces designated as animal toileting areas and guidance regarding proper disposal of animal waste will be provided by BSC Student and Residence Life staff.
- c. Owner(s) with a dog must complete a DNA testing kit, which ensures Owners are responsible for waste cleanup. Owner(s) found not cleaning up waste will be subject to campus sanctions through the BSC Student Code of Conduct and/or the BSC Code of Ethical Conduct.
  - a. Owner(s) will schedule an appointment with the Student Accessibility Office to complete a DNA testing kit. This must be complete within 5 business days of the animal arrival to campus. If the animal is not tested within 5 business days, a follow up notice will be sent from the Student Accessibility Office. If the process is not complete within 10 business days of the animal's registration on campus, BSC will reevaluate the animal's ability to be on campus, which may include eviction from the residence halls or revocation of permission to be on campus.
  - b. The Student Accessibility Coordinator will swab the mouth of the animal. The sample is sent to the DNA collection agency to enter into



the database. The cost of the DNA test kit will be applied to the Owner(s) account at BSC Student Finance.

- c. BSC will collect and review samples of animal waste elimination that are not disposed of properly. If an Owner is found in violation of this procedure, they will be subject to discipline through the BSC Student Code of Conduct or BSC Code of Ethical Conduct.
- d. Service animals, emotional support animals, or pets need to be immunized against diseases recommended/required for that species and should wear the proper City of Bismarck license (Title 3 Animal Control and Protection, chapter 3-03-01).
- e. Service animals, emotional support animals, or pet housed in a BSC residence facility must have an annual clean bill of health from a licensed veterinarian. When necessary, the College has authority to direct that a service animal, emotional support animal, or pet receive veterinary attention or be removed from the campus for health/safety reasons.
- f. Any person who has a service animal, emotional support animal, or pet on campus is financially responsible for property damage caused by their animal. BSC Buildings & Grounds will assess damage for cost, which will be assessed to the Owner.
- g. BSC will pay for the testing of all animals.

## 5. Exceptions

- a. Law Enforcement – Animals assisting law enforcement or other agencies such as on-duty police, search and rescue dogs, or training.
- b. Full -Time Employees Living on Campus - A full-time employee living on campus that is given permission through their campus housing employment via the BSC Student and Residence Life Office is defined as an owner with a pet exemption.

## 6. Restrictions and Exclusions

- a. BSC may impose some restrictions on, and may even exclude, a service animal, emotional support animal, or pet in certain instances. Restrictions or exclusions will be considered on a case-by-case basis in accordance with applicable laws. Consideration for restriction and/or exclusion may be considered if an animal:

- i. Is out of control and effective action is not taken to control it;
    - ii. Is not housebroken;
    - iii. Poses a direct threat to the health or safety of others that cannot be reduced or eliminated by reasonable modifications.
  - b. If restriction or exclusion of an animal is deemed necessary by BSC, a written statement of explanation will be provided to the owner by the BSC Accessibility Office. The Owner will still be given opportunity to participate in the service, program, or activity without having the service or emotional support animal present.
7. Conflicts Regarding Animals on Campus
- a. BSC will work with qualified Owners who request accommodations to identify a solution that serves all Owners with disabilities who have competing needs. Owners who, because of a disability, are adversely impacted by the presence of an animal, must apply for services and submit documentation of their condition to the BSC Accessibility Office or BSC Human Resources for housing, academic and general campus areas.
8. Compliance
- a. Bismarck State College is an equal opportunity institution that does not discriminate on the basis of race, color, sex, gender, gender identity, national origin, age, religion, sexual orientation, information protected by the Genetic Information Nondiscrimination Act (GINA), marital status, disability, veteran's status or any other status protected by law in its admissions, student aid, employment practices, education programs or other related activities.

More information and inquiry contacts are available on [BSC's website](#).

**References:**

[Americans with Disabilities Act \(ADA\)](#)  
[City of Bismarck ordinance \(Title 3-Animal Control and Protection\)](#)  
[North Dakota Century Code §25-13-02.1](#)  
[Fair Housing Act](#)  
[BSC Notice of Non-Discrimination](#)

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**History of This Procedure:**

Reviewed by the Operations Council on November 24, 2010, and approved by the Executive Council on December 2, 2010. Revisions – Reviewed by the Operations Council on July 22, 2015, and approved by the Executive Council on August 26, 2015; April 27, 2021. Changed from a policy to an operational procedure; reviewed by the Campus Council on April 26<sup>th</sup>, 2023, and reviewed by the Executive Council on May 17<sup>th</sup>, 2023, approved by the President on June 8<sup>th</sup>, 2023. – Reviewed and approved by the President on December 18<sup>th</sup>, 2023.