

UNIVERSITY OF MAINE SYSTEM GUIDELINES REGARDING SERVICE ANIMALS

These guidelines serve to outline the rules for the presence of service animals on university campuses and, if applicable, in residence halls, as defined by the Americans with Disabilities Act of 1990 (ADA) and its amendments. Service animals are permitted in any campus setting that is open to the public with individual exceptions in places where the presence of an animal may compromise a sterile environment. Service animals are defined 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.

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

Under the ADA, service dogs 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 sounds. A service dog must be under the control of the handler at all times. A service dog may be removed from campus premises if the dog is out of control, aggressive to others, or significantly disruptive, or if the dog is not housebroken. If it is necessary to ask the dog to be removed, every effort will be made to assure that the handler still has access to the programs or services at the institution without the use of the service animal. In addition, service dogs must be licensed and fully inoculated in accordance with applicable municipal ordinances and state laws. Also, service dogs are subject to local dog licensing and registration requirements. Link to ADA guidelines https://www.ada.gov/service_animals_2010.htm.

Impact on the University

Universities must permit students, employees, and members of the public with disabilities who utilize campus facilities to use a service dog that has been specifically trained to do work or tasks for the person. When it is not obvious what service the dog provides, the only questions the University is permitted to ask are: 1) is the dog a service animal required because of a disability, and 2) what disability related work or task has the dog been trained to perform. Medical documentation may not be requested.

In short, only dogs can be used as service animals by people in a public setting and the service animal must be specifically trained to do work or perform tasks for the person with a disability. Please note that other types of animals in addition to dogs may be used by people with disabilities who live in University housing settings, often referred to as assistance animals or emotional

support animals. These types of animals are excluded from the definition of service animal under the Americans with Disabilities Act and its amendments. If you are a student and have questions about emotional support animals and the relationship to university residence halls as defined by the Fair Housing Act, please contact the disability services office on your campus.

INFORMATION ABOUT SERVICE DOGS IN TRAINING

The Americans with Disabilities Act of 1990 (ADA) and its amendments assures people with disabilities, who are accompanied by service dogs, that they will not be excluded from public places or activities or charged any additional fees, because they are accompanied by their service dog. However, the ADA does not provide the same protection to service animals in training.

Maine state law (§1312) provides those same rights of access for individuals who are “especially trained service dog trainers.” As defined in the Maine statute, an “especially trained service dog trainer, while engaged in the actual training process and activities of service dogs, has the same rights, privileges and responsibilities described in this section with respect to access to and use of public facilities as are applicable to a blind, visually handicapped or otherwise physically or mentally disabled person.”

Link to statute: <http://legislature.maine.gov/statutes/17/title17sec1312.html>

Maine does not clarify further the meaning of “especially trained service dog trainers” or “the actual training process.” The University of Maine System has established a policy, based on accepted practices suggested by Assistance Dogs International (ADI). A dog is “being trained” as a service dog when, accompanied by its trainer, the animal is undergoing individual training to provide specific disability-related work or service for an individual with a disability. This does not include obedience training or socialization of puppies who may later become service animals (generally 15-18 months). Thus, only adult dogs are recognized as being “in training” to provide disability-specific assistance after they have completed an earlier period of socialization (obedience training, being house broken, getting acclimated to public places and every day activities as pets). An “especially trained service dog trainer” may bring such a dog onto campus and interact with campus community in public areas, campus offices, etc.

The University of Maine System has established that generally service animals in training cannot be in-residence in University housing, except as an approved reasonable accommodation for a qualified student with a disability. Similarly, puppies who are being raised/trained in preparation for participating in formal service animal training are not permitted in university housing nor in any campus building.

Please feel free to consult with the campus, the Director of Equal Opportunity for the University of Maine System, and General Counsel with any questions.

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