

Office/Contact: Office of Student Affairs

Source: Americans with Disabilities Act; Section 504 of the Rehabilitation Act; South Dakota Human Relations Act of 1972 (SDCL Ch. 20-13); University Policy 4:6

Link: http://www.ada.gov/2010_regs.htm; <https://www.dol.gov/agencies/oasam/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>;

https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=20-13;

<https://www.sdstate.edu/policies/upload/Human-Rights-Complaints.pdf>

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Reasonable Accommodation Involving Animals

NUMBER: 3:6

1. Purpose

This policy sets forth the protocols for reasonable accommodations involving animals and applies to all University students, employees, applicants for employment or admission, and members of the public.

2. Definitions

- a. Disability: a physical or mental impairment that substantially limits one or more major life activities as defined by the Americans with Disabilities Act (“ADA”) at 42 U.S.C. Section 12102. Examples of major life activities include: self-care, performing manual tasks, walking, talking, hearing, seeing, breathing, working, and learning.
- b. Reasonable Accommodation: a modification or adjustment to a policy, procedure, position, or practice that would not fundamentally alter the same, including an auxiliary aid or service, necessary for a qualified person with a disability to enable the person to: 1) participate in educational programs and activities; 2) perform the essential functions of a job; 3) apply for admissions or apply and interview for employment; 4) access University

accommodation process.

- e. Other Animals: Animals that afford a qualified individual with a disability an equal opportunity to use and enjoy University residence halls in accordance with Section 504 as effectuated by 34 CFR Part 104.
- f. Pets: Animals kept for ordinary use and companionship and are not subject to this policy or the equal access and opportunity laws.

3. Policy

- a. The University will provide reasonable accommodations for qualified individuals with disabilities. Such accommodations may include the assistance of Service Animals trained to perform for the individual tasks related to the disability.
 - i. The University will comply with the law requiring equal opportunity and access to programs and services to all qualified individuals with disabilities in accordance with this policy.
 - ii. The A.V.P. for Human Resources and Coordinator for Disability Services, their successors, or designees are responsible for responding to requests under this policy, for maintaining appropriate documentation of the accommodation process, and for engaging in an interactive process to address appropriate reasonable accommodations in accordance with the status of the individual requesting the accommodation.
- b. Requests for reasonable accommodations will be processed in accordance with the South Dakota Human Relations Act of 1972, SDCL ch. 20-13, Titles I and II of the ADA, amendments thereto, and their implementing regulations, and Section 504 of the Rehabilitation Act, as applicable.
 - i. Service Animals shall be permitted in areas of the University campus where members of the public; participants in services, programs or activities; or visitors are allowed to go.
 - 1. When it is not obvious what service the Service Animal provides, University staff may ask only two questions:
 - a. Is the Service Animal a Service Animal required because of a disability?
 - b. What work or task has the Service Animal be6.1(2le A.0.017 Tcqd (;)Eon)2(iM

resolve all other disputes arising out of this policy, the University will apply the grievance policies applicable to the status of the individual requester.

4. Procedures

- a. Students at the University who wish to request a reasonable accommodation under this policy should contact the Office of Disability Services for assistance. The Office of Disability Services will communicate with applicable instructors or University Housing and Residential Life staff, as lawful, regarding the reasonable accommodation under this policy.
- b. Employees at the University who wish to request a reasonable accommodation under this policy should contact the Office of Human Resources to document the disability and identify the reasonable accommodation.
- c. Applicants for employment who would like to request reasonable accommodations under this policy should contact the Office of Human Resources for assistance.
- d. Members of the general public who would like to request reasonable accommodations under this policy for access to and participation in University programs and activities should contact the hosting individual or department, who will work with the Office of Disability Services or the Office for Human Resources, as applicable, for assistance.
- e. Students or employees must notify the Office of Disability Services or the Office for Human Resources, as applicable, in writing, if the approved animal is no longer kept on campus. To replace an approved animal with another animal, students and employees must notify the Office of Disability Services or the Office for Human Resources, as applicable, about the new animal and provide proof of animal registration with the appropriate local government. Should this animal not comport to the type of animal declared necessary in the previously approved accommodation, the student or employee will be required to make a new accommodation request with the Office of Disability Services or the Office for Human Resources, as applicable, unless their disability and their disability-related need for the particular animal is readily apparent or already known to the applicable office.

5. Responsible Administrator

The Vice President for Student Affairs, or designee, is responsible for bi-annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 04/15/2016. Revised; Approved by President on 11/26/2019.