

# UC Hastings College of the Law Service Animal Policy and Registration

DRP Policy 1

## Service Animal Policy & Registration

UC Hastings College of the Law (Hastings) is committed to building a vibrant, diverse and connected community, and recognizes the importance of Service Animals and Emotional Support Animals to individuals with disabilities. In compliance with applicable laws such as the Americans with Disabilities Act (ADA), Hastings provides reasonable accommodations to qualified individuals with disabilities to ensure equal access to its classrooms, facilities, public spaces and housing for all of its community members, including students, faculty, staff and visitors. The following is the policy on service animals.

## Applicable Laws<sup>1</sup>

The right of an individual with a disability to a service or emotional support animal depends on the type of animal, the function that the animal performs, and the setting in which the right is asserted. Different state and/or federal laws will apply to different situations. Under federal law, service animals are covered by the Rehabilitation Act, the Americans with Disabilities Act Amendment Act (ADAAA), the Fair Housing Amendments Act (FHAA), and the Air Carriers Access Act (ACAA). Emotional support animals are covered by the FHAA and the ACAA. Emotional support animals are covered by the FHAA and the ACAA. The California Fair Employment and Housing Act (FEHA) and Unruh Act offer equal or greater protection than federal law for people using service or emotional support animals. The United States Department of Justice (DOJ) is the agency with primary authority for enforcement and interpretation of the ADAAA.

## Definitions

**Individual with a Disability:** A person with a disability is someone who has a “physical or mental impairment that substantially limits one or more major life activities.”<sup>2</sup> Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, reading, learning, thinking and concentrating.

**Service Animal:** Under the 2010 DOJ regulations, a “service animal” is defined as “any dog [or in some cases, miniature horses may be considered a service animal as a reasonable accommodation] that is individually trained to do work or perform tasks for the benefit of an individual with a disability.”<sup>3</sup> Any other species of animal, wild or domestic, trained or untrained, are not considered service animals under the ADAAA. Examples of trained work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with

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<sup>1</sup> See Disability Rights California's Publication [# 5483.01](#) on psychiatric service animals and emotional support animals, and the [DOJ ADA guidance on service animals](#), for more information.

<sup>2</sup> 42 U.S.C. § 12102 (1)(A) (2008)

<sup>3</sup> 28 C.F.R. §§ 36.104 (Implements Title III), 35.104 (Implements Title II).

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navigation and other tasks; alerting individuals who are deaf or hard of hearing to the presence of people or sounds; providing minimal (non-violent) protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; fetching dropped items; alerting an individual to the presence of allergens; retrieving items such as medicine or the telephone; providing physical support and assistance with balance and stability to individuals with mobility disabilities; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 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 purpose of this definition. See Hastings Emotional Support Animal policy for more information.

**Emotional Support Animals:** An "emotional support animal" (ESA) is an animal prescribed to an individual with a disability by a mental health professional (e.g., a psychologist, psychiatrist, or licensed psychotherapist) to provide emotional support to persons with disabilities who have a disability-related need for such support in their home.<sup>4</sup> An emotional support animal is not trained to assist a person with a disability with activities of daily living, but rather its role is to live with the individual and alleviate the symptoms of his or her disability within the context of equal access, use and enjoyment of the residence.

**Pet:** A "pet" is an animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a service animal or an emotional support animal, and therefore, it is not covered by this policy. Hastings has a "No Pets" policy for students, and pets are not allowed inside Hastings' buildings, including in the Tower. As an employer, Hastings has [a separate policy regulating dogs on campus for faculty and staff, only](#).

### Service Animals on Campus

The DOJ prohibits Hastings from asking about the nature or extent of a person's disability, or requiring proof that a dog has been certified, trained or licensed as a service animal.

However, unless it is readily apparent that the dog is a service animal (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility impairment), Hastings may ask two questions to determine whether the dog qualifies as a service animal:<sup>5</sup>

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<sup>4</sup> The FHAA and comparable state laws contemplate the use of ESAs in a housing context as a "reasonable accommodation" or "reasonable modification" for an individual with a disability.

<sup>5</sup> 24 C.F.R. § 35.136(f)

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1. Is this dog required because of a disability?
2. What work or tasks is this dog trained to perform?

If it is not readily apparent that the dog is a Service Animal, a Public Safety officer or the Tower concierge (front desk) staff or building manager may ask the first of the above two questions (“Is this dog required because of a disability?”) **In the case of students or guests of students, in order to respect the individual’s privacy and maintain confidentiality**, Public Safety will alert the Director of the Disability Resource Program (DRP) to determine whether the second question (“What work or tasks has this dog been trained to perform?”) should be asked. **The individual’s response to that question will remain confidential.**

### Registering your Service Animal with the Department of Public Safety

Students, faculty, staff and repeat/frequent visitors are requested to register their service animals with the Department of Public Safety. The purpose is three-fold: (1) to advise relevant staff (Public Safety officers, Tower concierge staff, etc.) that the dog has already been determined to be a service animal **so no further questioning is necessary**, (2) to ensure compliance with local animal control and public health requirements (**service dogs are not exempt from these requirements**), and most importantly, (3) to alert Public Safety and/or first responders to **look for your dog in case of an emergency evacuation**. You will be required to submit a copy of the animal’s license and proof of current vaccination for rabies, as well as a photo of the service animal, and agree to conform to the expectations outlined below. Registration is voluntary.

### Notice to Campus Community:

The Disability Resource Program (DRP) and/or Public Safety, McAllister Tower management, or the General Counsel’s office may need to provide notice to certain members of the campus community living or working in close proximity to the animal. This information will be limited to notice about the animal’s presence as an accommodation for a student with a disability, and will not include information about the student’s disability or the specific reason the animal is required. Such notice will only be provided to specific individuals who have a legitimate need to know for health and safety purposes.

### Service Animals are required to conform to the following:

- The service animal works calmly and quietly in a harness, leash or other tether. Exception: if the handler is unable to use a harness, leash or tether because of a disability, or the use of a harness, leash or other tether would interfere with the service animal’s safe, effective performance of work or tasks, then the service animal must be under the handler’s control by voice, hand signals or other effective means.

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- The service animal demonstrates basic obedience skills by responding to voice and/or hand signals for sitting, staying in place, lying down, walking in a controlled position near the handler and coming to the handler when called.
- The service animal is able to perform its tasks in public.
- The service animal must be able to lie quietly beside the handler without blocking aisles or doorways when possible.
- The handler must be in full control of the service animal at all times and the service animal may not pose a direct threat to other members of the campus community.
- The service animal must not display any disruptive or aggressive behaviors or noises (such as barking, whining, growling, or rubbing against people).
- The service animal should remain unobtrusive and on the ground next to the handler or in the handler's lap at all times unless otherwise indicated by the task that the service animal is trying to perform.

Hastings is not responsible for the care or supervision of a service animal. The service animal may be excluded from campus if the animal is out of control (and the animal's handler does not take effective action to control it), if the animal's behavior poses a direct threat to the health and safety of others or if the animal is not house broken. The handler has the option of continuing to participate in classes, events, and activities without having the service animal on the premises. When Hastings' usual practice is to charge an individual for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.