



Service and/or Assistance Animals on campus

West Virginia Wesleyan is committed to compliance with state and federal laws regarding individuals with disabilities. Members of the College community who seek reasonable accommodation for disabilities should contact Anita Dib, in the Learning Center. Students requesting to have service or assistance animals in the residence halls will also need to communicate with the Campus Life Office to provide proper housing accommodations.

The following information includes various laws governing service or assistance animals, including definitions of service and assistance animals.

- Title II of the ADA applies to state and local governmental entities, including all public colleges/universities and states that public entities must modify policies, practices or procedures to permit the use of a service animal by an individual with a disability. Under Title II, a service animal is defined as any dog that is individually trained to do work or perform tasks (directly related to the disability) for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Under Title II, the Department of Justice explicitly states that animals other than dogs are not defined as service animals, except for special provisions permitting miniature horses). Additionally, animals that serve solely as crime deterrents or provide emotional support, comfort or companionship are not considered service animals under the DOJ's definition in Title II.
- Title III of the ADA applies to business and nonprofit entities that are "public accommodations" such as public and private colleges/universities and states that individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place or public accommodation. As in Title II, the definition of service animal is restricted and does not include animals other than dogs, animals that are not effectively controlled or housebroken, or animals that are emotional support animals.
- Section 504 of the Rehabilitation Act applies to any institution receiving federal financial assistance, which includes nearly all public and private colleges and universities and states that a college/university may not impose upon a disabled student any policy that has the effect of limiting the participation of the disabled students in the College's educational program or activity. The Department of Education's Office for Civil Rights has adopted the definition of service animal provided by Title II and Title III for their interpretation of Section 504 of the Rehabilitation Act.
- The Fair Housing Act applies to residential "dwellings", including "any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families." §42 U.S.C. 3602(b) and states that it is 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 disability of that person. To date, there has not been affirmation by the court system as to whether the FHA applies to residential dormitories as there is legal debate whether "family" includes a single individual according to the legal definition. The FHA applies only to residential dwellings and not to academic, administrative and common areas on campus.

After reviewing the aforementioned laws, West Virginia Wesleyan College has developed the following Service and/or Assistance Animal policy:

- With respect to a request for a service or assistance animal, WVWC will determine, on a case by case basis, and in accordance with applicable laws and regulations, whether such animal is a reasonable accommodation on campus. In doing so, WVWC must balance the needs of the individual with the impact of the animal on other campus community members.
- Where it is not clear that an animal is a service animal as defined by the ADA, WVWC may require sufficient information and documentation to determine whether the animal qualifies as a service or assistance animal under the disabilities legislation. West Virginia Wesleyan College may require any or all of the following:
 - Documentation from a treating physician or mental health provider showing that the service or assistance animal is required in order for the student to be successful in completing their degree requirements, including how the animal assists the student.
 - Documentation detailing or verifying the appropriate training of the service or assistance animal.
 - Documentation from a veterinarian that the animal is up to date on vaccinations and all veterinary care.
- For assistance animals that do not meet the requirements stated by Title II and Title III of ADA legislation, but which might meet requirements under the Fair Housing Act, the following policy will be enforced:
 - Assistance animals will be permitted only in the student's dwelling (their specific room or apartment). Assistance animals will not be permitted in academic buildings, administrative buildings, or in common areas of the residence halls.
 - Assistance animals must be transported in a cage or carrier when outside of the "dwelling" in order to ensure the safety of others. Assistance animals must also be kept in a cage or carrier in the room when the student is not present in the room.
- For all residential students who request to have service or assistance animals living in their residence hall rooms or houses the following policy will be enforced:
 - Students with service or assistance animals will be financially responsible for the actions of the service/assistance animal including bodily injury or property damage, including but not limited to any replacement of furniture, carpet, paint, or necessary fumigation. The owner will be expected to pay these costs at time of repair, replacement, or fumigation.
 - Students who have service or assistance animals may be subject to bi-weekly health and safety inspections in their apartments or rooms. All residents are subject to monthly inspections.
 - Students with service or assistance animals may be required to complete additional documentation to share with Residence Life Staff and Campus Security in regards to proper treatment and interaction with the service or assistance animal.

Questions? Email housing@wvwc.edu or call 304-473-8431