

CONFIDENTIALITY OF DISABILITY RELATED STUDENT RECORDS

Confidentiality of Disability Related Student Records

California State University campuses comply with the Family Education Rights and Privacy Act of 1974 (FERPA) and its regulations. Each CSU campus shall maintain appropriate confidential records identifying students with disabilities. Information in these records shall include the student's name, address, social security number, nature of disability, support services recommended, and verifying statement by the director of disabled student services or designee, or documentation provided by the student. The confidential records will be protected in accordance with FERPA regulations with the purpose of providing appropriate academic accommodations to the student. Information about the student may be released with the student's consent or in accordance with FERPA or other applicable legislation.

Service Animals & Assistance Animals Policy

Service Animals and Assistance Animals Policy (Approved April 8, 2019)

I. Purpose & Scope of Policy

It is the policy of California State University, Bakersfield to provide equal access and reasonable accommodations for individuals with disabilities to participate in any program, service, or opportunity provided by the campus; and, to comply with applicable laws related to service animals and assistance animals for persons with disabilities, including any such person studying at, employed at, and/or visiting the CSU Bakersfield campus. This policy provides the rules and regulations concerning employees, students, affiliates, and visitors bringing service animals onto university property and assistance animals into University Housing and/or the university workplace as an approved workplace accommodation.

II. Definitions

- a. Assistance Animal: An animal that works, provides assistance, or performs tasks for the benefit of a person with a disability or an animal that provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Training or certification (professional or otherwise) is not required for an assistance animal nor is an assistance animal restricted by species like a service animal. An assistance animal may also be referred to as a comfort animal or a therapy animal. An assistance animal is only approved to be in and around University Housing. The approval does not extend to having an assistance animal in other buildings on campus unless as an approved workplace accommodation through Human Resources.
- b. Handler: A person with a disability who is the owner and user of a service animal or assistance animal or the owner or person bringing an animal onto university property.
- c. Pet: A pet is any animal kept for ordinary use and companionship unrelated to disability. A pet is not considered a service animal or an assistance animal, and therefore, it is not covered by this policy. Student Housing & Residence Life has a "No Pets" policy for students living in campus housing.
- d. Service Animal: A dog or miniature horse specifically trained to do work or perform tasks for the benefit of, and/or to accommodate the functional needs of, an individual with a disability. This includes an animal that is in training to become a service animal. A service animal is not required to wear a special coat, collar, or harness and is not required to have certification or training papers.
- e. University Property: These include the interior and exterior campus areas of the CSU Bakersfield campus. This definition includes buildings (including residence halls – "University Housing"), structures (including parking structures), parking lots, and outdoor areas owned, leased, or rented by the university or one of its auxiliaries.

III. Policy

- a. Service Animals

CSU Bakersfield welcomes the presence of trained service animals assisting people with disabilities on its campus in areas open to the public, and consistent with the provisions of this policy and applicable law.

Members of the university community and visitors are prohibited from interfering in any way with a service animal, or duties it performs. Federal law does not require the individual to provide documentation that an animal has been trained as a service animal. The University may, however, ask two questions to effectuate this policy: 1) Is the animal required because of a disability; and, 2) What work, or task, has the animal been trained to perform?

In accordance with federal law, use of a service animal in university facilities and on university campuses, including attendance at a campus-sponsored concert or special events, may not be challenged except if the use of the animal poses a direct threat to the health or safety of other persons, or if the presence of the service animal will result in a fundamental alteration of the service, program, or activity involved.

Service animals that attend laboratory courses must wear the appropriate PPE (personal protective equipment) such as booties and eye protection. This is to ensure the safety of the animal. Animals need to be placed in a safe area where they are not exposed to harmful chemicals and so that they do not disrupt experiments in progress. Alternative accommodations must be arranged if the animal's purpose requires being next to or near to the handler.

- b. Assistance Animals

Assistance Animals may be permitted in University Housing on a case-by-case basis as determined upon recommendation by The Office of Services for Students with Disabilities (SSD) and final approval from Student Housing & Residence Life or with the authorization of the Office of Human Resources as appropriate, for employees or students with an on-campus job.

In accordance with the Fair Housing Act, a student may keep an assistance animal in campus housing as a reasonable accommodation if:

- The student has a disability;
- The animal is necessary to afford the student with a disability an equal opportunity to use and enjoy a dwelling; and
- There is an identifiable relationship or nexus between the disability and the assistance the animal provides.

Accommodation must be reasonable, and the Fair Housing Act does not require the University to permit animals that pose a direct threat to the health and safety of others; would cause substantial physical damage to the property of others; would pose an undue financial and administrative burden; or would fundamentally alter that nature of the University's operations.

Assistance Animals are not permitted in food service areas including, but not limited to, the Student Union, Runner Café, and other campus dining vendors.

Procedures for approval of assistance animals into student housing is described in Section IV, "Procedures", of this policy.

- c. Responsibilities of Handlers

For students in University Housing, a service animal or assistance animal must be personally supervised by the handler, and the handler must always retain full control of the animal while on university property. A service animal or assistance animal must reside in the handler's assigned bedroom area, behind a closed door. For employees and students with on-campus jobs, the animal must remain in the individual's assigned work area with the employee present, or under the direct supervision of the handler.

Animals may not be left unattended at any time on university property, except for service or assistance animals left in the handler's university residence by the handler. Assistance or service animals may not be left overnight in university housing to be cared for by any individual other than the handler. If the handler is to be absent from his/her/their residence overnight or longer, the animal must accompany the handler. The handler is responsible for ensuring that the assistance animal or service animal is contained, as appropriate, when the handler is not present during the day while attending classes or other activities outside of the residence. Such an animal left for longer than a reasonable period may be impounded by the university police. A handler who leaves his or her animal unattended for longer than a reasonable period will receive one warning, and if the behavior occurs a second time, the handler will be required to remove the animal from campus and prohibited from bringing the animal back onto university property.

Animals may not be tied or tethered to any university property, including but not limited to buildings, railings, bike racks, fire hydrants, fences, sign posts, benches and trees, and may not be allowed to run loose anywhere on campus.

Animals must not be allowed to disrupt or interfere with university activities including, but not limited to, teaching, research, service or administrative activities. If the animal is unruly or disruptive, or if the handler fails to maintain control of the animal, the handler must regain control immediately or remove the animal from the university property. If the improper behavior continues or happens more than once, the handler may be prohibited from bringing the animal onto university property to be determined on a case-by-case basis by the University Police Department, the Director of Safety and Risk, SSD, ADA/Section 504 Compliance Officer and Student Housing & Residence Life representative (if it involves student housing) or the Office of Human Resources, (if it involves an employee or student with an on-campus job). In the event an animal is banned, the university will engage, as needed, in a good faith process with the individual to determine if other accommodations will effectively allow the individual to participate in the program, service, or activity.

Animals must be licensed in accordance with county regulations and wear a vaccination tag.

The handler is responsible for cleaning up any waste created by the animal and for all costs related to damages created by the animal. This includes fees for clean-up and disposal of animal waste or replacement and repair of university or other individuals' assets, including grounds, personal property and improvements. If the handler fails to clean up after the animal or the animal causes damage to property, the handler may be prohibited from bringing the animal onto university property.

The handler is responsible for the health and well-being of the animal, including grooming, cleanliness, and medical care.

Handlers are responsible for the evacuation of animals in an emergency and the university will not be responsible for providing evacuation of any animals.

- IV. Procedures

1. Employees Requesting Permission for Service Animals or Assistance Animals in the Workplace

- Service Animals. Employees, affiliates and all others performing work for the university (including student workers) who bring service animals onto university property need not request the university's permission to allow the presence of the service animal on university property but are requested to notify the Office of Human Resources of the need for a service animal's presence in advance of reporting for work with the animal. The individual may be asked whether the animal is needed because of a disability, and what work or task the animal has been trained to perform. If the individual needs any other accommodations in the workplace, documentation of the disability and a request for accommodations must be made through Human Resources.
- Assistance Animals. Employees, affiliates and all others performing work for the university (including student workers) who wish to bring Assistance Animals onto university property as an accommodation for a disability must request the university's permission. The accommodation must be arranged through Human Resources in advance, prior to bringing the animal onto university property. Permission will be granted only as an accommodation for a documented disability and upon proof that the assistance animal helps the employee perform his or her job.

2. Student Residents Requesting Permission for Service Animals or Assistance Animals in Housing and Residential Life

- i. Service Animals. Students who wish to bring service animals onto university property need not request the university's permission to allow the presence of a service animal on university property. The student may be asked whether the animal is needed because of a disability, and what work or task the animal has been trained to perform. If the student needs any other accommodations while attending the university, documentation of the disability and a request for accommodations must be made to SSD.
- ii. Service Animals in Housing:
 1. Notification for Student Housing & Residence Life: Students must notify Student Housing & Residence Life prior to bringing the animal into campus

housing. If a service animal is requested, Housing cannot:

- Ask about the person's disability,
- Require medical documentation of the need for the animal,
- Ask that the animal demonstrate its ability to perform work or a task.

If a service animal is requested, and it is not obvious what service the animal provides, there are only two questions that Housing staff may ask:

- Is the animal required because of a disability? and
- What work or task has the animal been trained to perform?

The answers to these two questions verify the need for a service animal.

2. Notice to Campus Community: SSD and Student Housing & Residence Life 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 the specific individuals who have a legitimate need to know for health and safety purposes.

3. Student Housing & Residence Life Addendum: In order to complete the service animal approval process, the resident must complete and sign a Housing License Addendum that outlines the guidelines for animal care and behavior and establishes the owner's responsibility for the animal and, as appropriate, an Assistance Animal Roommate/Housemate Agreement. See Attachment A--.

iii. Assistance Animals. Students may be permitted to bring assistance animals into University Housing. Students who wish to bring an assistance animal into University Housing as an accommodation for a disability must request the university's permission. Permission will be granted only as an accommodation for a documented disability and must be arranged in advance prior to bringing the animal onto university property.

Prior to bringing an assistance animal into University Housing, students must follow these steps to obtain proper approval:

1. Register with Services for Students with Disabilities (SSD): In order to make the determination that preserves the student's confidentiality, the student must register with SSD. SSD will then participate in an interactive process with the student to determine whether the request represents a reasonable accommodation for a documented disability and should be granted.
2. Approval from Student Housing & Residence Life: Students who are approved to keep an assistance animal in their campus housing as a reasonable accommodation for a disability are required to notify and receive approval from Student Housing & Residence Life, including providing any requisite documentation it requires, prior to bringing the animal into student housing. In accordance with the Fair Housing Act, a student may keep an assistance animal in campus housing as a reasonable accommodation if: the student has a disability; the

animal is necessary to afford the student with a disability an equal opportunity to use and enjoy a dwelling; and there is an identifiable relationship or nexus between the disability and the assistance the animal provides. Only in consultation with and recommendation from SSD, may Student Housing & Residence Life deny a specific assistance animal (not an entire species of animal) that actually poses a direct threat to the health and safety of others; would cause substantial physical damage to the property of others; would pose an undue financial and/or administrative burden; or would fundamentally alter the nature of Student Housing & Residence Life's operations.

3. Notice to Campus Community: SSD and Student Housing & Residence Life 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 the specific individuals who have a legitimate need to know for health and safety purposes.
4. Student Housing & Residence Life Addendum: In order to complete the assistance animal approval process, the resident must complete and sign a Housing License Addendum that outlines the guidelines for animal care and behavior and establishes the owner's responsibility for the animal and, as appropriate, an Assistance and Service Animal Roommate/Housemate Agreement. Contact Student Housing and Residential Life for more information.

For questions or further information regarding the campus Service Animals and Assistance Animals policy, contact either the SSD Office SA 140 (661) 654-3360 or Equity, Inclusion, and Compliance in the Office of the President at (661) 654-2137.

Telephone: 661-654-3360

Website: <https://www.csub.edu/ssd>