



UW-Madison Administrative Policy
UW-Madison Service Animal Policy

Effective Date: April 1997
Last Updated: January 2020
Last Reviewed: May 2019
Next Review: May 2024

Functional Owner	ADA Coordinator, Office of Compliance
Executive Sponsor	Vice Chancellor, Office of Legal Affairs
Policy Contact	ADA Coordinator, Office of Compliance; McBurney Disability Resource Center; Employee Disability Resources Office.

Policy Summary

It is the policy of the University of Wisconsin–Madison that service dogs and service animals assisting individuals with a disability are generally permitted in all facilities and programs on the UW–Madison campus with limited exceptions.

Who This Policy Applies To

This policy applies to students, employees, visitors, and guests to the institution using a service dog or other service animal.

Rationale

This policy assures compliance with Section 504 of the Rehabilitation Act (1973), as amended, 29 U.S.C.A. s. 794. and the Americans with Disabilities Act, (1990), as amended, 28 C.F.R. s. 35.104, which prohibit discrimination on the basis of disability in a university program, service, or activity.

Policy Detail

It is the policy of the University of Wisconsin–Madison that service dogs or service animals assisting individuals with a disability are generally permitted in all facilities and programs on the UW–Madison campus with limited exceptions.

Permissible Inquiry

In situations where it is not obvious that the dog or animal is a service animal, the individual may be asked only two specific questions: (1) is the dog/service animal a service animal required because of a disability? And if yes, (2) what work or task has the dog/service animal been trained to perform?

If either response is “no”, the animal is only permitted on campus as defined under Wisconsin Administrative Code [18.08](#) or as an approved accommodation as an emotional support animal (ESA) by a campus authority under the UW-Madison [ESA policy](#).

Requesting any documentation for the service animal, requiring that the animal demonstrate its task, or inquiring about the nature of the person's disability is not permitted.

Students and Service Dogs or Other Service Animals

Students may choose to have their service animal included as a reasonable accommodation on their Faculty Notification Letter developed with the McBurney Disability Resource Center, however, this is not required for animals that meet the definition of a service animal. Students who plan to live in a university controlled housing unit should contact University Housing or the appropriate housing resource prior to moving in regarding making suitable arrangements for housing the service dog or animal.

Employees and Service Dogs or Other Service Animals

Employee requests for disability accommodations, including requests to have a service dog or other service animal at work, are handled through the appropriate disability accommodation policy and procedures (academic staff, university staff or faculty). Employees can view these policies at www.oed.wisc.edu/disability and may contact their Divisional Disability Representative (DDR) or Employee Disability Resources Office at 608/263-2378 for information and assistance.

Visitors and Service Dogs or Other Service Animals

A service dog or other service animal accompanying an individual with a disability is welcome in all areas of campus that are open to the public. Specific questions related to the use of service animals on the UW–Madison campus by visitors can be directed to the ADA Coordinator at 608/265-6018 ada_coordinator@wisc.edu.

Policy Exceptions

A service dog or other service animal may be asked to leave a UW–Madison facility, program, or dwelling if the animal's behavior or presence is unduly disruptive or poses a direct threat to the health or safety of others (e.g., displays vicious or aggressive behavior towards people or other animals), or causes substantial damage to the property of other individuals or the University.

A service dog or other service animal may also be excluded in areas where the presence of a service animal fundamentally alters the nature of a program or activity. Examples may include, but are not limited to research labs, areas requiring protective clothing, food preparation areas or other sterile environments, and primate labs or other research facilities where animals are present.

Many exotic, wild, and agricultural animals are likely inappropriate as an ESA. Nothing in this policy overrides federal, state, or local law restricting the possession of such animals.

The Following Applies To Emotional Support Animals, Service Animals In Training, And Therapy Animals:

Emotional Support Animals (ESA) may be permitted under the Fair Housing Act (FHAct, 42 U.S.C.A. s. 3601 et seq.) as permissible in a university dwelling. Additionally, UW-Madison recognizes animals that provide emotional support to a person with a disability may be considered a specific disability-related accommodation under Section 504 of the Rehabilitation Act (1973), as amended, 29 U.S.C.A. s. 794. and permitted in campus locations other than a university dwelling. An ESA requires pre-approval by a campus authority. See the UW-Madison ESA policy located on the Office of Compliance ADA website <https://compliance.wisc.edu/wp-content/uploads/sites/102/2020/01/ESA-Campus-Policy.FINAL.2020.pdf>

Service animals in training are permitted in campus facilities that are open to the public only when the animal accompanying the service animal trainer is wearing a harness or a leash and special cape. Service animals in training are not permitted in classrooms, work place offices, athletic practice facilities, residence halls, laboratories and other campus buildings not open to the public. Employees may not train service animals on work time, unless doing so is part of the official job duties assigned by the University. Students may not train service animals in a university dwelling unless the animal is also an approved emotional support animal pursuant to UW-Madison's Emotional Support Animal Policy.

Therapy animals provide affection and comfort to the public, typically in facility settings such as hospitals, retirement homes, schools, or disaster sites. These pets have a temperament suitable for interacting with members of the public and enjoy doing so. A therapy animal, including a therapy animal-in-training, has no special legal rights of access, and are only permitted in facilities where they are welcomed and invited. While the handler may be a person with a disability, the therapy animal does not provide a disability-related service to the handler as its primary activity is interacting with and being attentive to the public, not the handler.

Consequences for Non-Compliance

Non-compliance with the Americans with Disabilities Act, (1990), as amended, 28 C.F.R. s. 35.104, may result in monetary damages. Non-compliance with Section 504 of the Rehabilitation Act (1973), as amended, 29 U.S.C.A. s. 794 may result in loss of federal funding as determined by the U.S. Department of Education's Office for Civil Rights.

Definitions

Campus Disability Authority: The following campus entities have authority to verify disability status and determine reasonable accommodations for individuals with disabilities:

- McBurney Disability Resource Center for students and prospective students;

- Divisional Disability Representative in consultation with the Employee Disability Resources Office for employees or prospective employees,
- ADA Coordinator for visitors and guests.

Disability: A disability is defined under Section 504 of the Rehabilitation Act (1973), as amended, 29 U.S.C.A. s. 794. and the Americans with Disabilities Act (1990), as amended, 28 C.F.R. s. 35.104, as a physical or mental impairment that substantially limits one or more major life activities. Major life activities may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working, among others.

Emotional Support Animal (ESA): An ESA is defined as an animal that alleviates one or more identified symptoms or effects of a person's disability. An emotional support animal is recognized as a reasonable accommodation for a person with a disability under the federal Fair Housing Act (FHA), 42 U.S.C.A. 3601 et seq.) and may be a reasonable accommodation under Section 504 of the Rehabilitation Act (1973), as amended, 29 U.S.C.A. s. 794.

An ESA, also referred to as an "assistance" animal, is not a pet according to the U.S. Department of Housing and Urban Development (HUD); however, no special training is required for an animal to be considered an ESA. What is necessary is that the person with an ESA has a disability and the ESA mitigates the impact of the disability.

Service Animal: Wisconsin law defines a service animal as a dog or other animal that is individually trained to do work or perform tasks for a person with a disability. Examples include, but are not limited to, guiding individuals who are blind, alerting individuals with a hearing loss to sounds, alerting and protecting a person who is having a seizure, pulling a wheelchair, or retrieving dropped items. Service dogs or other animals are working animals, not pets. The work or task a service dog or animal has been trained to provide must be directly related to the person's disability. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals. This definition complies with the Americans with Disabilities Act ("ADA").

Service Animal in Training: Wisconsin law allows service dogs in training and other service animals in training to be admitted to facilities **open to the public**, unless the presence of the service animal in training would jeopardize the safe operation or fundamentally alter the program, service or activity in the location. Service animals in training must wear a harness OR leash and special cape and remain under the control of the trainer at all times. Service animals-in-training are not protected by the ADA, are not considered a reasonable accommodation for a disability, and are subject to restrictions not placed on fully trained service animals that perform work or tasks for a person with a disability.

Therapy Animal: Therapy animals provide affection and comfort to the public, typically in facility settings such as hospitals, retirement homes, schools, or disaster sites. These pets have a temperament suitable for interacting with members of the public and enjoying doing so. A

therapy animal, including a therapy animal-in-training, has no special legal rights of access, and are only permitted in facilities where they are welcomed and invited. While the handler may be a person with a disability, the therapy animal does not provide a disability-related service to the handler as its primary activity is interacting with and being attentive to the public, not the handler.

Responsibilities

The following entities have responsibility for ensuring compliance with the Americans with Disabilities Act, (1990) as amended, 28 C.F.R. s. 35.104, as it pertains to individuals with disabilities and Section 504 of the Rehabilitation Act (1973), as amended, 29 U.S.C.A. s. 794:

- McBurney Disability Resource Center for students and prospective students;
- Divisional Disability Representatives in consultation with the Employee Disability Resources Office for employees or prospective employees;
- ADA Coordinator for visitors and guests.

Appeal Rights: Any person dissatisfied with a decision concerning a service animal or service animal in training can contact the UW–Madison [ADA Coordinator](#) regarding appeal procedures.

Requirements for Service Dogs or Other Service Animals

UW-Madison requires individuals utilizing a service dog or other service animal on campus to adhere to the following City of Madison ordinances.

- **Vaccination:** A service dog or other service animal must be immunized against diseases common to that type of animal. All vaccinations must be current.
- **Licensing:** A service dog or other service animal must be licensed by the time they reach 5 months of age. Service dogs receive the license at no cost [Wis. Stats. 174.055] [M.G.O.23.33(6)(b)].
- **Owner ID and Other Tags:** The City of Madison requires service dogs to wear an owner identification tag at all times [M.G.O. 23.33(6) (a)]. The dog must also wear a current rabies tag [M.G.O. 23.39(3)] and dog license tag [M.G.O.23.33 (6)(c)].
- **Leash:** A service dog or other service animal must be on a leash, harness or tether at all times, unless impracticable or unfeasible due to owner/handler's disability [M.G.O.23.32].
- **Under Control:** The owner/handler of a service dog or other service animal must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of owner/keeper.
- **Health:** A service dog or other service animal residing in a university controlled housing unit must have an annual clean bill of health from a licensed veterinarian.

Link to Current Policy

https://compliance.wisc.edu/wp-content/uploads/sites/102/2020/01/Service-Animals-Policy.FINAL_.2020.pdf

Link to Related Policies

[U.S. Department of Justice, Information about the Americans with Disabilities Act](#)

[Wisconsin Law Regarding Service Animals in Places of Public Accommodations](#)

[Wisconsin Law Regarding Service Animals in Training](#)

[City of Madison General Ordinances](#)

[Department of Justice FAQ on Service Animals and the ADA](#)

Policy History

Original policy approved on April 28, 1997. Revised February 15, 1999; June 2005; July 2007; May 2017; December 2017; May 2019. For previous versions contact the ADA Coordinator at ada_coordinator@wisc.edu