

Want to comment? Your input is important. OLAW welcomes [questions and comments](#) from viewers of this recording. OLAW will post the comments, questions, and answers on the OLAW website. Please go to the OLAW [Webinars and Podcasts](#) page and click on the seminar title for further information.

Note: Text has been edited for clarity.

IACUC Responsibilities Regarding Service Animals

Speakers:

- Axel Wolff, DVM, MS, NIH Office of Laboratory Animal Welfare
- Ron Banks, DVM, University of Oklahoma Health Sciences Center

Broadcast Date: June 10, 2021

View Recording: [YouTube](#)

Slide 1: IACUC Responsibilities Regarding Service Animals

>> *Cate:* Hello. Today is Thursday, June 10, 2021. I am Cate Pritchard, part of the Division of Policy and Education at OLAW, and today it is my pleasure to welcome our speakers, Dr. Axel Wolff and Dr. Ron Banks, to the OLAW Webinars to present the webinar titled “IACUC Responsibilities Regarding Service Animals.”

Dr. Axel Wolff currently serves as Deputy Director in OLAW. At OLAW he has also served as the Director of the Division of Compliance Oversight and as a Senior Assurance Officer. Prior to joining OLAW, Dr. Wolff was the director of the Veterinary Resources Program in NIH’s intramural biomedical research support program. His interest in unique research animals has involved him in work with armadillos, chimpanzees, and fruit bats as well as the more common species.

Dr. Ron Banks currently serves as the Professor & Director of the Division of Comparative Medicine, at the University of Oklahoma Health Sciences Center, in Oklahoma City, Oklahoma. He is board certified with the American College of Animal Welfare, the American College of Laboratory Animal Medicine, and the American College of Veterinary Preventive Medicine. He served for 34 years in the U.S. Army and is a Fellow of the National Academies of Practice. Dr. Banks has attempted retirement twice, and utterly failed both times. From the perspective of a repeat retiree failure, he continues to support the IACUC Administrator’s Association through the Best Practices meetings, fostering strong, sustainable animal care and use programs. A little-known fact about Dr. Banks, is that he is an avid aviation enthusiast, and a FAA-certified Flight Instructor ... just in case retirement ever materializes.

Welcome Dr. Wolff and Dr. Banks. And with that, I’ll hand the presentation over to Dr. Wolff.

>> *Axel:* Thank you Dr. Pritchard and welcome all to this webinar addressing Institutional Animal Care and Use Committee (IACUC) responsibilities regarding service animals in an institution. Dr. Banks and I will focus on the complex interaction between service animals, assistance animals, and emotional support animals accessing research and educational facilities and vivaria. Focus will be on definitions, federal regulations, responsibilities of the IACUC and other entities in navigating these challenges, and some examples of how institutions have tackled this issue.

Slide 2: Disclaimer

Before we continue, I'd like to state this disclaimer. The examples presented in this webinar constitute recent information found in the public domain concerning service animals. The presentation is not intended to provide direct or implied legal interpretation. The examples presented may or may not be compliant with Department of Justice regulations and are provided only as an illustration of the types of policies that a variety of institutions have developed. Please consult your legal department to develop compliant policies that meet the needs of your institution.

Slide 3: The PHS Policy applies to live vertebrate animals used in work conducted or supported by...

The PHS Policy applies to live vertebrate animals used in studies conducted or supported by the Public Health Service such as NIH, FDA, or CDC. Through memoranda of understanding, the PHS Policy also applies at some other agencies giving OLAW oversight of the work conducted at the National Science Foundation, Department of Veterans Affairs, and National Aeronautics and Space Administration.

Slide 4: PHS Policy Standards for Animal Care and Use

Institutions with an Assurance approved by OLAW are required to follow the PHS Policy and to use the *Guide for the Care and Use of Laboratory Animals (Guide)* as a basis for developing and implementing an institutional program for activities involving animals. Additional guidance documents include the AVMA Guidelines for the Euthanasia of Animals, the US Government Principles, and the Animal Welfare Act and Regulations, as applicable.

However, none of these documents specifically address the topic of service animals.

Slide 5: Laws Addressing Service Animals

The applicable laws are the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Both of these laws protect the right of people with service animals to enter areas that are open to the public.

Slide 6: Guidance Documents are Silent on this Topic

Because the documents guiding Assured institutions are silent on this matter, the development of applicable policies becomes an institutional responsibility. As such, diverse areas of expertise and jurisdiction of a number of institutional departments and entities come into play.

Slide 7: Responsible Institutional Entities

The responsible institutional entities include at least five.

1. As the body overseeing animal-related matters, the Institutional Animal Care and Use Committee, and especially the Institutional Veterinarian need to be involved in addressing biosecurity of the animal facility but also the status of the service animal. Is the animal vaccinated, does it have an appropriate temperament for interaction with other people, where can the animal be given water and go to relieve itself?
2. Number two would be the Occupational Health and Service department which needs to be aware of the needs of the user of the service animal and any special accommodations or concerns.

Slide 8: Responsible Institutional Entities

Other departments include:

3. legal - to ensure compliance with the Americans with Disabilities Act,
4. the Institutional Biosafety Committee to assess any hazards encountered by the service animal, and
5. senior administration or [the] Institutional Official to coordinate all of the departments and develop compliant institutional policies.

Slide 9: Other Factors

The guidance documents for Assured institutions do contain some relevant information that can aid in developing policies. For example, the *Guide* states that physical separation of species is recommended to prevent disease transmission and eliminate anxiety.

Slide 10: Other Factors

The USDA documents also state that separation by species may be necessary.

Slide 11: Institutional Responsibility

To summarize, the key institutional entities that were listed should consider all applicable laws, regulations, and policies addressing both the service animal, the research animals, staff, biosecurity, and any impact on scientific data integrity.

Slide 12: References

Listed here are some relevant articles which can further guide institutions in developing policies addressing service animals. I will now turn the presentation over to Dr. Banks. Ron, please continue...

- Akst J. "[The Challenges of Bringing Service Dogs into the Lab.](#)" *The Scientist*, September 18, 2018
- Bruner K. "[Xenna the service dog helps Navy vet do laboratory research.](#)" *Colorado Arts and Sciences Magazine*, December 9, 2019
- Nepomuceno GM, Decker DM, Shaw JD et al. (2016) [The value of safety and practicality: Recommendations for training disabled students in the sciences with a focus on blind and visually impaired students in chemistry laboratories.](#) *Journal of Chemical Health and Safety*. 23(1): 5-11

Slide 13: Service Animal, Emotional Support Animals, & Pets

>> *Ron*: Thank you, Dr. Wolff and thank you, colleagues for joining us. It is indeed a pleasure to discuss this critically important topic on a matter really, fairly unique in our community.

Slide 14: Goals of this Activity

Let's begin by looking at the goals for the time we have today. First, let's define the issue. What is the current situation regarding unique categories of persons that could impact animal care and use practices at your institution?

Next, let's briefly explore the legal foundations, already expertly identified by Dr. Wolff, and around which we will end up exercising our programs, protective measures, and practices.

Thirdly, let's consider categories of animals. Which species are covered by statute and which are not? Maybe even more important, how do they differ?

Lastly, let's look at a few institution's published positions regarding access provisions for those requiring service animals in research, testing, or teaching. Please note even now, that selection of any institution or review of their published programs is not considered to be instructional as much as informational and neither a vote for nor against their particular efforts on this matter.

Slide 15: Define the Issue

While any survey is constrained by time and timing, the statistics noted above give a pretty good idea that your institution, if you haven't already addressed the issues with this topic, you most certainly will.

Society has a relatively large number of individuals afflicted with one or more medical concerns that may require a service animal. In fact, 1 in 4 of us have either a short-term or longer-term mental health impairment which could, at least potentially, benefit from the partnership with a service animal. Even if the survey numbers are not as solid as we might statistically require for a research review, it remains that many of our friends, family, neighbors, and co-workers deal daily with substantial and potentially debilitating healthcare issues, and they could or maybe do benefit from a service animal.

Parallel to the pure medical discussion is the concurrent legal situation where the numbers of claims for discrimination due to a mental disability are increasing, with psychological disorders now accounting for the second greatest number of disability claims.

Well, what's our bottom line? This is a real, a serious, and a substantial issue, but while we have several sets of guidance for animal care, for ethical use of animals, and even occupational health protection, the guidance for including service animals and assuring reliable research outcomes is not clear or consistent, and generally nonexistent.

One of the hopes for the session today is to spring board a greater discussion on how we as a community can develop common sense, practical, and effective recommendations to engage and promote appropriate resource support and access for all members of our research, teaching, and testing community.

Slide 16: Legal Foundations

So, let's begin with the deep dive: the legal foundation for service animals and for access rights.

What is the origin of the Americans for Disability Act? Well, it certainly was not the signing of the Act on July 26, 1990; nor did it begin in 1988 when Congress first reviewed the proposal. Frankly, the ADA story began a very long time ago when people with disabilities began to challenge social barriers that had hereunto excluded them from community activities. The ADA story has continued to develop with the establishment of independent living, as a movement, and further challenging opinions that the disabled should be institutionalized.

From a legal perspective, the passage of the 1973 Rehabilitation Act, and as Axel pointed out specifically Section 504, which banned discrimination on the basis of disability by recipients of federal funds might

be viewed as maybe the national beginnings of new opportunities for those with disabilities. And so, from that foundation, discussions and considerations continued, culminating with the passage of the Americans with Disabilities Act (so-called ADA) in 1990.

In 2008, Congress passed an amendment to the ADA, and did so for a specific purpose. The preamble of the amended ADA reads: “In enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ‘provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities’ and provide broad coverage. While Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied that same definition of a handicapped individual under the Rehabilitation Act of 1973, that expectation had not been fulfilled.”

It is important to recognize that in addition to federal regulation, there may also be state, county, or city ordinances that could apply, and especially if your institution is located in one of our major metropolitan areas.

This is a very brief historical perspective but reminds us that disabilities are viewed under law in the same manner as other forms of banned discrimination such as race, ethnicity, or sexual orientation. Discrimination is a violation of one’s civil rights.

Slide 17: Legal Foundations

And that’s the critical point for our discussion today. The ADA is a CIVIL RIGHTS law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into 5 titles (sometimes called sections) and each relates to a different part of public life. But, none of those titles or sections began with the words “Research Facilities,” and none of them are titled to include service animals in research operations. And, that’s in part why we are having this discussion today. The application of specific guidance is not clear.

Since we are talking about civil rights, ADA discussions are not simply a matter of modifying existing infrastructure – they are far more substantial than that. ADA is a matter for the US Department of Justice. It is not an HHS [Health and Human Services] activity, it is not a Department of Labor activity. It is a Department of Justice (DOJ) activity. When we recognize that the effort to provide equitable access is a civil rights issue, we have a different flavor for consideration. This is not a business practice we’re talking about; it’s not a hiring decision, and honestly, it’s not even an access practice. It is a base level issue involving the civil rights of persons who happen to have a disability and deserve research, testing, and teaching privileges the same as everyone else.

There is a critical exemption included in the law - modifications or adjustments in policies, practices, procedures, or environments that enable qualified individuals with a disability to enjoy equal opportunities and access to others having rights, privileges, benefits, and services are still not required if such modifications cannot be made (and I’m quoting from the law now): “without much difficulty or expense,” out of 42 U.S.C. § 12181(9). Which, frankly, except for certain higher order ABSL3 [Animal Biosafety Level 3] activities, I am hard pressed to identify a concrete example that would always apply.

Let's use, however, this brief legal review for a more focused consideration of where and how service animals fit into this scenario [our research programs]. And to begin with, let's define what a service animal is.

Slide 18: Categories of Animals

If we were to take a poll of our group today, we might find attendees who would consider a service animal to be anything on this list, and maybe even more.

There are many ways in which animals enrich and enhance our life and lifestyle. Most if not all of us have animals in our non-work lives because of the benefits that animals provide us, companionship not the least of those benefits. But a service animal is a highly trained [animal], and an animal with a special designation, having legally defined attributes and legally approved abilities. So, what is a service animal? Or better said, what is the LEGAL definition of a service animal?

Slide 19: Categories of Animals – Service Dog

Well, to get to that answer we could read the law, but we might get bogged down in lawyerese. The good news is the Department of Justice has published an [FAQ list](#) where they help clarify which animals are covered as service animals.

Question 1 on the DOJ FAQ reads: What is a service animal? The answer is under the ADA, a service animal is defined as a dog that has been specifically trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to a person's disability, and may include a physical, sensory, psychiatric, intellectual, or other mental disability.

Guide dogs (or service dogs used by folks with visual impairments or blindness) are the archetypal example of what a service dog is.

Slide 20: Categories of Animals – Service Dog

The US Department of Justice been just as clear with what is not a service dog. And, from DOJ FAQ numbers 3 & 4:

Emotional support, therapy, comfort, or companion animals are terms used to describe animals that provide support for persons. But because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. However, some state and local governments have laws that allow people to take their emotional support animals into public places.

What if someone states that their dog calms them when they are about to have or having an anxiety attack, does this qualify it as a service animal? Well, the DOJ says, using good lawyer language, "It depends." The ADA makes a specific distinction between psychiatric service animals and emotional support animals and service animals. If the dog has been trained to sense that an anxiety attack is about to happen and takes a specific action to help avoid the anxiety attack or lessen its impact, that animal would qualify as a service animal. However, if the dog's mere presence provides comfort, and lessens the potential for an attack, then it would not be considered a service animal under the ADA.

So, while the definition of being a service animal is pretty clear, this FAQ, when applied to research facilities, doesn't really help us a whole lot.

Slide 21: Categories of Animals – Service Dog

Further confusing for animal research facility staff is that a service dog is not required to be registered; is not required to wear a special tag so indicating it as a service dog, nor is required to wear an identifying accoutrements or vest. Service animals must be leashed, harnessed, or tethered – unless such devices interfere with the animal's ability to do its work task. But even still, control by voice, signal, or other communication means is required even when the animal is off leash.

So, at a bare minimum – even service dogs may be excluded from animal research spaces if they are not well-behaved.

Slide 22: Categories of Animals – Service Dog

Since animal facilities are reasonably similar to human hospital areas, maybe we can find some information by looking at DOJ FAQ number 14 regarding hospital access and see if there is something here that can help.

Question: Does a hospital have to allow an in-patient with a disability to keep a service animal in his or her room? The DOJ Answer is “generally, yes.” Service animals must be allowed in patient rooms and anywhere else in the hospital the public and patients are allowed to go. Here is an important point: service animals cannot be excluded on the grounds that staff can provide the same services for the individual. Let me state that again: service animals cannot be excluded on the grounds that staff can provide the same services for the individual.

So, if we use the human hospital example, we cannot exclude a service dog from an animal research area just because we can do the task the dog usually does for the disabled researchers.

Slide 23: Categories of Animals – Service Dog

DOJ FAQ 16 further addresses access authority for service dogs when it asks: Must a service animal be allowed to ride in an ambulance with its handler? The answer is: “Generally, yes.” However, if the space in the ambulance is crowded and the dog’s presence would interfere with the emergency medical staff’s ability to treat the patient, staff should make other arrangements to have the dog transported to the hospital.

Ok well, maybe we can infer that if the service dog would interfere with the ability of the staff to treat the “patient” – in this case the animal patient (the research animal), then other arrangements may be made. But, what might these be? Well, everything can be classed using the same DOJ answer of “It depends,” but to give a few examples of situations that may apply for alternate conditions for service animals:

- 1) When working with research animals that might express an innate fear of the dog being present (say, you’re performing a cat study), might be a case when alternate considerations should be made.
- 2) When attempts to capture or transport animals around the facility with the dog present would complicate those [activities] (say, recapture of a free-roaming research mouse in an animal holding room that somehow got out of it’s cage), might be another example.

- 3) Or maybe managing a research animal where there is a “research” disease or condition that could impact the service animal (say, a study involving respiratory viruses or maybe parasites), might be a time for a different location of the service animal.

And I am sure you can think of other, and even better examples, no doubt. But the bottom line, is, for most applications, the answer is simply “It depends” – so we need to think about it.

Slide 24: Categories of Animals – Service Dog

Let’s summarize a couple of critical points at this juncture:

- ✓ First of all, service animals must generally be provided access to all campus locations where the public (which is staff or students) can go.
- ✓ Secondly, safety considerations for denying entry into a space or an accommodation must be based on actual risks, and not mere speculation, stereotypes, or generalizations about individuals with disabilities.
- ✓ Thirdly, a perceived threat without evidentiary basis will not support exclusion of a service animal. Not that I have seen any, but as an example you can’t prohibit a pit bull service dog just because that family of dogs – pit bulls – have a bad behavior reputation.

Slide 25: Categories of Animals – Service Dog

How do we know, then, if it is an honest-to-goodness service animal? Well, this is going to be a shade more thorny. By the law we are only able to ask two specific questions.

The first of which being: Is the service animal required because of a disability?

And the second: What work or task has the dog been trained to perform?

It is important to note that by asking any other questions, or more detailed questions than this, we may open up our institution to litigation, so tread lightly. But this we know:

- ✓ Only dogs are service animals, so no iguanas need apply.
- ✓ And, the dog must have been specifically trained for a specific task to assist a specific individual; so generalized expressions on the need for the dog to be nearby are not appropriate.

One additional word of caution: the ADA is a Civil Rights law – we’ve already spoken about that. Be sure and include your legal department in consideration of preventing access to the animal facility by a service dog that meets service dog qualifications. Not that you can’t prevent access of the service dog to the animal facility, but you need to have partners in the process, and a lawyer is a good partner when in the realm of potential civil rights discussions.

Slide 26: Categories of Animals – Service Dog

Ok. Let’s close the door on this part of the discussion by noting very specifically what you CANNOT do:

- You cannot ask about the person’s disability,
- You cannot require medical documentation to validate the need for a service dog,

- You cannot require special identification card or training documentation for the service dog, and
- You cannot ask the dog to demonstrate its ability to perform the work or task before letting it into the facility.

Slide 27: Categories of Animals – Service Dog

There is an exclusion clause that some have sought to hold on to – as best as I can tell with little success. We did mention it before.

Remember as well, that the exclusion that may be engaged does not consider the presence of the dog to research outcomes impact. And this is a critical point that needs attention. We know that variables associated with a modified research micro-environment can and does have research outcome impact. So, for a research facility, other real issues become:

- What accommodations for service dog access ARE possible? Can we use a separate room for that research experiment, or for that researcher? Can the room have a separate entry? Is there laminar negative pressure environment – such that air flow will be directed toward the service animal and out of the facility, so as to not share that air with other animals?
- If the research infrastructure modifications are the right solution, and sometimes they are, is there “too much expense” involved? How much is “too much expense,” to use the legal language?

One more thought comes to mind, and it involves the IACUC, which already does these sorts of assessments for other types of situations: When there are concerns with variable impacts to research outcomes, why not consider a pilot study including the service dog as part of a microenvironmental variable (ill-defined as it is) for at least one leg of a study, and do an identical experiment without the service dog present for the similar leg of the study. Compare the 2 outcome findings and let the science guide you. It may be we discover that:

- There is a demonstrable impact of having the service dog present – and that impact might actually be favorable as much as unfavorable.
- Or, we might discover that there is no measurable impact of having the service dog present in the animal facility.

And, any of those outcomes are similarly important – whether the study documents altered outcomes by the presence of the service dog – or even more interesting, demonstrating no impact to research outcomes by the presence of the service dog. The musings of one old veterinarian here, considering the highly controlled environments which most of our animal facilities now enjoy, and the controlled airflows which we engage, it would seem to me that for many studies, there just very well might not be a demonstrable impact – but that particular study still needs to be done and reported– so, there’s something for someone to do.

And don’t forget the service animal will be covered by the IACUC! So be sure and include in the protocol provisions for the service dog, especially while it’s in the research environment.

Slide 28: Categories of Animals – ESA

Ok, it is time to leave service dogs for a tad and look at other categories of animals that folks have, hold, or receive benefit from and may impact your research outcomes.

One group are emotional support animals, or ESAs. Typically those are dogs or cats, but may include any species (e.g., rabbits, hamsters, snakes, potbellied pigs); any animal that provides support, well-being, comfort, aid, or have a calming influence either by companionship, non-judgmental positive regard, affection, or focus, or just by being close to their handler.

ESAs do not require special treatment - and therein lies the primary difference between ESAs and service animals - the principal role of an ESA is provision of companionship.

Because they are not individually trained to perform a specific work or task, they are not service animals even though they may be effective at ameliorating the signs or symptoms of psychiatric disabilities by providing therapeutic nurture and support.

Slide 29: Categories of Animals – ESA

Unlike service animals, ESAs may or may not be as well-behaved, and may cause problems where a trained service animal is specifically trained not to. For example, ESAs may bark or smell people. Service dogs are trained not to express those behaviors.

What distinguishes ESAs from pets is primarily that the owner or handler has been diagnosed by a medical professional as having a verifiable disability (which might be physical or mental), that is not transitory, and is not of minor concern.

In some regards, ESAs are virtually indistinguishable from the family pet – and on occasion, they may in fact be the family pet! So, what's a pet? Well, that's a good question but let's hold on to that for just a moment.

Slide 30: Categories of Animals – ESA

For quite a while the transportation industry has been challenged with flying animals. None of us have traveled as much as we have historically, although that may be turning around shortly, but in my aviation travel experiences I can recall seeing turtles, iguanas, and on one flight even an ESA PIG! Yup, pigs can fly too!

Especially if they have the documentation of serving an ESA purpose. And in this world, you can have almost anything documented for a fee! As the screen shows at one website, it's not terribly hard to do.

Slide 31: Flying with an Animal

But things have changed for other than service dogs.

As of January 11th, 2021, the Department of Transportation (DOT) no longer requires airlines to accommodate emotional support animals. Previously, airlines were required to accommodate owners of ESAs who have proper documentation from a licensed health professional that the ESA was necessary. Pets can still fly in the cabins of airplanes, when in cages and with certain size or species restrictions.

Slide 32: Flying with an ESA

In fact, as of March 1, 2021, most US airlines have discontinued their ESA programs. Even some international airlines have discontinued ESAs in their cabins, as well. But, certain international airlines continue to accept passengers with psychiatric service dogs as a considered essential service animal and have continued boarding them in the cabin area.

Slide 33: Flying with an ESA (Special Exception)

And while psychiatric service dogs are not a legally defined service animal, they are held in similar regard and to similar standards. They are individually trained to perform particular tasks related to the handler's disability usually [such] as retrieving medication, providing pressure therapy during moments of crisis, or helping the handler maintain daily routines.

Slide 34: Flying with an ESA? Not on these!

So, where can you fly on an airline with your ESA in 2021?

Not using any of these airlines. I took this list off the [website](#) just a few days ago. US airlines are listed in the left column; international airlines are in the right column, and none of them accept ESAs any longer.

Why did we include ESA in a service dog discussion? Because Dr. Wolff and I felt it was good information to know, but more importantly, when we know the differences between ESAs and service animals we'll be better prepared to address the specifics. So, let's move on now and away from ESAs.

Slide 35: Categories of Animals – Pet

Let's go to pets!

This will be a really short review. In fact, this is the only pets slide because pets are not service animals, and they're generally not emotional support animals either. Pets are kept for pleasure, companionship, or some other purpose. And they can fly on commercial airplanes in cabins, in cages, or in certain containment depending upon size and also species.

Slide 36: Institutional Positions – Disclaimer

Now, before I continue, as Dr. Wolff has already noted, OLAW and I would like to reiterate a disclaimer that the examples I'm about to use are for illustrative purposes only and do not represent endorsement by OLAW or myself for your institutional policy. Please consult your legal department to develop compliant policies that meet the needs of your institution.

Now that the legal disclaimer is over let's move on.

How have some of our sister institutions crafted positions regarding animal access to research facilities?

As noted in the beginning, the examples I'm going to provide are neither good nor bad. They're just examples of published institutional positions regarding animals on campus. So, please don't be happy or don't be sad if I failed to include your published institutional policies in this set.

These are provided as information items and how sister institutions have tackled a similar issue that we're also dealing with. So, let's look!

Slide 37: Institutional Positions – Indiana University

At [Indiana University](#) the institutional guidance was developed by the Environmental Health and Safety Office, the point being *not* the IACUC. Operational Assistance is provided by the Disability Services Office Again, the point being *not* the IACUC. Specifically, the Disability Services Office:

- assists with laboratory access requests, and
- prepares 'Needs Assessments' for the Environmental Health and Safety review

Slide 38: Institutional Positions – Indiana University

The Environmental Health and Safety Office will review the situation and provide an Animal and Personnel Safety Recommendation, consisting of actions for faculty, supervisors, and staff; as well as the service dog owner.

For example, faculty, supervisors, and staff may have on their recommendation list:

- ensuring the dog handler is following requirements and recommendations
- responding to initial disruptions (if they occur) by discussing the situation with the owner, and
- reporting animal behavior problems to the Disability Services Officer (DSO)

The service dog owner, would have on their recommendation list:

- register for services through the Disability Services Office
- meet with area leaders to discuss accommodations prior to their need.
- ensure the dog behaves and does not cause disruption or injury to others
- follow recommendations and requirements, and
- provide any PPE that might be necessary for the dog while the dog is in that space.

Slide 39: Institutional Positions – Indiana University

There are two significant items in the Indiana guidance, which includes:

- dogs must have appropriate PPE when in research spaces, and that might involve
 - disposable or maybe reusable boots,
 - disposable lab coat or some sort of body covering,
 - absorbent lab paper or pet pads for the animal to lie on while they're in that space
- also noting animals can be excluded from the lab if:
 - the lab is using any Risk Group 2 (or higher) agents in the lab,
 - if the lab's using radioactive materials,
 - if the animal is showing signs of not being housebroken or is out of control,
 - if it is being controlled by voice, but refuses to respond by voice, for instance it is told to stay or leave something and it doesn't do that, it could be a reason for exclusion as well,
 - if it barks or growls inappropriately,
 - if it snaps or snarls or charges or if it jumps on people.

All of these are poor behaviors for service animals. All of those seem rather common sense and would still meet the spirit of the law.

Slide 40: Institutional Positions – Brigham Young University

At [Brigham Young University](#) [BYU], the spirit appears consistent, but the narrative is flavored a tad differently.

The university may prohibit the use of service animals in certain locations due to:

- health and safety restriction (where the animal may be in danger), or
- where their use may compromise the integrity of research activity.

This [second point] seems to be a bit more challenging to define, but again we default to the legalese of “It depends” and let people on site have that discussion.

Restricted areas at BYU may include but are not limited to the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research or demonstration animals, areas where protective clothing is necessary, wood/metal shops, motor pools, or rooms with heavy machinery.

Exceptions to the restricted areas may be granted on a case-by-case basis by contacting the university accessibility center and the appropriate departmental representative. However, the person directing the restricted area has the final decision.

Slide 41: Institutional Positions – University of Alaska

Up at the [University of Alaska](#), service animals are permitted to accompany people with disabilities in all areas of a facility where the person is allowed to go.

If a student brings any animal except a dog or miniature horse, the employee can prohibit that animal from being in the lab.

For a dog or a miniature horse, the employee can only ask 2 questions;

1. Is the animal a service animal required because of a disability?
2. What work or task has the animal been trained to perform?

As long the animal is under the control of their handler at all times, the service animal is permitted in the laboratory at the University of Alaska. Service animals may be excluded or asked to leave the room if:

- The animal is out of control and the handler does not take effective action to control it,
- The animal shows it is not housebroken, or
- For miniature horses, if the size, weight, or type of horse cannot be accommodated in the lab.

Now we haven't mentioned miniature horses yet, and yes, they are included as a potential service animal in federal regulation. What service might a miniature horse provide? The most common service would be one of “stability.” The miniature horse can assist a person's stability when they are walking or when they are standing. The person may hold onto the horse's mane or lean against the horse to improve their steadiness; the animal walks alongside and provides assistance to the human as they ambulate along a path or across a [to a new] location.

Slide 42: Institutional Positions – University of Wisconsin

At the [University of Wisconsin–Madison](#), service dogs are generally permitted in all facilities and programs with limited exceptions, and when in compliance with the city of Madison ordinances.

Those ordinances include:

- vaccination
- licensing
- owner ID tags
- rabies tag
- leash
- being under control of the owner, and
- being in a healthy state

Slide 43: Institutional Positions – University of Wisconsin

Again, the same two questions, but this time with extended narrative referring to the Wisconsin Administrative Code if you have a service animal or you wish to have it with you at the University of Wisconsin.

Slide 44: Institutional Positions – University of Wisconsin – Department of Chemistry

What is curious at the [University of Wisconsin](#) – and I again I remind us that this is an example neither to be judged as either right nor wrong, but coming from the student course description in the department of chemistry, it reads:

“If you anticipate working with a service animal in the laboratory at any time over the course of your enrollment, we want to make sure that both you and the members of the department are able to provide that opportunity without endangering the safety of you, your fellow students, or your animal. In order to achieve this goal, we will need to know the specifics of the service the animal provides with enough advance notice to make the appropriate arrangements. Before you first set foot in the lab space for each new course, you must meet with the lab director who supervises the laboratory component of your course. It is highly recommended that you make arrangements (via email, preferably) for this meeting and with plenty of notice (two or three months before the start of your class is not too much!) so that we can have all plans worked out without disrupting your class participation.

You can expect to be asked questions such as the following:

- Do you require the animal to be with you at all times or only under certain circumstances?
- What are those circumstances?
- Do you need a place for the animal to stay while you are in the lab and not needing the animal at that time?
- Is the animal a service animal required because of a disability?
- What work or task has the animal been trained to perform?
- How does the animal alert?

Slide 45: Institutional Positions – University of Utah

At the [University of Utah](#) they take a slightly more firm approach.

In general, service animals are not allowed in laboratories.

- The presence of a service animal has the potential to introduce organisms detrimental to the experiments in the laboratory.
- Chemicals or organisms used in the laboratory may be harmful to the animal.
- Research conducted with animal subjects may be compromised by the presence of the service animal.

The University also provides, though, in additional statements: access to a laboratory space may be granted on a case-by-case basis upon review and approval.

Slide 46: Institutional Positions – University of Utah

A request for a service animal in laboratories working with pathogenic organisms or materials requiring containment at Biosafety Level 2 or higher, working with radioactive materials, or working with or housing research animals must also be approved. That approval consists of 3 phases:

1. First, the University's Institutional Biosafety Committee (IBC),
2. Secondly, if applicable the Radiation Safety Office (RSO), and thirdly,
3. The Office of Comparative Medicine (OCM).

So, service animals are excluded, but the University is open to finding solutions where service animals are necessary and need to be involved.

Slide 47: Institutional Positions – University of Washington

The [University of Washington](#) advises faculty and staff that:

Students with disabilities should be allowed to bring their service animals into the lab.

To ensure a service animal and classmates are safe, you may want to consider the following issues listed on the screen. The University of Washington concludes with a note: "For more information on accommodating students with disabilities in lab courses, visit the American Chemical Society's [Teaching Chemistry to Students with Disabilities: A Manual for High Schools, Colleges, and Graduate Programs 4th Edition](#)." I will add by saying this resource is provided on a slide at the end of this presentation today.

Slide 48: Now What???

Well, now that we know all there is to know about service dogs, let's take a couple of moments and consider crafting a policy for our own institution or our research unit.

Slide 49: How Do We Craft an Institutional Plan? – AVMA

We can use existing references to help. Dr. Wolff noted a few of these in his initial comments, for example, the [AVMA Public Policy site of the Animal Welfare Division has a statement on service animals](#). I will note that the guidance is much longer than I could ever list here, so just a few simple points on the screen and I'll encourage you to visit the AVMA site at the link noted on the screen.

Slide 50: How Do We Craft an Institutional Plan? – AAVMC

We might also refer to the [American Association of Veterinary Medical Colleges \(AAVMC\) Guidelines for Service Animal Access to Veterinary Teaching Facilities](#).

One of the statements in that document reads:

“Policies governing service animal access to veterinary teaching facilities must balance the benefits a service animal provides for its handler with the risks posed by the service animal to other animals and humans.”

They recommend using the human hospital guidelines that we have previously reviewed, and then applying those human guidelines to veterinary hospitals.

Oh, and before I forget it, the AAVMC site also has a [downloadable PDF](#) that might help you in developing your own practices!

Slide 51: How Do We Craft an Institutional Plan? – AAVMC

AAVMC notes that there are risks associated with animals in animal settings in general and they identify a few of those risks that could be important to us in a research setting too. For example, disease transmission that may impact patients and could go in either direction. Even fully vaccinated, healthy service animals may be passive carriers of disease which could be impactful to animal patients, or in our case, research animals.

Behavioral issues might also impact animal patients, caused by the service animal’s presence, or by the associated service animal’s response, or the animal patient’s response to having the service animal present. And we’ve talked about that in research environments as well.

Thirdly, welfare considerations can also be impactful to animal patients. Would they be distressed, and if so, how would one qualify that distress or quantify that distress? What would be the impact of distress upon, in this case, medical therapeutics or in our case, research outcomes? In research environments, this is a very critical question.

Slide 52: How Do We Craft an Institutional Plan? – AAVMC

The AAVMC concludes with this statement:

“It may be necessary to restrict service animals from exam rooms where patients are being evaluated or treated, and from procedure rooms where patients are undergoing diagnostic procedures or treatment.”

And they give some examples such as radiology, anesthesia prep, or specific treatment modalities.

Slide 53: What about research animal settings?

Well, what about research settings? What can we do about our own environment? How may we apply some of these lessons learned to our situation?

Slide 54: How Do We Craft an Institutional Plan? – Your Institution

We know here are documentable risks associated with service animals in research settings, just like AAVMC mentions. There might be disease transmission that could impact research outcomes. There could be behavioral issues that could impact research outcomes, and there might possibly be welfare considerations that could impact research outcomes.

But the assumption that any of these *may* occur is not sufficient justification to fully prohibit service animals from animal research areas. So, it is time that we must observe our environment, think about our options, and plan for successful outcomes. Then we need to communicate the needs and explore opportunities to assure good civil rights for the researcher and the research associates, good safety and a healthful environment for the researcher and the service animal, and solid research outcomes!

Even so, the most laudable research institutional plan may still find it necessary to engage lawyer talk on occasion and use the phrase regarding access: “It depends.” And sometimes, it may be to restrict service animals from spaces, similar to what the AAVMC has noted, such as:

- procedure rooms where hazardous agents are being used or exist,
- research spaces where discrete data collection is required (and the presence of a novel activity of any kind could impact that data),
- necropsy rooms where blood or tissues might unintentionally fall off the table and impact the service animal.

We need to think about pilot studies, about parallel provisions, and about mutually agreeable resource options.

Slide 55: Takeaway

Colleagues if there’s nothing else you take away from this webinar today, I encourage you to remember 2 particular things. The first is that the ADA is a *civil rights* law. The second, that we need to think outside of the common research box. We need to consider pilot studies, we need to look for opportunities of parallel, equitable provisions, and we need to seek mutually agreeable research resource activities.

Slide 56: Service Dog in the Vivarium – Scenario

Dr. Wolff was kind enough to provide a couple of scenarios that OLAW has used in previous situations. And, I thought I would conclude this discussion today by presenting one of these and sort of talk through the scenario just a shade.

So, at that well-known, prestigious Great Eastern University, the IACUC received a request from a graduate student and their faculty advisor.

The student has a PhD project that requires experimental work with rats.

Owing to a physical disability, the student also requires the regular use of a service dog.

The student would like to ask permission to bring the service dog with him into the vivarium, and to have the service dog at his side as he performs his experiments with the rats.

Slide 57: Service Dog in the Vivarium – Scenario

The student and the faculty advisor have submitted a protocol for a pilot study to monitor the stress levels of the rats, with the goal of establishing that the presence of the service dog is not stressful to the rats. Their hope is that this pilot study will clear the way for the graduate student to get started on the more detailed and involved research plan with the rats.

Slide 58: Service Dog in the Vivarium – Question 1

So, let's test your knowledge and understanding. The first question for consideration today is a straightforward one: Is the service dog a study animal under the PHS Policy?

The options are:

- A. Yes
- B. No, or
- C. I don't know

Dr. Wolff, what's the right response?

Slide 59: Service Dog in the Vivarium – Question 1

>>Axel: Well, the right answer is "Yes".

While research procedures are not conducted on the service dog, both the dog and the rat are considered involved in research activities covered by the PHS Policy.

If this graduate student's research is PHS or NASA, NSF, or VA-funded, it would require IACUC review and approval.

The manner with which the institution ensures that it complies with the Americans with Disabilities Act for its students, is outside the purview of the IACUC, but the IACUC should be included in the consideration.

In this current situation, it is best for the IACUC to engage the appropriate expertise at the university to provide advice.

Slide 60: Service Dog in the Vivarium – Question 2

>> Ron: Thank you sir. Let's go on to the second question: Is the service dog a study animal under the Animal Welfare Act (AWA)?

The options are:

- A. Yes
- B. No, or
- C. I don't know

Dr. Wolff, what do you say sir?

Slide 61: Service Dog in the Vivarium – Question 2

>> *Axel*: The dog is not regulated under the Animal Welfare Act since the dog always accompanies the student at all times as a service animal. Service dogs are excluded from regulation under the AWA. Observing rat behavior when the dog happens to be present doesn't change the fact that the dog is functioning as a service dog. The rats are also excluded from AWA regulation.

So, let's move on to question 3.

Slide 62: Service Dog in the Vivarium – Question 3

>> *Ron*: Okie-doke, number 3. Is it the IACUC's responsibility to ensure the graduate student's education complies with the Americans with Disabilities Act?

The options are:

- A. Yes
- B. No, it's, the institution's responsibility, or
- C. I don't know

Dr. Wolff?

Slide 63: Service Dog in the Vivarium – Question 3

>> *Axel*: Well, concerning compliance with the ADA regulation, the answer is B. It is the institution's responsibility.

Slide 64: Service Dog in the Vivarium – References

>> *Ron*: This slide is included to allow attendees of the webinar a specific location for some of the references during the webinar itself. These links will take you to the site where particular information was gathered for today's discussion.

- Taboada, J.; Kogan, L.; Schoenfeld, R.; Hart, L.; Sellon, D.; Tennison, A.; Mashima, T. (2019) [AAVMC Guidelines for Service Animal Access to Veterinary Teaching Facilities](#). Washington, D.C.: Association of American Veterinary Medical Colleges.
- www.aavmc.org/assets/site_18/files/about_aavmc/service_animal_access.pdf
- <https://www.avma.org/resources-tools/animal-health-welfare/service-emotional-support-and-therapy-animals>
- For more information on accommodating students with disabilities in lab courses, visit the American Chemical Society's [Teaching Chemistry to Students with Disabilities: A Manual for High Schools, Colleges, and Graduate Programs 4th Edition](#).

Slide 65: Questions ?

>> *Cate*: Excellent, thank you Drs. Banks and Wolff, for that detailed discussion. We'll now move on to some questions we received prior to the webinar. The first question has multiple parts.

Slide 66: Question 1a: Is the IACUC responsible for service animals within the clinical/hospital setting? If so, how?

The first part of the question is “Is the IACUC responsible for service animals within the clinical or hospital setting and if so, how?” And the foundation for this question is that the animals are not owned by the organization and sometimes the animals are brought under a volunteer basis.

Slide 67: Question 1a: Is the IACUC responsible for service animals within the clinical/hospital setting? If so, how?

>> *Axel*: OK, well, I’ll jump in on this. Is the hospital part of the Assured entity or university, so would the IACUC even have authority there? Are other animals brought into that hospital, for example, for imaging, where the IACUC would have authority?

If it is part of the Assured institution, the IACUC should at least be involved, along with the other entities that I had mentioned, in developing policies, because the IACUC is the primary entity dealing with animal issues on campus.

But if this is a private hospital and this has nothing to do with an Assured institution, then it’s really up to them how they want to address this.

>> *Ron*: I would add only to Dr. Wolff’s expert analysis that the IACUC, always in a global sense, is the advocacy group for the animals that are engaged in research activities. In this case, the animal is owned by an individual, and we would assume that the individual would also be the animal’s primary advocate in that situation – removing it or protecting it if an unhealthful environment was to occur. But, that never truly takes the IACUC off the hook for assuring animal well-being, since they [the IACUC] are the institution’s representative.

>> *Cate*: Great, Thank you both.

Slide 68: Question 1b: Does it matter if there is a contract with the service animal providers to do this service on behalf of the organizations?

>> *Cate*: The second part of this question is: “Does it matter if there is a contract with the service animal providers to do this service on behalf of the organization.” So here, we’re assuming that the organization is the clinical or hospital setting. And so, this person is asking whether it matters that money is changing hands here?

Slide 69: Does it matter if there is a contract with the service animal providers to do this service on behalf of the organizations?

>> *Axel*: I think my primary answer for the first part of this question also applies to this second part. You can get down into the weeds more and more with this, but the key thing is that there needs to be some kind of policy development regarding animals in these different types of settings, and the IACUC is one of the key entities that should be involved. Specifically, the attending veterinarian, but others are as well and so everything I said regarding the first part of this question doesn’t change, regarding who owns the animal, or whether there’s a contract in place.

>> *Ron*: And I have nothing to add, Cate. Dr. Wolff has covered it wonderfully.

Slide 70: Question 2

>>*Cate*: Great, our next question is: Rather than allowing access for a service animal, may an institution propose other accommodations or an alternate method to achieve the same outcomes?

Ron, you want to take this one?

Slide 71: Question 2

>>*Ron*: Sure. I've looked at a couple of cases and the general idea is that that's not really a great idea to always propose alternates. It may be all you can do you, and if that's what you *have* to do then let's try to agree on mutually agreeable situations. But it really falls into the same sort of legal context as people providing the same service as the service dog for the disabled person so the service dog is not required. It's not quite the intent of the spirit of the law. It's really a problem of truly having access rights. And that's the primary issue, not necessarily having adequate space.

Another option to try here might be, as we've talked about before, validating the presence of a service animal through a pilot study or several studies.

Slide 72: Question 3

>> *Cate*: And those are great points. Alright, our last question is: What is the best way to handle a situation where someone wants to bring a service animal into a lab and one person in the laboratory is either allergic or afraid of dogs?

Axel, do you want to take that one?

Slide 73: Question 3

>>*Axel*: Sure, sure. Well, that's why it's so important to have so many departments involved – like Occupational Health and your General Counsel – to weigh the risks and benefits of the humans, animals, and research involved.

>>*Ron*: It's a complicated issue, no doubt. And probably the preferred legal response is, you guessed it: "It depends" – on several things. If we're trying to create similar accommodations, what's the dollar value, to use legal language, and is that too much? Are there equal resources available? What's the potential for distress to the study, or the risk for others who may be there?

If we look at some of the institutional policies presented earlier in this discussion, we would see wording like "disruptive" or "injury to others" – and that might be allergy or maybe fear from others. That could also enter into the consideration.

>>*Axel*: Well that's right. Accommodations have to be made somewhere, so that's really what needs to be ironed out. If one person is afraid of dogs, maybe they don't go where the dog is, or maybe the dog doesn't go where that person is. The solutions are all very case-specific, and that's why we try to stress that it's an institutional responsibility that requires a multidisciplinary approach – a lot of players are involved to make this work.

Slide 74: Next OLAW Online Seminar

>> *Cate*: Thank you again, Drs. Wolff and Banks for that in-depth discussion. We really appreciate your time, efforts, and expertise on this topic.

Our next webinar will be held this fall, 2021, and the topic is yet to be determined.

Until then, stay safe and healthy. Thank you and goodbye!

###