

MHU Assistance Animal Policy

MHU's Offices of Accessibility Services and Residence Life are committed to supporting residents with disabilities. Therefore, we recognize the importance of the broad category of "Assistance Animals" as defined under the Fair Housing Act and "Service Animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA) that provide physical and/or therapeutic support to qualifying individuals.

Animals, except for Service Animals, are not permitted in any University building (including academic buildings and administration buildings) or at athletic practice or competition venues. Only Service Animals and pre-approved Emotional Support Animals (ESAs) are allowed in on-campus housing. Animals may not be unattended, even if tied up. The owner or keeper of any animal that is not a Service Animal must adhere to the above guidelines regarding animals on campus. Students who require the use of a service animal or ESA must receive approval from the Office of Accessibility Services, which must communicate approval to the Office of Residence Life prior to the animal being brought to on-campus housing. If you have questions regarding Assistance Animals, please contact the Office of Accessibility Services.

Service Animals: Service animals are defined as animals that have been individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or task that the animal performs must be directly related to the individual's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this definition. Service animals are working animals, not pets. Service animals are allowed anywhere on campus when accompanied by an individual with a disability who indicates the service animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. In general, individuals who are accompanied by a service animal must not be asked to identify the nature or extent of their disability. In regard to a service animal, MHU faculty and staff will not inquire about the qualifications of a service animal when it is readily apparent that the animal is trained to do work or to perform a task for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to a person with an observable mobility disability). MHU faculty and staff will not require documentation of a service animal's certification, training or license as a service animal. If it is not readily apparent that an animal is performing work or a task on behalf of an individual with a disability, please do not approach the individual or the animal. Refer the matter to the Dean of Students who will work with the individual and the Office of Accessibility Services to determine whether an animal qualifies as a service animal. Service animal owners/handlers are responsible for any damage or injury caused by their animals and must take appropriate precautions to prevent property damage and/or injury to others while on campus. Service animals must always be under the control of the owner/ handler and, to the extent possible, the service animal should be unobtrusive to other individuals and the learning, living, and working environment. Cost of care, arrangements, and responsibility for the well-being of a service animal are the sole

responsibility of the owner/handler including keeping the animal free from fleas and ticks or other pests that may cause infestation. Cleaning up after a service animal is the sole responsibility of the owner/handler. If the owner/handler is not physically able to clean up after a service animal, the owner/handler must hire another individual who can meet this requirement.

Emotional Support Animals (ESAs): ESAs will be permitted in University housing when the ESA is necessary for the resident (with a documented disability) to have equal access to housing and is approved in advance by the Office of Accessibility Services. The request for accommodation must be made no later than 30 days before their requested arrival on campus to process their request. The request must include the following:

- a. Documentation that student is and has been under the regular care of a licensed mental health professional (LMHP), credentials of their LMHP to be included.
- b. A properly formatted prescription letter that states the link between the presence of the ESA and a documented disability of the student for which the ESA's presence supports the student.
- c. Proof that the ESA is properly licensed, up to date with all applicable vaccinations, and spayed/neutered. The animal must be at least six months of age by the time of the request.

A request may be denied if the ESA presents an undue financial or administrative burden on the University, poses a substantial and direct threat to personal or public safety, or constitutes a fundamental alteration of the nature of the service or program of the University.

Approved ESAs are not permitted on any other part of campus outside their owner's room and immediate residential area. ESAs may not be left in the care of any other resident on campus. Approved ESAs must be removed by the student when a student is away from the residence hall for an extended time. Due to feeding and care, MHU will assume that an extended time is a maximum of 8 hours unless the student demonstrates how their pet can be without care for longer periods of time.

Removal of Service & Emotional Support Animals: Service animals and ESAs may be removed by the Director of Safety & Security or the Dean of Students. They will work with the owner/handler to determine reasonable alternative opportunities to participate in the University service, program or activity without having the animal on University premises. Service and emotional support animals may be removed for the following reasons:

- **Uncontrollable:** An owner/handler may be directed to remove their animal if it is out of control when the owner/handler does not or cannot take effective action to control the animal. If the improper animal behavior occurs repeatedly, the owner/handler may be prohibited from bringing the animal into any University facility, including on-campus housing areas, until the owner/handler can demonstrate that she or he has taken significant steps to mitigate the behavior.

- **Non-Housebroken:** An owner/handler may be directed to remove an animal that is not house-broken.
- **Direct Threat:** An owner/handler may be directed to remove an animal that is determined to be a substantial and direct threat to the health and safety of individuals. A direct threat may be based upon the poor health of the animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area such as certain laboratories or mechanical or industrial areas. Instances of abuse of a service/ emotional support animal will be referred to the Assistant Dean of Students.

Any violation of the rules may result in immediate removal of the animal from the University and may be reviewed through the Student Conduct process. The owner will be afforded all rights of due process and appeal as outlined in that process. Should the approved animal be removed from the premises for any reason, the owner is expected to fulfill their housing obligations for the remainder of the housing contract.

NOTE: No ESA may be kept in University-managed housing at any time prior to the individual obtaining documented approval through both the Office of Accessibility Services and the Office of Residence Life. Applicants will be provided a list of needed items, all of which must be complete before an animal is permitted in on-campus resident housing.

Responsibilities & Guidelines for Owners of Assistance Animals

The Owner of any approved Assistance Animal (Service Animal or ESA) is responsible for the following:

- Ensuring that the Approved Animal does not unduly disturb or interfere with the routine activities of the residence hall community or cause difficulties for other residents.
- Cleaning up after the animal, including disposal of all animal waste, in a safe, sanitary, and timely manner. Indoor animal waste, such as cat litter, and solid waste deposited outside must be secured in a plastic bag and disposed of in outside trash receptacles.
 - Assistance Animals may not be bathed in residence hall restroom facilities.
- Containing the animal within the privately-assigned residential area (room, suite, apartment) at all times, except when transported outside the private residential area in an animal carrier or controlled by leash or harness. When leaving the animal alone during the day, it must be contained in a crate or other similar containment device until the Owner returns.
- Maintaining control of the animal at all times. The owner may not leave campus for more than 24 hours without the animal, nor leave it in the care of another resident.
- Assuming full financial responsibility for any:
 - Damage or injury caused by the animal, including (but not limited to) replacement of furniture, carpet, windows, and wall material, to be assessed at the time of the student's move out of their current housing assignment.
 - Expenses incurred for cleaning above and beyond a standard cleaning, and for any costs related to pest control or pest mitigation, because of the animal's presence.
 - Cost of care, arrangements and responsibility for the well-being of the animal.
- Notifying the Office of Accessibility Services in writing if the Approved Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures outlined by Office of Accessibility Services when requesting a different animal.
- Providing and maintaining up-to-date contact information for an alternate, off-campus, caregiver to be contacted in case of emergency or removal of the animal. If the owner cannot (e.g. emergency situation, hospitalization, etc.) or does not provide for the care and supervision of the animal as outlined in this policy, the alternate caregiver must agree to take responsibility for the removal of the animal from campus within 24 hours. Should an alternate caregiver not be available, or not meet his or her commitment, MHU reserves the right to have the animal removed by Animal Control.
- Fully cooperating with MUH personnel to meet the terms of the Assistance Animal Policy and developing care procedures for the animal (e.g., cleaning, feeding/watering, waste removal, etc.).

Any evidence of mistreatment or abuse of an Assistance Animal may result in one or more of the following actions: a) immediate removal of the Assistance Animal; b) referral to MHU Dean of Students for a conduct hearing; and/or c) referral to Madison County Local Animal Ordinance Control enforcement officials.

The Owner's residence may be routinely inspected to ensure health and safety standards are being maintained. MHU will not require an individual with a disability to pay a preliminary deposit or surcharge for an approved Assistance Animal. However, an individual with a disability may be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a university-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall have the right to bill the individuals account for unmet obligations under this provision.

MHU personnel shall not be required to provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evaluation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

Violation of the above responsibilities and guidelines may result in immediate removal of the animal from the University and may be reviewed through the Student Conduct Process. Should the Approved Animal be removed from the premises, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract. Any removal of the animal will be done in consultation with the Accessibility Services Coordinator and may be appealed to the Vice President for Student Life, Facilities & Aux. Services. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Acknowledgement & Release of Information Consent Form

I have read and understand the *Responsibilities & Guidelines for Owners of Assistance Animals* and I agree to abide by the requirements applicable to Assistance Animals. I understand that if I fail to meet the requirements set forth in the Policy, MHU has the right to remove the Assistance Animal and I will be nonetheless required to fulfill my housing, financial, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to the Accessibility Services Office to disclose to others impacted by the presence of my Assistance Animal (e.g., Residence Life staff and maintenance staff) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Assistance Animal and/or resolving any potential issues associated with the presence of the Assistance Animal.

I further recognize that the presence of the Assistance Animal may be noticed by others visiting or residing in University-managed housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances Assistance Animals are permitted for persons with disabilities.

Student Signature

Date

Residence Life Representative

Date

Last Updated 10/11/2023