

# ADMINISTRATIVE PROCEDURE

## ADMIN-9 (UPDATED)

### PROCEDURE FOR ANIMALS ON CAMPUS

**Purpose:**

This administrative procedure sets the requirements and procedure for students with assistance animals on campus.

**1. General**

1.1 Establishes the guidelines for having assistance animals on campus and provides a safe and a healthy environment for members of the campus community to study, work, and live.

1.2 Authority: Fair Housing Act, Section 504 of the Rehabilitation Act, Title 2 of the American with Disabilities Act, and Marshall University BOG Policy No. GA-15, Animals on Campus.

Responsibility Unit: Student Affairs	
Approved by:	Approval Date:

# Emotional Support Animals

This document describes the procedures for the use of service animals by students and employees and emotional support animals by students attending Marshall University (MU). MU complies with the Americans with Disabilities Act (ADA) in allowing the use of service animals for students, staff and visitors. MU complies with the Fair Housing Act in allowing students the use of emotional support animals that are approved as an accommodation. Employees may not bring emotional support animals to work.

## DEFINITIONS

Emotional Support Animal:

The Fair Housing Act defines an emotional support animal as any animal that provides emotional support, well-being, or companionship that alleviates or mitigates symptoms of the disability; the animal is not individually trained. Emotional support animals are not limited to dogs and can be other species of animal. Emotional support animals are not family pets and not considered as service animals. **Animals should not be brought to campus prior to approval being granted.** The approval process can take up to 30 days, so it is important to contact OAA and submit documentation in a timely fashion. MU will make an individual assessment of each proposed emotional support animal. Dogs must be housebroken and have verification of rabies vaccination. The use of “puppy pads” will not be permitted. Because of the confines of the University residential spaces, the student may not request an animal weighing in excess of 75 pounds as a support animal. The species of animals allowed as support animals will be determined but the Marshall University Office of Accessibility & Accommodations.

## QUALIFYING TO HAVE AN EMOTIONAL SUPPORT ANIMAL

For a student to qualify to have an **Emotional Support Animal (ESA)** in his or her residence hall:

- The student must have a disability as defined by the ADA;
- The student must be registered with the OAA;
- The student must have an established relationship with the animal to be considered an emotional support animal (preferably at least 3 months);

- The emotional support animal must be approved through OAA, in conjunction with other offices as needed;
- The owner must notify the OAA if the animal is no longer needed or is no longer residing on MU property. If the animal is to be replaced, the owner must submit a new request. Information provided to the OAA is confidential and specific information about the disability will not be released without the consent of the student.

## **EMOTIONAL SUPPORT ANIMALS IN CAMPUS-OWNED RESIDENCES**

### **Owner:**

- Is responsible to always attend and be in full control of the emotional support animal. The emotional support animal shall have a harness, leash, tether or be transported in an appropriate enclosure whenever it is outside of the residence hall room where it will be housed.
- In shared living spaces, the emotional support animal should be in an appropriate container/crate if the owner is not in the room with the animal.
- Will contact potential roommates and/or suitemates to determine if other students have any concerns about potentially living with a support animal.
- Is responsible for following all rules related to the restrictions of animals from buildings on the campus other than their residence hall.
- Is responsible for the costs of care necessary for the emotional support animal's well-being. The arrangements and responsibilities for the care of an emotional support animal are always the sole responsibility of the owner, including regular bathing and grooming as needed.
- Is responsible for not leaving the emotional support animal unattended for an unreasonable length of time.
- Is responsible for independently removing the emotional support animal's waste. Waste must be disposed in a sealed bag in the designated trash area provided by housing and residence life.
- If the animal voids on the floor or carpet anywhere inside a residence hall, the student is responsible to clean up promptly. **Dogs must be housebroken.**
- Is responsible for complying with local and state licensing laws for animal rights and owner responsibilities. Emotional support animals should be current with immunizations and wear an identifying vaccine tag.
- Animals must leave campus with the student if student leaves overnight and

during all MU breaks if the student leaves campus.

- Is responsible for paying for any damage to MU property or pest treatment caused by the animal.
- Must abide by all applicable residential policies, including room inspections
- Is responsible for notifying the OAA and MU Housing if the emotional support animal is no longer needed.

### **MU Community:**

- Must allow emotional support animals to reside with their owners in their residence hall room or suite once they are approved as a disability related accommodation.
- Contact the OAA if any questions or concerns arise relating to emotional support animals including any additional questions regarding visitors to campus who have emotional support animals.
- Report any emotional support animals who misbehave or any owners (or other individuals) who mistreat their emotional support animals to the Department of Public Safety and the OAA.
- Refrain from charging a fee for the emotional support animal to reside in the residence hall, but may assess fees for any damages incurred.

### **OAA Office:**

- Is responsible for developing the necessary procedures for MU and facilitating the use of emotional support animals by students on campus
- Assist owners and the MU community when questions or concerns relating to emotional support animals on campus and seeks legal advice when necessary.
- If other residents raise concerns about the animal and attempts to mediation are unsuccessful, the owner of the ESA and roommate will discuss alternate living space on campus with housing and residence life staff to determine who will move.

## **IMPORTANT CONSIDERATIONS**

An emotional support animal can be asked to leave or not allowed participation on campus if:

- The animal is found by MU to be out of control or disruptive and the animal's owner does not take immediate and effective action to control of the animal.
- The animal is not housebroken.

- The animal is found to be neglected or mistreated and prompt corrective action is not taken.
- The animal is physically ill.
- The animal is unreasonably dirty.
- An emotional support animal attempts to enter a place on campus other than the student's residence hall.

Student must identify a person that can come get the animal within a reasonable amount of time.

- Students whose animal is found to be disruptive, unkept or endangers the safety of others will be referred to the OAA and the Office of Student Advocacy & Accountability.

### **Significant allergies to animal dander and other concerns**

- Concerns of this nature will be addressed on a case-by-case basis. It is the owners responsibility to alert potential roommates of the fact that a service or emotional support animal will be present to address concerns including those related to allergies and objections, or fears related to certain types of animals as early as possible. Issues or concerns that may arise during the academic year should be reported as quickly as possible to Housing and Residence Life as well as OAA. Owners who have concerns about any matter affecting their use of a service or emotional support animal should contact the OAA.

### **Special Situations or Exceptions**

- Students should contact the OAA to discuss any special situations regarding service animals or emotional support animals that are not covered by this policy, as well as any exceptions to this policy that might be requested by a student. All exceptions must be approved in writing by the OAA at MU.

## **Service Animals on Campus**

This document describes the procedures for the use of service animals for students while attending Marshall University to ensure the University complies with the Americans with Disabilities Act (ADA) in allowing the use of service

animals for students, staff and visitors. Marshall will comply with the Fair Housing Act in allowing students the use of service animals. **Employees must go through Human Resources for any accommodation.**

## **DEFINITIONS**

Service Animal:

A service animal as per the ADA is defined as: “Any dog/miniature pony that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a service animal must be directly related to the owner’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, ...retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

## **QUALIFYING TO HAVE A SERVICE ANIMAL ON CAMPUS**

For an individual to qualify for having a service animal on campus:

- The student must have a disability as defined by the ADA;
- The accompanying animal must be trained to do specific tasks for the qualified individual; and
- Students are asked register with the OAA if the service animal will be housed on the campus so that accommodations can be coordinated.

## **RESPONSIBILITIES/REQUIREMENTS SERVICE ANIMALS ON CAMPUS**

Owner:

- Is responsible to attend to and be in full control of the service animal at all times. A service animal shall have a harness, leash, or other tether unless a) the owner is unable to use a harness, leash or tether, or b) using a harness, leash, or tether will interfere with the animal's ability to safely and effectively perform its duties.
- Animal does NOT have to have identifiers showing that it is a service animal, however, the university would recommend identification so that the general population knows that the animal is "on duty."
- Is responsible for the costs of care necessary for a service animal's well-being. The arrangements and responsibilities with the care of a service animal is the sole responsibility of the owner at all times, including regular bathing and grooming, as needed.
- Is responsible for independently removing or arranging for the removal of the service animal's waste. Student must meet with housing and residence life staff to discuss waste disposal.
- Is responsible for complying with local and state licensing laws for animal rights and owner responsibilities. Service animals must be current with immunizations and wear a rabies vaccination tag.
- Is responsible for paying for any damage to MU property caused by the animal
- Animals must leave campus with the student anytime the student leaves overnight and/or during MU breaks.
- MU may prohibit the use of service animals in certain locations due to health and safety restrictions or places where the animal might be in danger. Restricted areas may include but are not limited to food preparation areas, research laboratories, boiler rooms and other areas prohibited by law.

### **MU Community:**

- Must allow service animals to always accompany their owners and everywhere on campus where the general public (if accompanying a visitor) or other students (if accompanying a student) are allowed, except for places where there is a health, environmental, or safety hazard. Specific questions about the individual's disability may not be asked.
- Contact the OAA if any questions or concerns arise relating to the service animals.

- Only two questions can be asked about service animals:
  1. **Is the Service Animal required because of a disability?**
  2. **What work or task is the dog trained to perform?**
- Do not ask questions about the disability.
- Do not pet or feed a service animal.
- Do not attempt to separate the animal from the owner.
- Do not startle or tease a service animal.
- Contact the OAA if faculty/staff have any additional questions regarding visitors to campus who have service animals.
- Refrain from charging a fee for the service animal to reside in the residence hall but may assess usual fees for any damages incurred.
- Report any service animals who misbehave or any owners (or other individuals) who mistreat their service animal to the Department of Public Safety.

### **OAA Office:**

- Is responsible for developing the necessary procedures for MU and facilitating the use of service animals by students on campus.
- Assists owners and the MU community when questions or concerns arise relating to service animals on campus and seeks legal advice when necessary.

### **IMPORTANT CONSIDERATIONS**

A service animal can be asked to leave or not allowed participation on campus if:

- The animal is found by MU to be out of control or disruptive and the animal's owner does not take immediate and effective action to control of the animal.
- The animal is not housebroken.
- The animal is found to be neglected or mistreated and prompt corrective action is not taken.
- The animal is physically ill.
- The animal is unreasonably dirty.
- Student must identify a person that can come get the animal within a reasonable amount of time.
- Students whose animal is found to be disruptive, unkept or endangers the safety of others will be referred to the OAA and the Office of Student Conduct.

## **Etiquette around service animals and their owners:**

- Do NOT pet, touch, or otherwise distract a service animal when it is working. Doing so may interfere with its ability to perform its duties.
- Do NOT feed a service animal. Their work depends on a regular and consistent feeding regiment that the owner is responsible to maintain.
- Do NOT attempt to separate the owner from the service animal.
- Do NOT harass or deliberately startle a service animal.
- Avoid initiating conversations about the student's disability. Some people do not wish to discuss their disability.

## Special Situations or Exceptions

- Students should contact the OAA to discuss any special situations regarding service animals or emotional support animals that are not covered by concerns on any matter affecting their use of a service or emotional support animal.

## Service and Emotional Support Animal Registration

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**Students with a Service Animal** will need to be able to verbally confirm the animal is trained to perform a particular skill to assist an individual with a disability and indicate the specific function that is performed. Students are responsible for ensuring all veterinarian recommended vaccinations are completed and documented. Marshall University reserves the right to request an updated verification at any time during the animal's residency. The service animal designation indicates the animal is allowed in all university facilities open to students. All service animals must remain attended and controlled, in the immediate vicinity of an owner or handler, and either on a harness, leash, or tether.

**Students with Emotional Support Animals** will need to provide documentation from a qualified mental health professional about the specific condition the animal is assisting with and that the animal is a required aspect of treatment for this particular condition. **Only one animal per student is permissible.** The Emotional Support Animal designation indicates the animal is allowed in the residence hall are permitted in the student's room. They are not permitted in study rooms, laundry facilities, dining halls or other campus buildings. Emotional Support Animals, other than dogs, must be caged/crated while transported in or out of the residence hall. The university reserves the right to establish time limits regarding when students can request to bring Emotional Support Animals.

Students with either Emotional Support or Service Animals are responsible for properly containing and disposing of all animal waste. Students are responsible for assuring the animal does not unduly interfere with the routine operation of campus or residence hall activities, or cause difficulties for students who reside there. Sensitivity to residents with allergies and to those who fear animals is important to ensure a community where all are able to participate. Students are expected to work cooperatively with HRL and other staff to resolve conflicts that might arise due to the presence of the animal.

The student is financially responsible for the actions of the animal that cause or result in bodily injury or property damage. This includes, but is not limited to, any liabilities or costs associated with any injury resulting from a bite or scratch and

any replacement of furniture, carpet, window or wall covering as well as cleaning costs considered above the typical cleaning provided for rooms.

### ESA Registration Process:

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- Student must have the Exhibit A form completed by a treating mental health professional (see Exhibit A for how to return to OAA)
- Student must provide a copy of the animals (up to date) vaccination records (can be uploaded with ESA Request Form, see below link)
- Student must complete the Emotional Support Animal request form: <https://www.marshall.edu/disability/request-for-emotional-support-animal/>
- Student must contact OAA to schedule an appointment to complete intake (304-696-2465)
- If approved for ESA, student must contact Housing and Residence Life staff to sign Exhibit B
- Approved students, must complete the ESA request form each semester, Exhibit B form and updated vaccinations yearly.

### Service Animal Process:

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- Student should contact OAA office to identify the animal as a Service Animal (304-696-2467)
- It is recommended that the student register with OAA to provide up to date vaccination records.

## Exhibit A

### Professional Emotional Support Animal Evaluation

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Once completed by the mental health professional, this form should be returned to Marshall University's Office of Accessibility & Accommodations by fax at (304) 696-2288, by email at [strickera@marshall.edu](mailto:strickera@marshall.edu), or attaching as a file with ESA Request form <https://www.marshall.edu/accessibility/request-for-emotional-support-animal/>.

**Student's Name:** \_\_\_\_\_

The above-named student indicated that you are the professional (e.g., psychologist, psychiatrist, social worker, mental health worker) who has suggested that having an emotional support animal (ESA) in the residence hall will be helpful in alleviating one or more of the identified symptoms or effects of the student's disability. So that we may better evaluate the request for this accommodation, please answer the following questions as detailed as possible (Yes and No answers will not be accepted):

#### **Emotional Support Animal Information:**

Name of ESA: \_\_\_\_\_

Type of Animal: \_\_\_\_\_ Age of ESA: \_\_\_\_\_

How long has the animal resided with the student: \_\_\_\_\_

#### **Information about the Student's Disability:**

What is the nature of the student's mental health impairment? (i.e., what is this student's diagnosis and how is the student substantially limited?)

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Does the student require ongoing treatment, if so, what and how frequent?

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How long have you been working with the student regarding this mental health diagnosis?

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**Information about the proposed ESA:**

Is this an animal that you specifically prescribe as part of treatment for the student, why?

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What symptoms will be reduced by having the ESA?

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Is there evidence that an ESA has helped this student in the past or currently, if so, what?

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**Importance of ESA to Student's well-being:**

In your opinion, how important is it for the student's well-being that the ESA be in residence on campus? What consequences, in terms of disability symptomology, may result if the accommodation is not approved?

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Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing? Do you believe those responsibilities might exacerbate the student's symptoms in any way?

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**Thank you for taking the time to complete this form. If we need additional information we may contact you at a later date. We recognize that having an ESA in the residence hall can be a real benefit for someone with a significant mental health disorder, but the practical limitations of our housing arrangements make it necessary to carefully consider the impact of the request for an ESA on both the student and the campus community.**

**Proscribing Professional Information:**

Printed Name:

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Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

FAX and/or Email address:

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Professional Signature:

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License #: \_\_\_\_\_

Date: \_\_\_\_\_

## Exhibit B



### **Resident Responsibilities for Maintaining a Support Animal within a Residence Hall**

This agreement provides clarification and guidance for the students and staff where a support animal has been approved to live in a residence hall via the Office of Accessibility & Accommodations (OAA).

1. This agreement is in regard to the housing accommodation. for \_\_\_\_\_ for assignment to \_\_\_\_\_ permitting the presence and use of a support animal.
2. The permission to keep a support animal is limited to \_\_\_\_\_. The support animal is not permitted in other residence halls, dining facilities, academic buildings, or other University facilities, unless otherwise indicated by the OAA.
3. The support animal must be kept in the residents' room at all times. The support animal should not be allowed to roam freely in public areas of the building including but not limited to hallways, lounges, or the lobby, except when transported outside the private residential area in an animal carrier or controlled by leash or harness.
4. When you are not present in the room, the support animal should be crated. A room may be keyed into for emergency, maintenance, health, or safety without notice. This is for the safety of staff and to ensure the support animal does not get out of the room. Housing staff is not responsible for a support animal that gets out of a room.
5. For the safety of the staff and the support animal, the animal should be crated or leashed when maintenance enters the room to complete a work order even if you are at home.

6. Support Animals must have an identification tag anytime it is taken outside of the residence hall room.
7. The resident is solely responsible for the proper care of the support animal including but not limited to adequate feeding, cleaning & upkeep of the room, disposal of waste, and any applicable veterinary care. Outside of emergency situations, other parties are not responsible and should not be involved in the care of the animal in any capacity. Veterinarian-recommended vaccinations to maintain the animal's health and prevent contagious diseases are required. Animal waste should be placed in a plastic bag, tied, and disposed of in an outside large dumpster. Do not use outside trash cans that have regular trash bags in them.
8. Resident should refrain from allowing the support animal to relieve itself in any of the campus landscaping as this will cause damage to landscaping that the resident will be held financially responsible for.
9. The resident must also make proper off-campus arrangements for the care or removal of the support animal during break periods when the hall is closed or when the resident will be away from their room for an extended period of time.
10. Information about a resident's accommodation needs is considered confidential, so hall staff will not share details or in any way discuss with inquiring parties. The resident should expect curiosity and questions from other students should they learn of the support animal. It is up to the resident to choose what information, if any, they wish to share.
11. The resident will be responsible for discussing the presence of and expectations for the support animal with suitemates and/or neighbors, as applicable. Hall staff can assist with any mediation that may be requested and/or necessary but are limited in what information can be shared on the residents' behalf.

12. The resident should be aware of and sensitive to the diverse levels of comfort other students will have with the presence of a support animal on the floor and in the building. Some may be very excited and interested; others may be fearful and uncomfortable. If the resident is experiencing any problems, s/he should report them to the hall staff immediately. Similarly, if hall staff becomes aware of any concerns, they will discuss with the resident as soon as possible.
13. At no time can a support animal become an unreasonable concern and/or disruption to the community including, but not limited to noise and/or odor. Should this situation arise Housing and Residence Life in conjunction with the Office of Disability Services will address these issues on a case-by-case basis. Depending on the situation, it may be necessary to reassign the resident to another accommodation.
14. The resident understands that they are responsible for any damage(s) caused by and/or associated with the support animal. The owner is financially responsible for the actions of the support animal including bodily injury or property damage not limited to above and beyond normal cleaning and any replacement of landscaping, furniture, carpet, drapes, or wall covering, etc. The owner is expected to pay these costs upon repair and/or move-out.
15. The residents' residence hall room may be inspected for fleas, ticks or other pests once per semester or as needed. The Department of Housing and Residence Life (HRL) will schedule the inspection. 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 normal required pest management.
16. The resident must notify University Housing in writing if the support animal is no longer needed as an accommodation or is no longer in residence. Even if the owner previously obtained permission for a support animal, the owner must file a new request with the Office of Disability Services each semester or if they wish

- to bring in a new/different support animal in substitution of the previous support animal.
17. Should the support animal be removed from the premises for any reason, the resident is expected to fulfill their housing obligations for the remainder of the Housing Contract.
  18. It is possible that persons at the University may have a disability that precipitates an allergic reaction to animals. Allergies and fear of dogs are not valid reasons for excluding an assistance animal from Housing. Persons who expect to come into contact with the animal regularly, and who experience reactions to the animal due to their disability, should contact the OAA. The person making the complaint must provide verifiable medical documentation to support their claim. Action will be taken to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.
  19. If there is an allergy/animal conflict within a residence hall that cannot be resolved agreeably, then the Department of Housing and Residence Life and the Office of Accessibility & Accommodations will collaborate on a solution, taking into consideration the needs of both students.
  20. If conflicting disabilities exist, each situation will be reviewed by HRL and OAA on a case-by-case basis to determine what is in the best interests for both parties involved. If a student is required to move to another residence hall, they will not be charged a higher rent rate for the remainder of the academic term.
  21. The resident agrees to continue to abide by all Housing and Residence Life and University animal policies.
  22. Please provide the contact information of a person who lives off campus and should be contacted to take care of your ESA in the event you are unable to do so

