

MONMOUTH UNIVERSITY
Policies and Procedures

Policy Name: Service and Emotional Support Animals

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I. POLICY:

- A. Monmouth University recognizes the rights of people with disabilities to be accompanied by their service animal while on campus as students, employees or guests. Monmouth University further recognizes the rights of people with disabilities to be accompanied by their emotional support animal while living in university provided housing.
- B. In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and all amendments thereto, the Fair Housing Act (FHA), and the New Jersey Law Against Discrimination (LAD), the University will modify its policies to permit the use of service and emotional support animals by an individual with a disability, unless the animal poses a direct threat to the health and safety of others, would cause substantial physical damage to property of others, would pose an undue financial and/or administrative burden for the University, or would fundamentally alter the nature of the University's operations.
- C. It is important to note that a pet, defined as an animal kept for ordinary use and companionship unrelated to a disability, is not considered a Service or Emotional Support Animal, and is, therefore, not covered by this Policy and Procedures.

II. Definition of a Service Animal

- A. The Americans with Disabilities Act of 1990 defines a *service animal* as:

Any dog (or, in certain circumstances, miniature horse) 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.

The responsibilities of a service animal can include, but are not limited to, assisting those with low vision, alerting individuals who are deaf or hard of hearing, pulling a wheelchair, or retrieving items such as medicine or the telephone. Animals acting in an emotional support role only are not classified as service animals. Any student, employee, outside

contractor or campus visitor is permitted to have a service animal during his or her presence on campus.

III. Requisite Documentation and Inquiries Regarding Service Animals

- A. It is strongly suggested that students and employees who wish to bring service animals onto University property as an accommodation for a disability notify the University of the presence of a service animal on University property. Students can do so through the Department of Disability Services. University employees should contact the Office of Human Resources.
- B. When it is not readily apparent what service an animal provides, the University may inquire as to:
 - 1. Whether the animal is a service animal required because of a disability
 - 2. What work or task the animal has been trained to perform
- C. Other than the Office of Human Resources and the Department of Disability Services, no University employee shall ask specific questions relating to the individual's disabilities, nor require medical documentation in connection with the use of a service animal. No University employee shall require special identification or training documentation for the animal, or require the animal demonstrate its ability to perform the work or task.

IV. Responsibilities of Individuals with Service Animals

- A. Monmouth University shall not be responsible for the care or supervision of service animals. Service animals must comply with all applicable leash laws and remain under the control of the handler at all times. The handler shall comply with any laws pertaining to animal licensing, vaccinations, and owner identification. The handler must also be responsible to ensure the cleanliness, grooming, and good health of the service animal. The handler will feed and walk their animal, and properly dispose of its waste. A service animal is not to be left over night or cared for by someone other than the handler. If the handler leaves the University for a period of time, the service animal must accompany the handler.
- B. The Office of Residential Life will make a reasonable effort to notify tenants in the residence building where the service animal will be located. Individuals with medical condition(s) that are affected by animals (e.g. respiratory diseases, asthma, severe allergies) are asked to contact the Office of Residential Life if they have a health or safety related concern about exposure to a service animal. The University shall reasonably accommodate individuals with medical conditions that require accommodation when living in proximity to a service animal.
- C. A service animal is generally permitted to be on University property in any place where the animal's handler is permitted to be, although there are locations on University property

where all animals are prohibited for safety and health reasons. These areas may include, but are not limited to: research and teaching laboratories, mechanical rooms and custodial closets, areas where protective clothing is necessary, and areas where there is a danger to the animal.

- D. If the service animal's behavior is disruptive, aggressive, or destructive, the handler may be asked to remove the animal from the University premises. The handler shall be held responsible for any damage that the animal may cause through its destructive behavior. The handler is expected to cover these costs at the time of repair and/or move-out. The handler shall have no claim against the University for any financial obligations resulting from the actions of the service animal.
- E. The handler is also strongly encouraged, but not required, to maintain liability insurance coverage for the service animal, in order to protect the handler from risk of significant legal and financial liability.
- F. The handler is responsible for any expenses incurred for cleaning above and beyond a routine cleaning or for repairs to University premises that are assessed after the handler and service animal vacate University property. Monmouth University reserves the right to bill the handler for unmet obligations.
- G. The handler's University location may be inspected for fleas, ticks, or other pests as needed. The appropriate University office will schedule the inspection with the handler. 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 handler will be billed for the expense of any pest treatment.

V. **Definition of an Emotional Support Animal**

- A. An *emotional support animal* is defined as:
Any animal that is able to provide emotional support which provides ameliorative effects to one or more identified symptoms or effects of a person's disability.
- B. The Fair Housing Act recognizes the keeping of an emotional support animal in a dwelling as a reasonable accommodation if:
 - 1. The person has a disability, and
 - 2. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the dwelling, and
 - 3. There is an identifiable relationship or nexus between the disability and the support the animal provides.
- C. The Fair Housing Act has not placed restrictions on the type of animal covered nor does it require training of the animals. Any individual living in University-sponsored housing is eligible to receive accommodations. This includes students and employees. Any individual

who is not living in University sponsored housing is not permitted to have an emotional support animal on campus.

VI. Requisite Documentation and Inquiries Regarding Emotional Support Animals

- A. The University has the right to request and obtain proper documentation to ensure that an animal qualifies as an emotional support animal where the handler's disability is not readily apparent. The University request can include, but is not limited to, documentation from a licensed psychiatrist, social worker, or other mental health professional, to provide sufficient information as to the validity of the disability and the emotional support animal's necessity. The University shall not require the emotional support animal to demonstrate the ability to perform any particular task or work.

VII. Responsibilities of Individuals with Emotional Support Animals

- A. Monmouth University shall not be responsible for the care or supervision of emotional support animals. Emotional support animals must comply with all applicable leash laws and remain under the control of the handler at all times. The handler shall comply with any laws pertaining to animal licensing, vaccinations, and owner identification. The handler must also be responsible to ensure the cleanliness, grooming, and good health of the emotional support animal. The handler will feed and, if necessary, walk their animal, and properly dispose of its waste. An emotional support animal is not to be left over night or cared for by someone other than the handler unless they are travelling for legitimate University purposes. In the event a handler is travelling for University purposes, the handler is solely responsible to arrange alternate care for the emotional support animal and receive prior University approval if the animal is remaining on campus during travel. The handler shall be solely responsible and assume all risk in arranging alternate care, and the University shall have no responsibility or liability whatsoever for the care or supervision of the emotional support animal. If the handler leaves the University for a period of time, the emotional support animal must accompany the handler. If the emotional support animal resides in a cage or tank and is able to live for short periods of time unattended, the handler may leave the animal unattended for such a short period of time, no longer than 48 hours, with the prior approval of the Office of Residential Life.
- B. The Office of Residential Life will make a reasonable effort to notify tenants in the residence building where the emotional support animal will be located. Individuals with medical condition(s) that are affected by animals (e.g. respiratory diseases, asthma, severe allergies) are asked to contact the Office of Residential Life if they have a health or safety related concern about exposure to an emotional support animal. The University shall reasonably accommodate individuals with medical conditions that require accommodation when living in proximity to an emotional support animal.
- C. An emotional support animal shall only be granted access to University sponsored housing and their contiguous areas (as necessary to provide proper care to the animal). Emotional

support animals are not permitted in residential areas outside of the handler's assigned living space within a specific building. Emotional support animals shall not be granted access to other areas of the university, including, but not limited to, libraries, academic and administrative buildings, classrooms, labs, and gyms.

- D. If the emotional support animal's behavior is disruptive, aggressive, or destructive, the handler may be asked to remove the animal from the University premises. The handler shall be held responsible for any damage that the animal may cause through its destructive behavior.

The handler is expected to cover these costs at the time of repair and/or move-out. The handler shall have no claim against the University for any financial obligations resulting from the actions of the approved emotional support animal.

- E. The handler is also strongly encouraged, but not required, to maintain liability insurance coverage for the emotional support animal, in order to protect the handler from risk of significant legal and financial liability.
- F. The handler is responsible for any expenses incurred for cleaning above and beyond a routine cleaning or for repairs to University premises that are assessed after the handler and emotional support animal vacate University property. Monmouth University reserves the right to bill the handler for unmet obligations.
- G. The handler's University residence may be inspected for fleas, ticks, or other pests as needed. The appropriate University office will schedule the inspection with the handler. 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 handler will be billed for the expense of any pest treatment.

VIII. Emergency Contact

The handler of every approved service and emotional support animal will designate an off-campus individual as the emergency contact for any matters regarding an approved service and emotional support animal should the handler be unable to respond in the event of an emergency.

IX. Removal of Service and Emotional Support Animal

- A. Monmouth University may exclude and/or remove a service and emotional support animal when any of the following occur:
 - 1. The animal poses an unreasonable threat to the health or safety of other including aggressive behavior. This behavior includes, but is not limited to, excessive noise, running around unrestrained, making unwanted contact with others, or biting, growling, or threatening others. The handler may be prohibited from bringing the

animal on campus until the handler takes significant and effective remedial steps to correct the animals' behavior problems and presents such evidence to the Department of Disability Services, the Office of Residential Life, the Office of Human Resources, and the Director of the Office of Equity and Diversity as the University's ADA/504 Coordinator.

2. The service and emotional support animal results in a fundamental alteration of the University's program.
3. The handler does not comply with any of the above-stated handler responsibilities as set forth in this Policy and Procedures, as well as, any other relevant University policies, procedures, and guidelines.

X. University Community Responsibilities

A. Members of the University community shall at all times:

1. Allow service and emotional support animals to accompany people with disabilities in their dwellings and in areas on campus (as defined above)
2. Refrain from asking for details regarding another person's disability
3. Refrain from touching or petting a service or emotional support animal unless invited to do so
4. Refrain from feeding a service or emotional support animal
5. Refrain from startling, teasing, taunting, or provoking a service or emotional support animal
6. Refrain from separating an individual and their service animal

XI. Implementation of Policy

The Department of Disability Services and The Office of Residential Life (for students and their guests), the Office of Human Resources (for employees and guests), and the appropriate department hosting a program or activity, will establish procedures to ensure the students, employees, and guests who have a service or emotional support animal on campus are made aware of this policy. Any questions regarding this policy should be directed to the Director of the Office of Equity and Diversity as the University's ADA/504 Coordinator.