

**MONMOUTH UNIVERSITY
POLICIES AND PROCEDURES**

Policy Name: Service and Emotional Support Animals

Issue Date: November 17, 2014 **Revision Date:**

Issued by: Office of the General Counsel

Approved by: President's Cabinet

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 the Fair Housing Act (FHA), 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.

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.

- 1. Though the Americans with Disabilities Act restricts service animals to dogs and miniature horses only, Monmouth University will consider other animals if the handler can establish, to the University's satisfaction, that the animal's work or task is directly related to the individual's 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. Students and employees who wish to bring service animals onto University property as an accommodation for a disability must request the University's permission to allow the presence of a service animal on university property. Permission will be granted only as an accommodation for a documented disability and must be arranged in advance. Students can do so through the Department of Disability Services prior to bringing the animal onto University property. 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 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.

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 owner must also be responsible to ensure the cleanliness, grooming, and good health of the emotional animal. The handler will feed and, if necessary, walk his or her 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. 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 residence halls 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.

VIII. 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

IX. Implementation of Policy

- A. 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.