

MUSKINGUM

U N I V E R S I T Y

ANIMALS ON CAMPUS Policy

Responsible Office: Finance and Operations

Responsible Administrator: Vice President for Finance and Operations

Effective Date: January 14, 2020

100. Preamble

The Animals on Campus Policy (“Policy”) provides Muskingum University’s rules and standards concerning individuals who bring animals on University property or into University buildings.

Muskingum University complies with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008 (“ADA”), the Fair Housing Amendments Act of 1988 (“FHAA”), and other applicable federal and state regulations that prohibit discrimination on the basis of disability.

The University is committed to providing equal access to educational and employment programs to individuals with non-disqualifying disabilities. In keeping with this obligation, it is the University’s policy that service animals are permitted on campus and in University facilities if an individual qualifies for such accommodation and complies with this Policy. Likewise, emotional support animals are permitted in University housing facilities if a student qualifies for such accommodation and complies with this Policy.

101. Definitions

(A) A **pet**, for purposes of this Policy, is any animal that is neither a service animal nor an emotional support animal and provides companionship to a human.

(B) A **service animal** is any guide or signal dog that is specifically trained to do work or perform tasks for an individual with a disability. Examples include, but are not limited to, guiding people who are blind, pulling a wheelchair, and alerting and protecting a person who is having a seizure. The work or task a service animal has been trained to provide must be directly related to the person’s disability. An animal fitting this description is considered a service animal under the ADA regardless of whether the animal is trained under a certified society or is licensed by state or local government.

In addition to service dogs, the ADA regulates miniature horses that have been trained to perform tasks for people with disabilities.

(C) An **emotional support animal** (“ESA”) is an animal that provides emotional support to alleviate one or more of the identified symptoms or effects of an

individual's existing disability. An ESA, whose sole function is to provide comfort or emotional support, does not qualify as a service animal under the ADA.

- (D) A **handler** is an individual with a disability who utilizes a service animal or an ESA.

102. Pets

- (A) This section of the Policy is not applicable to the use of service animals or emotional support animals.
- (B) The University does not offer a pet program to students. However, students may possess fish in one bowl or one tank (10 gallons or less) per room. Possession of any other pet is prohibited in any University residence facility. In the event of a conflict between the language of this Policy and the Code of Student Conduct, the Code of Student Conduct will be applied. Violations of this section will be resolved under the Code of Student Conduct.
- (C) Except for a service animal, employees may not bring any animal into any University building. However, area vice-presidents have discretion to allow brief, occasional visits from a pet that is properly restrained, licensed, and vaccinated, as required by state or local law. Employees who are provided University-owned housing because of their employment should consult the area vice-president or Human Resources Office to determine if pets are permitted in their residence.
- (D) Any individual, including guests and visitors, who uses any of the University's outdoor space with an animal must use proper restraints to maintain control of the animal. Although the University's property is privately owned, proper restraint of an animal complies with Ohio's leash laws and may protect owners from having their dog designated as a nuisance, dangerous, or vicious dog under Ohio law. The individual is also responsible for cleaning up and properly disposing of the pet's waste in an outside trash container.
- (E) In the event a pet causes any property damage or personal injury on University property, the owner is solely responsible for all damages.
- (F) Concerns about a pet's welfare or behavior should be reported to the University Police Department. An officer will conduct an inquiry and has discretion to allow the individual to correct the issue, remove the pet from University property, or issue criminal charges.

103. Service Animals

- (A) This section applies to any individual who requires the use of a service animal. This section is not applicable to the use of emotional support animals or the possession of pets.

- (B) Registration and documentation.** The University recommends, but does not require, registration of a service animal through the use of the Service Animal Registration Form. Handlers who choose to register are asked to provide a copy of current veterinary records and a color picture of the service animal along with the Service Animal Registration Form. Student-handlers may submit registration documents to the Disability Education Office (“DEO”), and employee handlers may submit registration documents to the Human Resources Office. Handlers who elect to register their service animals should do so on an annual basis.

The University may direct the handler to obtain and provide documentation of appropriate veterinary care as needed. However, the University shall not require documentation of certification, training, or licensure of a service animal.

(C) Rules and responsibilities for handlers.

- (1)** A handler must comply with all federal, state, and local laws for animal rights and owner responsibilities, including receipt of all required veterinary care and the display of any required identification tags. The University recommends that the animal wear appropriate identification at all times while on campus.
- (2)** A service animal may accompany its handler in all areas of the University’s property and buildings where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go; except for places where there is a health, environmental, or safety hazard or when the presence of the animal would fundamentally alter the nature of a service or program.
- (3)** The handler is responsible for the service animal’s well-being, care, and cleaning, including, but not limited to, regular feeding, bathing, grooming, daily care, and proper veterinary care. The handler is responsible to clean up all waste and dispose of it in appropriate outdoor trash containers. The University is not responsible for the cost of care necessary for the service animal’s well-being.
- (4)** The ADA stipulates that service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the handler’s disability prevents using these devices. In such a case, the handler must maintain control of the animal through voice, signal, or other effective controls. The handler must be in full control of their service animal at all times.
- (5)** The handler will be responsible for any personal injury or property damage caused by the service animal, beyond normal wear and tear to property. If the handler is a student, this includes damage to the student’s University-owned housing. The handler’s residence and/or workspace may be

inspected for fleas, ticks, pests, and/or damage once per semester, or as needed. If fleas, ticks, or pests are detected, the area will be examined and treated using industry-standard extermination techniques by a pest control service selected by the University. The handler will be billed for the expense of any such pest control treatment.

- (6) If a student-handler has a roommate, the handler should include the roommate in discussions about having a service animal in the room. The roommate has the right to object to the service animal in writing to the DEO. The University reserves the right to relocate either the handler or the roommate in order to reasonably accommodate the handler's use of the service animal.

(D) Behavior around service animals.

- (1) To limit an individual's exposure to repeated questioning about their service animal, which could have a discriminatory impact, employees should refrain from questioning a handler about a service animal. Any employee, including a student employee, who has reason to question whether an animal accompanying a handler in or on University property is a service animal should contact the DEO regarding a student-handler or the Human Resources Office regarding an employee-handler. Employees in those offices may ask the handler the following two questions:

- (a) is the animal a service animal that is required because of a disability, and
- (b) what work or task is the animal trained to perform?

- (2) **Prohibited behaviors.** Except as stated above, employees, including student employees, are prohibited from the following:

- (a) asking about the handler's disability;
- (b) requiring medical documentation;
- (c) requiring special identification or training documentation for the service animal; or
- (d) asking that the service animal demonstrate its ability to perform the work or task.

- (3) **General behavioral expectations.** Individuals should refrain from petting or feeding a service animal, separating a service animal from its handler, or startling or harassing a service animal. Any individual in possession of a pet or ESA is responsible to ensure that said pet or ESA does not startle or harass a service animal. Violations of this section may result in the removal of the pet or ESA from University property.

(E) Reporting concerns about service animals.

- (1)** If a service animal is aggressive toward its handler or others, or if any individual is aggressive toward or mistreating a service animal, contact University Police (740-826-8155).
- (2)** If another student (in housing or in class) or employee has a severe allergy to the service animal's dander, contact the DEO if the handler is a student or the Human Resources Office if the handler is an employee. Each situation is unique and will be resolved on a case-by-case basis.

(F) Removal of a service animal. The University may ask a handler to remove a service animal from the premises if the animal is out of control and the animal's handler does not take effective action to control it, or if the animal is not housebroken. If a service animal is removed from the premises under this section, the handler shall have the opportunity to participate in any service, program, or activity without having the service animal on the premises.

(G) Violation of this section. Members of the campus community who violate this section of the policy may be subject to disciplinary action: students, under the Code of Student Conduct, and employees under the Employee Handbook.

104. Emotional Support Animals

(A) Applicability. This section applies to any student who requests approval to register an emotional animal. Employees are not entitled to the use of an emotional support animal in their employment. This section is not applicable to the use of service animals or the possession of pets.

(B) DEO approval required.

No student may possess an ESA without approval from the DEO. Any ESA that has not been approved by the DEO will be removed from campus immediately.

Like all requests for reasonable accommodations, the determination of whether a student has a disability-related need for an ESA involves an individualized assessment. The DEO will evaluate all documentation to ensure it can accommodate the needs of the requesting student, as well as other students who may have allergies, asthma, fear of animals, etc. Handlers may be limited to certain housing options on campus to best serve all University students.

Upon receipt of all required documentation, the DEO will notify the student of its decision within 10 business days. If the DEO receives incomplete information, it will notify the student of the deficiency and allow a reasonable time for the student to supply the missing documentation.

(C) Requesting registration of an ESA.

- (1) To request registration of an ESA, a student must do all of the following:
 - (a) Complete a Request to Register Emotional Support Animal form. If the handler has a roommate(s), the handler must notify each roommate of the handler's intent to request the registration of an ESA and provide a copy of the ESA policy to the roommate(s). Each roommate must sign Section B of the Request to Register Emotional Support Animal Form. The DEO will document any objection made by a roommate, and the University reserves the right to relocate either the handler or any roommate to facilitate the handler's use of an approved ESA.
 - (b) Request for Information form. The form must be completed and signed by a physician, psychiatrist, or licensed social worker or mental health counselor who has examined, diagnosed, or treated the student within the prior 6 months. The form will inquire:
 - (1) whether the student has a disability; i.e., a physical or mental impairment that substantially limits one or more major life activities; and
 - (2) whether the student has a disability-related need for the ESA; i.e., the ESA works, provides assistance, performs tasks or services for the benefit of the student with a disability, or provides emotional support that alleviates one or more of the identified symptoms or effects of the student's existing disability.
 - (c) Veterinary records, which show the animal's age and the ESA's vaccination record. The student is responsible for maintaining current vaccinations consistent with Ohio law. If vaccinations expire during the academic year, the student must obtain proper veterinary care and send a copy of the updated veterinary record to the DEO. The University may request updated documentation at any time.
 - (d) Color photographs of the ESA, clearly showing the animal from the front, each side, and rear.
- (2) Registration expires at the end of each academic year. If an ESA will return to campus in a subsequent academic year, the handler must request registration at the beginning of each academic year through the process specified above.
- (3) If an ESA is no longer needed, the handler must notify the DEO in writing. If an ESA will be replaced with a different animal, the student must register the new animal as stated above.

(D) Rules and Responsibilities for ESA Handlers

- (1) An ESA is restricted to the handler's designated housing assignment and may not be taken into any other areas on campus.
- (2) The handler is responsible for the ESA's well-being, care, and cleaning, including, but not limited to, regular feeding, bathing, grooming, daily care, and proper veterinary care. The University has discretion to direct the handler to obtain and provide documentation of appropriate veterinary care as needed.
- (3) When an ESA is left unattended in a handler's room, the animal must be restrained in an enclosure appropriate for the animal, such as a cage, aquarium, crate, carrier, or kennel. An ESA may not be left alone overnight in campus housing without the handler.
- (4) Any animal approved as an ESA must be "housebroken," and any dog or cat must be at least 12 months old at the time of registration. The animal must be trained to urinate and defecate in designated areas only. Handlers are required to promptly and properly dispose of all animal waste in appropriate outside trash containers.
- (5) When transporting an ESA outside of the handler's residence, the animal must be controlled by the handler using standard restraints, such as a collar/harness and leash or carrier. ESAs are not permitted to run freely on University property. In the event that the ESA is a dog, proper restraint of a dog complies with Ohio's leash laws and protects handlers from having their dog designated as a nuisance, dangerous, or vicious dog under Ohio law.
- (6) The handler is responsible for assuring the appropriate behavior of the ESA at all times. Upon receipt of a report alleging inappropriate behavior by an ESA, the University will review the totality of the circumstances to determine an appropriate outcome, as stated in section 104(E).
- (7) The handler will be responsible for any damages caused by the ESA to the handler's residence or other property, beyond normal wear and tear. Likewise, the handler will be responsible for any personal injury caused by the ESA. "Other property" includes, but is not limited to, property owned by the University, another student, or any member of the University community, including visitors and guests.
- (8) The handler's residence may be inspected for fleas, ticks, pests, and/or damage once per semester, or as needed. If fleas, ticks, or pests are detected, the residence hall will be treated using industry-standard extermination techniques by a pest control service selected by the University. The student will be billed for the expense of any such pest control treatment.

- (E) Reporting concerns and policy violations.** Concerns about a handler's treatment of an ESA, violations of this section of the Policy, or concerns about ill, odorous, unsanitary, disruptive, or aggressive ESAs should be reported to Student Affairs personnel. Upon receipt of a report, Student Affairs will perform a prompt inquiry, which may include entry to any housing area by Student Affairs personnel and/or University Police. If the report is substantiated or other negative conditions regarding the ESA are observed, the Associate Vice President of Student Affairs ("AVPSA") will consider the facts, the risk to health or safety of the animal or community, and any other appropriate information to determine an outcome. The AVPSA may allow the handler to correct the issue, or the animal may be removed from campus. Documentation of the outcome and rationale therefore shall be written by the AVPSA and maintained in the student's file at the DEO.

105. General Provisions.

- (A)** From time to time, the University may use pesticides, pest control devices, de-icing materials, cleaning supplies, or other materials for the safety and maintenance of University Property. The University is not responsible for any harm to any animal that may be caused by any such materials.
- (B)** Proper administration of this Policy may require private information to be shared between education partners on campus, including, but limited to, DEO, Student Affairs, Human Resources, University Police, and Compliance & Risk Management personnel. Employees in these offices will maintain the privacy of those involved.