

ADMINISTRATIVE PROCEDURE

ADMIN-9

Procedure for Animals on Campus

Number: Admin-9	Name: Procedure for Animals on Campus
Purpose: This administrative procedure sets the requirements and procedure for students with assistance animals on campus. In addition, it covers the procedure for having therapy animals on campus.	
Responsible Unit: Student Affairs	
Approved by:	Approval Date:

1. General

- 1.1 Establishes the guidelines for having assistance animals, therapy animals, and pets on campus in order to provide 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.

2. Definitions

- 2.1 **Pets:** Any animal kept for ordinary use and companionship. Assistance animals (service and support animals) and therapy dogs, as defined below, are not considered pets.
- 2.2 **Assistance Animals:** The term "assistance animal" is the overarching term that refers to both service animals as well as support animals as defined below. Therefore, an assistance animal is an animal that either: (1) works, provides assistance, or performs tasks for the benefit of a person with a disability; or (2) provides emotional or other type of support that alleviates one or more identified symptoms or effects of a person's disability.
 - 2.2.1 **Service Animals:** Any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the person's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition. Species other than dogs (or, in some cases, miniature horses), are

not considered service animals for the purpose of this definition of a service animal.

2.2.2 Support Animals: An animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, support animals are not required to be trained to perform work or tasks, and they include species other than dogs and miniature horses. Therapy Animals, as defined herein, are not considered Support Animals.

2.3 Therapy Animals: An animal that has been specifically trained to provide emotional assistance, affection, and comfort to people in hospitals, nursing homes, schools, and other institutions. Applies to certified therapy dogs through Therapy Dogs International, Alliance of Therapy Dogs, or another equivalent organization.

2.4 Therapy Dog Handler: An Individual who is responsible for and in control of a therapy dog.

2.5 Director of Disability Services: The individual designated by the Vice President of Student Affairs to manage and oversee the provision of disability services at Marshall University.

2.6 Domestic animal: Any bird, reptile, feline or any other mammal kept as a pet.

2.7 Dog owner: Anyone who brings a dog on campus.

2.8 Dog: A domesticated dog.

2.9 University housing: Shall refer to university buildings and grounds owned, leased, operated, controlled, or supervise by the department of Housing and Residence Life, including, but is not limited to, residence halls, offices, work areas, or stairwells.

2.10 Prescribing Professional: A physician, psychiatrist, social worker, or mental health worker that advises and authorizes the use of a medication or treatment for someone.

3. Support Animal Approval Process

3.1. Support Animals are not permitted to accompany persons with disabilities in all areas of Marshall University, but are allowed to reside in University Housing.

3.2. In order for a student to get approval for their support animal, the student must:

3.2.1. Complete a request for an Emotional Support Animal with the Office of Disability Services. Located on their website, <https://www.marshall.edu/disability/request-for-emotional-support-animal/>.

3.2.2. Provide the Proscribing Professional Emotional Support Animal Evaluation (Exhibit A) when making the request.

3.2.3. Receive approval from the Office of Disability Services.

- 3.2.4. Upon approval, and before the support animal will be permitted in University Housing, the student must complete and sign the Residence Hall Responsibilities for Residents with Assistance Animals (Exhibit B).
- 3.2.5. Request for Support Animals should be made with the Application for University Housing or as soon as practicable thereafter.
- 3.2.6. Request for multiple Emotional Support Animals will be denied unless it is well documented that a need exists for more than one Emotional Support Animal.
- 3.3.** Marshall University retains the right to pose restrictions or deny a request for a support animal if the presence of the animal is unreasonable and/or a direct threat to the health or safety of others.
- 3.4.** A Support Animal is unreasonable if:
 - 3.4.1 The animal imposes an undue financial and/or administrative burden upon the University;
 - 3.4.2 The animal fundamentally alters the nature of a program, service, or activity;

The animal would cause substantial property damage to the property of others, including University property;
 - 3.4.3 The size of the animal is too large for available assigned housing space;
 - 3.4.4 The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
 - 3.4.5 The animal is unable to live with other people or animals.
- 3.5.** A Support Animal is a direct threat to the health or safety of others if the animal acts in a dangerous or aggressive manner towards people or other animals.
- 3.6.** For Faculty or Staff residing in residence halls, accommodation should be directed to the Human Resources Office for a determination.

4. Therapy Animals

- 4.1 Therapy Animals are permitted outdoors on university property at all times, but must receive approval through the Office of Public Safety to be allowed in University buildings.
- 4.2 Therapy animal handlers are responsible for the therapy animal, and must keep the animal on a harness, leash, or other tether at all times, maintain control of the animal, and properly clean up and dispose of waste from the animal.
- 4.3 Therapy animals are not allowed to be left alone or stay overnight on University property without prior approval from the Office of Public Safety.

- 4.4 The Office of Public Safety will establish on a case by case basis the conditions upon which a Therapy Animal will be permitted in University buildings.
- 4.5 The Office of Public Safety reserves the right to require documentation of training for the Therapy Animal.
- 4.6 The Office of Public Safety retains the right to approve, deny or rescind any request for a Therapy Animal on campus.
- 4.7 The Office of Public Safety reserves the right to order a Therapy Animal to be removed from campus if it poses a danger to the University community or is not being kept as required by this procedure or the Office of Public Safety.

5. Service Animals

- 5.1 Service Animals are permitted to accompany people with disabilities in all areas of Marshall University without approval from the Office of Disability Services as long as:
 - 5.1.1 Service animal is housebroken (i.e. trained so that it controls its waste elimination, absent illness or accident)
 - 5.1.2 Service animal is kept under control by a harness, leash, or other tether. If the person is unable to hold those or they interfere with the service animal's tasks, then the service animal must be kept under control by voice, signals, or other effective means.
- 5.2 It is not unreasonable to require proof of proper training in form of written assertion by dog's trainer to show that the dog has been trained to perform specific tasks. Refer to Marshall University BOG Policy No. GA-15, Animals on Campus.
- 5.3 Service Animals in training are only permitted in the same area as pets.

6. Pets

- 6.1 Pets are not permitted in buildings at any time without prior authorization, but dogs are permitted outdoors on university property as long as:
 - 6.1.1 The dog is kept on a harness, leash, or other tether and is under the control and possession of the owner at all times.
 - 6.1.2 The dog owner cleans up and properly disposes waste from the dog.
 - 6.1.3 The dog has proof of current immunization against disease, including rabies, distemper, and parvovirus.
 - 6.1.4 The dog wears a current rabies vaccination tag.

7. Regulations/Exceptions

- 7.1 Guidelines for member of the Marshall Community:
 - 7.1.1 Allow service animals to accompany people with disabilities on campus;

- 7.1.2 Do not ask for details about a person's disability except for:
 - 7.1.2.1 Is the dog required because of a disability?
 - 7.1.2.2 What work or task has the dog been trained to perform?
- 7.1.3 Do not pet an assistance animal, as it distracts the animal from its work;
- 7.1.4 Do not feed any animal, only the Owner may feed an animal;
- 7.1.5 Do not deliberately startle, tease, or taunt an animal; and
- 7.1.6 Do not separate or attempt to separate a person from his/her assistance animal.

7.2 See also, Marshall University BOG Policy No. GA-15, Animals on Campus.

8. Removal of Animals

8.1 Any animal may be removed if:

- 8.1.1 The animal is out of control and effective action is not taken to control it;
- 8.1.2 The animal is not housebroken, or the owner fails to adequately clean;
- 8.1.3 The animal poses a direct threat to the health and safety of others;
- 8.1.4 The animal acts in a dangerous or aggressive manner.

8.2 Marshall University will make an individualized assessment in the removal of each animal.

8.3 Any dog that does not have current vaccinations will be removed by the University.

8.4 An animal will be removed if the owner of that animal fails to follow proper University policy and procedure.

9. Appeal

9.1 **Denial or Removal of Student's Assistance Animal.** Students who have had an assistance animal denied or removed from campus have the right to initiate an appeal to the Vice President of Student Affairs or his/her designee within ten (10) days of the adverse action.

- 9.1.1 Student must provide a written request to the Vice President of Student Affairs or his/her designee for an appeal based on his/her concerns of the denial or removal of their assistance animal.
- 9.1.2 The student must provide a copy of the decision of the Office of Disability Services.

- 9.1.3 Students are not allowed to have their support animal that has been denied or removed on campus during the appeal process.
 - 9.1.4 The student is responsible to identify the nature of their appeal (failure of judgment, failure of process, or failure of information) and to explain why they believe the determination made by the Office of Disability Services was erroneous.
 - 9.1.5 The Vice President of Student Affairs or his/her designee has the responsibility to consider the student's request and reply in a timely manner and must clearly explain the reasoning behind their decision.
 - 9.1.6 The Vice President of Student Affairs or his/her designee shall render his/her decision, in writing, within thirty (30) calendar days of receiving the appeal.
- 9.2 Students may appeal the decision of the Vice President of Student Affairs to the Provost.
- 9.2.1 The student must provide a written request to the Provost for an appeal based on his/her belief that the decision of the Vice President of Student Affairs failed to accommodate based on either judgment or process.
 - 9.2.2 The student must provide a copy of the Vice President of Student Affairs decision.
 - 9.2.3 The Provost or his/her designee has the responsibility to consider the student's request and reply in a timely manner and must clearly explain the reasoning behind their decision.
 - 9.2.4 The Provost or his/her designee shall render his/her decision, in writing, within thirty (30) calendar days of receiving the appeal.
 - 9.2.5 The decision of the Provost shall be final.
- 9.3 Students are not allowed to have their support animal that has been denied or removed on campus during the appeal process.
- 9.4 **Denial or Removal of Therapy Animal or other Animal on Campus.** Any person who has had an animal denied or removed from campus by the Office of Public Safety has the right to initiate an appeal to the Senior Vice President of Executive Affairs or his/her designee within ten (10) days of the adverse action.
- 9.4.1 Student must provide a written request to the Senior Vice President of Executive Affairs or his/her designee for an appeal based on his/her concerns of the denial or removal of their animal.
 - 9.4.2 The student must provide a copy of the decision of the Office of Public Safety.
 - 9.4.3 The student is responsible to identify the nature of their appeal (failure of judgment, failure of process, or failure of information) and to explain why they believe the determination made by the Office of Public Safety was erroneous.

- 9.4.4 The Senior Vice President of Executive Affairs or his/her designee has the responsibility to consider the student's request and reply in a timely manner and must clearly explain the reasoning behind their decision.
- 9.4.5 The Senior Vice President of Executive Affairs shall render his/her decision, in writing, within thirty (30) calendar days of receiving the appeal.
- 9.4.6 The decision of the Senior Vice President of Executive Affairs shall be final.

Exhibit A



Proscribing Professional Emotional Support Animal Evaluation

Once completed by the prescribing professional, this form should be returned to Marshall University's Office of Disability Services by fax at (304) 696-2288, by email at wyant2@marshall.edu, or by mail at Prichard Hall 119, 1 John Marshall Drive, Huntington, WV 25755.

Student's Name: _____

The above-named student indicated that you are the prescribing professional (e.g., physician, 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:

Emotional Support Animal Information:

Name of ESA: _____

Type of Animal: _____ Age of ESA: _____

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?)

Does the student require ongoing treatment?

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

Information about the Proposed ESA:

Is this an animal that you specifically prescribe as part of treatment for the student, or is it a pet that you believe will have a beneficial effect for the student while in residence on campus?

What symptoms will be reduced by having the ESA?

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

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?

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?

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: _____

Address: _____

Telephone: _____

FAX and/or Email address: _____

Professional Signature: _____

License #: _____

Date: _____



Residence Hall Responsibilities for Residents with Assistance Animals

This agreement provides clarification and guidance for the student and staff where an assistance animal has been approved to live in a residence hall via the Office of Disability Services (ODS).

1. This agreement is in regard to the housing accommodation for _____, for assignment to _____ permitting the presence and use of an assistance 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 Office of Disability Services.
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. Support Animals must have an identification tag anytime it is taken outside of the residence hall room.
5. A service animal is permitted in all areas of Marshall University. Refer to Marshall University BOG Policy No. GA-15, Animals on Campus.
6. The resident is responsible for the proper care of the an assistance animal including but not limited to adequate feeding, cleaning & upkeep of the room, disposal of waste, and any applicable veterinary care. Veterinarian-recommended vaccinations to maintain the animal's health and prevent contagious diseases are required. The resident must provide documentation to University Housing of their animal's shots during the academic school year(s) their animal is attending. Animal waste should be placed in a plastic bag, tied, and disposed of in an outside dumpster.
7. The resident must also make proper arrangements for the care or removal of the support animal during break periods when the hall is closed or when s/he will be away from their room for an extended period of time.
8. Information about a student'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 assistance animal. It is up to the resident to choose what information, if any, he/she wishes to share.
9. The resident will be responsible for discussing the presence of and expectations for the assistance 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.

10. The resident should be aware of and sensitive to the diverse levels of comfort other students will have with the presence of an assistance 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, he/she 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.
11. At no time can an assistance 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.
12. The resident understands that he/she is responsible for any damage(s) caused by and/or associated with the assistance animal. The owner is financially responsible for the actions of the assistance animal including bodily injury or property damage not limited to above and beyond normal cleaning and any replacement of furniture, carpet, drapes, or wall covering, etc. The owner is expected to pay these costs upon repair and/or move-out.
13. 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.
14. The resident must notify University Housing in writing if a 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 he/she wishes to bring in a new/different support animal in substitution of the previous support animal.
15. Should an assistance animal be removed from the premises for any reason, the resident is expected to fulfill his/her housing obligations for the remainder of the Housing Contract.
16. 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 Office of Disability Services. The person making the complaint must provide verifiable medical documentation to support his or her claim. Action will be taken to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.
17. 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 Disability Services will collaborate on a solution, taking into consideration the needs of both students.
18. If conflicting disabilities exist, each situation will be reviewed by HRL and ODS 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, he/she will not be charged a higher rent rate for the remainder of the academic term.

19. The resident agrees to continue to abide by all Housing and Residence Life and University animal policies.

By signing below, I acknowledge and verify that I have read, understand and will abide by the Resident Responsibilities outlined here.

Resident Name (Printed)

RD Name (Printed)

Resident Signature

RD Signature

Date valid

Date valid

Original to HRL
Copy to Student
Copy to RD