

Effective: March 18, 2024

Human Resources Policy
SERVICE AND ASSISTANCE/EMOTIONAL SUPPORT ANIMAL POLICY FOR
STUDENTS, FACULTY AND STAFF WITH DISABILITIES

Approved: March 18, 2024 President's Cabinet

Purpose: The purpose of this policy is to comply with the Fair Housing Act (FHA), Section 504 of the Rehabilitation Act of 1973, and other federal, state, and local directives that require that qualified handicapped individuals not be excluded from participation in, be denied the benefits of, or be discriminated against in any program or activity that receives federal financial assistance.

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Service Animal

Any dog (or in some cases miniature horses) 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 and meets the definition of “service animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual’s disability. In the case of service dogs, breed, size and weight limitations may not be applied.

Miniature Horses: Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.

(1) **Reasonable modifications.** Millersville University shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

(2) **Assessment factors.** In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, Millersville University shall consider:

- The type, size, and weight of the miniature horse and whether the facility can accommodate

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4. Conflicting Disabilities

Some people may have allergic reactions to animals that are substantial enough to qualify as disabilities. Millersville University will consider the needs of all persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Millersville University reserves the right to make an interim accommodation while determining appropriate measures to address the conflict. Millersville University maintains the authority and ability to relocate roommates as needed. Contractual obligations will be honored in such cases. Students experiencing a severe allergic reaction to the presence of an animal may

Assistance/emotional support animals are permitted to reside in University housing with persons who have documented disabilities and only in the person's housing environment. Assistance/emotional support animals are not permitted to accompany their handler in other University facilities. Before an assistance/ emotional support animal may move into University housing with a person with a disability, the person must submit a request to the Office of Learning Services and the Department of Housing and Residential Programs.

Requests must be submitted for review no later than 30 days prior to moving into a residence hall unless circumstances do not allow. Requests for assistance animals/emotional support animal must include the following:

- The person qualifies as a person with a disability, i.e., has a physical or mental impairment that substantially limits one or more major life activities; and
- The assistance animal/emotional support animal is necessary to afford the person with a disability an equal opportunity to use and enjoy University housing; and
- There is an identifiable relationship or nexus between the disability and the assistance or emotional support that the animal provides. Documentation must clearly identify the student's disability diagnosis, a baseline and established benefit of the animal to the symptoms of the disability. Documentation that does not establish a therapeutic relationship and simply recommends the animal or certifies identifying the animal as "certified emotional support animals" will be insufficient. While assistance animals/emotional support animals are generally not allowed in Millersville University, other than in a residence hall, a person with a documented disability may request approval from the Office of Learning Services to allow the assistance animal/emotional support animal to accompany the person to other parts of the campus. Faculty and staff should contact the Office of Human Resources. Requests will be considered on a case

a. Assistance/Emotional Support Control Requirements

- Compliance with local ordinances and state laws regarding licensing, vaccination, and owner identification must be maintained.
- Students must provide documented evidence of the animal's current vaccinations, which must be updated each year the animal is in residence.
- Keeping the animal under control and taking effective action when it is out of control.
- The animal should respond to voice or hand commands at all times and be in full control of the handler.
- To the extent possible, the animal should be unobtrusive to other individuals and the learning, living, and working environments.
- Only one animal will be permitted and may not be placed on or come in direct contact with University furniture outside the residence hall room unless it is in a cage, on the student's lap or in the student's arms.
- Animals may not be unattended in the residence hall room for more than 8 consecutive hours at a time. The animal must be removed from University premises during break periods or at any time when the student is not physically present for longer than 8 consecutive hours.

b. Animal Etiquette

To the extent possible, the handler should ensure that the animal does not:

- Display any behaviors or noises that are disruptive to others, unless they are part of the assistance/emotional service being provided to the handler.
- Block an aisle or passageway for fire egress.

c. Waste Cleanup Rule

Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically or emotionally able to clean up after the animal, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal. The person cleaning up after the animal should abide by the following guidelines:

- Have supplies sufficient to clean up the animal's feces/urine whenever the animal is in the residence halls.
- Properly dispose of waste and/or litter in appropriate containers.
- Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler.

Millersville University will not assess any surcharges or fees for assistance (ol)-22 (l)-(s)

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address the conflict. Millersville University maintains the authority and ability to relocate roommates as needed. Contractual obligations will be honored in such cases. Students experiencing a severe allergic reaction to the presence of an animal may request disability accommodations by contacting the Office of Learning Services.

6. Emergency Response

In the event of an emergency, the Millersville University Emergency Response Team (MU-ERT) that responds should be trained to recognize assistance/ emotional support animals that are not limited to dogs and miniature horses and be aware that the animal may be trying to communicate the need for help. The animal may become disoriented from the smell of smoke in a fire emergency, from sirens or wind noise, or from shaking and moving ground. The handler or animal may be confused from the stressful situation. The MU-ERT should be aware that the animal is trying to be protective and, in its confusion, is not to automatically be considered harmful. The MU-ERT should make every effort to keep the animal with its handler. However, the MU-ERT's first effort should be toward the handler; this may necessitate leaving the animal behind in certain emergency evacuation situations.

Part IV: Policy on Puppy Raisers, Handlers and Trainers in University Housing

In compliance with applicable law, Millersville University allows service animals in training in its

- Students will be financially responsible for any damage caused by the animal as well as any charges the University incurs due to boarding the animal in the student's absence or the student's failure to comply with the emergency plan of action.
- Animals may not be unattended in the residence hall room for more than 8 consecutive hours at a time. The animal must be removed from University premises during break periods or at any time when the student is not physically present for longer than 8 consecutive hours.
- Only one puppy per student will be permitted at a time and may not be placed on or come in d Tw (uj0.2 o78 i2ct)TJ0 Tc 0 Tw 2.28 0 Td()Tj-0.004 Tc 0.004 Tw 0.23 0 Td(co

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b. Puppies in Training Requirements for Student Employees in Residence

Millersville student employees of University housing (Residence Assistant – RA) will

be permitted to have a puppy raised on campus (adults) (0.2) (Tj) 0.1003 (0.933) (w) (a) 4 (0) (T) (fr charges the University incu o3 (s)-1 (due)4 (t)-2 (o bo)-10 (a)4 (r)3 (di)-2 (ng t)-2 (he)4 ()-

c. Puppy

d. Waste Cleanup Rule

Cleaning up after the puppy is the sole responsibility of the handler or trainer. In the event that the handler or trainer is not able to clean up after the puppy, it is then the responsibility of the handler or trainer to hire someone capable of cleaning up after the puppy. The person cleaning up after the puppy should abide by the following guidelines:

- Have supplies sufficient to clean up the puppy's feces/urine whenever it is in the residence halls.
- Properly dispose of waste in appropriate containers.
- Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler or trainer.

Millersville University will not assess any surcharges or fees for puppies in training; however, a handler or trainer may be charged for damage caused by the puppy that is consistent with the Student Code of Conduct.

Part V: Pets/Non-Service Animals

Consistent with this policy, pets and all non-service animals (including emotional support animals) are not permitted in classroom buildings, at academic activities, faculty offices, administrative offices or any nonresidentiprp (e)T4 (U)2 (ni)-2 trsiy wientj (r)3 ,nx(i)-2 (c)4p(e)4 (nt)(a)/H1 A

Part VIII: Damages to University Property

Service animal handlers and ESA owners are responsible for expenses incurred for above standard cleaning and for repairs of any damages to university facilities caused by their animal. If fleas, ticks or other pests are detected in residential facilities through inspections, the residence will be treated using approved fumigation methods by a university approved pest control service. The Handler/Owner will be billed for the expense of any necessary pest control treatment.

Part IX: Neglect or Abuse

Service animal Handlers and ESA Owners are responsible for ensuring that their animals are well cared for. Any concerns about neglect should be directed to the Learning Services S2 (he)9 (e)4 (a)4 (r)3[