



## **OP 91.123: SERVICE, EMOTIONAL SUPPORT, & THERAPY ANIMALS**

### **PURPOSE**

To establish standard practices and procedures for service animals, emotional support animals, and therapy animals on campus as required under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and other applicable laws and regulations.”

### **POLICY**

In compliance with applicable law, Mississippi State University generally allows service animals in its buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied by an individual with a disability who indicates the service animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. Service animals may be permitted in certain circumstances following the procedure below.

Mississippi State University may not permit service animals when the animal poses a direct threat to the life, health, safety or welfare of the University community or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. Mississippi State University will make those determinations on a case-by-case basis.

### **DEFINITIONS**

**Handler:** A person with a disability that a service animal assists or personal care attendant who handles the animal for a person with a disability

**Service Animal:** Any dog\* 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 ADA regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual’s disability.

Examples include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

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

Emotional Support Animal (ESA): An ESA is an animal that is necessary to afford the person with a disability an equal opportunity to use and enjoy University housing. An ESA may provide physical assistance, emotional support, calming, stability and other kinds of assistance. ESAs do not perform work or tasks that would qualify them as “service animals” under the ADA.

## **PROCEDURES**

### **I. Service Animals**

#### **A. Inquiries Regarding Service Animals**

In general, Mississippi State University will not ask about the nature or extent of a person’s disability but may make two inquiries to determine whether an animal qualifies as a service animal. Mississippi State University may ask:

- 1) If the animal is required because of a disability and;
- 2) What work or task the animal has been trained to perform.

Mississippi State University cannot require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, Mississippi State University may not make any inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Specific questions related to the use of service animals on the Mississippi State University campus by visitors can be directed to the Director of the Disability Resource Center (DRC), (662) 325-3335.

#### **B. Responsibilities of Handlers**

Employees who wish to bring a service animal to campus are encouraged to work through Human Resources Management to ensure that the proper accommodations are obtained. Students who wish to bring a service animal to campus are strongly encouraged to partner with Disability Resource Center, especially if other academic accommodations are required. The voluntary registration of a service animal with the DRC can assist in the communication with instructors or others of the need for the service animal. Voluntary registration of the service dog will permit the student to get an MSU ID card for the service dog. Additionally, students who plan to live in on-campus housing with a services animal are required to provide current vaccination records to inform Housing & Residence Life that the service animal residing in on campus housing is properly vaccinated. Advance notice of a service animal for on-campus housing may allow more flexibility in meeting student’s specific requests for housing.

Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the handler at all times.

1. Service Animal Control Requirements:

- a. The animal should be on a leash when not providing a needed service to the partner.
- b. The animal should respond to voice or hand commands at all times and be in full control of the handler.
- c. To the extent possible, the animal should be unobtrusive to other individuals and the learning, living, and working environment.
- d. Identification – It is recommended that the animal wear some type of commonly recognized identification symbol, identifying the animal as a working animal, but not disclosing disability.

2. Animal Etiquette

- a. To the extent possible, the handler should ensure that the animal does not:
- b. Sniff people, restaurant tables or the personal belongings of others.
- c. Display any behaviors or noises that are disruptive to others unless it is part of the service being provided to the handler.
- d. Block an aisle or passageway for fire egress.

3. Waste Cleanup Rule

- a. Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically 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:
- b. Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
- c. Properly dispose of waste and/or litter in appropriate containers.
- d. Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler.

### **C. Removal of Service Animals**

Service Animals may be ordered removed by the Mississippi State University for the following reasons:

1. Out of Control Animal:

A handler may be directed to remove an animal that is out of control and the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any university facility until the handler can demonstrate that s/he has taken significant steps to mitigate the behavior.

2. Non-housebroken Animal:

A handler may be directed to remove an animal that is not housebroken.

3. Direct Threat:

A handler may be directed to remove an animal that Mississippi State University determines to be a direct threat to the life, health, safety, or welfare of the University community. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories or mechanical or industrial areas.

Where a service animal is properly removed pursuant to this policy, Mississippi State University will work with the handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the service animal on the premises.

### **D. Conflicting Disabilities**

Some people may have allergic reactions to animals that are substantial enough to qualify as disabilities. Mississippi State University will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Students requesting allergy accommodations should contact the Disability Resource Center. Faculty or staff requesting disability accommodations should contact Human Resources Management.

### **E. Emergency Response**

Emergency Situations - In the event of an emergency, the emergency response team (ERT) that responds should be trained to recognize service animals 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 or laboratory emergency, from sirens or wind noise, or from shaking and moving ground. The handler or animal may be confused from the stressful situation. The ERT should be aware that the animal is trying to be

protective and, in its confusion, is not to automatically be considered harmful. The ERT should make every effort to keep the animal with its handler. However, the ERT's first effort should be toward the handler; this may necessitate leaving the animal behind in certain emergency evacuation situations.

## **F. Service Dogs in Training**

A dog being trained has the same rights as a fully trained dog when accompanied by a trainer and identified as such in any place of public accommodation. Handlers of service dogs in training must also adhere to the requirements for service animals and are subject to the removal policies as outlined in this policy.

## **G. Hazard Environments**

Certain environments across campus, notably including laboratories, pose hazards that present a risk to service animals. Some example hazards include, but are not limited to:

- Chemical hazards that may present harm during standard use or in the event of an accident or spill.
- Biological materials that may be directly hazardous to the service animal or present a risk of environmental spread by means of the service animal.
- Risk of exposure or contamination with radioactive materials.
- Laser radiation exposure from class 3b or 4 lasers.
- Broken glass or dropped glassware.
- High noise environments that require the use of hearing protection.
- Moving equipment or pinch points that can injure the service animal.
- Environments such as animal containment laboratories or veterinary clinical settings where the service animal may adversely interact with research or client-owned animals.

In conjunction with Environmental Health and Safety (EH&S) and the DRC, a risk assessment will be performed for all service animals that will work in laboratory settings, clinical settings, or other hazardous environments.

Upon completion of the risk assessment by EH&S, findings and recommendations will be passed along to the DRC for review. If risks can be mitigated per EH&S recommendations, the DRC will authorize the service animal to work in the hazardous environment in full accordance with the details outlined in the risk assessment.

In addition to the specific mitigation efforts risk assessment, the following overarching requirements must be met to allow service dogs in hazardous environments:

- a. The handler, not the University, is responsible for the service animal's care and supervision.
- b. All hazard mitigation efforts as detailed in the risk assessment must be adhered to. Notably, areas that require personnel to wear PPE also extend to the service

animal.

However, if risks cannot be feasibly mitigated, the hazardous environment is deemed inherently unsafe for the service animal, and the proposed activities will not be authorized.

## **II. Emotional Support Animals in Housing and Residence Life**

Housing & Residence Life will allow an emotional support animal if certain conditions are met. The animal must be necessary to afford the resident with an equal opportunity to use the residence and there must be an identifiable relationship between the resident's disability and the assistance the animal provides. Generally, ESAs are common household pets, meaning a domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. Common household pet does not include reptiles (except turtles). An animal prohibited by state or local laws will not be permitted as an ESA. An accommodation is unreasonable if it presents an undue financial or administrative burden on the University, poses a direct threat to the life, health, safety, or welfare of the university community or constitutes a fundamental alteration of the nature of the service or program.

Each of the following steps are required for consideration of an assistance (ESA) animal in Housing & Residence Life:

- a. Submit medical/reasonable documentation from a licensed medical/psychotherapy professional to Disability Resource Center.
- b. Complete an accommodation request and submit the required forms to the Disability Resource Center. Information can be found at [www.drc.msstate.edu/students/housing-accommodations](http://www.drc.msstate.edu/students/housing-accommodations). The ESA forms are linked on that page.
- c. Complete the online housing application through the MyState portal upon being admitted to the University.
- d. Sign the housing contract for Housing & Residence Life.

If the request for an ESA is made fewer than 60 days before the individual intends to move into University housing, MSU cannot guarantee that it will be able to meet the individual's ESA accommodation needs during the first semester or term of occupancy.

If the need for the ESA accommodation arises when an individual already resides in University housing, he/she should submit the accommodation request as soon as practicably possible. MSU cannot guarantee that it will be able to meet the ESA accommodation needs during the semester or term in which the request is received.

There must be a link between the animal and the resident's disability. Any student approved for an emotional support animal in Mississippi State University Housing and Residence Life facilities must also meet HUDs requirements/policies for animal health and behavior as well as their University Housing & Dining Contract. Animals requiring vaccinations must be fully vaccinated before being considered to be permitted to be in university housing.

Mississippi State University has the authority to temporarily or permanently exclude an

emotional support animal from its grounds or facilities. The following are some, but not all, reasons that an emotional support animal may not be approved, or the approval of the accommodation may be revoked:

- Space needed for the cage/crate in which the animal will be housed is too large for available assigned housing space
- Animal would force another individual from housing (possibly due to a severe allergy)
- Animal violates others' rights to a peaceful and quiet enjoyment
- Animal not housebroken or unable to live with others reasonably
- The animal poses health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting.
- Animal's vaccinations are not up to date
- Animal poses or has posed a direct threat (aggressive behavior or injuring others). If the animal is responsible for a single occurrence of a bite to a person or animal, it will be required to be removed from campus.
- Animal causes/has caused excessive damage (beyond what would be considered normal wear & tear in university housing)
- Improper care or treatment of the animal could result in revocation of approval of the emotional support animal accommodation.
- Animal is too young to be successfully integrated into the communal housing setting that includes ongoing noise and distractions, and long periods of time being alone while caged/crated.
- Animal behavior is unruly, disruptive, or out of control.
- Animal is in ill health or habitually unclean

### **III. Therapy Animals on Campus**

Therapy animals, sometimes described as comfort animals, can include a variety of animals that may serve as comfort to individuals. A sponsoring department on campus interested in bringing therapy animals to campus to provide an opportunity for students, staff, and/or faculty to interact with the animals for a limited amount of time on a specific date must seek approval through the event management process. Any event with therapy animals should be confined to a clearly defined area fostering safety for both the animals and campus community, and the standard contracting process should be used before bringing them to campus.

### **IV. Other Animals**

For further policies on animals on campus see Operating Policy 56.04 which provide guidelines for the presence and control of personally owned animals (i.e., pets) on campus. If there is any conflict of inconsistency between this Policy and its application and OP 56.04 this policy shall control.

### **APPEALS AND GRIEVANCES**

If a student or guest to the university is dissatisfied by a decision concerning a service animal or emotional support animal and wishes to file an appeal, the student or guest may submit a written

appeal to the Director of the Disability Resource Center. If a staff or faculty member wishes to file an appeal, they should submit a written appeal to Director of Human Resources. If a student, staff, faculty, or guest to the university feels he or she has suffered discrimination or harassment based on his or her disability, he or she is encouraged to file a grievance under the University's Discrimination, Harassment, and Retaliation Policy (OP 03.03). The student can also contact the Director of Civil Rights Compliance at 662-325-5839.

### **REVIEW**

The Vice President for Student Affairs is responsible for the review of this operating policy every four years or as needed.



**REVIEWED:**

/s/ Regina Hyatt  
Vice President for Student Affairs

09/14/2023  
Date

/s/ Tracey N. Baham  
Associate Vice President, Institutional Strategy & Effectiveness

09/15/2023  
Date

/s/ Joan Lucas  
General Counsel

09/25/2023  
Date

**APPROVED:**

/s/ Mark E. Keenum  
President

11/27/2023  
Date