



OP 91.123: Service & Assistance Animals

PURPOSE

To provide guidelines for Service & Assistance Animals as outlined under Section 504 of the Rehabilitation Act of 1973 (“Rehabilitation Act”) and the Americans with Disabilities Act as amended (ADA).

POLICY/PROCEDURE

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. (For policies regarding assistance animals – including emotional support animals - that do not meet the definition of a "service animal," please see the section below entitled Policy on Assistance Animals.)

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.

Assistance Animal: An assistance animal is one that is necessary to afford the person with a disability an equal opportunity to use and enjoy University housing. An assistance animal may provide physical assistance, emotional support, calming, stability and other kinds of assistance. Assistance Animals do not perform work or tasks that would qualify them as “service animals” under the ADA. Assistance animals that are not service animals under the ADA may still be permitted, in certain circumstances, in University Housing pursuant to the Fair Housing Act.

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 ADA Coordinator in the Office of Disability Support Services, (662) 325-3335.

B. Responsibilities of Handlers

Students who wish to bring a service animal to campus are strongly encouraged to partner with Disability Support Services, especially if other academic accommodations are required. Additionally, students who plan to live in on-campus housing are strongly encouraged to inform Housing & Residence Life that they plan to have a service animal with them in student housing. Advance notice of a service animal for on-campus housing may allow more flexibility in meeting student’s specific requests for housing. Staff and faculty with service animals are strongly encouraged to contact the Office of Disability Support Services.

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

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

- a. Sniff people, restaurant tables or the personal belongings of others.
- b. Display any behaviors or noises that are disruptive to others, unless part of the service being provided the handler.
- c. Block an aisle or passageway for fire egress.

3. Waste Cleanup Rule

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:

- a. Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
- b. Properly dispose of waste and/or litter in appropriate containers.
- c. 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, faculty or staff requesting allergy accommodations should contact Disability Support Services.

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.

II. Assistance Animals (including Emotional Support Animals) in Housing and Residence Life

Housing & Residence Life will allow an assistance animal if certain conditions are met. The animal must be necessary for the resident with a disability to afford the resident with an equal opportunity to use the residence and there is an identifiable relationship between the resident's disability and the assistance the animal provides. 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.

Requests for assistance animals in Housing & Residence Life should be made by:

- a. Submitting medical/reasonable documentation from a licensed medical professional to Disability Support Services.
- b. Making an accommodation request by completing the online housing application through the MyState portal upon being admitted to the University. (This is listed as item #3 in the Housing Preferences Menu.)

There must be a link between the animal and the resident's disability, emotional distress resulting from having to give up an animal because a "no pets" policy does not qualify a person for an accommodation under federal law. Any student approved an assistance animal in UHDS facilities must also meet HUDs requirements/policies for animal health and behavior as well as their University Housing & Dining Contract.

COMPLAINTS

If an individual is dissatisfied by a decision concerning a service animal or assistance animal, or if a student feels he or she has suffered discrimination or harassment based on his or her disability, the student is encouraged to make a complaint under the University's Non-Discrimination and Anti-Harassment Policy (OP 03.03). The student can also contact the Director of Title IX and Equity Opportunity Programs at 662-325-3713.

REVIEW

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

RECOMMENDED BY:

/s/ Bill Broyles
Interim Vice President for Student Affairs

06/26/2015
Date

REVIEWED BY:

/s/ Timothy N. Chamblee
Assistant Vice President and Director
Institutional Research & Effectiveness

06/29/2015
Date

/s/ Joan Lucas
General Counsel

07/02/2015
Date

APPROVED BY:

/s/ Mark Keenum
President

07/27/2015
Date