102 Animals on University Property

Approved by President

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Sidney A. McPhee, President

Effective Date: ____________, 2018
Responsible Division: President
Responsible Office: Office of the University Counsel
Responsible Officer: University Counsel

I. Purpose

Animals are only allowed in Middle Tennessee State University (MTSU or University) facilities and on University property subject to the limitations and conditions set forth below. It is the policy of MTSU to allow the presence of service animals, service animals in training, and emotional support/assistance animals assisting individuals with disabilities in facilities and programs as specified in this policy.

The Americans with Disabilities Act, as amended (ADAAA) governs the use of service animals by individuals with disabilities. 42 U.S.C. § 12,101 et seq. T.C.A. § 62-7-112 governs the use of service animals in training by individuals with disabilities. The Fair Housing Act governs the use of emotional support/assistance animals by individuals with disabilities in housing. 42 U.S.C. § 3601.

II. Scope

This policy applies to all University students, faculty, staff, and visitors to the campus.

III. Definitions

A. Pet. A pet is any animal, wild or domesticated, that is not trained or used as a service animal or emotional support/assistance animal.

B. Service Animal. A service animal is defined by the ADAAA as any dog that is 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. Miniature horses also qualify as service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this
definition. According to T.C.A. § 62-7-112, a service animal in training is an animal being raised by an accredited school for training service animals.

C. Emotional Support/Assistance Animal (Assistance Animals). Assistance animals, as per the Fair Housing Act, are animals that work, assist, and/or perform tasks and services for the benefit of a person with a disability or animals that provide emotional support that improves the symptoms of a disability. Assistance animals qualify as accommodation requests when applying for campus housing.

D. Handler. A person with a disability who is the user of a service animal or assistance animal, or the person bringing an animal onto University property.

IV. Pets

A. No pets are permitted in University facilities except that fish contained in aquariums no larger than ten (10) gallons are allowed in residential facilities.

B. Dogs.

1. Dogs on leashes are allowed outside on campus grounds but must be attended to at all times. Dogs may not be left tied or tethered to any University property, including but not limited to, buildings, railings, bike racks, fire hydrants, fences, sign posts, benches, or trees. Unattended dogs or dogs not on leashes will be subject to removal. Reports of unattended animals should be directed to the University Police who will contact the appropriate county agency.

2. The handler must retain full control of the dog at all times.

3. Dogs will not be allowed to disrupt or interfere with University activities, including but not limited to, teaching, research, service, or administrative activities. If the dog is unruly or disruptive, or if the handler fails to maintain control of the animal, the handler must regain control immediately or remove the dog from University property. If the improper behavior continues or occurs more than once, the handler may be prohibited from bringing the dog onto University property.

4. The handler is responsible for cleaning up any waste created by the dog, and for all costs related to any damages created by the dog, to include repair or replacement of University property or property belonging to other individuals.

V. Service Animals
A. This policy allows service animals accompanying persons with disabilities to be on the University campus. A service animal must be permitted to accompany a person with a disability everywhere on campus, with the exception of those places listed below.

B. Individuals, except for employees, who wish to bring service animals onto University property need not request the University’s permission to do so. The individual may only be asked whether the animal is needed because of a disability, and what work or task the animal has been trained to perform. The handler cannot be required to disclose details about their medical diagnosis/disability or demonstrate the task.

C. Employees who need a service animal to access their work environments must request this as a workplace accommodation. Requests for workplace accommodations must be made to the Office of Institutional Equity and Compliance.

D. The work or tasks performed by a service animal must be directly related to the functional limitation of the handler’s disability. Examples of work or tasks 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, 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, 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 purpose of this definition.

E. Nondiscrimination. No employee, agent, representative, student, or other person affiliated with the University shall discriminate against an individual because of the use of a service animal in conformance with the requirements of this policy. No disabled person shall be prevented from entering, remaining, or using facilities of this University because of the use of a service animal, unless such use is not in conformance with this policy. Grievances of discrimination may be filed with the Office of Institutional Equity and Compliance.

F. Areas accessible for service animals. Unless otherwise specified, a service animal is permitted in all areas and facilities of the University including, but not limited to, classrooms, offices, hallways, residential facilities, dining facilities, museums, theaters, sports areas, and auditoriums, provided that:

1. The service animal and its handler adhere to all state procedures and requirements.

2. The service animal is in a harness or kept on a leash. Service animals may only be unharnessed when in good control by its handler in its handler’s residential room or
work station or when performing an associated task that requires being unharnessed.

3. The service animal is adequately controlled so as to present no undue noise or disruption to others.

4. The service animal creates no danger of infection, transmission of disease, or other health problems to people. The service animal must be up-to-date on all appropriate vaccinations.

5. The service animal must relieve itself in appropriate areas outside, in non-traffic areas.

G. Areas Off-Limits to Service Animals based on safety or health reasons:

1. Research and teaching laboratories (or other research facilities);

2. Mechanical rooms/custodial closets;

3. Areas where protective clothing is necessary;

4. Areas where there is a danger to the service animal.

5. Exception to Prohibition. The laboratory director of a research laboratory or an instructor in a classroom or teaching laboratory with moving equipment may grant permission to an individual animal/partner team to enter the research laboratory, classroom, or teaching laboratory with moving machinery. Admission for each team will be granted or denied on a case-by-case basis in consultation with the Director of ADA Compliance. The final decision shall be made based on the nature of research or machinery and the best interest of the animal. Example: The machinery in a classroom may have moving parts at a height such that the tail of a large dog could easily be caught in it; this is a valid reason for keeping large dogs out. However, a very small hearing dog may be shorter than any moving part and, therefore, considered for admission to the classroom. Access to other designated off-limits areas may be granted on a case-by-case basis. An individual who wants his/her service animal to be granted admission to an off-limits area should request access through the Director of ADA Compliance.

VI. Service Animals in Training

A. All provisions of this policy related to service animals are applicable to service animals in training.
B. The service animal in training must wear a collar, leash or other appropriate apparel or device that identifies the dog with the accredited school at which it is being raised.

C. The trainer must make credentials for training service animals issued by an accredited school available if requested.

VII. Assistance Animals

A. An assistance animal is one specifically designated by a qualified healthcare provider as affording an individual with a disability an equal opportunity to use and enjoy University housing, provided there is a nexus between the individual’s disability and the assistance the animal provides. Assistance animals are not considered service animals under the ADAAA. While the type of animal that may provide assistance or emotional support for a person is varied, limitations based on the environment and campus housing will be taken into consideration in the accommodation approval process. Students are not allowed to take the assistance animal into any other buildings on campus, including classrooms, libraries, administrative buildings, dining facilities, or any controlled spaces.

B. Students who reside in University housing and who wish to bring an assistance animal into University housing as an accommodation for a disability must request the University’s permission to do so. Permission will be granted only as an accommodation for a documented disability and must be arranged in advance through the Office of Housing and Residential Life prior to bringing the animal onto university property. The Disability and Access Center will assist the Office of Housing and Residential Life in determining, on a case-by-case basis, whether the request represents a reasonable accommodation for a documented disability and should be granted.

C. A request for an assistance animal may be denied as unreasonable if the presence of the animal imposes an undue financial and/or administrative burden; fundamentally alters University housing policies; and/or poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property.

The University may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with assistance animals:

1. The size of the animal is too large for available assigned housing space;

2. The animal's presence would force another individual from individual housing (i.e., serious allergies);
3. The animal’s presence otherwise violates individuals’ right to peace and quiet enjoyment;

4. The animal is not housebroken or is unable to live with others in a reasonable manner;

5. The animal's vaccinations are not up-to-date;

6. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or

7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

**VIII. Handler Responsibilities**

A. The handler must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. The University has the right to require documentation of compliance with such ordinances, laws and/or regulations, which may include a vaccination certificate. Every dog handler shall attach a metal tag or other evidence of rabies vaccination to a collar which shall be worn at all times by the dog vaccinated.

B. The handler of a service animal or assistance animal must personally supervise and retain full control of the animal at all times. The animal may not be left unattended at any time except for assistance animals left in the handler’s University residence.

C. The animal will not be allowed to disrupt or interfere with University activities including, but not limited to, teaching, research, service, or administrative activities. If the animal is unruly or disruptive, or if the handler fails to maintain control of the animal, the handler must regain control immediately or remove the animal from University property. If the improper behavior continues or occurs more than once, the handler may be prohibited from bringing the animal onto University property.

D. The handler is responsible for cleaning up any waste created by the animal and for all costs related to any damages created by the animal to include repair or replacement of University property or property belonging to other individuals. If the handler fails to clean up after the animal or the animal causes damage to property, the handler may be prohibited from bringing the animal onto University property.

E. Assistance animals may not be left overnight in University housing to be cared for by any individual other than the handler. If the handler is to be absent from his/her residence hall overnight or longer, the animal must accompany the handler. The handler
is responsible for ensuring that the assistance animal is contained, as appropriate, when the handler is not present during the day while attending classes or other activities.

F. The University and its employees assume no responsibility for controlling, keeping, feeding, or otherwise caring for any animal. The University and its employees assume no legal responsibilities for any injury or damage caused by the animal.

IX. Removal of Service or Assistance Animal

A. The University may require the handler to remove the animal from University property if:

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;

2. The animal’s presence results in a fundamental alteration of a University program;

3. The handler does not comply with the handler responsibilities set forth above; or

4. The animal or its presence creates an unmanageable disturbance or interference with the University community.

B. The University will base determinations regarding removal of a service or assistance animal upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause.

1. Immediate removal of an animal from the premises can be facilitated by any University official in instances included in Section A.1, 3, and 4. The handler may return to the premises without the animal.

2. Long-term or permanent removal of the animal will be done in consultation with Office of Student Conduct when the handler is a student, Human Resources when the handler is an employee, and the Vice President for Business and Finance when the handler is an external party. Should the animal be removed, the handler is expected to fulfill his/her institutional obligations including, but not limited to, attending classes and any University housing contract.

C. If an animal is determined to have been abandoned, the University will contact University Police who will contact the appropriate county agency.

X. Miscellaneous

Animals are permitted on University property and/or in University facilities in the following instances:
A. Animals used for research which has been approved through Policy 403 Animal Care and Use in Research and Testing.

B. Animals maintained or used in connection with an academic program at the University.

C. Programs or events held at Miller Coliseum, Murphy Center, Livestock Pavilion, or any like facility, provided the program or event has been approved through Policy 100 Use of Campus Property and Facilities Scheduling or other appropriate process.

D. In connection with University-approved programs or events including, but not limited to, education, training, research, and athletics.

E. Exceptions to this policy may be approved by the President or designee.

Forms: none.

Revisions: June 5, 2017 (original); ________, 2018.