

Animals on Campus Policy

I. Introduction

Morgan State University (“Morgan” or “University”) does not permit animals in University buildings or facilities, or on University grounds, except as described in this policy (“Policy”). The purpose of this Policy is to set forth the policy and procedures with the respect to allowing animals on Morgan’s campus. The University complies with the Americans with Disabilities Act as amended (ADA), Section 504 of the Rehabilitation Act of 1973, Md. Human Svs. Code §7-705 and any applicable laws. Morgan is committed to creating and maintaining a welcoming and inclusive educational, working, and living environment for people of all abilities. Accordingly, the University allows animals in its buildings or facilities when they are serving a University-approved purpose, or meet the definition of service animals (“Service Animals”), or assistance animals (“Assistance Animals”) as provided in this Policy. However, Morgan may refuse to allow an animal on campus if the specific animal poses a direct threat that cannot be eliminated, or reduced to an acceptable level, through actions of the animal’s owner (“Owner”). This Policy may be amended.

II. Animals on University Grounds

The University permits animals on its grounds provided that the individual who has physical possession of the animal:

- Follows local and State laws related to animal control.
- Does not allow the animal to enter a University building or facility.
- Assumes full responsibility for any damage or injury caused by the animal.
- Controls and properly supervises the animal at all times (e.g., animals must have a harness, leash, tether, or other device which allows the Owner to maintain control of the animal; not tether the animal to stationery objects; etc.).
- Ensures that animal waste is cleaned up immediately and disposed of properly.

The University reserves the right to restrict the presence of or order the removal of any animal it deems disruptive.

III. Definitions

A. Assistance Animal

Assistance Animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, and/or provide necessary emotional support or companionship to an individual with a disability to alleviate or mitigate one (1) or more identified symptoms of an individual’s disability. **Assistance Animals are not pets.** Some Assistance Animals are professionally trained, but in other cases, provide the necessary support to individuals with disabilities without formal training or certification. While dogs are the most common type of Assistance Animal, other animals can also be Assistance Animals. Under this Policy, an Assistance Animal may include a companion animal, therapy animal, or emotional support/comfort animal.

B. Owner

An individual who has physical possession and control of a Service Animal, Service Animal in Training or an Assistance Animal allowed on campus in accordance with this Policy.

C. Service Animal

A Service Animal is a dog that has been individually trained to do work or perform task(s) for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The task(s) performed by the dog must be directly related to the Owner's disability. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of this definition. Tasks may include, but are not limited to, assisting individuals to navigate movement, alerting individuals, pulling a wheelchair, retrieving items, preventing or interrupting impulsive destructive or inappropriate repetitive behavior, and providing physical support.

Any animals besides dogs; animals that serve solely to provide a crime deterrent effect; and emotional support, comfort, or companionship animals **are not** Service Animals for the purposes of this definition.

D. Service Animal in Training (SAIT)

A dog being trained to become a Service Animal is a Service Animal in Training. Service Animals in Training, including puppies in training once they are old enough to remain under the control of the trainer, must meet requirements outlined in this Policy. The animal must be accompanied by the trainer, and the animal must wear a leash, harness or cape/vest that identifies the animal as a Service Animal in Training. Trainees are not permitted to reside in campus housing.

E. Student Disability Support Services (SDSS)

The University office that assists students on campus with disabilities under the Americans with Disabilities Act, as amended (ADA) and Section 504 of the Rehabilitation Act. www.morgan.edu/sdss

F. University Approved Purpose

Morgan may permit an animal onto its property, including inside buildings or facilities, for an academic, educational, or operational purpose related to the University's goal and/or mission, or for the prompt, efficient, or effective administration of the University's business.

G. Reasonable Accommodation

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces.

An individual with a disability may request a reasonable accommodation at any time, including either before or after acquiring an Assistance Animal.

IV. Service Animals

In compliance with the Americans with Disabilities Act of 1990 and Md. Human Svs. Code §7-705, the University allows Service Animals on campus when accompanied by any individual with a disability.

A. Access for Service Animal on Campus

Service Animals are permitted to accompany people with disabilities in all regularly accessible areas of University facilities, so long as they meet the guidelines set forth in this Policy. A Service Animal is not restricted to certain rooms or areas but may instead live and work in any campus building to which its Owner has access.

The University cannot require documentation, such as proof that the Service Animal has been certified, trained or licensed as a Service Animal.

The University may ban a Service Animal or require its removal from a campus building or location if:

1. The Owner fails to keep the Service Animal under control. If the uncontrollable behavior happens repeatedly, the Owner may be prohibited from bringing the Service Animal into any University facility until the Owner demonstrates specific and effective steps taken to mitigate the behavior.
2. The Service Animal's behavior or condition constitutes (or is reasonably likely to constitute) a direct threat to the health and safety of the University or a member of the University Community. A Service Animal is considered a direct threat if it exhibits behavior or has a condition observed to be aggressive, violent, and/or hazardous to the health or safety of individuals. Examples include, but are not limited to, growling/aggressive posturing, biting/nipping/kicking, or having fleas/ticks.
3. The Service Animal's behavior, such as barking, is disruptive to the other participants within the facility.

If a Service Animal is excluded from a facility, the individual with a disability will be given the option of continued classroom participation, with assistance, within the facility.

The Service Animal may be removed and/or banned from any University property if the University determines that such action is in the University's best interest. Any decision to remove and/or ban a Service Animal from University property may be appealed as set forth in this Policy. Should the Service Animal be removed from the premises by the University for any reason, the Owner is responsible for any costs associated with the removal, transportation and/or boarding of the animal.

B. Access for Service Animals in Training on Campus

1. Service Animals in Training enjoy the same rights as Service Animals. They and their Owners must adhere to the same responsibilities, rules, requirements, and policies as Service Animals (see above).
2. If the trainer is a student, the student must register the animal with SDSS, showing documentation of licensing and vaccination and providing information about the overseeing training agency (case by case).
3. SAIT are not permitted to reside in campus housing.

C. Process for Students, Faculty and Staff Requiring Service Animals on Campus

1. Students with documented disabilities must register with SDSS following the guidelines set forth by SDSS by completing the following:
 - i. An Intake Form – a copy of which is included as Attachment 1 or can be obtained by contacting SDSS at (443) 885-1719 or SDSS@morgan.edu.
 - ii. Submit current documentation of a disability from a treating provider to SDSS.
 - iii. Attend an intake appointment with SDSS to engage in the interactive process to establish reasonable accommodations.
2. Faculty and staff wishing to utilize a Service Animal on the MSU campus should contact the Office of Diversity & Equal Employment Opportunity.

D. Owner's Responsibilities for Service Animals

All Owners must:

1. Attend to and be in control of the Service Animal at all times.
2. Ensure the Service Animal is leashed, harnessed, or tethered at all times unless a) the Owner's disability prevents using these devices or b) using any of these devices will interfere with the animal's ability to safely and effectively perform its duties. If the Owner is unable to use a device, the Owner must be able to maintain control of the animal through voice, signal or other effective control. It is recommended the Service Animal wear a cape/vest that identifies them as a Service Animal when the animal is working on campus.
3. Arrange and pay for the costs of the care necessary for the Service Animal's well-being.
4. Remove and properly dispose of their animal's waste while on campus. Waste must be disposed of in a sealed bag in a designated trash area.
5. Ensure the Service Animal is clean, in good health, with current rabies vaccination.
6. Abide by applicable laws or regulations, including current city ordinances/laws, pertaining to care, control, licensing, and/or vaccination requirements for Service Animals. It is the responsibility of the Owner of the animal to have knowledge of, and to comply with, any applicable ordinances and/or laws.
7. Accept liability for, and pay for, any damage caused by the Service Animal to University property.
8. Keep Service Animals in their care at all times. The animal cannot remain on campus without the Owner.

E. University's Responsibilities

University faculty or staff are not permitted to inquire about the nature or extent of a person's disability to determine whether a person's animal qualifies as a Service Animal. If it is not apparent that the animal is a Service Animal, faculty or staff are permitted to ask two (2) questions: (1) is the dog a Service Animal required because of a disability, and (2) what work or task has the dog been trained to perform. Additionally, the University must:

- i. Comply with any applicable law or regulation regarding the presence of Service Animals on University property.
- ii. Allow Service Animals to accompany their Owners and perform the work or task they have been trained to perform to the extent allowed and specified by the University.
- iii. Not pet or feed a Service Animal.
- iv. Not deliberately startle, harass or distract a Service Animal.
- v. Immediately report any Service Animal who misbehaves, or any Owners (or other individuals) who mistreat a Service Animal to MSU Police Department.
- vi. Not ask for or require an individual with a disability to pay any fees or surcharges for an approved Service Animal, except for fees related to damages as set forth in this Policy.
- vii. Do not separate the Service Animal from the Owner for any reason, except in the case of an emergency.

Any concerns that members of the University community may have regarding significant allergies or other concerns relating to the presence of the Service Animal should be referred to SDSS if the concerned member of the University is a student and to the Office of Diversity and Equal Employment Opportunity if the concerned member of the University is an employee.

V. Assistance Animals

The University complies with all applicable laws regarding the allowance of Assistance Animals to live in residence halls if they are an approved accommodation. When approved as a disability-related accommodation, an Assistance Animal may live with a student in University housing, and must be kept within the residential setting in which the student lives. Assistance Animals may not accompany the student outside of the residential setting, and are not allowed in any other buildings on University property, nor are they allowed in other controlled spaces on campus.

A. Procedures for Students Requesting Assistance Animals in University Housing

Students with documented disabilities requesting an Assistance Animal as an accommodation must submit the request to SDSS in accordance with the guidelines set forth by SDSS by completing the following:

- i. All University housing request requirements, which include receiving approval for University housing, which shall be separate from the request for an accommodation of an Assistance Animal.
- ii. An Intake Form – a copy of which is included as Attachment 1 or can be obtained by contacting SDSS at (443)885-1719 or SDSS@morgan.edu.
- iii. Submission of documentation to SDSS, dated within the last six (6) months of the request, from a treating provider of a disability, that the animal is necessary to use or to enjoy the residence, and that there is a relationship between the disability and the relief the animal provides.
- iv. Attending an intake appointment with SDSS as part of the interactive process to establish reasonable accommodations.

For all requests for Assistance Animals, SDSS and the Office of Residence Life and Housing will consult to determine whether the presence of an Assistance Animals is reasonable.

B. Access to University Facilities by Assistance Animals

- i. An Assistance Animal must be contained within the assigned living accommodations (e.g. room, suite, etc.) except to the extent the Owner is taking the animal out for natural relief or transporting the animal on or off campus. When on University property, Assistance Animals are not allowed in any University facilities other than University residence halls to which the Owner is assigned.
- ii. Even if the student with a disability establishes necessity for an Assistance Animal and it is allowed in University housing, it is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.).

C. Individual's Responsibilities for Assistance Animal

If the University grants a student's request to live with an Assistance Animal due to their own disability, the Owner is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

- i. Abide by any applicable laws and regulations, including current city, county and State ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other

requirements for animals. It is the Owner's responsibility to have knowledge of, and to comply with, any applicable ordinances and/or laws. The University has the right to require documentation of compliance with such ordinances, laws and/or regulations, which may include a vaccination certificate or license.

- ii. Follow all University rules and/or policies related to the restrictions of animals from any locations specified by the University. An Assistance Animal may be removed and/or banned from campus if the Assistance Animal is found to be in any area other than the allowed residence hall.
- iii. Ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse of an animal may result in immediate removal of the Assistance Animal and/or discipline for the individual.
- iv. Clean up after and properly dispose of the animal's waste in a sealed bag in the designated trash areas and, when provided, must use animal relief areas designated by the University.
- v. Clean up after the Assistance Animal if it urinates, defecates, regurgitates, or otherwise releases bodily fluids and/or solids on University property. The Owner must also contact the Office of Residence Life and Housing, or other appropriate office, to get the area disinfected. The Owner may be charged for any damage caused by the Assistance Animal beyond reasonable wear and tear to the same extent others are charged.
- vi. Remove the Assistance Animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
- vii. Allow their living accommodations to be inspected for pests (e.g. fleas, ticks, etc.), or any other University purpose, if necessary as part of the University's inspections. If pests are detected through inspection, the residence will be treated with approved methods by a University-approved service. The Owner will be billed for the expense of any pest treatment above and beyond the standard pest management in the residence halls. The University shall have the right to bill the Owner's account for unmet obligations under this provision. In addition, during any inspection, the Owner must ensure that the Assistance Animal is secured, does not pose a threat to any individual, and will not interfere with the inspection or any individual performing an inspection.
- viii. Fully pay for all costs of care necessary for the Assistance Animal's well-being.
- ix. Not leave the Assistance Animal alone for unreasonable lengths of time or overnight in University housing. If the Owner is to be absent from the residence hall overnight or longer, including all University breaks, the animal must accompany the Owner.
- x. Not leave Assistance Animals to be cared for by any other individual. The Owner is solely responsible for ensuring that the Assistance Animal is contained, as appropriate, and does not pose a threat to any individual if the Owner is not present with the animal.
- xi. Abide by all equally applicable residential policies that are unrelated to the student's disability such as assuring that the animal does not interfere with the routine activities of the residence or cause difficulties for others who reside there.
- xii. Provide documentation to SDSS at the start of each academic year with proof the animal is licensed (pursuant to applicable laws) and in good health.
- xiii. Notify SDSS in writing if the Assistance Animal is no longer needed or is no longer in the residence. To replace an Assistance Animal, the Owner must submit a new request for an accommodation. The replacement Assistance Animal must be necessary due to the Owner's disability.

D. Removal of Assistance Animal

The University may require the Owner to remove the animal from University housing if:

- i. The animal poses a direct threat to the health or safety of others.
- ii. The animal causes substantial property damage to the property of others.
- iii. The animal's presence results in a fundamental alteration of a University program.
- iv. The animal is not housebroken or kept in a proper cage, where waste can be properly managed.
- v. The animal or its presence creates an unmanageable disturbance of interference with the University community.
- vi. The animal is disruptive, and the Owner does not take immediate and effective control.
- vii. The animal is found to be neglected or mistreated.
- viii. The animal is physically ill or unreasonably dirty.
- ix. The University determines that the Assistance Animal's removal is in the best interests of the University.

Any decision by the University to remove an Assistance Animal from University property may be appealed as set forth in this Policy.

Should the Assistance Animal be removed from the premises by the University for any reason, the Owner is responsible for any costs associated with the removal, transportation and/or boarding of the animal. Additionally, the Owner is expected to fulfill the housing obligation for the remainder of the housing contract.

E. University Responsibilities

The University must:

- i. Comply with any applicable law or regulation regarding the presence of Assistance Animals on University property.
- ii. Allow Assistance Animals to reside with their Owners in residence halls, once approved by SDSS as a reasonable accommodation due to disability.
- iii. Not ask for or require an individual with a disability to pay any fees or surcharges for an approved Assistance Animal, except for fees related to damages as set forth in this Policy.
- iv. Not ask about an individual's disability, other than permitted SDSS staff. SDSS will keep all information regarding a student's disability confidential.
- v. Not pet or feed an Assistance Animal without the Owner's approval.
- vi. Not separate the Assistance Animal from the Owner for any reason except in the case of an emergency.
- vii. Immediately report any Assistance Animal who misbehaves, or any Owners (or other individuals) who mistreat the Assistance Animal to the Office of Residence Life and Housing or University Police.
- viii. Contact SDSS with any questions or concerns related to Assistance Animals.

Any concerns that members of the University community may have regarding significant allergies or other concerns relating to the presence of an Assistance Animal will be addressed on a case-by-case basis. The Office of Residence Life and Housing will alert any potential roommate(s) of an Assistance Animal's potential presence in the shared living space in an effort to address concerns including those related to allergies and objections and fears related to certain types of animals as early as possible in the housing process. If the Assistance Animal is present in the living space before the arrival of any potential roommate(s), any incoming roommate(s) shall be notified of the Assistance Animal's presence in the living space, and shall be given the opportunity to accept or decline an assignment to that living space.

Any issues or concerns that may arise related to any Assistance Animal on University property should be reported as quickly as possible.

VI. Violations of this Policy

Any violation of this Policy or any other applicable University policy or procedures may result in removal of a Service Animal or an Assistance Animal from University property and, if appropriate, other disciplinary action. If a Service Animal is removed or banned from campus, any affected student should contact SDSS, and any affected employee should contact the Office of Diversity and Equal Employment Opportunity, so a determination can be made regarding other possible reasonable accommodations. If an Assistance Animal is removed or banned from University property, SDSS and/or the Office of Residence Life and Housing will continue to work with the student to determine if there are other reasonable accommodations that would allow the student to access the residential experience and programs.

VII. Appeals Procedures

Appeals concerning this Policy may be addressed through the Following Offices:

For Students:

A Student whose request for an Assistance or Service Animal has been denied may submit an appeal, in writing, within fifteen calendar (15) days of notification of the denial to the Vice President for Student Affairs. All prior written responses and supporting documentation related to the appeal should be enclosed with the appeal. The Vice President will provide a decision within fifteen (15) working days of receiving the appeal. The decision of the Vice President for Student Affairs is final.

For Faculty:

A faculty member whose request for a Service Animal has been denied may submit an appeal, in writing, within fifteen (15) calendar days of notification of the denial to the Provost/Senior Vice President for Academic Affairs ("Provost") or designee. All prior written responses and supporting documentation related to the appeal should be enclosed with the appeal. The Provost or designee will provide a decision within fifteen (15) working days of receiving the appeal. The decision of the Provost or designee is final.

For Staff:

A staff member whose request for a Service Animal has been denied may submit an appeal, in writing, within fifteen (15) calendar days of notification of the denial to the Vice President for Finance and Management or designee. All prior written responses and supporting documentation related to the appeal should be enclosed with the appeal. The Vice President for Finance and Management or designee will provide a decision within fifteen (15) working days of receiving the appeal. The decision of the Vice President for Finance and Management or designee is final.

VIII. Non-retaliation Provision

The University will not retaliate against any person because that individual has requested or received a reasonable accommodation for the use of a Service Animal or an Assistance Animal.

IX. Conflicting Disabilities

Some individuals may experience adverse reactions, including allergic reactions and other medical reactions, due to the presence of an animal. The person impacted by the presence of a Service Animal or Assistance Animal must provide verifiable medical information to support their claim. The needs of both the impacted individual and the Owner of the animal will be considered in resolving issues related to the presence of a Service Animal or Assistance Animal. A Service Animal is legally permitted to enter public spaces on campus that can include

common populated buildings such as the University Student Center, Earl S. Richardson Library, Carl J. Murphy Fine Arts Center, Pete Rawlings Dining Hall and the Talmadge L. Hill Field House. While it is reasonable for an impacted individual to request an accommodation related to the presence of a Service Animal, it is not reasonable to request that a Service Animal not be permitted in public spaces altogether due to a conflicting disability.

If a person using an Assistance Animal or Service Animal was assigned to a residence hall before the person with the conflicting disability, the person utilizing the Assistance Animal or Service Animal will not be removed to accommodate the second person. The second person must submit a room change request to avoid contact with the Assistance Animal or Service Animal.