

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 (Section 504), and the US Department of Justice's implementation of the Americans with Disabilities Act (ADA), Subpart E of the U.S. Department of Education's Title 34, Part 104 for Post-Secondary Institutions and 28 C.F.R. §35.136. These statutory and regulatory directives declare that qualified handicapped persons shall not, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal Financial Assistance. This policy applies to academic programs, services and housing for students with disabilities, as well as faculty and staff. Persons with Disabilities may request a reasonable accommodation for any assistance animal, including an emotional support animal, under both the FHA and Section 504. In situations where ADA and the FHA/Section 504 apply simultaneously, as is the case for housing associated with a university or other place of education, Millersville University will meet its obligations under both the reasonable accommodation standard of the FHA/Section 504 and the service animal provisions of the ADA.

Policy:

Part I: Definitions Individual with a disability

The ADA defines an individual with a disability as a person who has a physical or mental impairment that substantially limits one or more of the major life activities, has a record of such an impairment, or is regarded as having an impairment.

Handler

A handler is a person with a disability that a service animal assists or a personal care attendant who handles the animal for a person with a disability.

Owner

An owner is a person for whom an emotional support animal provides support.

Pet

A domesticated or tamed animal that is kept for companionship or pleasure.

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 these features.
- Whether the handler has sufficient control of the miniature horse.
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

(3) **Other requirements.** The Policy on Service Animals in Part II below shall also apply to miniature horses.

Trainers/Handlers of Service Animals

Individuals, who raise, handle or train service animals are not required to be individuals with disabilities. The Pennsylvania Human Relations Act, Section 43 P.S. §§ 955 (a) and (h), protects the rights of handlers or trainers of service animals’ access to public and housing accommodations. Individuals who act as a Puppy Raiser for an organization that raises and trains puppies to become guide or support animals for persons with disabilities shall be considered a handler or trainer and given access to Millersville University facilities. In employment, only individuals who use a service animal for a disability are protected. Millersville University is not required to accommodate employees who are service animal handlers or trainers who are non-student residents.

All University policies regarding service animals apply to Puppy Raisers, handlers and trainers of service animals.

Assistance/Emotional Support Animal:

An assistance/emotional support animal is not a pet, but an animal that works, provides

assistance, performs tasks for the benefit of a person with a disability or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. The assistance animal is one that is necessary to afford the person with a disability an equal opportunity to use and enjoy University housing.

Assistance/emotional support animals do not perform work or tasks that would qualify them as "service animals" under the Americans with Disabilities Act. Assistance/emotional support 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. Neither the FHA nor Section 504 requires an assistance animal to be individually trained or certified.

Part II: Policy on Service Animals

In compliance with applicable law, Millersville 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 or by individuals who are handlers or trainers of service animals. Visitors are freely permitted access to have service animals on campus, while students and employees wishing to be accompanied by service animals on a permanent basis are required to provide notice to the Office of Learning Services prior to the proposed use of the animal on campus. Housing and Residential Programs maintain oversight of service animals living in its facilities and is entitled to disclose information to students who will be sharing a living environment with a student who has the accommodation of a service animal.

Millersville University may prohibit service animals when its handler does not have control of the animal or if the animal is not vaccinated properly based on the Center for Disease Control Standards for the type of animal, which may otherwise pose a substantial and direct threat to health or safety or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. Millersville University will make those determinations on a case-by-case basis.

1. Inquiries Regarding Service Animals

Millersville 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. Although Millersville University will not ask about the nature or extent of a person's disability, there are two inquiries that Millersville University may ask in order to determine whether an animal qualifies as a service animal. The inquiries are:

- Is the animal required because of a disability?
- What work or task has the animal has been trained to perform?

Millersville University cannot require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Specific questions related to the use of service animals by students on Millersville University's campus should be directed to the Office of Learning Services at 352 Lyle Hall Millersville, PA 17551. Questions may also be directed to the Director of the Office of Learning Services who

can be reached at 717-871-5554. Specific questions related to the use of service animals by faculty and staff should be directed to Office of Human Resources and the Director of Health & Safety at Dilworth Building, 20 Dilworth Road Millersville, PA 17551, 717-871-4950.

2. Responsibilities of Handlers

Students who wish to bring a service animal to campus must notify the Office of Learning Services regarding their intent to bring a service animal to campus, which may be in conjunction with other academic accommodations that are required. Additionally, students who plan to live in on-campus housing must inform Housing and Residential Programs at 717-871-4200 about their plans to have a service animal with them in student housing. Advance notice of a service animal for housing may allow more flexibility in meeting student's specific requests. Staff and faculty with service animals must contact the Office of Human Resources and the Director of Health & Safety at 717-871-4950, located in the Dilworth Building, 20 Dilworth Road Millersville, PA 17551, regarding their intent to have a service animal on campus.

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.

a. Service Animal 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.
- The animal should be on a leash when not providing a needed service to the handler.
- 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.
- 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.
- 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 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 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:

- Always carry equipment sufficient to clean up the animal's feces/urine whenever the animal is on campus.
- 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.

3. Removal of Service Animals

Service Animals may be ordered removed by the Public Safety Officer for the following reasons:

- **Out of Control Animal:** A handler may be directed to remove an animal that is out of control when 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.
- **Non-housebroken Animal:** A handler may be directed to remove an animal that is not housebroken.
- **Direct Threat:** A handler may be directed to remove an animal that Millersville University determines to be a substantial and direct threat to the health and safety of individuals. 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, Millersville 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.

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 request allergy accommodations by contacting the Office of Learning Services. Faculty and staff requesting allergy accommodations should contact the Office of Human Resources.

5. Emergency Response

In the event of an emergency, the Millersville University Emergency Response Team (MU-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 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 III: Policy on Assistance Animals/Emotional Support Animals in University Housing

1. Assistance/Emotional Support Animals in University Housing

The Department of Housing and Residential Programs will allow an assistance /emotional support animal if certain conditions are met. The animal must be necessary for the resident with a disability to have equal access to housing and the accommodation must also be reasonable. An accommodation is unreasonable if it presents an undue financial or administrative burden on Millersville University, poses a substantial and direct threat to personal or public safety or constitutes a fundamental alteration of the nature of the service or Program. Assistance/Emotional Support Animals are not required to be trained, certified or licensed. Venomous and other life-threatening animals will not be permitted. Animals that pose a zoonotic threat (passing a disease directly to humans), such as mice, rats, chickens, ducks, turtles and snakes will not be permitted. Millersville University will not be responsible for zoonotic diseases or other injuries to students due to assistance/emotional support animals.

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 certificates 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-by-case basis consistent with applicable statutes and regulations.

2. Responsibilities of Persons with Disabilities Using Assistance Animals/Emotional Support Animals in University Housing

Millersville University is not responsible for the care or supervision of an assistance animal/emotional support animal. Housing and Residential Programs maintain oversight of assistance/emotional support animals living in its facilities and is entitled to disclose information about the impending presence of the animal to students who will be sharing a living environment with a student who has this accommodation. Persons with disabilities are responsible for the cost, feeding, care and supervision of their assistance/emotional support animals, including:

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 animals/emotional support animals; however, a person with a disability may be charged for damage caused by an assistance animal/emotional support animal consistent with

the Student Code of Conduct.

3. Criteria for Determining if Presence of the Emotional Support Animal (ESA) is Reasonable

- a. For all requests, the Learning Services Office will determine, on a case-by-case basis, whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: 1) poses an undue financial and/or administrative burden; 2) fundamentally alters university housing policies; and/or 3) poses a direct threat to the health and safety of others or causes damage to the property of others, including university property.

4. Removal of Assistance/Emotional Support Animals

Animals may be ordered removed by the Public Safety Officer for the following reasons:

- **Out of Control Animal:** A handler may be directed to remove an animal that is out of control when 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 the respective residence hall until the handler can demonstrate that s/he has taken significant steps to mitigate the behavior.
- **Non-housebroken Animal:** A handler may be directed to remove an animal that is not housebroken.
- **Direct Threat:** A handler may be directed to remove an animal that Millersville University determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, or the substantial lack of cleanliness of the animal.

Where an assistance/emotional support animal is properly removed pursuant to this policy, Millersville University will work with the handler to determine reasonable alternative opportunities to participate in Housing and Residential Programs without having the animal on the premises. Millersville University reserves the right to make an interim accommodation while determining appropriate measures to address the removal of the animal. In addition, Millersville University is not required to grant an accommodation if it would pose an undue financial and administrative burden or would fundamentally alter the nature of the University's operations.

5. 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 the individuals 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 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 buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied by a handler or trainer. Handlers and trainers may be student residents and student resident employees. Millersville University is not responsible for the care or supervision of a puppy in training. Housing and Residential Programs maintain oversight of the puppy in training that is living in its facilities and is entitled to disclose information about the impending presence of the animal to students who will be sharing a living environment with a student who is a handler or trainer. Handlers and trainers are responsible for the cost, feeding, care and supervision of their puppy in training. Millersville students and student employees residing in the residence halls will be permitted to act as a handler or trainer and must comply with the following:

a. Puppies in Training Requirements

- Puppies in training must be registered with the Office of Learning Services. Students must provide proof of training from Susquehanna Service Dogs or a similar organization that trains dogs as service animals.
- 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 to the Office of Learning Services, which must be updated each year the animal is in residence.
- An emergency plan of action to care for the animal in preparation for unusual or extended absences is required. The emergency plan of action must be submitted to the Office of Learning Services and Housing and Residential Programs prior to bringing the animal to the University.

- 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 direct contact with University furniture unless it is essential to its training.
- Students must keep the animal under control and take effective action when it is out of control

b. Puppies in Training Requirements for Student Employees in Residence

Millersville student employees of University housing (Residence Assistant – RA) will be permitted to act as a puppy raiser, handler or trainer as noted in the Puppy Training Requirements in Section a, but will be expected to comply with additional guidelines as follows:

- Puppies will not be permitted to accompany their trainer when the RA is called out of their room on duty.
- Trainers must have a plan of action to care for the animal in preparation for unusual extended absences that may be as long as 18 hours or more depending on the housing emergency. The emergency plan of action must be submitted to the Office of Learning Services and Housing and Residential Programs prior to bringing the animal to the University.
- Each designated care person for the puppy must agree to the guidelines set forth in the University's animal policy and be able to control and care for the animal, which includes ensuring the safety of other residents, waste disposal, feeding, etc. The designated person must convey, in writing, their willingness to comply with the animal policy by contacting Housing and Residential Programs.
- If the University determines that puppy training interferes with employment as an RA, the RA's employment status will be re-evaluated.
- RA's 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 RA's absence or failure to comply with the emergency plan of action.

c. Puppy Etiquette

To the extent possible, the handler or trainer should ensure that the puppy does not:

- Display any behaviors or noises that are disruptive to others.
- Block an aisle or passageway for fire egress.

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 nonresidential university buildings, except when the pet/nonservice animal is being used for academic demonstration purposes. Pets, except toothless fish, are not permitted in any residential building on campus.

Part VI: Appeals and Grievances

Any student dissatisfied by a decision concerning a service or an assistance/emotional support animal may file an appeal with the Office of the Vice President for Student Affairs. Additional information may be obtained by telephone at 717-871-7083, by e-mail at student.affairs@millersville.edu, in person or by mail at SMC 107, 22 South George St., Millersville, PA 17551.

Faculty and staff may file an appeal with Human Resources. Additional information may be obtained by telephone at 717-871-4950, by e-mail at human.resources@millersville.edu, in person or by mail at Dilworth Building, 20 Dilworth Road Millersville, PA 17551.

Part VII: Public Etiquette towards Service, Puppies in Training or Assistance/Emotional Support Animals

Faculty, staff, students, visitors and members of the general public should avoid the following:

- Petting the animal, as it may distract the animal from the task at hand.
- Feeding the animal.
- Deliberately startling the animal.
- Separating or attempting to separate a handler from his/her service, puppy in training or assistance/emotional support animal.

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 Office for students and HR for employees. Neglect and/or abuse cases may be reported to the Lancaster County Humane Officer.

Part X: Liability

Neither Millersville University nor of the Commonwealth of Pennsylvania are liable for any damages caused by or done to an animal on campus, including but not limited to service animals or ESA.

Part XI: Grievances

All complaints regarding service animals or ESAs should first be brought to the attention of the Learning Services Office or Human Resources will investigate the complaint and work toward a resolution. If unable to resolve the matter in this informal stage, a formal grievance may be filed through the Office of Diversity and Inclusion, Washington House.