

MMI Service and Assistance Animal Policy

Purpose

The purpose of this policy is to set forth general animal control guidelines and owner responsibilities for animals on campus and to ensure compliance with all applicable laws so that individuals with disabilities (students, faculty, staff and visitors) on the Marion Military Institute campus (MMI) who require the use of Service or Support Animals (collectively referred to as “Assistance Animals”) as a reasonable accommodation receive the benefit of the work or tasks performed by such animals or the therapeutic support they provide.

Policy

Animal Control and General Requirements for Animals on MMI Campus

All individuals are generally prohibited from bringing animals, including pets, into any buildings or other controlled spaces on the MMI campus, except as otherwise set forth herein or in other applicable MMI policies. For purposes of this policy, “Controlled Spaces” are defined as any indoor areas owned or controlled by MMI, any outdoor area owned or controlled by MMI that has limitations on use or access (including, but not limited to, practice fields, tennis courts, stadium, etc.), College transportation, and any other area not generally open to the public. Areas open to the public (such as streets, lawns, sidewalks, parking lots, etc.) with no limitations on access are not controlled spaces for purposes of this policy.

The following requirements apply to all animals brought onto the MMI campus, subject to the

provisions regarding accommodations for individuals with disabilities set forth herein:

1. Animals shall not be brought onto MMI grounds unless they are fully vaccinated and current on said vaccinations, they are under the complete control of the owner, and they present no hazard to people.
2. In the event of any incident involving physical injury to a person by an animal, the owner shall make an immediate report to the Deputy Commandant or Officer in Charge so that the incident can be properly investigated and documented. MMI shall also fully comply with any state or local law or regulation requiring additional reports to other governmental agencies that may be required due to any physical injury caused by an animal.
3. The owner of any animal brought onto the MMI campus must clean up after the animal at all times.
4. Animals are not permitted in any controlled spaces, whether or not leashed, except those animals otherwise permitted as set forth herein.
5. Animals may not be tethered on the MMI campus under any circumstances.
6. Animals, including dogs and cats, found running at large or without evidence of current rabies vaccination are subject to confinement in an animal shelter.
7. Complaints concerning animals in controlled spaces or running at large on the MMI campus should be reported to the Deputy Commandant or Officer in Charge.
8. Reports of dead animals on the MMI campus should be made to the Deputy Commandant or Officer in Charge.
9. Animal owners are required to follow all municipal ordinances and State of Alabama laws regarding animal care and responsibilities.

Assistance Animals

It is University policy to ensure that individuals with disabilities who require the use of Service or Support Animals (collectively, "Assistance Animals") as a reasonable accommodation receive the benefit of the work or tasks performed by such animals or the therapeutic support they provide. As such, Service Animals assisting individuals with disabilities are generally permitted in all controlled spaces, including all MMI facilities, MMI-owned, leased, or managed housing, MMI vehicles, and MMI campus programs that are open to the public and/or students, except as described below. Support Animals are generally permitted only in MMI-owned, leased, or managed housing (specifically, in the room assigned to the owner of the Support Animal), and only when it is necessary to afford the individual an equal opportunity to use and enjoy MMI-owned, leased, or managed housing, provided the individual meets certain conditions described herein below.

The Use of Service Dogs on MMI Campus

Service Dogs accompanying individuals with disabilities are welcome in all areas of campus that are open to the public, except as otherwise prohibited in this policy. In these areas, and when it is not readily apparent that a dog is a Service Dog, MMI officials may appropriately ask a person with a dog to answer only the following two questions:

1. Is the dog required because of a disability?
2. What work or tasks is the dog trained to perform?

Students using Service Dogs in MMI controlled spaces are required to submit the *Service Dog*

Registration Form providing information about the service dog to the Deputy Commandant.

Employees using Service Dogs in offices or other areas of campus not open to the public must follow the **Reasonable Accommodation Policy**. Employee requests for reasonable accommodations, including requests to have a Service Animal at work, are handled through the Human Resources (HR) Office.

Visitors using Service Dogs are welcome in areas of the MMI campus that are open to the public, as set forth in this Policy. Specific questions related to the use of Service Dogs on the MMI campus by visitors can be directed to the Deputy Commandant.

Information Regarding the Use of Assistance Animals in MMI-Owned, Leased, or Managed Housing

Pets are prohibited in MMI-owned, leased, or managed student housing. Service Dogs and approved Support Animals are not considered pets, and are permitted to reside in MMI-owned, leased, or managed housing.

A student with a disability residing with a Service Dog in MMI-owned, leased, or managed student housing must meet with the Deputy Commandant, to complete the *Assistance Animal Agreement* **prior** to moving the Service Dog into MMI-owned, leased, or managed student housing. Proof of current rabies vaccination must also be submitted before a Service Dog may reside in MMI-owned, leased, or managed housing. It is preferable for this meeting to take place **at least 30 days prior** to move in.

If a student with a disability needs to reside in MMI-owned, leased, or managed student

housing with a Support Animal in order to afford the student an equal opportunity to use and enjoy said housing, the student must request a modification to MMI's No-Pet Policy. Specifically, before a Support Animal can reside in MMI-owned, leased, or managed student housing, the student must submit (1) the *Support Animal Accommodation Request Form* (completed by the student), and (2) the *Support Animal Accommodation Request Supporting Medical Documentation Form* that must be completed by the student's physician, psychiatrist, or other mental health professional. This documentation should be submitted to Human Resources with ample time for a review and to make a decision about the request, which is generally ***at least 30 days prior to the date on which the student wishes to move the Support Animal into the student's assigned MMI-owned, leased, or managed student housing unit.*** The request will be reviewed to determine whether such request (1) constitutes a reasonable accommodation for a student with a documented disability; (2) the Support Animal is necessary to afford the student with a disability an equal opportunity to use and enjoy MMI-owned, leased, or managed student housing; and (3) there is an identifiable relationship or nexus between the student's disability and the assistance the Support Animal provides (i.e., that the animal provides support that alleviates at least one of the identified symptoms or effects of the disability). A request will not, however, be granted if the Support Animal poses a direct threat to the health and safety of others; would cause substantial physical damage to the property of others; would pose an undue financial and/or administrative burden on the University; or would fundamentally alter the nature of MMI housing operations.

If the Deputy Commandant approves the

Support Animal, complete the *Assistance Animal Agreement* **prior** to moving the Support Animal into the student's MMI-owned, leased, or managed student housing unit. Proof of current rabies vaccination and a recent picture of the Support Animal must also be submitted before the student may move the Support Animal into MMI-owned, leased, or managed student housing. Support Animals are limited to the rooms in the MMI-owned, leased, or managed student housing units assigned to the students with whom the support animals are approved to reside.

A student dissatisfied with a decision concerning an Assistance Animal as a reasonable accommodation in MMI-owned, leased, or managed housing may seek further review from the Commandant of Cadets.

Students who misrepresent an animal as a Support Animal or Service Dog in Training, or who fail to register an Assistance Animal as required, will be referred to disciplinary review under the Cadet Code of Conduct (Cadet Manual).

When an Assistance Animal May Be Asked to Leave or Be Prohibited in a MMI Facility or Program

In certain situations discussed below, an Assistance Animal may not be permitted or MMI may ask that the Assistance Animal be removed from a MMI facility or program. In such instances, MMI will give an individual the opportunity to participate in the service, program, or activity without having the Assistance Animal on the premises.

- Assistance Animals must not engage in unacceptable or disorderly behavior that is disruptive to other participants within the program or facility. If an Assistance

Animal does engage in unacceptable behavior, the owner is expected to use proper training techniques to correct the behavior. MMI may ask the owner to remove an Assistance Animal from the premises if the animal is out of control and/or disruptive and the owner does not take effective action to control it. MMI may bar the Assistance Animal from the facility until significant steps (such as additional training for the Assistance Animal and owner) are taken to mitigate the behavior.

- MMI may ask the owner to remove an Assistance Animal from the premises if the Assistance Animal is not housebroken or, in the case of a Support Animal that uses a designated cage or litter box, the owner fails to clean the cage or box such that the cleanliness of the MMI-owned, leased, or managed student housing unit is not maintained.
- Service Dogs may be excluded in areas where the presence of the animal fundamentally alters the nature of a program or activity or presents a safety hazard. Examples may include, but are not limited to, research labs, areas requiring protective clothing, food preparation areas, and areas with sharp objects on the floor or protruding from a surface, extremely hot or cold material on the floor, or a high level of dust. Service Dogs are not permitted in any lab area requiring personal protective equipment. Support Animals are generally permitted only in MMI-owned, leased, or managed student housing, and may be excluded where the presence of the Support Animal fundamentally alters the nature of the program or activity or presents a safety hazard.

Requirements for Assistance Animals

Any violation of the following requirements may result in the exclusion of an Assistance Animal from MMI campus:

- **Compliance with City Ordinances/Laws.** All individuals must abide by current city ordinances/laws pertaining to licensing and vaccination requirements for animals. It is the responsibility of the owner and/or custodian of the Assistance Animal to know about and comply with these ordinances and/or laws.
- **Vaccination.** An Assistance Animal must be vaccinated on an annual basis in accordance with standard veterinary practice and in accordance with state and city regulations. For young animals or others that have not been previously vaccinated, the initial rabies vaccine must be administered no less than 28 days prior to the date of the Assistance Animal's occupancy in MMI-owned, leased, or managed student housing. Written proof of vaccination is required, including proof that an entire series of rabies shots have been administered to the Assistance Animal. Current rabies vaccination tags must be attached to a collar or harness worn by an Assistance Animal.
- **Animal Health.** Assistance Animals to be housed in MMI-owned, leased, or managed housing must have an annual clean bill of health from a licensed veterinarian. This will include current vaccinations (as required by state, county and city laws), and a physical exam/assessment to document the Assistance Animal's fitness to continue its role as a Service or Support Animal.
- **License or Documentation.** A Service Animal is not required to be licensed or certified as a Service Animal. Licensing or certification as a Support Animal is neither sufficient nor necessary to establish that an animal is a Support Animal.

- **Control.** An Assistance Animal shall be under the full control of its owner at all times. An Assistance Animal shall wear a harness or collar and shall also wear a leash when outside of the student's assigned MMI-owned, leased, or managed housing unit. If the owner is unable, because of a disability, to use a harness or leash for a Service Animal, or if the use of a harness or leash would interfere with the Service Animal's safe, effective performance of work or tasks, the Service Animal nevertheless must be under the full control of the owner by other effective means (e.g., voice commands, signals, etc.). The care and supervision of the Assistance Animal is the responsibility of the owner.
- **Hygiene and Cleanliness.** Assistance Animals must be clean. Daily grooming and occasional baths should be utilized to keep an Assistance Animal's odor to a minimum. Adequate flea prevention and control must be maintained. If an Assistance Animal's odor is offensive to other individuals, the owner or custodian of the animal will be directed to remove the Assistance Animal and ensure that it is thoroughly bathed before the Assistance Animal is returned to the facility. Repeated occurrences may result in the Assistance Animal being temporarily barred from the facility until steps are taken to comply with the rules regarding cleanliness.
- **Cleanup Rule.** Animal waste must be disposed of by the owner or custodian of an Assistance Animal, and cleanup must occur immediately. Animal feces, defined as cat litter box content and any solid animal waste, must be disposed of properly. It should be placed in a plastic bag and should be disposed of in an outdoor receptacle, either in a dumpster or an outdoor trash can. If the owner is unable to clean up after the Assistance Animal due to disability, it is the

owner's responsibility to make satisfactory arrangements for a third party to perform proper cleanup.

- **Expense and Care.** The care, arrangements and responsibilities for an Assistance Animal, and the costs associated with the same, are the sole responsibility of the owner at all times.
- **Assistance Animal Agreement.** Students residing with an Assistance Animal in MMI-owned, leased, or managed student housing must abide by the terms and conditions of the *Assistance Animal Agreement*.
- **Damages.** Owners of Assistance Animals are financially responsible for the actions of Assistance Animals, including bodily injury, property damage, cleaning and/or replacement of furniture, carpet, blinds, and any and all other damages which may arise.

Service Animals in Training

State and federal law allows for individuals, both with or without disabilities, to train service dogs. In 2019, the Alabama State Legislature amended the 1975 Code of Alabama, Sections 21-7-1 to 21-7-9, inclusive, thus clarifying the rights and responsibilities of individuals with disabilities who use Service Animals in public accommodations or in housing accommodations, and for those training Service Animals. The legislation provides criminal penalties for those who misrepresent their need for Service Animals, as well as for those who falsely represent that they are Service Dog trainers. MMI understands the need for properly trained Service Dogs and allows trainers and Service Dogs in Training, provided all applicable policies and procedures are followed.

- A Service Dog that is in training must wear a harness, collar, leash, cape, or backpack that identifies the Service Dog is in training. The

written identification on the harness, collar, leash, cape or backpack **must be visible and legible from a distance of at least 20 feet.**

- To determine if a dog is a Service Animal in training or a pet, MMI faculty and staff may ask any of the following:
 - Is the trainer an owner-trainer with a disability or a qualified trainer with at least one year of experience training animals?
 - Agencies involved in the rehabilitation of individuals with disabilities generally recognize certain schools and/or organizations as reputable and competent to provide Service Animal training. Can the trainer provide photo identification stating that they are an employee, volunteer, agent, or graduate of such a school and/or organization and verification that they are actually involved in the training process?
 - What task(s) is the animal being trained to perform, and is the trainer currently engaged in the training of the animal?
- Trainers are expected to ensure that Service Dogs in Training have been fully vaccinated and have also been given a clean bill of health by a licensed veterinarian.

Definitions

- **Controlled spaces** For purposes of this policy, "Controlled Spaces" are defined as any indoor areas owned or controlled by MMI, any outdoor area owned or controlled by MMI that has limitations on use or access (including, but not limited to, practice fields, tennis courts, stadium, etc.), College vehicles, and any other area not generally open to the public. Areas open to the public (such as streets, lawns, sidewalks, parking lots, etc.)

with no limitations on access are not controlled spaces for the purposes of this policy.

- **Service animal** is defined by the Americans with Disabilities Act (ADA) 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. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of this Policy. Support Animals, sometimes referred to as Emotional Support Animals (ESAs), Therapy Animals and/or Companion Animals, are not Service Animals under the ADA. Although not a “service animal,” the use of a miniature horse by an individual with a disability is permitted under the ADA in limited circumstances.
- **Support animal**, sometimes referred to as an Emotional Support Animal, Therapy Animal, and/or Companion Animal, is defined as an animal that is necessary to afford the student with a disability an equal opportunity to use and enjoy MMI-owned, leased, or managed student housing, and provides emotional or other support that ameliorates one or more identified symptoms or effects of a person’s disability. Unlike Service Dogs, there is no requirement for Support Animals to be trained to perform work or tasks.
- **Work or tasks performed.** Work or tasks performed by a Service Dog must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to:
 - Assisting individuals who are blind or who 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 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.

Scope

This policy applies to all faculty, staff, students, and visitors to the Marion Military Institute's campus.