

MMI Emotional Support and Service Animal Policy

I. OVERVIEW

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other applicable federal and state law, the College may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs or activities. This Policy addresses the use of Service Animals and other animals on campus by qualified individuals with disabilities or individuals authorized to provide Service Animal training.

II. DEFINITIONS

A. Emotional Support Animal – an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process (e.g., in alleviating the symptoms of that individual's disability). An emotional support animal does not assist a person with a disability with activities of daily living and does not always accompany a person with a disability. An emotional support animal is not a "Service Animal".

B. Service Animal – an animal 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. The work or tasks performed by a Service Animal 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 have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Service Animals may or may not have been licensed by a state or local government or a private agency. Service Animals are limited to service dogs and, in some cases, miniature horses.

C. Pets – any animal that is not an Emotional Support Animal or a Service Animal.

III. ANIMALS ON CAMPUS

Pets are not permitted on campus and may not be left in vehicles on college property. There are occasions when a Cadet or employee may need to bring an animal onto campus for the purpose of meeting an educational objective. Such requests should be made to the appropriate academic Dean prior to the animal being allowed onto campus. Subject to the rules set forth in

section IV and V below, Service Animals are permitted in any area of campus where employees or Cadets are permitted, with a few exceptions for health and safety reasons (i.e., areas that must adhere to certain required sanitation rules such as campus culinary and health sciences programs and third-party clinical partners). ESA have further restrictions on where they can be on campus.

IV. PROCEDURES REGARDING SERVICE/EMOTIONAL SUPPORT ANIMALS

A. Responsibilities of the Service/Emotional Support Animal Owner/Handler

1. Registration of Service Animals

a. Cadets, employees, and visitors are not required to register Service Animals. However, they are strongly encouraged to notify the Director of Counseling and Accommodations (Cadets) or the Office of Human Resources (employees) if they intend to use a Service Animal on campus so that appropriate College officials are aware of their presence and to assist with the Service Animal's access to areas within the College's campus. Logistical or physical accommodation within campus buildings or classrooms may be necessary to ensure that a Service Animal has the space necessary to assist its handler. In addition, there are other disabilities related to academic accommodations a Cadet handler may be eligible to request to ensure full access to the learning experience.

b. For a Service Animal to live in the barracks, the same clearance/approval procedures must be met as set out for Emotional Support Animals in paragraph 3.

2. Care and Supervision of a Service Animal.

a. The care and supervision of a Service Animal is the responsibility of the animal's owner and/or handler. The handler must ensure the animal is in good health and has been inoculated and licensed in accordance with local regulations with the burden of proving licensure and inoculation on the person with a disability. Dogs must always wear a rabies tag.

b. The Service Animal must always be under the control of the handler and may not be left alone. A Service Animal must be restrained by a leash that does not exceed six (6) feet in length or another appropriate device dependent on the animal (i.e., carriers or cages). In situations where a leash or other appropriate device interferes with a Service Animals ability to perform its task or service, the Service Animal must always remain under the control of the handler.

c. The owner and handler of the Service Animal is responsible for any damage of personal or college property or any injuries to an individual caused by the Service Animal.

d. The handler must ensure the animal is "housebroken" and trained. The handler must clean up and remove all animal waste created by the animal both inside campus buildings and outdoor campus property.

e. The Service Animal may not disrupt the operation of the College or any class. Disruptions include but are not limited to barking, growling, pacing/constant motion, foul odor, pawing and or sniffing of others. It is the assumption of the college that all Service Animals on campus are "working" animals and therefore, should not be treated as a pet. There should be no petting by others and no handling by others.

3. Emotional Support Animals and Service Animals Residing in the Barracks.

a. For consideration to have an ESA or Service Animal approved to live on campus under the Fair Housing Act, Cadets should submit the items listed below. All requests will be reviewed, even if submitted after the deadline, but MMI reserves the right to postpone review of any late submissions.

b. ESA/SA approval within a barracks follows a consistent case-by-case approach. Generally, Cadets are prohibited from having an animal of any kind in the barracks. If an ESA/SA is approved by the review committee, the Cadet will be asked to complete the agreement on the last page of this document. In total, after approval, the following items must be submitted to the MMI Counselor before the animal can arrive on campus:

- Fully completed Support Animal Accommodation Request Form
- Supporting Cadet Report
- Roommate Agreement
- Assistance Animal Agreement

c. Sufficient time for the Counselor and Commandant's Office to review documents and send notifications to relevant MMI offices is required.

Documentation of the mental health or other medical diagnosis and the associated need for an ESA/SA should come from a mental health provider who knows and understands the difficulties and can explain how the presence of the animal may help to alleviate symptomology. MMI, along with many other colleges across the country, is concerned about the growing number of questionable website services that offer to "certify" an ESA/SA or to create "ESA/SA letters" for a set price, often based on answers to an online survey and/or phone call, rather than actual counseling or clinical or medical therapy. There is no formal, recognized certification of ESA/SAs, and no recognized state or national "registry" of ESAs. ESA/SA certificates, ID badges, vests, online registries, etc., are not necessary nor considered in the

approval process of an ESA/SA. **The Federal Trade Commission (FTC) has been asked to investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA/SA. Please reconsider before spending money on the purchase of such letters, as they will rarely provide the information necessary to support your request for accommodation and are typically not viewed by MMI as a reliable source of information.**

It is a class C misdemeanor under Alabama state law to misrepresent an animal as an assistance or service animal or to create or provide to others a document that misrepresents or falsely states that an animal is such for use in housing. Subsequent offenses are classified as class B misdemeanors. Approvals for an ESA/SA are typically considered valid for one academic year, and an annual update will be necessary (as mental health conditions and their symptoms are variable).

d. Basic ESA/SA Guidelines and Expectations:

1. ESA Supporting Medical Documentation (completed by the licensed mental health treatment professional) is required to be updated annually, as mental health disorders are, by definition, variable conditions. Letters may also be written assuming they address the questions in the ESA/SA Verification Form. Treatment professionals should be licensed in Alabama or in the Cadet's home state and should have a treatment relationship with the Cadet. Documentation provided by relatives will not be considered acceptable. The application can also be denied if the college finds the application to be based on false or misleading information.
2. If the need for a Service Animal is obvious, College officials may not question the presence of the animal on campus. If the need for a Service Animal is not obvious, College officials are permitted to ask the handler two questions:
 - Is the animal required because of a disability?
 - What work or task(s) has the animal been individually trained to perform?
3. Letters purchased from online doctors/companies (many of whom also sell letters for airline travel, apartment landlords, vests, ID badges, leashes and other specialty ESA/SA merchandise) who have not personally evaluated/treated a Cadet are very likely to be considered unacceptable documentation. All requests will be reviewed on a case-by-case basis.
4. A Cadet may be found eligible for an ESA/SA but MMI has the right to deny a specific ESA/SA as requested. MMI has a responsibility to consider the impact on an overall living space, including roommates, hall mates, etc. Generally, dogs must be at least 12 months of age to live on campus; to be a bit more mature and to ensure they have all the

necessary vaccinations. But Cadets are strongly encouraged to assure that the dog is reliably housebroken and will not be disruptive to other residents. Very young puppies often do not adjust well to the crowds and noise of a college residence hall and the excitement and stress can result in a loss of potty skill or excessive barking, which can cause the dog to be removed.

5. Certain animals may be deemed inappropriate for MMI's community living environment, such as farm animals, animals that are non-domestic, exotic, venomous or poisonous, animals that require live food, or those that are clearly too large or inappropriate for a residence hall. Animals at risk of zoonotic diseases will not be permitted without specific medical clearance from a veterinarian. Approval of any specific animal will be granted on a case-by-case basis. A different animal may need to be chosen as the ESA/SA.

6. Generally, no approvals will be granted for multiple ESA/SAs. If the selected animal is bonded with another animal (or for whatever reason it needs to live in pairs), then a different animal should be considered when the request is made.

7. ESA/SAs are approved for the Cadet's immediate living space only. They are not allowed in other Cadets' rooms, Greek chapter rooms, or in other common areas of the residence hall. ESA/SA approved for housing cannot be taken to class or other campus buildings. If a request is made that the animal be allowed in other areas of campus, then additional documentation and discussion will be necessary, as that type of accommodation falls under a different federal law.

8. All ESA/SAs must be contained (leashed, caged or crated) at all times when the Cadet is not in the room. This is an important consideration in choosing the ESA/SA. If it is not used to being crated or contained it could create significant stress for the animal, possibly resulting in excessive barking or behavioral problems. ESA/SAs must be carried or leashed while being taken to and from the resident's room.

9. ESA/SAs may not be left in the care of other on-campus residents. Animals should never be left unattended in a residence hall for extended periods (time varies based on type of animal), and may not be left alone overnight, on weekends or during any college closing. It is a violation of Housing policy for Cadets to give their key to other Cadets, including to feed or care for the animal. Cadets will be fully responsible for the cost of any intervention on the part of the MMI should an animal be found unattended or neglected.

10. Emergency contact information must be provided to the Commandant's Office if the Cadet owner of an ESA/SA is hospitalized or has another unforeseen emergency and

cannot care for the animal. These contacts must be individuals who agree to remove the ESA/SA from campus for temporary care. If the identified individuals decline or fail to remove the ESA/SA, MMI may relocate the ESA/SA to a local boarding facility at the Cadet's expense. At least one contact person must be someone other than a parent or guardian, as they will likely be attending to Cadet's immediate needs in a crisis.

10. Appropriate vaccination/ health records (which may vary depending on type of animal) and a photo of the ESA/SA must be submitted to the Commandant's Office before the animal can be brought to campus. Annual updates regarding the ESA/SA's health/vaccinations are required. MMI may ask that the animal be removed if it is deemed neglected or in need of medical care.

11. Animals must be house broken, if applicable. Cadet is responsible for emptying litter boxes and/or cleaning up outside animal waste and depositing it (bagged) in outside garbage bins. Animal waste may not be left in or near MMI buildings or on sidewalks or grass lawns.

12. Cadets bringing ESA/SAs to campus are fully responsible for the animal's behavior, and for any damage done. If the ESA/SA is disruptive to the living environment for others (e.g., barking, growling or other loud noises, fleas, or significant odor from the animal, litter boxes or cages), or if there is damage done to MMI facilities, the ESA/SA will need to be removed from the premises within 24 hours of notice being given. Cadets are responsible for property damage, flea/pest services required due to animal and/or any cleaning deemed necessary beyond typical end-of-year maintenance. Cadets have full liability should the ESA/SA bite, scratch or injure another Cadet or staff member.

13. MMI maintains no responsibility for any animal approved to live in housing and will not provide care or food for any animal including, but not limited to, removing the 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.

e. The Commandant's Office must be notified if the approved animal is no longer in residence on campus. Cadets may not replace or substitute a new animal (even if same breed) for the originally approved animal without a request to the MMI Counselor, as each request is individually assessed (vet records would need to be obtained, etc.)

f. Cadets may be told to remove the ESA/SA from MMI Housing for any of the following reasons (A warning may or may not be given based on the circumstances):

1. Disruptive or out-of-control (aggressive behavior, excessive barking or otherwise disruptive behavior in the barracks).
2. Not house-broken or causing damage to any MMI property.
3. Determined to be very ill, neglected, in need of immediate medical care, or to have a substantial lack of cleanliness or odor.
4. Determined to be a direct threat to health and safety of others

B. Responsibilities of the College Community

1. Service Animals.

- a. At no time may a college official require a Service Animal to demonstrate the tasks for which they have been trained, nor may they inquire as to the nature of the individual's disability.
- b. If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals and that person has contact with a Service Animal, a request for accommodation should be made by the individual to the Director of Human Resources (if an employee) or the Director of Counseling and Accommodations (if a Cadet). All facts surrounding the concern will be considered to resolve the concern and provide reasonable accommodation for both individuals.

2. Emotional Support Animals

- a. The determination of whether a Cadet or employee with a disability is allowed to have an Emotional Support Animal on campus shall be made on a case-by-case basis. Cadets and employees may request, as reasonable accommodation for a disability, the need to have an Emotional Support Animal on campus. The College is not required to grant reasonable accommodations that would result in a fundamental alteration of a program, create an unsafe environment or would constitute an undue burden. Any requests for reasonable accommodation for an Emotional Support Animal shall be directed to the Disability Service Office (Cadets) or the Office of Human Resources (employees).

- b. In determining a request for accommodation for an Emotional Support Animal, the considerations are:

- 1) does the person have a disability (i.e., physical or mental impairment that substantially limits one or more major life activities).
 - 2) does the Emotional Support Animal perform tasks or services for the benefit of the person or provide emotional support that alleviates one or more of the identified symptoms for effects of the person's existing disability.

3) is the request an undue burden on the College, does the request create an unsafe environment, or does it fundamentally alter a college program.

C. Removal of Service/Emotional Support Animals

The College has the authority to remove a Service/Emotional Support Animal from its facilities or properties if the Service/Emotional Support Animal becomes unruly or disruptive, unclean and/or unhealthy, and to the extent that the animal's behavior or condition poses a direct threat to the health or safety of others or otherwise causes a fundamental alteration in the College's services, programs, or activities. All cases for removal shall be decided on a case-by-case basis based on that specific situation. In appropriate situations, the College will use a progressive model beginning with a warning for a first offense and removal (either temporarily or permanently) for additional offenses. However, dependent on the severity of the situation, the first offense could result in temporary or permanent removal.

It is a class C misdemeanor under Alabama state law to misrepresent an animal as an assistance or service animal or to create or provide to others a document that misrepresents or falsely states that an animal is such for use in housing. Subsequent offenses are classified as class B misdemeanors. Approvals for an ESA/SA are typically considered valid for one academic year, and an annual update will be necessary (as mental health conditions and their symptoms are variable).

Additionally, any employee or Cadet who violates any portion of this procedure is subject to disciplinary action.

Legal Reference: Section 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

Alabama Code Title 21. Handicapped Persons § 21-7-4 SECTION 21-7-4 RIGHT OF A PERSON WITH A DISABILITY TO BE ACCOMPANIED BY SERVICE ANIMAL; LIABILITY FOR DAMAGES; VIOLATIONS