

MONTCLAIR

STATE UNIVERSITY

Animals on Campus Policy	
Responsible Office:	Student Development Campus Life
Policy Summary:	Provides guidance to employees and students on the presence of service and emotional support animals on Montclair State University campuses.
Effective Date:	09/19/2019
Last Revision Date:	

I. Purpose

Service animals and emotional support animals (ESAs) are permitted on University property in accordance with applicable federal and state laws. This Policy is adopted to provide guidance to employees and students in order to protect the rights of persons with disabilities, to ensure the protection of persons from animals, and to require the proper care for animals while on campus.

This Policy is adopted pursuant to Title I, Title II, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 Act, 42 U.S.C. § 12101, et seq., the Fair Housing Act, 42 U.S.C. § 3601, et seq., their implementing regulations and interpretive guidance.

This policy does not apply to animals owned by the University, animals provided for laboratory experiments, and mascots of athletic teams.

II. Applicability

This policy applies to employees, students and guests with an animal on University Property.

This policy does not apply to animals owned by the University, animals provided for laboratory experiments, and mascots of athletic teams.

III. Definitions (as applicable)

“Controlled spaces” are defined as any indoor or outdoor areas of University Property where the general public is normally not permitted to be. Examples of Controlled Space include but are not

limited to, academic buildings, residence halls, classrooms, employee workstations, food preparation areas, athletic practice fields, and locker rooms.

“Handler” is defined as an individual with a disability who is the user of a service animal or ESA.

“Emotional Support Animal (ESA)” is defined as an animal that is required by an individual with a disability and provides emotional support or alleviates one or more of the identified symptoms or effects of the person’s disability. An ESA may provide companionship and help with depression, anxiety and certain phobias but does not have special training to perform tasks for a person with a disability. ESAs are also commonly known as companion or therapeutic animals. ESAs are not service animals.

“Pet” is defined as any domesticated animal that is not a service animal or an ESA.

“Public Spaces” are defined as are indoor and outdoor areas on University Property where the public is generally allowed to occupy. Examples of public spaces include but are not limited to parking garages, shuttle buses, walkways, and dining areas open to the general public.

“Service Animal” is defined as any dog specifically trained to do work or perform task(s) for the benefit of and directly related to an individual’s disability, including those retired from such service. Animals whose sole function is to provide comfort or emotional support are not service animals. A miniature horse may also be a service animal where reasonable if: 1) housebroken; 2) under the control of the handler; 3) in a facility that can accommodate its type, size and weight; and 4) its presence will not compromise the legitimate safety requirements necessary for the operation of the facility.

“University Property” is defined as land and buildings owned, leased or controlled by the University and includes any satellite campuses.

IV. Policy

Pets

Pets are prohibited on all University property other than outdoor public spaces. Exceptions may be made to permit pets on other University property when exceptional circumstances exist or for other good cause shown. Requests for exceptions may be made as follows: a) by students in residence halls to the Executive Director of Residential Life, or designee, in Student Development

and Campus Life; b) by employees to the Director of Benefits, or designee, in Human Resources; and c) by visitors to University Police.

Service Animal

Service animals are permitted on University property wherever the handler is permitted. Service animals may be prohibited from controlled spaces if the animal's presence may compromise a sterile environment, or create other significant safety and health concerns. The determination to prohibit a service animal from a controlled space will be made on a case-by-case basis by the Director of Benefits in Human Resources if the handler is an employee, or the Director of the Disability Resource Center, if the handler is a student.

When it is not obvious what a service animal provides, University employees are permitted to make only the following inquiries from the handler: (a) is the service animal required because of a disability; and b) what work or task has the service animal been trained to perform? University employees may not ask about the handler's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.

Service animals must be harnessed, leashed or tethered unless these devices interfere with the work of the animal, or the individual's disability prevents using these devices. In that event, the handler must maintain control of the animal through voice, signal or other effective controls.

Emotional Support Animal

An ESA is only permitted in an individual's unit of housing on University property, and is prohibited in all other controlled spaces. An ESA is permitted in outdoor public spaces when confined to an animal carrier or controlled by a leash or harness that is no longer than 6 feet in length, and is prohibited in all other public spaces.

The owner of the ESA must provide appropriate food, water and shelter to the ESA, and keep the ESA and its shelter clean and free of odors. The ESA must be fed and watered inside the residential unit on University property; food and water may not be left outside of the unit or the building.

The owner of the ESA is solely responsible for its care and supervision; the University assumes no responsibility for the care or comfort of an ESA.

Routine maintenance of the ESA must be provided by the owner. For dogs and cats, this means flea and tick prevention and de-worming, vaccinations, and annual examinations. Residence Life may request updated veterinary verification annually or at any time during the individual's residency.

The owner of the ESA must comply with all required State and municipal license requirements, including current identification and vaccination tags, as applicable to the animal. If applicable, the ESA must meet the requirements of State regulations concerning the possession of nongame and exotic wildlife in N.J.A.C. 7:25-4.1, et. seq. ESAs should be tagged with contact information for the owner.

The ESA must be confined to the owner's residential unit and be housebroken or caged at all times. If the unit is occupied by more than one resident, the ESA must be confined to a cage or kennel. The owner of the ESA is responsible for disposing of all animal waste in a sturdy bag tied securely before being disposed of in a trash receptacle.

An ESA may be left unattended for reasonable periods of time based on the breed and totality of the circumstances. The ESA may not be left overnight in University housing to be cared for by anyone other than the handler unless approved by Residence Life. If the owner leaves the ESA unattended for longer than a reasonable period of time and it places the animal's health or safety in jeopardy, the University may determine the ESA is neglected or

The ESA may not be neglected or abused. If neglect or abuse is suspected, Residence Life will contact the owner of the ESA, the University Police Department, and the Human Society. Residence Life and, where appropriate, an animal control officer or humane society representative, may enter a residential unit to remove the ESA if, in the University's judgment, an emergency requires removal, or the owner has abandoned the animal, left the animal for an extended period of time without food or water, or has failed to care for a sick animal. In such an event, Residence Life will notify the owner of the animal as soon as reasonably possible after removal.

The ESA may not be confined to a vehicle. University Police may take reasonable efforts to remove an animal confined in a vehicle when there appears to be eminent danger to the animal due to inadequate ventilation or temperature conditions.

Damage to housing on University Property caused by an ESA shall be assessed and apportioned in accordance with Residence Life policies found in the Residence Living Guide at: <https://www.montclair.edu/residence-life/living-guide/>.

Violations of Policy / Removal of Animal

A person with a disability may be asked to remove a service animal from University property if: a) the service animal is out of control and the handler does not take effective action to control it; and b) the service animal is not housebroken. If there is a legitimate reason to ask that a service animal be removed, the handler must be offered the opportunity to participate in the University program, activity and service without the service animal's presence.

Approval of an ESA may be rescinded if: a) the ESA is out of control and the handler does not take effective action to control it; b) the ESA's presence fundamentally alters the nature of a program or activity; c) the ESA has caused substantial physical damage to the property of others; d) the ESA creates a substantial threat to the health or safety of persons; e) the ESA substantially interferes with the reasonable enjoyment of University property by others; f) the handler neglects or abuses the ESA; or g) the ESA is disruptive.

It is a crime in the State of New Jersey to recklessly interfere with, injure or cause the death of a service animal. N.J.S.A. 2C:29-3.2. Any employee, student or visitor who, through their actions, inactions or the actions of their pet or ESA, recklessly interferes with, injures or causes the death

of a service animal, shall be in violation of this Policy and New Jersey law. Violations shall be enforced by University Police and will also require restitution for the value of the service animal and its replacement, veterinary expenses for the service animal, and lost wages and medical expenses for the handler.

V. Procedure (as applicable)

Employees

Workplace Accommodation

Applicants for employment and employees are not required to obtain approval of a service animal when the disability is readily apparent or known. All other applicants for employment and employees of the University who request the use of a service animal as a reasonable accommodation should contact the Director of Benefits in Human Resources to ensure appropriate accommodations are provided in advance of reporting for an interview or for work.

Employees of the University who occupy housing on University property must contact the Director of Benefits in Human Resources to obtain approval of an ESA prior to occupancy.

When the disability is not readily apparent or known, the Director of Benefits will request the applicant or employee provide information to demonstrate the disability, and that the service animal has been trained to perform a task related to the disability. The Director of Benefits will issue a determination after an interactive process with the applicant, or employee and his/her supervisor(s).

A service animal may accompany the applicant or employee handler in all controlled spaces and public spaces. Other than assigned housing and outdoor public spaces, an ESA may not accompany employees in any other controlled spaces or public spaces, including but not limited to the employee's work area, unless the employee has received written authorization from the Director of Benefits.

Students

Service Animals

Students are not required to obtain approval of a service animal when the disability is readily apparent or known. All other students who request the use a service animal as a reasonable accommodation should contact the Disability Resource Center prior to the student's arrival on campus. The Disability Resource Center will request the student provide information to demonstrate the disability, and that the service animal has been trained to perform a task related to the disability. The Disability Resource Center will issue a determination after an interactive

process with the student. A service animal may accompany the student handler in all controlled spaces and public spaces.

Emotional Support Animals

The determination of whether an ESA will be permitted in housing on University property is made on a case-by-case basis through an interactive process involving the student requesting the accommodation. In all cases, the needs of the student are balanced with the impact of the ESA on other campus residents. In order for an ESA to be considered a reasonable accommodation in housing, there must be current verification of need from the student's treating physician, psychiatrist, licensed clinical social worker, or licensed psychologist provided to the Disability Resource Center which: a) verifies the individual has a physical or mental impairment that substantially limits one or more major life activities; b) describes the need for the requested accommodation; and c) identifies the ESA alleviates the symptoms of a disability. All requests for an ESA are subject to review.

A request for no more than one (1) ESA per student must be made to the Disability Resource Center in accordance with its procedures outlined in the **Emotional Support Animal Agreement**. The student must also provide evidence that the ESA is in good health, has been vaccinated against diseases common to the breed of animal as recommended by American Veterinary Medical Association, and provide veterinary records attesting to the fact that the ESA is not aggressive or dangerous. The request must be made no less than 60 days prior to the date to move into housing. If all criteria are met to establish the need for an accommodation of an ESA, a meeting will be arranged by the Disability Resource Center with the student and Residence Life to discuss how to best accommodate the student, and the campus community. Requirements for residents with an ESA will be provided by Residence Life to the student for signature on the **Emotional Support Animal Agreement**.

The DRC may deny a request for an ESA if its presence: a) fundamentally alters the nature of a program or activity; b) would result in substantial physical damage to the property of others; c) would substantially interfere with the reasonable enjoyment of University property by others; or d) is disruptive.

Visitors

Visitors are not required to obtain approval of a service animal.

Appeals and Grievances

An employee who feels approval of an ESA was unfairly denied, may appeal the decision to the Vice President for Human Resources.

A student who feels approval of an ESA was unfairly denied, may appeal the decision to the Dean of Students. The Dean of Student's decision shall be a final determination.

VI. References