



Marymount University

Policy for Service Animals and Emotional Support Animals

Part I: Definitions

A. “Disability” is defined as a physical, mental, or medical condition or impairment that substantially limits one or more of a person’s major life activities, including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working and learning.

B. “Service Animal”

In accordance with the Americans with Disabilities Amendments Act (ADA), a “service animal” is defined as a dog or mini-horse (shorter than 34”) that is individually trained to do work or perform specific tasks for the benefit of a person with a disability. The work or task the service animal performs must be directly related to the individual’s disability, including, by way of example, 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 non-violent 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. 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.

C. “Emotional Support Animal”

An emotional support animal is one that is necessary to afford a person with a disability with equal opportunity to use and enjoy University housing. An emotional support animal must provide emotional comfort, stability, and/or other kinds of emotional assistance to the person with the disability. They do not perform work or tasks that would qualify them as “service animals”, under the ADA definition. At Marymount’s discretion, emotional support animals may be permitted in University housing, under certain circumstances, pursuant to the Fair Housing Act, on a case-by-case basis.

D. “Pet”

A pet is an animal kept for ordinary use and companionship unrelated to a disability and is not considered a service animal or an emotional support animal. Pets are not covered by this policy and are not allowed into University buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events.

Part II: MU Policy on ADA Service Animals

In accordance with applicable laws and regulations, Marymount University (the “University”) generally allows ADA-defined service animals to accompany an individual with a disability into buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events. The service animal must be accompanied by an individual for whom the animal is trained to provide a specific disability-related service. The University may not permit service animals when the animal poses a substantial or direct threat to health and safety. On a case-by-case basis, the University may or may not permit service animals when the presence of the animal constitutes a fundamental alteration to the nature of the sponsored program or service.

Although not legally required, individuals with service animals are strongly encouraged to partner with the University’s Office of Student Access Services. Student Access Services can help to determine whether additional accommodations are needed or may be able to make recommendations on accessible campus routes. Students who plan to reside on campus with a service animal should contact the Office of Campus and Residential Services, as early as possible. Advanced notice may allow for more flexibility in meeting student’s specific requests for housing. Staff and faculty with service animals are strongly encouraged to contact the University’s Employee ADA Coordinator, located in the Office of Human Resources.

The University may make the following inquiries to an individual who is accompanied by a service animal: **(1) Is the animal required because of a disability? (2) What specific task or work has the animal been trained to perform?** The individual should not be asked to disclose the diagnostic name or specific nature of their disability. Anyone who is accompanied by a service animal on University grounds is subject to University requirements for animal health and behavior.

Part III: MU Policy on Emotional Support Animals

The University may allow a resident with a disability to keep an emotional support animal in the residential facilities, if certain conditions are met. The animal must be necessary for the resident with a disability to have equal access to housing, and the specific accommodation requested must also be reasonable, and must, among other things, alleviate one or more identified symptoms or effects of the resident’s disability. An accommodation is unreasonable if it presents an undue financial or administrative burden on the University, poses a substantial and direct threat to personal or public safety, or if the presence of the emotional support animal constitutes a fundamental alteration of the nature of the service or program.

Anyone seeking permission to have an emotional support animal in their University housing must first obtain approval from the Office of Student Access Services (SAS). The requestor must follow the established SAS disability registration process, as described on the University’s website, and in SAS materials. The SAS requires that the requestor’s medical documentation meet SAS documentation criteria and include the medical provider’s description of the link between the emotional support animal and the requestor’s disability.

Obtaining approval of an emotional support animal by SAS does not guarantee an actual room assignment in University housing. All students who wish to reside in University housing must follow the Office of Campus and Residential Services room application process and adhere to their deadlines and housing requirements. Approved emotional support animals are not permitted in public spaces, and are only allowed in the residence of the individual who has obtained approval to have the animal on campus.

A student who has been approved for an emotional support animal in University housing must follow the University's requirements for animal health and behavior. *Emotional distress that may result from having to give up an animal that has violated University policy does not qualify a person for an accommodation under federal law.*

Part IV: Animal Responsibilities (applies to all animals)

The person with a disability that is assisted by a service animal or emotional assistance animal is called the animal's "handler". Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The costs of care, arrangements and responsibilities for the well-being of a service animal or emotional support animal are the sole responsibility of the handler at all times. Handlers must also adhere to the following:

1. Service animals must be leashed when not providing a needed service to the handler. A leash is required in public spaces, such as classrooms, community areas of residence halls, meeting rooms, dining areas, recreational facilities, campus offices, and other activity or event spaces.
2. Emotional support animals are never allowed in public spaces.
3. All animals must be in full control of their handler, at all times.
4. The handler (or someone the handler hires) is solely responsible for cleaning up after the animal and must properly dispose of waste and/or litter in appropriate containers, with reasonable immediacy. Handlers should always carry equipment to contain and remove the animal's feces whenever the animal is on campus.
5. To the extent possible, animals should be unobtrusive to other individuals and should not block an aisle or passageway for fire egress.
6. The handler should be vigilant in ensuring that the animal does not sniff other people, restaurant tables, or the personal belongings of others.
7. It is highly recommended that animals wear some type of commonly recognized identification symbol that identifies the animal as an animal that is working (i.e., service animal vest).
8. Animals should not display behaviors or make noises that are unreasonably disruptive to others, and should not be disruptive to the learning, living, and working environments of Marymount University students, employees, or guests.

9. The University reserves the right to impose reasonable conditions or restrictions, if necessary to ensure the health, safety and reasonable enjoyment of others.
10. The University reserves the right to request vaccination and licensing information for emotional support animals.
11. In the event of an emergency situation, evacuation, or related safety drill, the handler is responsible for the animal.
12. The University is not responsible for animals left unattended.

Part V: Removal of Animals from Campus

Both service animals and approved emotional support animals may be ordered removed by a University Campus Safety or Emergency Management employee for the following reasons:

- a. Out of Control Animal: A handler may be directed to remove an animal that is out of control and 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.
- b. Non-housebroken Animal: A handler may be directed to remove an animal that is not housebroken.
- c. Direct Threat: A handler may be directed to remove an animal that the 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.

If a service animal is properly removed pursuant to this policy, the 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.

NOTE: Conflicting Disabilities - Some students, faculty, and/or staff may have allergic reactions to animals that are substantial enough to qualify as disabilities. The University's Office of Student Access Services will consider the needs of both students in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible.

For questions relating to this policy, please contact the Office of Student Access Services (703-526-6925, access@marymount.edu). Employees should contact the Office of Human Resources (703-284-1680).