

POLICY FOR ANIMALS IN THE UNIVERSITY HOUSING

Montana State University Billings recognizes the importance of providing reasonable accommodations in its housing policies and practices where necessary for individuals with disabilities to fully participate in the University housing program. This Policy explains the specific requirements and guidelines that govern requests for reasonable accommodation in University housing. MSU Billings reserves the right to amend this policy at any time as circumstances require.

Montana State University Billings allows service animals, service animals in training, emotional support animals, and certain other animals on University property as described in this regulation. Service animals and other animals allowed on University property must be appropriately controlled (attended and restrained) by the animal's owner or handler at all times. As it pertains to university housing, service animals, emotional support animals for resident and tenants, and certain other animals are permitted within the residence halls and student family housing.

I. DEFINITIONS

A. Attended and Restrained

“Attended and restrained” means in the immediate vicinity of a handler, and either on a harness, leash or other tether or in a cage. However, in the case of a Service Animal, if such restraints would interfere with the animal's safe and effective performance of work or tasks, the service animal must be otherwise under the handler's control via verbal, nonverbal, or other appropriate means. An animal left fastened to a stationary object is not considered to be appropriately attended. For University research animals, “Attended and Restrained” means the animal is confined or controlled by a cage, barn or other structure, or other effective means.

B. Disability

“Disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one (1) or more major life activities;
2. A record of such an impairment; or
3. Being regarded as having such an impairment, and as otherwise defined in the American Disabilities Act.

C. Domestic Animal

“Domestic animal” means those species of animals that normally and customarily share human habitat and are normally dependent on humans for food and shelter, such as dogs, cats, and other common domestic animals, but not including feral or wild animals.

D. Handler

“Handler” means any person with a disability that a service animal assists, or a personal care attendant who handles the animal for the person with a disability, a person who owns a service animal, or a person who is training a service animal in accordance with Montana law 49-4-214.

E. Service Animal

“Service animal” means any dog* 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 which meets the definition of “service animal” under the Americans with Disabilities Act (ADA) regulations at 28 CFR 35.104. The work or tasks performed by a service animal must be directly related to the individual's disability. **Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.*

F. Emotional support animal

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“Emotional support animal” means an animal that provides therapeutic benefit(s) to their owner through emotional support, calming, stability and other kinds of assistance to help alleviate symptoms associated with a disability. Emotional support animals do not perform work or tasks that would qualify them as “service animals” under the Americans with Disabilities Act. Emotional support animals that are not service animals under the ADA may still be permitted, in certain circumstances, as outlined in this policy and in accordance with the Fair Housing Act.

G. University Property

“University property” means property that is owned, operated, leased, occupied, or controlled by the University. For purposes of this regulation, “property” includes buildings and structures, grounds, parking structures, enclosed bridges and walkways, sidewalks, and parking lots.

H. University Residential Space

“University residential space” means any residential premises owned, operated, or controlled by the University.

II. ANIMALS ALLOWED ON UNIVERSITY PROPERTY

A. The following animals are allowed in University residential space, subject to limitations provided in this regulation:

1. Service animals while performing their duties and in accordance with Section VI of this regulation;
 2. Any animal that is officially part of the University’s teaching, research, extension, or clinical programs and used directly in support of the University’s missions (only after approval by the Provost);
 3. Fish in containers of ten gallons or less, at the discretion of the Office of Housing and Residential Life;
 4. On-duty police dogs and horses;
 5. Approved Emotional Support Animals, which are only permitted in University owned or controlled residential spaces following approval from Disability Support Services and are not permitted to enter other University buildings or structures.
- An addition, a one-time exemption may be granted for events involving animals. To be granted such an exemption, an individual must make a specific request to the Director of Center for Engagement. Events involving animals are usually required to have general liability insurance coverage.
 - As the University is part of the surrounding neighborhoods and community, privately owned domestic animals under proper restraint of their owner are allowed on University property, but may not enter buildings or structures.
 - All handlers of animals on campus must abide by the following rules. In addition, a student or tenant approved for an Emotional Support Animal (ESA) is required to meet with Disability Support Services staff to review and agree to the following rules. Failure to follow these rules may result in the University requiring the removal of the animal from campus.
 - The handler is required to clean up after and properly dispose of the animal’s feces in a safe and sanitary manner. ESAs and Service Animals must be house or litterbox trained.
 - Animals are not allowed to wander unattended.
 - The handler is financially responsible for any and all actions of the animal, including but not limited to, bodily injury or property damage, such as furniture or floor coverings replacement. The handler will be charged for all damage caused by her/his animal.

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- Displays of aggressive behavior, regardless of whether or not the animal injured someone, will not be tolerated.
- Animals must not pose a direct threat to the health and safety of others (e.g. block fire/emergency exits)
- All animals must be house or litterbox trained.
- Animals that are ill must be promptly treated by a veterinarian. Animals that may infect other animals or humans are not allowed on campus.
- The handler must maintain the animal in hygienic, sanitary, and humane conditions.
- In the event that an animal dies while on campus the handler is responsible for removal and sanitary disposal of the remains.
- Animals, alive or dead, may not be disposed of on University property, placed in University garbage, flushed down a toilet or other drain on campus.
- Animals known to be dangerous or aggressive are not allowed on campus.

III. SERVICE ANIMALS

A. Responsibilities of Service Animal Handlers:

1. The handler of a service animal must comply with all state laws, local licensure and vaccination requirements, and University regulations.
2. All trainers accompanying a service animal in training must ensure there is written identification for the service animals in training that is visible and legible from a distance of up to 20 feet.
3. The care and supervision of a service animal is the responsibility of the handler. A service animal must have a harness, leash, or other tether. If the use of a jacket, harness, leash or tether interferes with the service animal's safe, effective performance of the service animal's work or task, the animal must be otherwise under the handler's control by other appropriate means.

B. Restricted Areas

The University may prohibit the use of service animals in certain locations due to health or safety restrictions, where their use may compromise the integrity of research, or cause a fundamental alteration of university programs or services. Restricted locations may include, but are not limited to: sterile environments (sterile research laboratories), medical surgical areas, and nuclear research areas (x-ray areas). Disability Support Services (DSS) will assist handlers in identifying restricted areas.

C. Interacting with Service Animals

Service animals work and perform tasks to assist persons with disabilities and are not pets. Members of the University community must not:

1. Touch or feed a service animal unless invited to do so;
2. Deliberately distract or startle a service animal;
3. Separate or attempt to separate a service animal from the person using the animal's service; or
4. Ask for demonstration of the animal's abilities.

IV. PROCEDURES FOR SERVICE ANIMALS

- A. Service animals accompanying campus visitors with disabilities are welcome in all areas of campus that are open to the public (except in situations determined to apply under the Section VI (B) above)

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and university residential space. Specific questions related to the use of service animals at the University by visitors should be directed to Disability Support Services.

- B. Faculty, staff, students, and tenants with a disability who utilize a service animal are not required to register the animal with any University office, but may be asked what services the animal has been trained to perform. However, University Housing and Residential Life may request advance notice of a service animal to be in residence through its housing accommodation portion of the housing application.
- B. Employees (faculty, staff, or student employees) who wish to train service animals must have prior approval of the appropriate unit administrator. If approved, the training must not conflict with hours of scheduled work at the University or job responsibilities.

V. RESPONSIBILITIES OF EMOTIONAL SUPPORT ANIMAL HANDLERS

- A. MSU Billings will accept and consider requests for reasonable accommodation in University housing at any time. The individual making the request for accommodation should complete and provide the Request Form to Disability Support Services as soon as practicably possible before moving into University housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, MSU Billings cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy.
- B. If the need for the accommodation arises when an individual already resides in University housing, he/she should contact Disability Support Services and complete the Request Form as soon as practicably possible. MSU Billings cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.
- C. Before bringing an emotional support animal on campus, the student or tenant making the request must apply to the Disability Support Services for permission to do so. The student or tenant must provide a letter from a licensed professional. The letter must indicate an appropriate therapeutic or medical need for the emotional support animal. No emotional support animal may be kept in University Housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy. Judicial charges will be filed for violating the pet policy if an animal is housed in the residence halls prior to being approved as an emotional support animal.
 - a. If the licensed professional returns a **verification form** without sufficient information for Disability Support Services to determine whether an accommodation is necessary, the Director of Disability Support Services will inform the individual in writing of the verification's insufficiency and may request additional information, including speaking directly with the individual supplying the third-party verification, within **seven (7) business days** of receiving the verification.
 - b. Students and tenants are strongly cautioned that there are numerous web sites selling "ESA Letters". These letters and other documents do not meet the University's minimum requirements for documentation. Students and tenants are advised to seek documentation of the need for an ESA from their current health care providers or other reliable local professionals.
 - c. The individual making the request for accommodation must cooperate with Disability Services in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.
 - d. Approval of an emotional support animal may result in disclosure of the support animal to Housing & Residential Life staff, Facilities and Custodial staff, and possibly neighbors of the room/apartment where the animal was approved. The disability of the individual requesting the emotional support animal will not be disclosed to the aforementioned individuals, unless

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otherwise done so by the requesting individual.

- e. Individuals residing in the halls as part of summer conferencing and a short-term stay with an emotional support animal may not be required to submit documentation from a license professional, but will be required to complete the emotional support animal agreement form.
- D. A handler of an emotional support animal must comply with all state laws, local licensure and vaccination requirements, and University regulations.
- E. The student or tenant may be required to provide proof that the ESA is vaccinated and housebroken.
- F. Because of the confines of University residential spaces, the student or tenant may not request an animal that would pose a direct threat to the health or safety of others, or that would cause substantial physical damage to the property or others. Approval of a specific animal may be subject to a number of considerations including the age of the animal, the space needed to house the animal, the care/feeding requirements, and the risk of transmission of disease. Approval of allowed emotional support animals will be determined by the Disability Support Services.
 - a. If the approval of an emotional support animal affects the health and safety of others, the approved individual may be required to move locations pending circumstances and room availability.
- G. Emotional support animals must be confined to the student's or tenant's immediate living space only and are not allowed in common areas throughout the residence hall except to the extent the handler is taking the animal out for natural relief. An emotional support animal must be under the handler's care or control in the form of a harness, leash, or other tether if being taken outside for reasonable exercise. Emotional Support Animals are not permitted in any University building or structure aside from University residential spaces.
- H. The care and supervision of an emotional support animal is the responsibility of the handler. Emotional support animals may not be left in the care of other residents. The handler is responsible for ensuring that the emotional support animal is contained, as appropriate, when the handler is not present. If the student or tenant leaves campus overnight, the emotional support animal must be taken along or boarded off-campus.
- I. Emotional support animals cannot be bathed in the residence hall community areas nor can cages be cleaned in residence hall facility community areas. Additionally, emotional support animals must be fully house or litterbox trained and have all appropriate shots.
- J. As part of responsible animal ownership, the ASPCA recommends that all animals be spayed or neutered.
- K. Any damage to University property that occurs as a result of the emotional support animal's behavior will be the financial responsibility of the animal's handler. If the emotional support animal is disruptive to the living environment for others (for example, barking or other loud noises, or significant odor), or if there is damage done to college facilities, the emotional support animal will need to be removed from the premises within 48 hours of notice being given.
- L. Violations of this regulation regarding emotional support animals will be addressed through corrective action under the Code of Student Conduct, Human Resources Policies and Procedures, or other applicable University regulations or policies. Removal of service or emotional support animals does not satisfy requirements for housing contract cancellations or first-year live-on requirement exemptions, unless otherwise required because of the disability as a reasonable accommodation.

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Should the Assistance Animal be removed from the premises for any reason, the handler is expected to fulfill his/her housing obligations for the remainder of the housing contract.

- M. Visitors refusing to comply may be reported to the University Police Department. Possible corrective actions for individual students or tenants resulting from violations of the University student conduct process range from a warning to removal of animal from University property. Possible corrective actions for faculty and staff range from an oral warning to termination of employment. Any appeals related to the removal of animal should be submitted to the Office of Institutional Equity and Equal Opportunity within 7 business days of receiving the corrective action.
- N. ESAs are permitted on campus only when necessary due to the handler's disability. The handler must notify the University if the animal is no longer needed.
- O. To replace an ESA, the handler must prove the replacement animal meets all university requirements.
- P. In the event that the University withdraws, permission for an ESA the handler must remove the animal from campus immediately. The handler may follow the grievance procedure to regain permission to bring the ESA to campus. However, the ESA is not allowed on campus during the grievance process.

VI. EMERGENICES

- A. MSUB and emergency personnel are not responsible for removal of the animal during emergency evacuations for events such as fire. 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.
- B. The handler must provide the University with the name and contact information for someone who does not reside in university housing and who can take responsibility for the animal within 12 hours should the handler be unable or unavailable to care for it.
- C. In the event that an animal dies while on campus, the handler is responsible for the removal and appropriate disposal of the remains.

VII. EXCEPTIONS: Exceptions to this policy may be granted on a case-by-case basis by the Vice Chancellor of Student Affairs or his/her designated representative, as appropriate, in consultation with appropriate University officials.