

Assistance Animal Policy

Montana State University Billings Housing and Residential Life

ASSISTANCE ANIMAL POLICY

Montana State University Billings affirms its commitment to nondiscrimination on the basis of disability and its intention to comply with all laws prohibiting such discrimination including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

In order to assure nondiscrimination on the basis of disability, the University will provide appropriate and reasonable accommodation for members of the public, employees and students with disabilities, as defined by these laws.

All University administrators, faculty, staff and students have a responsibility to adhere to the philosophy of equal access and opportunity which is the basis for this nondiscrimination commitment.

An individual may be required to provide relevant, written documentation in order to establish that he/she is a person with a disability and entitled to a reasonable accommodation under the law.

The University's ADA coordinators are the Director of Human Resources and the Director of Disability Support Services.

Any student with disabilities concerned about accessibility and/or accommodation issues should contact Disability Support Services, College of Education 135 (406) 657-2283 (Voice/TTY).

I. Definitions

A. Assistance Animal

"Assistance Animals" are a category of animals that may work, provide assistance, or perform physical tasks, for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADA. This policy applies solely to "Assistance Animals" which may be necessary in University Housing. It does not apply to "service animals" as defined by the ADA. Some Assistance Animals are professionally trained, but in other cases Assistance Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as assistance animals, but any animal may serve a person with a disability as an Assistance Animal.

Although it is the policy of Montana State University Billings that individuals are generally prohibited from having animals other than fish in any type of University Housing, Disability Support Services will consider a request by an individual with a disability for a reasonable accommodation from this prohibition to allow an assistance animal. However, no assistance animal may be kept in University Housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

The question in determining if an Assistance Animal will be allowed in University Housing is whether or not the Assistance Animal is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy University Housing and its presence in University Housing is reasonable. However, even if the individual with a disability establishes necessity for an Assistance Animal and it is allowed in University Housing, an Assistance Animal is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, student union building, etc.).

B. Service Animal

Dogs

Beginning on March 15, 2011, only dogs and miniature horses are recognized as service animals under Titles II and III of the ADA. Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government training program. Therapy, companion, emotional support animals and pets are not service animals according to the ADA definition, as they have not been individually trained to perform disability mitigating tasks. Thus their handlers do not legally qualify for public access rights.

Miniature Horses

A miniature horse can be considered a service animal for use by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability subject to an assessment of the type, size, and weight of the miniature horse and whether the facility can accommodate these features. The same provisions that apply to service dogs also apply to miniature horses.

Additional information regarding Service Animals can be found [HERE](#).

C. Owner

The "Owner" is the individual who has requested the accommodation and has received approval to bring an Assistance Animal into University Housing.

II. Procedures For Requesting Assistance Animals in University Housing

A resident/tenant wishing to request an assistance animal should follow Disability Support Services' general procedures for requesting an accommodation, which can be found on the Disability Support Services website.

Disability Support Services may require a statement from a reliable third party indicating that the resident has a disability and that the animal would provide emotional support or other assistance that would ameliorate one. A reliable third-party includes, but is not limited to someone who provides

medical care, therapy or counseling to persons with disabilities, including, but not limited to, doctors, physician assistants, psychiatrists, psychologists, or social workers. Montana State University Billings, in consultation with the resident, and other parties, as appropriate, may consider the criteria below in determining whether the presence of the animal is reasonable in the making of housing assignments for individuals with assistance animals:

- Whether the animal poses or has posed in the past a direct threat to the individual or others;
- Whether the animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
- Whether the size of the animal is too large for available assigned housing space;
- Whether the animal's presence would force another individual from individual housing (e.g. serious allergies);
- Whether the animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
- Whether the animal's vaccinations are not up-to-date; and
- Whether the animal is housebroken or is unable to live with others in a reasonable manner.

The individual must provide written consent for Disability Support Services to disclose information regarding the request for and presence of the assistance animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Housing and Residential Life personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability. Montana State University Billings reserves the right to assign an individual with an assistance animal to a single room without a roommate upon availability.

III. Access to University Facilities By Assistance Animals

A. Assistance Animals

Keep the Animal in a Housing Unit. An assistance animal, that does not meet the ADA definition of a "service animal," must be contained within the owner's privately assigned individual living accommodations except to the extent the individual is taking the animal out for natural relief. When an assistance animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Assistance animals that do not meet the ADA definition of "service animal" are not allowed in any University facilities other than the University housing to which the resident is assigned.

B. Dominion and Control

Notwithstanding the restrictions set forth herein, the Assistance Animal must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University Housing.

IV. Individual's Responsibilities for Assistance Animal

If the University grants an individual's request to live with an Assistance Animal, the individual is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

A. General Responsibilities

1. The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.
2. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner.
3. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Assistance Animal and/or discipline for the individual.
4. MSUB will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Assistance Animal.
5. An individual with a disability may be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the University's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a university-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The university shall have the right to bill the individual's account for unmet obligations under this provision.
6. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
7. Assistance Animals may not be left overnight in University Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Assistance Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.
8. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
9. The animal is allowed in university housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Disability Services Office in writing if the Assistance Animal is no

longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this policy when requesting a different animal.

10. MSUB personnel shall **not** be required to provide care or food for any Assistance 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.

11. The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the Assistance Animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Housing and Residence Life personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

V. Removal of Assistance Animal

The University may require the Owner to remove the animal from University Housing if:

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. The animal's presence results in a fundamental alteration of a University program;
3. The Owner does not comply with the Owner's Responsibilities set forth above; or
4. The animal or its presence creates an unmanageable disturbance or interference with the university community.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal may be appealed pursuant to the grievance procedure found here. The owner will be afforded all rights of due process and appeal as outlined in that process. Should the Assistance Animal be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.