



Resource Center for Persons with Disabilities (RCPD)
Maximizing Ability & Opportunity
Michigan State University
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ASSISTANCE ANIMAL POLICY IN UNIVERSITY HOUSING

I. Policy Statement

The University provides reasonable accommodations to housing residents with a documented disability. This Policy governs the use of Assistance Animals in University Housing. The Fair Housing Act (FHA) identifies two types of assistance animals: (1) service animals, and (2) other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities.

II. Definitions

Service Animal

The University recognizes “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA). Pursuant to that law, a service animal is defined as any dog or miniature horse 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.

Other species of animals, whether wild or domestic, trained, or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. 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.

Michigan State University shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse 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. Other requirements which apply to service animals shall also apply to miniature horses.

Assistance Animal (other than service animals)

The University recognizes the broader category of “Assistance Animals” under the FHA that provide physical and/or emotional support to individuals with disabilities. “Assistance Animals” are defined as 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, but which are not considered Service Animals under the ADAAA.

III. Service Animals in Housing

A person may reside with a Service Animal in housing if the person has a disability and the animal meets the definition of a “Service Animal.” The Service Animal is permitted to accompany the resident to all areas of housing where residents are normally permitted to go.

IV. Service Dogs in Training in Housing

- A. **An individual with a disability** who wishes to utilize a service dog in training in university housing must register with RCPD and seek approval through the reasonable accommodation process.
- B. **An Individual without a disability** (e.g., trainers) requesting for an exception to Ordinance 23.00, which prohibit animals from entering University building, University busses, and any University area must submit an exception to Ordinance 23. Service animals in training needing access to university buildings, university busses, or university areas will be evaluated by the Office of the Secretary of the Board of Trustees.

V. Assistance Animals (other than service animals) in Housing

A person may reside with an Assistance Animal in housing as a reasonable accommodation if:

- A. The person has a disability;
- B. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling; and
- C. There is an identifiable relationship or nexus between the disability and the assistance the animal provides.

The Assistance Animal must be contained within the resident's privately assigned individual living quarters (room, suite, apartment) except to the extent the resident is taking the animal out for natural relief. When the Assistance Animal is outside the resident's private living quarters, the animal must be in an animal carrier or controlled by a leash or harness. The Assistance Animal is not permitted in other areas of the University (e.g., other residence halls or apartment buildings, dining facilities, academic buildings, athletic buildings and facilities, classrooms, labs, libraries, etc.).

Assistance animals are encouraged to be at least 12 months of age.

VI. Requirements and Responsibilities

The individual approved to live in university housing with an assistance animal must abide by the following conditions. If any of these requirements are not met, it could result in the removal of the animal and revoking the student's use of the animal in housing:

- A. The individual must comply with state and local laws and regulations pertaining to licensing, testing and vaccination.
- B. The individual must clean up after and properly dispose of the animal's waste in a safe and sanitary manner and maintain cleanliness of the animal and the animal's living environment (mitigating odors from animal and animal's waste, cleaning/sanitizing animal cages and bedding, etc.).
- C. The individual is financially responsible for any property damage caused by the animal beyond reasonable wear and tear.

- D. The animal must be properly housed, restrained, and under the individual's control at all times. If an animal is found loose or unattended outside the individual's private living quarters, the animal is subject to immediate removal from university housing.
- E. The individual is responsible for the animal's behavior and for ensuring that the animal is not disruptive to residents or cause damage to MSU housing facilities. Barking, aggressive behavior, excessive noise, damage to property, wandering, etc., could result in the removal of the animal.
- F. The individual may not leave the animal overnight in university housing to be cared for by any other individual. If the individual is absent from university housing overnight, the animal must accompany the individual or other arrangements to board the animal outside of university housing must be made. Local animal control authorities will be notified and asked to remove any animal that is left overnight in housing without its approved owner present. It is strongly encouraged for individuals approved for assistance animals to have plans for alternate housing in place for their animal in the event the individual must be absent from university housing overnight, including emergencies or other unexpected events.

VII. Approval Process for Student and Employee Residents

Service Animal

A resident who will utilize a service animal in housing is strongly encouraged but not required to identify and register with the Resource Center for Persons with Disabilities (RCPD). This will enable the University to appropriately plan for the animal's presence in housing and provide the resident with information about the full range of disability services provided by RCPD.

In situations where it is not obvious that the dog is a service animal, staff may use the following questions to help them determine if an animal is a service animal under the ADA:

1. Is the animal a dog?
 - a. If **"yes"** Proceed to the next question.
 - b. If **"no"** the animal is not a service animal but may be another type of assistance animal for which a reasonable accommodation is needed.

2. Is it readily apparent that the dog is trained to do work or perform tasks for the benefit of an individual with a disability? It is readily apparent when the dog is observed:
 - Guiding an individual who is blind or has low vision
 - Pulling a wheelchair
 - Providing assistance with stability or balance to an individual with an observable mobility disability
 - a. If "yes" further inquiries are unnecessary and inappropriate because the animal is a service animal.
 - b. If "no" proceed to the next question.
3. Is the animal required because of a disability?
4. What work or task has the dog been trained to perform?

Once a resident with a service animal has moved into university housing, the resident is encouraged to meet with their assigned community director and facilities manager (or designee) to discuss guidelines for residing in university housing with an animal. During this meeting, the resident and community director will complete the REHS Assistance Animal Checklist.

Assistance Animal (other than service animals):

A resident desiring use of an assistance animal in University Housing must identify and register with the Resource Center for Persons with Disabilities (RCPD) in advance, at least 45 days before housing for the animal is needed, and provide the following documentation:

1. Treating professional completes the Assistance Animal in University Housing Documentation Form (or equivalent information) located at <https://www.rcpd.msu.edu/documentation>.
2. University resident completes the Assistance Animal Request Form located at <https://www.rcpd.msu.edu/documentation>.
 - A. The University reserves the right to request additional clarification or documentation to substantiate a disability and/or need for the accommodation.

- B. The RCPD will validate the need for approved accommodations and work with the resident and campus officials to facilitate a supportive network.
- C. The University reserves the right to request additional clarification or documentation to ensure the animal is suitable for university housing. This may include but not be limited to situations that involve animals under 12 months of age, animals that are considered unique (i.e. not a cat or dog), or animals that are suspected of being a health or safety risk to others.
- a. **For unique animals** (i.e. not a cat or dog), the individual has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. Residents with unique animals should also be prepared to provide the following additional information from their treating professional:
- 1) The date of the last consultation with the individual
 - 2) Any unique circumstances justifying the individual's need for the particular animal (if already owned or identified by the individual) or particular type of animal, and
 - 3) Whether the treating professional has reliable information about the animal or whether they specifically recommended this type of animal.
- D. The University may deny a request for an Assistance Animal in housing if the presence of the animal:
- 1) Poses a direct threat to the health and safety of others;
 - 2) Would cause substantial physical damage to the property of others;
 - 3) Would pose an undue financial and administrative burden; or
 - 4) Would fundamentally alter the nature of housing operations.
- E. The University considers the following factors in determining whether the Assistance Animal is suitable for university housing:

- 1) Whether the animal's presence would otherwise violate individuals' right to peace and quiet enjoyment of their dwelling.
 - 2) Whether the animal is housebroken and able to live with others in a reasonable manner.
 - 3) Whether the animal's vaccinations are up to date.
 - 4) Whether the animal poses or has posed in the past a direct threat to the individual or others, such as injuring or acting aggressively.
 - 5) Whether the animal is likely to cause or has caused excessive damage to housing beyond reasonable wear and tear.
3. Once an assistance animal has been approved by the Resource Center for Persons with Disabilities (RCPD), the resident must meet with their assigned community director and facilities manager (or designee) to discuss guidelines for residing in university housing with an animal.
- A. During this meeting, the resident and community director will complete the REHS Assistance Animal Checklist.
 - B. This checklist must be completed before the animal can be brought into university housing.

VIII. Approval Process for Non-Student and Non-Employee Residents

Service Animal:

A non-student or non-employee resident who will utilize a service animal in housing is strongly encouraged but not required to disclose this information in advance to Residence Education & Housing Services (REHS). This will enable the University to appropriately plan for the animal's presence and answer any questions the resident may have about this policy or its requirements for service animals in housing.

Assistance Animal (other than service animals):

The approval process for a non-student or non-employee resident to utilize an assistance animal in housing is the same as for students and employees above, with the following exceptions:

- A. The request should be filed with the Office of the University Physician instead of RCPD:

Office of the University Physician
Michigan State University
463 East Circle Drive, Room 346
East Lansing, MI 48824

Phone: 517.353.8933
Fax: 517.355.0332
Email: uphys@msu.edu

- B. The individual will be required to show proof of residency in university housing to initiate the process.

IX. Policy Exceptions

Individuals wishing to request a modification or exception to this policy as a reasonable accommodation should contact the RCPD.

X. Dispute Resolution Procedure

Disputes Regarding RCPD Disability Accommodation Determination:

Disputes or disagreements about a disability determination, appropriateness of an accommodation, service/assistance quality, or an animal restriction should first be raised with the RCPD specialist involved. If the matter cannot be resolved, a [dispute resolution](#) should be submitted to the Director of RCPD.

Individuals may also file a written grievance with the University's ADA Coordinator:

ADA Coordinator
Office for Civil Rights
Olds Hall, Suite 105
East Lansing, MI 48824

Phone: (517) 355-3960
Email: ocr@msu.edu

Disputes Regarding Animals in Housing:

Complaints about animals in housing should be directed to the hall director and/or facilities manager of that residence hall. If the matter cannot be resolved, a [dispute resolution](#) should be submitted to the Director of RCPD.

XI. Policy Administration

The RCPD is responsible for revising, updating, and managing this policy. Success and administration of this policy requires the cooperation of all students, staff, and faculty.