



OFFICE OF ACCESSIBILITY SERVICES POLICY REGARDING SERVICE AND EMOTIONAL SUPPORT ANIMAL ACCESS ON CAMPUS

Middle Georgia State University (“MGA”) is committed to maintaining a fair and respectful environment for living, work, and study for all, including individuals with disabilities. To that end and in compliance with federal and state laws, this policy (“Policy”) provides general guidelines and permitted uses of animals assisting individuals with disabilities while on MGA property.

DEFINITIONS:

Service Animal: any dog¹ 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. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of such work or tasks include, but are not limited to, 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.

Handler: the individual with a disability, as defined under federal and state law, who uses a service animal to perform a work or task directly related to the individual’s disability. A Handler may also be a personal care attendant who handles the animal for a person with a disability.

Partner: a person engaged in the training of a service animal for the purpose of accompanying a Handler.

Service Animals in Training: dogs that are being trained by a trainer identified as an agent or employee of an entity specialized in training dogs to become service animals.

Emotional Support Animal (“ESA”): any animal providing emotional support, well-being, or comfort that eases one or more identified symptoms or effects of a documented disability. Emotional support animals may also be referred to as a comfort or therapy animals. Emotional support animals are not individually trained to perform specific work or tasks. Pets (as defined below) are not considered ESAs.

Pet: any animal kept for ordinary use and companionship that does not meet the definition of an ESA.

¹ When this Policy refers to “dogs” in the context of Service Animals or Service Animals in Training, the references also include miniature horses.

CAMPUS ACCESS:

SERVICE ANIMAL ACCESS:

Service Animals must be allowed to accompany Handlers in all areas of MGA, subject to the restrictions outlined below.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Employees may ask two questions: (1) is the dog a Service Animal required because of a disability? and (2) what work or task has the dog been trained to perform? Employees cannot ask about the person's disability, require medical documentation, require special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task. We do ask all Handlers carry an MGA Animal ID to verify the animal's identity in case of emergency or should the animal and Handler be separated.

SERVICE ANIMALS IN TRAINING ACCESS:

Georgia law provides that Partners accompanying Service Animals in Training, subject to certain identification and other requirements outlined below, are required to be given the same degree of access to which a Handler assisted by a Service Animal is given. Inquiries may be made on compliance with MGA required identification and registration when not visible upon contact. Specifically, properly registered Service Animals in Training must have a MGA Animal ID and must wear a collar, leash, or other appropriate apparel or device that identifies the dog as a Service Animal in Training. No further inquiries are permitted once compliance is confirmed.

EMOTIONAL SUPPORT ANIMAL ACCESS:

ESAs are not allowed to accompany persons with disabilities in public areas of MGA. ESAs are allowed in a student's² assigned Residence Hall unit after approval has been received from the Office of Accessibility Services (OAS) and said approval is provided to Residence Life.

Only one ESA will be permitted for each student. ESAs are restricted to the registered student's unit and only allowed outside the unit to care for the animal outside of the building or to leave the building with the animal. ESAs are not otherwise permitted inside other University facilities. ESAs of visitors or students not residing in the particular Residence Life facility visited are not permitted in any University facility.

PET ACCESS:

Pets are not allowed in any MGA facility, including University Housing.

² There are circumstances that require employees to live in University Housing. Required documentation of the requisite disability for non-student employees will be handled by Faculty and Staff Relations and forwarded to Residence Life.

RESTRICTIONS TO ACCESS:

MGA may prohibit or otherwise restrict the access of Service Animals and Service Animals in Training in certain MGA facilities due to health or safety restrictions and concerns or where their presence may compromise the integrity of research or otherwise fundamentally alter a program or activity of MGA. Any such prohibition or other restriction on access to any MGA facility pursuant to this Policy shall be determined in writing using the guidance provided by this Policy and other relevant information by responsible officials of each affected MGA unit with copies provided to the Director of Accessibility Services and the Director of Risk Management. Such restrictions include, but are not limited to:

- a. Food preparation areas.
- b. Teaching or research laboratories.
- c. Classrooms or other facilities or activities involving demonstration or research animals.
- d. Mechanical rooms or custodial closets such as boiler rooms, facility equipment rooms, electrical closets, elevator control rooms, and similar spaces.
- e. Areas where personal protective clothing or equipment are necessary.
- f. Areas where there is a danger to the Service Animal or Service Animal in Training such as classrooms or wood/metal/machine shops where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface, where there is hot material on the floor (*e.g.*, molten metal or glass), where there is a high level of dust, where there are harmful chemicals or materials, or where there is moving machinery.
- g. Such other areas where the Service Animal or Service Animal in Training may be endangered or constitute a danger to persons or animals.
- h. Areas where the presence of the Service Animal or Service Animal in Training would cause or require a fundamental alteration of a MGA program or activity.

Residence Life may also deny access to an animal if it is too large for the available housing assignments.

EXCEPTIONS:

Exceptions to any provision of this Policy, including restrictions placed by MGA units on access to specific areas or other aspects of MGA facilities for Service Animals, will be considered on a case-by-case basis upon written request to the Director of Accessibility Services (DAS), submitted not less than five business days prior to the effective date of any such exemption. The DAS will consult with other appropriate members of the MGA community to determine whether or not the request will be granted or denied, taking into account all of the relevant facts and circumstances. The DAS will inform the requester of the decision in writing, including any conditions or restrictions in cases where exceptions are granted.

Under exigent or unusual circumstances, a responsible official of a MGA unit may allow a temporary exemption to any restrictions pursuant to this Policy. Such a temporary exemption

may grant an animal temporary access to otherwise restricted areas of MGA facilities, but only for a duration and extent required based on the nature of the exigency or other unusual circumstances.

RESPONSIBILITIES OF HANDLERS, PARTNERS AND STUDENT ESA OWNERS:

a. All are required to keep their animals under their direct physical control at all times, when outside of their assigned residence unit as permitted by this Policy. A Handler or Partner must maintain close and direct physical control of the Service Animal at all times by means of an appropriate leash or other lead of a type and length that enables the Handler or Partner to maintain close and direct physical control of the service animal. If a Handler is unable to use these restraints because of his or her disability or because use would interfere with the safe and effective performance of work or tasks, then the animal must otherwise be under the Handler's control by voice control, signals, or other effective means. An example of an ESA that is out of control would be an animal that repeatedly gets loose and runs at large, even if it does not physically injure another person or ESA.

b. All are prohibited from transferring control to another person even momentarily, requesting the assistance of other persons in supervising or controlling their animals or otherwise leaving the presence of their animals for any period of time while on MGA facilities, except as provided by this Policy or other MGA policies. Owners are responsible for ensuring that the animal is contained appropriately when not present in the residence unit for class, work, or other activity.

c. All must ensure that their animals are kept clean and well-groomed and kept in a healthy clean environment.

d. Handlers and Partners must ensure that their Service Animals are housebroken. In the event of an isolated incident of a Service Animal failing to control its bodily eliminations due to illness or accident, the Handler or Partner is responsible for immediately and properly cleaning up and disposing of any bodily fluids or solid waste from the Service Animal whether indoors or outdoors. Student ESA owners are similarly responsible for clean-up and removal of animal waste. All are responsible for maintaining their animals in a sanitary and clean manner in the residence halls.

e. Proper clean-up will depend on the specific circumstances but includes at a minimum physical removal of any liquid and solid wastes and disposal of the same and the cleaning materials used by securing the materials in a plastic bag and depositing the bag in an outdoor waste container. To this end, all owners are required to have in their possession at all times when accompanied by their animals appropriate and sufficient cleaning materials and disposal bags whenever their animals are present on MGA facilities or property.

In the case of a Handler whose disability prevents or impairs the ability to comply with the requirements of this paragraph, as required by applicable federal laws, it is the responsibility of such Handler to have previously made satisfactory arrangements for a third party to perform all actions required by this paragraph. The AS is available for consultation on making third party arrangements if needed. In all cases of damage to MGA facilities or property by an animal failing

to control its bodily elimination due to illness or otherwise, the owner is responsible for the cost of additional cleaning of or repairs to MGA facilities or the cleaning repair, or replacement of damaged property.

f. Handlers, Partners and student ESA owners shall be liable for any and all resulting costs when an animal causes damage to MGA facilities or property or injury to persons. In all cases of damage to MGA facilities or property by an animal failing to control its bodily eliminations due to illness, accident, or otherwise, the owner is personally responsible for the cost of additional cleaning of or repairs to MGA facilities or the cleaning, repair, or replacement of damaged property. In the case of any incident involving injury to a person by an animal, the owner shall make an immediate report to the MGA Police Department so that the incident can be properly investigated and documented, and the owner shall also fully comply with any state or local law or regulation requiring additional reports to other government agencies that may be required due to the physical injury caused by the animal.

g. All approved animals must be in compliance with state and local laws regarding health, vaccination, and care of the particular type of animal. Refer to the Office of Residence Life for animal health policy and protocols.

CONFLICTING DISABILITIES:

Some people may have allergic reactions to animals that are substantial enough to qualify as disabilities. MGA will consider the needs of such persons as well as the needs of Handlers and student ESA owners in meeting its obligations to reasonably accommodate all disabilities. Students requesting allergy accommodations should contact the AS in order to register and document the allergy. Employees who are not also students should submit their allergy documentation to Human Resources. HR will work to facilitate a resolution when a resolution cannot be reached within the affected MGA unit, program or activity.

GROUND FOR REMOVAL OF SERVICE ANIMALS FROM MGA FACILITIES:

OUT OF CONTROL ANIMAL: Owners will be asked to remove any animal if it is out of control and the owner does not take effective and immediate action to control it. If the out of control behavior happens repeatedly, the owner may be prohibited from bringing the animal into University facilities until the owner can demonstrate that significant steps have been taken to correct and control the behavior.

NON-HOUSEBROKEN/UNSANITARY ANIMAL: A Handler or Partner may be directed to remove an animal that is not housebroken or if the animal's environment is not maintained in a healthy, sanitary environment or the animal is not kept clean and well-groomed.

DIRECT THREAT: An animal that poses a direct threat to the health or safety of others that cannot be reduced or eliminated by reasonable modifications is not permitted on campus. An example would be an animal that exhibits aggression or has injured another person or animal. A direct

threat determination will consist of an individualized assessment based on reasonable judgment, current medical knowledge, or the best available objective evidence to determine (1) the nature, duration and severity of the risk; (2) the probability that the potential injury will actually occur; and (3) whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

IMPROPER/INADEQUATE CARE: Failure to properly care for an animal will result in the animal being removed from MGA property. The University will report any animal abuse or neglect to the appropriate authorities, in addition to applicable disciplinary actions under the Student Code of Conduct or employee progressive discipline process.

GENERAL: This section is not exhaustive and other provisions of this Policy may warrant removal of animals from MGA facilities. When an animal is removed pursuant to this Policy, MGA will work with the owner to identify reasonable alternative opportunities to participate in MGA services, programs, or activities without the animal's presence.

ADMINISTRATIVE AND OTHER MATTERS:

STUDENTS:

Service Animals in Training: Partners must first contact the OAS to register their Service Animals in Training. Registration is annual or at any time the Partner changes animals in training. In the case of a Partner, this would require appropriate documentation for his or her Service Animal in Training to document his or her credentials from an entity purposed to train dogs for use as a service animal. Completed registration will be evidenced by the distribution of a red tag that is to be affixed to the animal's collar and be worn at all times. The OAS shall maintain appropriate records on registered Service Animals in Training.

Emotional Support Animals: Students who wish to have ESAs in their residence hall units must register the animal with the OAS annually. The student must provide medical documentation from a licensed physician, mental health provider, or other mental health professional who can attest:

- (1) that the individual qualifies as a person with a disability and specifically identify the diagnosis and functional limitation(s);
- (2) that the ESA is necessary to provide the person with a disability an equal opportunity to enjoy the use of the residence hall;
- (3) that there is an identifiable and documented nexus between the disability and the assistance that the animal provides by describing how the use of the ESA in the residence is necessary or required to mitigate the impact of the functional limitation(s); and
- (4) that the documenting licensed physician, mental health provider, or other mental health

professional has a documented history of treating the student for the underlying disability.

Service Animals: Students who require the use of Service Animals that have been trained to perform tasks for people with disabilities may choose to register their dogs with the OAS, but are not required to do so. Residence Life has [separate procedures](#) to facilitate service animals in residence halls.

Generally:

The OAS shall maintain appropriate records on registered animals and provide Residence Life and EOO with the identities of the students and their approved ESAs when their registration requirements have been completed. The provisions of this Policy are minimal requirements that may be supplemented by more specific requirements and procedures developed and implemented by individual MGA units due to the particular circumstances involved. Upon approval by the EOO Director, these shall also be enforceable under this Policy.

EMPLOYEES:

Service Animals in Training: The employment setting is not a public setting and Service Animals in Training are not permitted in the employment setting.

Emotional Support Animals: ESAs are generally not considered to be reasonable accommodations in the workplace under Title I of the ADA because they do not perform specific tasks that assist a person with a disability. Those employees who are required to live in University Housing as a condition of employment may have their ESAs with them in the University Housing unit subject to the provisions of this Policy and any applicable requirements and procedures developed and implemented by Residence Life.

Employees who are not also students, who seek to have ESAs in their required University Housing unit must register the animal with FSR.³ The employees must provide medical documentation from a licensed physician, mental health provider, or other mental health professional who can attest:

- (1) that the individual qualifies as a person with a disability and specifically identify the diagnosis and functional limitation(s);
- (2) that the ESA is necessary to provide the person with a disability an equal opportunity to enjoy the use of the residence hall;
- (3) that there is an identifiable and documented nexus between the disability and the assistance that the animal provides by describing how the use of the ESA in the residence is necessary or required to mitigate the impact of the functional limitation(s); and
- (4) that the documenting licensed physician, mental health provider, or other mental health

professional has a documented history of treating the employee for the underlying disability.

Service Animals: Employees who require the use of Service Animals that have been trained to perform tasks for people with disabilities may choose to register their dogs with OAS, but are not required to do so. Employees with Service Animals who reside in University Housing will need to comply with [Housing policies and procedures for service animals](#).

Generally:

Faculty and Staff Relations shall maintain appropriate records on registered animals and provide Residence Life and OAS with the identities of the employees and their approved ESAs when their registration requirements have been completed. The provisions of this Policy are minimal requirements that may be supplemented by more specific requirements and procedures developed and implemented by individual MGA units due to the particular circumstances involved. Upon approval by the AS Director, these shall also be enforceable under this Policy.

VISITORS:

Service Animals in Training: Pursuant to Georgia law [O.C.G.A. § 30-4-2(b), (2) and (3)], visitors are permitted to bring Service Animals in Training into campus buildings, classrooms, residence halls, meetings, dining areas, hospitals, recreational facilities, activities and events without prior approval. However, the Service Animals in Training must be wearing a collar, leash, or other appropriate apparel or device that identifies the dog with an entity purposed to train dogs as service animals and the Partner must be identified as an agent or employee of the entity identified.

Service Animals: Visitors are permitted to bring Service Animals into campus buildings, classrooms, residence halls, meetings, dining areas, hospitals, recreational facilities, activities and events without prior approval.

Emotional Support Animals: ESAs are not permitted on campus or in MGA facilities other than residence halls, except as otherwise permitted in this Policy.

COMPLAINTS:

Anyone may lodge an animal complaint by emailing accessibilityservices@mga.edu or by phone at: 478-934-3023.

³ Spouses and children of employees who are required to live in University Housing must all register their ESAs with AS, as well as visiting scholars and speakers who may reside in MGA Housing while visiting.

VIOLATIONS:

STUDENTS: In the case of student Handlers or Partners, failure to comply with this Policy is a violation of the MGA Student Code of Conduct.

EMPLOYEES: In the case of employee Handlers or Partners, failure to comply with this Policy will be referred to the employee's supervisor and Human Resources.

VISITORS: Any guests or visitors who fail to comply with this Policy will be removed from the MGA campus.

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