



Title: Service Animals and Emotional Support Animals Policy
Effective Date: April 17, 2023
Issuing Authority: Provost and Senior Vice President for Administration and Finance
Policy Contacts: Employees: Associate Vice President for Human Resources
HR@mercer.edu, 478-301-2786
Students: Director of Access and Accommodation, 478-301-2810

Purpose

Mercer University is committed to maintaining a fair and respectful environment for living, working, and studying for all, including individuals with disabilities. To that end and in compliance with federal and state laws, this policy provides guidelines regarding Service Animals and Emotional Support Animals while on Mercer property.

Scope

This policy applies to all individuals with Service Animals or Emotional Support Animals while on Mercer University property.

Exclusions

This policy does not pertain to animals being used for teaching or research.

Definitions

As used in this policy, the following term(s) have the meaning specified below:

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 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.

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.

Pet: any animal kept for ordinary use and companionship that does not meet the definition of a Service Animal or ESA.

Service Animal: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed by a service animal must be directly related to the Handler's disability.

When this policy refers to any "dog" in the context of Service Animals or Service Animals in Training, the references also include miniature horses.

Service Animal in Training: any dog that is being trained by a trainer identified as an agent or employee of a school for a seeing eye, hearing, service, or guide dog.

Policy Statement

A. Campus Access

1. Service Animal Access

Service Animals must be allowed to accompany Handlers in all areas of Mercer, 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 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.

2. 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. The trainer is required to: (1) keep the dog on a leash and under the control of the trainer; (2) have on his or her person and available for inspection credentials from the accredited school for which the dog is being raised; and (3) ensure the dog is wearing a collar, leash, or other appropriate apparel or device that identifies the dog with the accredited school for which the dog is being raised. No further inquiries are permitted once compliance is confirmed.

3. Emotional Support Animal Access

ESAs are approved through the verification process outlined by the Access and Accommodation Office for students and through the Office of Human Resources for employees. Only one ESA will be permitted for each student or employee. Individuals may request ESAs in specific environments and approval of the accommodation will

include the specific building access where the ESA is permitted as well as any additional parameters. Mercer acknowledges that ESAs on campus must maintain appropriate behavior and cannot cause a disruption to the environment. If any ESA is disruptive, the owner may be asked to remove the ESA from campus.

ESAs are allowed in a student's assigned University housing unit after approval has been received from the Office of Access and Accommodation and said approval is provided to the Office of Housing and Residence Life. 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 of visitors or students not residing in a University housing facility are not permitted in any University facility.

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 Human Resources and forwarded to the Office of Housing and Residence Life.

4. Pet Access

Except as permitted by Mercer housing policies, pets are not allowed in any Mercer buildings, facilities, or academic spaces, including classrooms, offices, libraries, and athletic facilities and fields. Pets are permitted on Mercer grounds if they are under the control of and accompanied by their owner. The owner must promptly clean up and dispose of any pet waste. If animals are disruptive or are not under the control of the owner, the owner may be asked to remove the pet from Mercer property. All dogs on Mercer grounds must be leashed and in close proximity to the owner. Mercer reserves the right to exclude pets from certain facilities and events.

5. Restrictions to Access

Mercer may prohibit or otherwise restrict the access of Service Animals and Service Animals in Training in certain Mercer 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 Mercer University. Any such prohibition or other restriction on access to any Mercer 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 Mercer unit in coordination with the Director of Access and Accommodation and the Associate Vice President for Human Resources. 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 Mercer program or activity; and
- i. Areas that employ general infection control measures where the animal's presence may compromise a sterile field environment.

Mercer may determine through a collaborative process with the approving office and Office of Housing and Residential Life that an animal is too large for the housing assignment and alternative accommodations may be provided.

6. Exceptions

Exceptions to any provision of this policy, including restrictions placed by Mercer units on access to specific areas or other aspects of Mercer facilities for Service Animals, will be considered on a case-by-case basis upon written request to the Director of Access and Accommodations for students or the Associate Vice President for Human Resources for employees, submitted not less than five (5) business days prior to the effective date of any such exception. The Director of Access and Accommodations or the Associate Vice President for Human Resources will consult with other appropriate members of the Mercer community in an interactive process to determine whether the request will be granted or denied, considering all the relevant facts and circumstances. The Director of Access and Accommodations or the Associate Vice President for Human Resources will inform the requester of the decision in writing, including any conditions or restrictions in cases where exceptions are granted.

B. Responsibilities of Service Animal Handlers, Partners, and ESA Owners

1. All must maintain close and direct physical control of the 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 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 animal 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 animal.

2. 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 while on Mercer property, except as provided by this policy or other Mercer 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.
3. All must ensure that their animals are kept clean and well-groomed and kept in a healthy, clean environment.
4. All must ensure that their animals are housebroken. In the event of an isolated incident of an 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 animal whether indoors or outdoors.
5. 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 Mercer 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. In all cases of damage to Mercer 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 Mercer facilities or the cleaning, repair, or replacement of damaged property.

6. Handlers, Partners, and student ESA owners shall be liable for any and all resulting costs when an animal causes damage to Mercer facilities or property or injury to persons. In all cases of damage to Mercer 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 Mercer 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 Mercer 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.

7. All approved animals residing on campus must be in compliance with state and local laws regarding health, vaccination, spayed/neutered, and care of the particular type of animal.

C. Conflicting Disabilities

Some people may have allergic reactions to animals that are substantial enough to qualify as disabilities. Mercer 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 Office of Access and Accommodation to register and document the allergy. Employees who are not also students should submit their allergy documentation to Human Resources. The Associate Vice President for Human Resources will facilitate a resolution when a resolution cannot be reached within the affected Mercer unit, program, or activity.

D. Grounds for Removal of Service Animals or Emotional Support Animals from Mercer Facilities

1. **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.
2. **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.
3. **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 occur; and (3) whether reasonable modifications of policies, practices, or procedures will mitigate the risk.
4. **Improper/Inadequate Care:** Failure to properly care for an animal will result in the animal being removed from Mercer 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 handbook.
5. **General:** This section is not exhaustive and other provisions of this policy may warrant removal of animals from Mercer facilities. When an animal is removed pursuant to this policy, Mercer will work with the owner to identify reasonable alternative opportunities

to participate in Mercer services, programs, or activities without the animal's presence.

E. Administrative and Other Matters

1. Students

- a. **Service Animals in Training:** Partners must first contact the Office of Access and Accommodation to register their Service Animals in Training. Registration is required annually or at any time the Partner changes animals in training. In the case of a Partner, this would require appropriate documentation for the Service Animal in Training to document the credentials from a school for a seeing eye, hearing, service, or guide dog. Completed registration will be evidenced by the distribution of an orange tag that must be affixed to the animal's collar and worn at all times. The Director of Access and Accommodation shall maintain appropriate records on registered Service Animals in Training.
- b. **Emotional Support Animals:** Students who wish to have ESAs on campus must apply for accommodations with the Office of Access and Accommodation. The student must provide medical documentation from a qualified mental healthcare professional. Professionals providing the documentation can attest:
 - that the individual qualifies as a person with a disability and specifically identify the diagnosis and functional limitation(s);
 - that the ESA is necessary to provide the person with a disability an equal opportunity to enjoy the use of campus facilities;
 - 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
 - that the documenting qualified mental healthcare professional has an established history of treating the student for the disability.
- c. **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 animals with the Office of Access and Accommodation but are not required to do so. Students living on campus must contact the Office of Access and Accommodation to provide the appropriate vaccination record for the animal.
- d. **Generally:** The Director of Access and Accommodation shall maintain appropriate records on registered animals and provide the Office of University Housing and Residence Life with the identities of the students and their approved ESAs when their registration requirements have been completed. Students who have specific questions, comments, or concerns regarding Service Animals or Emotional Support Animals on campus should direct their questions to the Director of Access and

Accommodations for further assistance.

2. Employees

- a. **Service Animals in Training:** Service Animals in Training are not permitted in the employment setting.
- b. **Emotional Support Animals:** Those employees who are seeking an accommodation to bring an ESA to campus must apply for an accommodation and submit any required documentation to Human Resources. If approved, 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 the Office of Housing and Residence Life.

Employees who are not also students, who seek to have ESAs in their required University housing unit or in their offices, must submit a request for an accommodation with Human Resources. The employee must provide medical documentation from a qualified mental healthcare professional who can attest:

- that the individual qualifies as a person with a disability and specifically identify the diagnosis and functional limitation(s);
 - that the ESA is necessary to provide the person with a disability an equal opportunity to enjoy the use of the residence hall;
 - 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
 - that the documenting qualified mental healthcare professional has a documented history of treating the employee for the underlying disability.
- c. **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 Human Resources but are not required to do so. Employees with Service Animals who reside in University housing shall comply with Housing procedures and policies on service animals.
 - d. **Generally:** Human Resources shall maintain appropriate records on registered animals with the identities of the employees and their approved ESAs when their registration requirements have been completed. Employees who have specific questions, comments, or concerns regarding Service Animals or Emotional Support Animals on campus should direct their questions to the Associate Vice President for Human Resources for further assistance.

E. Visitors

1. **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, recreational facilities, activities, and places to which the general public is invited 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 a school for seeing eye, hearing, service, or guide dogs.
2. **Service Animals:** Visitors are permitted to bring Service Animals into campus buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities, and places to which the general public is invited without prior approval.
3. **Emotional Support Animals:** ESAs are not permitted on campus or in Mercer facilities other than residence halls, except as otherwise permitted in this policy.

Visitors attending events must contact the Office of Access and Accommodation at least two (2) weeks prior to the event with any request for accommodation including the need for an ESA in facilities.

F. Complaints

Anyone may log an animal complaint. For complaints involving students, contact the Director of Access and Accommodation 478-301-2810. For complaints involving employees, contact the Associate Vice President for Human Resources and Equal Opportunity Officer, at 478-301-5121.

G. Violations

Students: In the case of student Handlers or Partners, failure to comply with this policy is a violation of the 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 for handling under Mercer employment policies.

Visitors: Any guests or visitors who fail to comply with this policy will be removed from the Mercer campus.

Additional Resources

Student Code of Conduct: <https://policies.mercer.edu/student-code-of-conduct/>