Arkansas State University

Service and Emotional Support Animals

**STATEMENT OF POLICY**

In consideration of the personal safety and well-being of the students, faculty, and staff at Arkansas State University, and in accordance with applicable state and federal laws, this policy applies to all A-State students, faculty, and staff and establishes requirements for accessibility, behavior, and treatment of service animals and emotional support animals on campus. This policy does not apply to animals for instructional.

 **A. Service Animals**

Animals used by individuals with disabilities as service animals are not considered pets and may be allowed on the A-State campus, in accordance with Section 504 of the Rehabilitation Act of 1973 (“Rehab Act”), the Americans with Disabilities Act of 1990 (“ADA”), and state law. Faculty, staff, and students may possess a service animal on campus.

1. Requirements for Service Animals

* To meet the criteria for a *service animal,* the animal may either be a dog or a miniature horse (ranging in height from 24 inches to 34 inches and weighing between 70 and 100lbs) that are individually trained to perform specific task(s) for an individual with a disability.
* Animals whose primary function is to provide comfort or emotional support do not qualify as service animals under ADA—these are known as emotional support animals (ESA). Examples of tasks, which may be performed by a service animal, include but are not limited to: guiding individuals who are blind, alerting individuals who are deaf, pulling wheelchairs, alerting and protecting an individual who is having a seizure, or performing other special tasks.
* All service animals on campus must wear a rabies tag.

The care and supervision of a service animal is the responsibility of the individual using the animal's services. While in public areas on campus, all service animals must be harnessed, leashed, or tethered, unless these devices interfere with the animal’s work or the individual’s disability prevents use of these devices. In such cases, the individual with the disability must control the animal via voice, signal, or other effective controls. The handler must remain in control of the animal at all times. The owner must ensure that the animal is in good health and has been vaccinated against diseases common to that type of animal as recommended by the American Veterinary Medical Association. For example, dogs should have routine maintenance for flea and tick prevention, de-worming, and have annual examinations. Additionally, all service animals must be housebroken.

If a service animal is found to be destructive, dangerous, or out of control, its handler may be asked to remove his or her animal from campus.

All student handlers of service animals are encouraged to register with Disability Services. DS will notify appropriate faculty and staff as desired. All employee handlers of service animals are encouraged to register with the Department of Human Resources and the office will notify all appropriate individuals.

**B. Emotional Support Animals**

1. Requirements for Emotional Support Animals

Any animal whose sole purpose is to provide emotional support or comfort to an individual with a disability is known as an *emotional support animal* (ESA) or a comfort animal. Emotional support animals are not restricted by species and are not trained to perform any specific task(s) for the handler. Arkansas State University allows an individual with a disability to possess an emotional support animal in campus housing, in accordance with the Fair Housing Amendments Act of 1988 which considers an ESA to be a reasonable accommodation for induvial with disabilities.

For any student to keep an ESA in campus housing, the handler will be asked to request approval from Disability Service in advance and provide written documentation from a health care provider or mental health therapist stating the need for such an animal. Documentation of the need for an emotional support animal should include a signed letter, on professional letterhead, from the individual’s physical or mental healthcare provider or licensed therapist. The provider or therapist should be familiar with the professional literature concerning the assistive and/or therapeutic benefits of Emotional Support Animals for individuals with disabilities. Also, all ESAs must be registered with Disability Services and the handler must ensure the animal is in good health and must provide proof that the animal is up to date on all required vaccinations and veterinary care (e.g. de-worming, flea and tick prevention, annual examination…etc.). Disability Services staff will review all documentation, and if a qualifying disability exists, the Director of Disability Services will coordinate services with the Director of Residence Life.

For any employee, to keep an ESA in campus housing, the handler will be asked to request approval from the Department of Human Resources.

2. Restrictions

Comfort Animals may be considered for access to university housing; however, they are not permitted in other areas of the university (e.g. libraries, academic buildings, classrooms, labs, student center, etc.) without specific approval from Disability Services and/or Human Resources. Furthermore, all ESAs must be housebroken and under the control of its handler. Any individual with an ESA that is dangerous to others, destructive, or out of control will be asked to remove the animal from campus.

**Guidelines and Procedures**

A-State Residence Life, Disability Services, and Human Resources will collaborate to provide resources to support individuals with disabilities. Residence Life advocates equal opportunities for individuals with disabilities based on the principles of independent living, accessibility, and diversity.

Any student with a disability who is planning to house a service or an emotional support animal in on-campus housing should contact Disability Services at 870-972-3964. Employees should contact the Department of Human Resources at 870-972-3454.

**Service Animals**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the University’s facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to attend.

University staff may ask an individual with a disability to remove a service animal from the premises if:

The animal is out of control and the animal’s handler does not take effective action to control it; or

The animal is not housebroken;

A service animal shall be under the control of its handler. The service animal should not lick or kiss others. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control. For example, voice control, signals, or other effective means. University staff is not responsible for any aspects of caring for a service animal.

Staff may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. To the contrary, staff will not make these inquiries about a service animal when it is apparent that an animal is trained to do work or perform tasks for an individual with a disability. For example, when the dog is observed guiding an individual who is blind or who has low vision.

Any student with a disability who is planning extended use of a service animal in Residence Life (campus housing) should contact Disability Services at 870-972-3964. Any employee who plans to extend the use of a service animal, should contact Human Resources at 870-972-3454.

**Emotional Support Animals (ESA)**

Many individuals, both with and without disabilities, derive emotional support and comfort from dogs and other animals that are not specially trained to perform specific tasks.

Disability Services will determine reasonable accommodations for students who request to have an ESA in campus housing. HR will determine reasonable accommodations for employees who request to have an ESA in campus housing. During the assessment process, the counselor will review each file on a case by case basis, taking into consideration the following factors: Documentation of disorder, medical documentation of need for animal, established history of the disorder, treatment plan, and the student’s self-report.

University staff may ask an individual with a disability to remove an emotional support animal from the premises if:

* The student or employee has not been approved for an ESA on the A-State campus.
* If the ESA presents an undue financial or administrative burden on University Housing.
* The animal poses a substantial and direct threat to personal or public safety or constitutes a fundamental alteration to the nature of the service or program.
* The student or employee does not comply with campus housing ESA policies and procedures, city ordinances and state laws pertaining to the animal.

**Guidelines for Animal Care**

The animal cannot pose a direct threat to the health or safety of others. Handlers are responsible for any liability that occurs as a result of their animal’s behavior. If the animal is deemed to pose a physical threat to others, actions may be taken to remove the animal from University Housing.

The handler must effectively control the animal at all times (voice command, leash or otherwise). If the resident cannot effectively control the animal, the permission to keep that particular animal in University Housing may be rescinded until such time that the problem is rectified.

Animals must be housebroken. The resident is responsible for properly disposing of all animal waste. In the event that the handler is physically not able to clean up after the animal, it is the handler’s responsibility to employ someone to clean up after the animal. Indoor animal waste must be placed in a sturdy bag and tied securely before being disposed of in outside trash dumpsters. Outdoor animal waste, such as animal feces, must be immediately placed in a plastic bag and securely tied before being disposed of in outside trash dumpsters.

Routine care for the animal is expected for health and safety reasons. It is required that all licensing, city ordinances, and state laws pertaining to the animal will be followed.

The animal should not be left alone in the unit for unreasonably long periods of time. The animal cannot be left in the care of other residents while the resident is away.

Emotional support animals only: The resident understands that when they are not present (i.e. in class) the animal must be contained within the unit where they reside. Keeping the animal in a crate while the resident is not present is highly recommended.

Additional guidelines for animal care and maintenance may exist.

**Guidelines for interaction with roommates and the community:**

The resident is responsible for assuring that the animal does not interfere with the orderly operations of the residence or cause difficulties for other residents of the community. Sensitivity to residents with allergies and to those who fear animals is important to ensure a positive residential community.

Roommates will be notified about the presence of the animal. The notification will include the type of animal and size. Roommates may request a room change if they have a desire to do so.

If the resident requests maintenance for the room, handlers will be given the opportunity to coordinate with the University Housing Maintenance on a time that will work with their schedule to be present for the maintenance.

Emotional support animals are not permitted in any area other than the student’s on-campus residence without specific approval from Disability Services.

**Additional Agreements:**

The resident is financially responsible for the actions of the animal including bodily injury and any property damage. The resident will be responsible for covering all costs of returning the unit to the same condition of move-in that are not due to normal wear and tear. This may include the cost of cleaning all carpets and furniture to remove pet odors, dander, hair, etc.

University Housing will inspect the residential unit on a regular basis as part of routine health and safety checks of all residential space as outlined in the Guidebook. If fleas, ticks, or other pests are detected through inspection, the unit will be treated by university-approved pest control services. Those costs will be billed to the resident’s account.