



## **Emotional Support Animal (ESA) Policy**

Arkansas Tech University (ATU) is committed to allowing people with disabilities the use of an emotional support animal in their on-campus residence to facilitate their full participation in the University housing program. Set forth below are specific requirements and guidelines concerning the appropriate use of, and protocols associated with, emotional support animals for individuals with mental or emotional disabilities. Students who knowingly provide false information about the need for an ESA to Disability Services may be referred to the Department of Student Conduct. ATU reserves the right to amend this policy as circumstances require.

### **Section I. Definitions**

#### ***A. Emotional Support Animal***

An emotional support animal (ESA) is an animal that ameliorates the effects of a mental or emotional disability through its presence. Unlike a service animal, ESAs are not individually trained to assist a person with a disability with daily activities, nor do they accompany a person with a disability at all times. ESAs are 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.) unless specifically approved to be in one of these spaces by Disability Services as a reasonable accommodation.

#### ***B. Pet***

A pet is a domestic animal kept for pleasure or companionship. A pet is not considered a service animal or ESA. Pets are not permitted on campus and are not covered by this policy. The Pet Policy can be found in the ATU Student Handbook.

#### ***C. Service Animal***

A service animal is “any dog 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. Examples of 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, pulling a wheelchair, assisting an individual during a seizure, providing physical support and assistance with balance and stability to individuals with mobility disabilities, 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. Dogs whose sole function is to provide comfort, emotional support, well-being, or companionship do not constitute work or tasks for purposes of this definition<sup>1</sup>.” Per Arkansas Code § 20-14-310, misrepresentation of an animal as a service animal or service animal-in-training to a person or entity that operates a public accommodation may be subject to a civil penalty fee. For more information about service animals, please see the ATU Service Animal Policy.

#### ***D. Handler/Owner***

A handler/owner is a person with a service animal or approved ESA. Either term may be used interchangeably throughout the policy.

#### ***E. Approved Animal***

An “approved animal” is a service animal or an ESA that has been granted as a reasonable accommodation by Disability Services in the student’s assigned on-campus residence. The University will not ask the individual with a disability to pay a fee or surcharge for an approved animal. Service animals not residing on campus do not require approval by Disability Services but must meet the criteria listed in the service animal definition and must comply with Section VII of this policy.

#### ***F. Animals Procured for University-Sanctioned Events***

This policy does not apply to animals procured by authorized ATU staff specifically for use during University-sanctioned events. The terms of the service agreement and insurance requirements govern the use of these animals.

## **Section II. Emotional Support Animal Use on Campus**

***Visitors:*** Use of an emotional support animal on campus is tied to approval to stay in an ATU residential space. If a visitor is assigned a temporary residence on campus for a camp, conference, or event and wishes to request an emotional support animal be approved to stay with them, they should make the request with the host of the on-campus event. The ATU department host may confer with Disability Services about reasonable considerations for participant requests, or the Office of Human Resources for visiting faculty or staff requests. If approved, this information must be communicated to the Department of Residence Life, and the handler must comply with Sections VI and VII of this policy. Guests of residents are not allowed to bring emotional support animals while visiting.

***Employees:*** Employees with a disability who are not ATU students and have an on-campus residence as a benefit of their employment must request emotional support animal accommodations from the Office of Human Resources. If approved, the handler must comply with Sections VI and VII of this policy, and the Office of Human Resources will notify the Department of Residence Life.

---

<sup>1</sup> Department of Justice Revised ADA Regulations Implementing Title II and Title III, Federal Register, September 15, 2010 (Volume 75, Number 178)

**Students:** Students with a disability who are seeking permission for an ESA to reside in University housing must complete all stages of the approval process as outlined in Section IV of this policy.

### **Section III. Eligibility**

ESAs may not be brought into University housing without prior approval from Disability Services. Students who bring an unapproved animal into University housing will be referred to the Department of Student Conduct and violations may result in monetary fines and other applicable disciplinary sanctions. Approval requires that both the student and the requested animal meet the following eligibility criteria, as well as the other criteria below.

#### **A. Student Eligibility**

The student must have a mental or emotional disability that substantially limits one or more major life activities, meet all other requirements for living in University housing, and fully participate in all stages of the approval process with the appropriate University departments.

#### **B. Animal Eligibility**

Disability Services will determine the requested animal's eligibility for approval as an ESA based on the following:

1. Criteria for Approval<sup>2</sup>
  - a. Only dogs and cats will be considered eligible for approval as an emotional support animal and must be:
    - i. At least 12 months old;
    - ii. Spayed or neutered;
    - iii. Currently vaccinated for rabies;
    - iv. In good health;
    - v. House-trained;
    - vi. Crate-trained;
    - vii. Non-aggressive; and
    - viii. Of appropriate size and temperament for University communal living environments (preferably 50 lbs or less).
  2. The University may deny approval for a requested animal that:
    - a. Poses, or has posed in the past, a direct threat to health and safety of others or to their property;
    - b. Would pose an undue financial or administrative burden to the University;
    - c. Would fundamentally alter the nature of University housing operations;

---

<sup>2</sup> Animals approved for the 2025-2026 academic year will be exempt from species and size limitations specified in this policy for future semesters if the handler is enrolled and resides on campus each consecutive fall and spring semester.

- d. Is not currently in good health;
- e. The animal and its enclosure are determined to be too large for the assigned living space; or,
- f. Does not comply with the requirements set forth in this policy.

### ***C. Other Eligibility Requirements***

1. Only one animal will be approved per student with rare exceptions.
2. Typically, only one animal will be approved per housing unit.

## **Section IV. Procedures for Students Requesting ESAs in University Housing as a Reasonable Accommodation**

### ***A. Submit an ESA Accommodation Request (Apply)***

A student requesting permission to keep an ESA in University housing must make a formal request to Disability Services. To do so, the student should complete and submit the online application form on the Disability Services website and provide documentation of the disability for review.

Students seeking to bring an ESA on campus should submit all application materials by the following dates:

1. For Fall approvals, currently enrolled ATU students must submit their ESA application by January 15th (prior to housing selection process). Incoming freshmen and transfer students must submit their Fall ESA application by May 1st.
2. For Spring-only contracts, the ESA application deadline is November 1st.
3. Disability Services will consider late requests from newly enrolled students and requests made by current students relating to a newly discovered need on a case-by-case basis throughout the semester. However, this does not guarantee that the late request will be fully processed, approved, or implemented during the current term of residency.

### ***B. Submit Documentation***

Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requests the reasonable accommodation of an ESA and has a disability-related need for the accommodation that is not obvious or otherwise known. Some websites sell letters of support, certificates, registrations, and licensing documents for ESAs to anyone who answers certain questions or participates in a short interview and pays a fee. Generally, such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a mental health disability or support the finding that there is a disability-related need for an ESA. Additional guidelines for appropriate supporting documentation are detailed below:

1. Generally, documentation of the student's need for the ESA:
  - a. Must come from a licensed healthcare provider with a well-established and ongoing client-provider relationship. This relationship entails professional services that are provided by the healthcare provider in good faith, are within the provider's ordinary scope of practice, and are based on the provider's direct knowledge and clinical evaluation of the student's disability and disability-related need for an ESA.
  - b. Must include the following information regarding the client-provider relationship, the student's disabling condition or impairment, the proposed ESA, and the healthcare provider's licensure:
    - i. A statement describing the nature and frequency of the client-provider interactions, including the clinical evaluation of the student's mental health impairment and the professional services and treatment provided based on that evaluation.
      1. A statement of the nature of the student's mental health impairment, including the specific symptoms the student is experiencing, and how these symptoms substantially limit one or more major life activities.
      2. A statement explaining how the proposed ESA's presence will help alleviate these symptoms. There must be a clear connection between the student's disability and the impact of the animal's presence on the student's functioning.
      3. A statement addressing the student's ability to take on the added responsibilities of caring for an animal in the residence hall, as well as the potential impact on the student's well-being if they fail to comply with the handler responsibilities and the animal must be removed.
      4. The healthcare provider's professional signature and detailed professional license information, including the license type, effective date, license number, and jurisdiction.
  - c. Must be dated within the last 12 months unless older documentation is deemed acceptable by Disability Services staff for substantiating lifelong conditions.
2. Animal Documentation
  - a. Provide proof from a licensed veterinarian of spay/neuter, age, current rabies shots, and size of animal.
  - b. Additional animal health evaluations as determined by Disability Services.

### ***C. Processing***

Disability Services will review the student's application, supporting documentation from their healthcare provider, and arrange any necessary follow-up meetings to determine whether the student may move forward in the ESA approval process. Staff will also verify the appropriateness of the animal size for the living space. If denied, the student will be

notified and may follow the Disability Services Appeal Process, if desired. Denial of an ESA request does not justify termination of a housing contract or warrant an exemption from the on-campus living requirement.

Processing requires the following steps:

1. Review Policy and Sign Acknowledgement
  - a. Disability Services will provide this policy to the student, along with the opportunity to clarify any questions.
  - b. The student will demonstrate their understanding of this policy and sign the acknowledgement form.
2. Residence Life Processing
  - a. After establishing eligibility, University housing staff will be notified as appropriate.
  - b. Housing staff will check for other approved animals in the assigned space.
  - c. The handler's roommate(s) or suitemate(s) will be notified (if applicable) by University housing staff that the approved animal will be residing in their assigned room or within an adjoining shared living space.

#### ***D. Final Approval***

Once all appropriate notifications are made, Disability Services will facilitate the handler visiting the Office of Student Accounts with their approved ESA for an approved animal identification card.

#### ***E. ESA Renewal***

The handler must complete a yearly renewal process with Disability Services to ensure maintained compliance with this policy.

1. Animal approval expiration: Service animal approvals in housing issued at any time during the academic year expire on August 6th and need to be renewed for the next academic year.
2. It is the student's responsibility to notify Disability Services in writing if they plan to extend their stay with the animal during summer or renew the animal's approval for the upcoming academic year. Requests for renewal must be submitted by May 1<sup>st</sup> for the summer and/or fall, and must include:
  - a. Written request for continued ESA approval;
  - b. A continued recommendation for an ESA from a health care provider dated within the last 12 months;
  - c. Updated vaccination records for the ESA, if due;
  - d. Other documentation as requested.
3. Failure or refusal to submit renewal request by May 1<sup>st</sup> will be treated as notification of non-renewal for the fall semester.
4. Renewal is contingent on continued student participation in the renewal process. Failure to participate in the complete renewal process will result in non-renewal.
5. Appeals of ESA denials should follow the Disability Services Appeal Process.

## **Section V. Conflicting Health Conditions**

Students with medical condition(s) that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to complete and submit the online application form on the Disability Services website if they have a health or safety-related concern about exposure to an ESA. The University is prepared to also reasonably accommodate individuals with such medical conditions that require accommodation when living in proximity to ESAs.

## **Section VI. Handler's Responsibilities in University Housing**

1. The handler is responsible to attend and be in full control of the approved animal at all times. An approved animal outside of the handler's own residence hall room shall have a harness, leash, or other tether. The handler will hold the University harmless in the event the approved animal goes missing. University staff are not responsible for the retrieval of the approved animal in the event the animal escapes or becomes lost.
2. The handler is fully responsible for the costs, care, and upkeep of an approved animal, including routine bathing and grooming as necessary. University bathroom facilities may not be used for bathing an ESA or cleaning animal waste containers, and animal hair must not be left in University washers or dryers.
3. The handler is solely responsible for the sanitary removal of the approved animal's waste. Animal waste of any type must never be placed in a building's garbage cans or other small trash cans available on University property or be flushed down a toilet.
  - a. Dogs must be taken outside on a leash or tether for all toileting needs. Any solid waste must be promptly bagged and disposed of in an outside trash dumpster. Indoor toileting solutions such as puppy pads, diapers, or artificial turf mats are not allowed in campus residences.
  - b. Cat litter boxes must be maintained properly, including regular waste disposal and fresh litter replacement. Litter box contents must be placed in a sturdy plastic bag and securely tied up before being disposed of in an outside trash dumpster. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces.
4. The handler is responsible for ensuring that the approved animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there. This could include disruptive noises or odors.
5. The handler is solely financially responsible for the actions of the approved animal, including bodily injury or property damage. The handler's responsibility covers, but is not limited to, replacement of furniture, carpet, windows or window coverings, wall covering, or other damaged items. The University shall have the right to bill the student account of the handler for damages, including any damage discovered once the residence is vacated.
6. The handler is solely responsible for any expenses incurred for cleaning beyond a standard cleaning or for repairs to University premises that are assessed, either

- during a term or after the student and animal vacate the residence. These may include additional cleaning and maintenance costs to HVAC systems. The University shall have the right to bill the student account of the handler for unmet obligations.
7. The handler's residence may be routinely inspected for pests each semester, or as needed. The Department of Residence Life will schedule the inspection(s) and will make treatment arrangements with a University-approved pest control service, when needed. The handler will be billed for the expense of any pest treatment beyond standard pest management in the residence halls.
  8. The handler must feed and provide water for the approved animal inside their own assigned room in University housing. If the handler is assigned to a residence with shared common areas, all the animal's supplies must be placed inside the handler's assigned bedroom. This includes, but is not limited to:
    - a. Food and water bowls
    - b. Crate, kennel, enclosure, etc.
    - c. Litter box or equivalent
  9. All roommates or suitemates of the handler will be notified by University housing staff that an approved ESA will be in residence with them. In the event that one or more roommates or suitemates notifies the Department of Residence Life that they prefer not to live with the approved animal for non-health related reasons, either they, or the handler and animal, may be relocated based on factors such as available housing, room selection dates, housing accommodations, earned hours, and the timing of the animal's approval.
  10. The Department of Residence Life has the authority to relocate the handler and approved animal as necessary according to current contractual agreements.
  11. Approved ESAs should be securely confined in a crate or similar restrictive conveyance when the handler is not present. When outside the residence, the handler shall carry the University-issued proof that the ESA is an approved animal.
  12. ESAs may not be left overnight in University housing to be cared for by any individual other than the handler. If the handler is to be absent from the residence hall overnight or longer, the animal must be removed from campus.
  13. Handlers must provide Disability Services with a designated emergency contact who does not live in University housing and has agreed to take custody of the animal in the event the handler is unable to care for it due to an emergency. Residence Life staff will escort the emergency handler to retrieve the animal from the handler's room. If the emergency contact does not take possession of the animal within 12 hours, the University may shelter the animal at a local boarding facility at the handler's expense.
  14. University personnel shall not be required to manage the animal during emergency evacuation for events such as a fire alarm. If the handler is not in the room during an emergency evacuation, 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. In the event of a tornado warning or shelter-in-place directive, students may bring their animal on a leash, harness, or carrier to the appropriate on-campus safe location as long as they maintain full control of the animal at all times.

15. The handler agrees to continue to abide by all other University housing policies. Accommodations based on this policy do not create exceptions for any other University policy.
16. Should the ESA be removed from the residence hall for any reason, the handler is expected to fulfill their housing obligations for the remainder of the housing contract.
17. The handler agrees to comply with approved animal health and well-being requirements as set forth in Section VII, Item A.
18. The handler must notify Disability Services, in writing, if the ESA is no longer needed as an ESA, is no longer in residence, or if the handler's room assignment changes after approval. To replace an ESA, the handler must submit a new request for reasonable accommodation.
19. Failure to comply with this policy or University directives regarding an ESA may result in referral to the Department of Student Conduct and may result in disciplinary action, including immediate removal of the ESA from the University.

## **Section VII. Requirements for Maintaining an Approved Animal at Arkansas Tech University**

### ***A. Animal Health and Well-Being***

1. Vaccination: In accordance with local ordinances and regulations, the approved animal must have current vaccination against disease common to that type of animal. Dogs and cats must have current vaccination against rabies and wear a rabies vaccination tag.
2. Health: Disability Services has authority to direct that an animal receives medical care from a licensed veterinarian.
3. City Ordinance: Per Russellville City Ordinance 1671, "all persons bitten and the parents or guardians of minor children bitten, as well as any person owning or having custody or control of a dog (or other animal of a species subject to rabies) that bites a person, must promptly report the incident to the Department of Animal Control. This is necessary so that such animals can be temporarily isolated (as required by law) in an approved place and manner (...) and observed for at least 10 days for any symptoms of rabies. This requirement applies whether or not the biting animal has been vaccinated against rabies". ATU requires that this 10-day waiting period be observed off campus.
4. Other conditions: Disability Services may place other reasonable conditions or restrictions on the approved animal depending on the nature and characteristics of the approved animal.

### ***B. Requirements for Faculty, Staff, Students, and Other Members of the University Community***

Members of the University community are required to abide by the following practices:

1. They are not to touch or pet an ESA unless invited to do so by the handler.
2. They are not to feed an ESA.
3. They are not to deliberately startle an ESA.
4. They are not to separate or to attempt to separate a handler from his or her ESA.
5. They are not to inquire for details about the handler's disabilities. The nature of a person's disability is a private matter.
6. Infractions of this policy by a student should be reported to the Department of Student Conduct. Faculty and staff infractions should be reported to the Office of Human Resources.

### ***C. Removal of ESA***

The University may exclude/remove an ESA when:

1. The animal poses a direct threat to the health or safety of others;
2. The animal's presence results in a fundamental alteration of the University's program;
3. The handler does not comply with handler's responsibilities in University housing;
4. The animal or its presence creates an unmanageable disturbance or interference (e.g., barking, wandering, displaying aggressive behavior);
5. The animal is not housebroken;
6. The animal is physically ill;
7. The animal or its enclosure is found to be too large for the assigned living space;
8. The animal is unreasonably dirty or has persistent offensive odors; or,
9. The animal is found by the University to be out of control, and the animal's handler does not take immediate and effective action to control it.

If the ESA is excluded from University housing, the animal must remain off campus during any appeals process the handler may pursue.

### ***D. Areas Off Limits to ESAs***

All areas, except for privately assigned living space in University housing, are off limits to ESAs without prior authorization from Disability Services. ESAs must be taken out of the residence by way of the shortest and most direct path and must be confined to the residence when not in transit.