



## **Service and Assistance Animal Policy**

Arkansas Tech University (ATU) is committed to allowing people with disabilities the use of a service or other assistance animal, as necessary, on campus to facilitate their full participation in University programs and activities. Set forth below are specific requirements and guidelines concerning the appropriate use of and protocols associated with service animals and other assistance animals. There are two types of assistance animals: (1) service animals, and (2) other assistance animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities. ATU reserves the right to amend this policy as circumstances require.

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.

### **Section I. Definitions**

#### **A. 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>.”

## **B. Other Assistance Animals**

Other assistance animals are (1) animals excluding individually trained dogs that work, provide assistance, or perform tasks for the benefit of a person with a disability, or (2) animals that provide emotional support which alleviates one or more identified symptoms or effects of a person’s disability. Unlike a service animal, other types of assistance animals do not assist a person with a disability with daily activities, nor do they accompany a person with a disability at all times. Other assistance 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.) unless specifically approved to be in one of these spaces by the Office of Disability Services as a reasonable accommodation.

## **C. Partner/Handler/Owner**

A partner/handler/owner is a person with a service or other assistance animal (the word “handler” will be used in this document to reflect any of these terms).

## **D. Pet**

A pet is a domestic animal kept for pleasure or companionship. A pet is not considered a service animal or other assistance animal. Pets are not permitted to reside on campus and are not covered by this policy. Please see the ATU Pet Policy for information regarding pets visiting campus.

## **E. Approved Animal**

An “approved animal” is a service animal or other assistance animal that has been granted as a reasonable accommodation by ATU Office of Disability Services under this policy.

## **F. Animals at University-Sanctioned Events**

This policy does not apply to animals briefly visiting campus for University-sanctioned events. The terms of the service agreement and insurance requirements govern the use of these animals.

## **Section II. Procedures for Requesting Other Assistance Animals in University Housing as a Reasonable Accommodation**

Assistance animals may not be brought into University housing without approval of the Office of Disability Services. For information regarding service animals residing on campus, see section IV. For all other assistance animals, the following procedure applies:

1. A person requesting permission to keep an assistance animal (excluding service animals) in University housing must make a formal request to the Office of Disability Services at least 30 days before housing for the animal is needed. To do so, the person should complete and submit the online application form on the Office of Disability Services website as well as documentation of their disability to be reviewed by the Office of Disability Services.
  
2. Documentation of the need for the assistance animal should generally include the following information:
  - A. Signed and dated verification of the individual's disability from a health care professional – e.g., physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse (HUD, 2020<sup>[2]</sup>), on professional letterhead, stating the nature of the disabling condition or impairment and the provider's professional opinion regarding the relationship between the disability and the assistance that will be performed by the animal;  
Please note: Documentation from the internet (i.e., purchased from websites that sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee) is not, by itself, sufficient to reliably establish a person's disability and/or need for an assistance animal (HUD, 2020).

- B. Statement of how the animal alleviates the impact of the disability(ies). There must be an identifiable relationship or nexus between the disability and the assistance the animal provides;
  - C. Statement regarding how the animal is necessary to afford the student resident an equal opportunity to use and enjoy a dwelling; and,
  - D. Documentation of items requested in A, B, and C must be dated within the last 12 months unless older documentation is deemed acceptable by Disability Services staff for substantiating lifelong conditions.
3. The Office of Disability Services will review documentation and, if it approves the request, it shall arrange a meeting with the person requesting that an assistance animal be housed in University housing.
4. The University may reject and/or require removal of an animal that:
- A. Poses 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; or,
  - D. Does not comply with the requirements set forth in this policy.
5. For dog and cat requests, the animal must be at least one year of age and must be spayed or neutered. For other types of animals, reasonable exceptions to this requirement will be made on a case-by-case basis as determined by the Office of Disability Services staff.
6. Upon approval of an assistance animal, University housing staff will be notified as appropriate.
7. Upon approval of an assistance animal, the student'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.
8. For other assistance animals, once all appropriate notifications are made, the Office of Disability Services will facilitate the handler visiting the Office of Student Accounts for an approved animal identification card (excluding certain species due to size or habitat at the discretion of the Office of Disability Services).

### **Section III. Service Animal Use on Campus**

**Visitors:** Visitors to campus with service animals may access all public facilities, except areas where service animals are prohibited due to safety or health restrictions (see Section VII, Part D).

**Employees:** Employees with a disability who wish to utilize a service animal as a reasonable accommodation in a University office or other areas of campus buildings not open to the general public must register with the Office of Human Resources.

**Students:** Students with a disability who wish to utilize a service animal in a classroom are encouraged but not required to register with the Office of Disability Services. Students are encouraged to notify the Office of Disability Services for access to resources, information, and advocacy around a range of disability-related dynamics, including service animals. Service animal handlers must follow “Requirements for maintaining an approved animal at Arkansas Tech University” found in Section VII (as applicable to non-resident handlers). See Section IV below regarding approval for service animals residing in University housing.

### **Section IV. Procedures to Have Service Animals in University Housing**

Students planning to bring their service animals to reside in University housing are required to follow the steps outlined below:

1. A student seeking to keep a service animal in University housing must make a formal request to the Office of Disability Services by completing and submitting the online application form on the Office of Disability Services webpage, so the student can be assigned to the most appropriate housing location with their service animal.
2. Requests for service animals in housing do NOT require documentation of disability. Please understand students should be prepared to answer relevant lawful questions regarding the use of a service animal.

3. The Office of Disability Services will review the student's application and arrange a meeting with the student regarding their request for a service animal to be housed in University housing.

## **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 webpage if they have a health or safety-related concern about exposure to a service or other assistance animal. The University is prepared to also reasonably accommodate individuals with such medical conditions that require accommodation when living in proximity to service or other assistance animals.

## **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 (if applicable) shall have a harness, leash, or other tether unless a.) the handler is unable to use a harness, leash, or tether, or b.) using a harness, leash, or tether will interfere with the animal's ability to safely and effectively perform its duties. In that case, the handler must maintain control of the approved animal through voice, signal, or other effective controls.
2. The handler is solely responsible for the costs of care necessary for an approved animal's well-being. The arrangements and responsibilities for the care of an approved animal are the sole responsibility of the handler at all times, including regular bathing and grooming, as needed. Shared bathroom spaces are not to be used to bathe animals or to clean waste receptacles.
3. The handler is solely responsible for independently removing or arranging for the removal of the approved animal's waste, consistent with the reasonable capacity of the handler. Waste must never be placed in a building's garbage cans or other small trash cans available on University property.
  - A. For animals that require outdoor toileting, the handler must utilize areas designated by the University. Any solid waste must be promptly bagged and

disposed of in an outside trash dumpster.

- B. Indoor animal waste, such as cat litter, 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 assuring that the approved animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there.
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 handler is expected to cover these costs at the time of repair.
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 after the student and animal vacate the residence. The University shall have the right to bill the student account of the handler for unmet obligations.
7. The handler's residence may be inspected for fleas, ticks, or other pests once a semester or as needed. The Office of Residence Life will schedule the inspection. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. 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 his or her own assigned room in University housing. Food and water for the approved animal are not to be left outside the handler's assigned room.
9. All roommates or suitemates of the handler will be notified by University housing staff that an approved animal will be in residence with them. In the event that one or more roommates or suitemates notifies the Office Residence Life that they prefer not to live with the approved animal for non-health related reasons, either the handler and approved animal, or the applicable roommate(s) or suitemate(s), may be moved to a different location as determined by the appropriate University housing staff member.

10. The Office of Residence Life has the authority to relocate the handler and approved animal as necessary according to current contractual agreements.
11. Service animals may travel freely with their handler throughout University housing (and other areas of the University, see Section VII part D of this document). Other assistance animals must be contained within the privately assigned residential area (room, suite, apartment) at all times, except when transported outside the private residential area in an animal carrier or controlled by leash or harness. Assistance animals should be securely confined in a crate or similar restrictive conveyance when the handler is not present. When outside the residence, the handler of an assistance animal shall carry proof that the animal is an approved animal (excluding service animals, which are not required to carry identification).
12. Approved animals may not be left overnight in University housing to be cared for by another person. Animals must be taken with the handler if they leave campus overnight.
13. The handler agrees to continue to abide by all other University housing policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy.
14. Any violation of the above rules may result in immediate removal of the approved animal from the University and may be reviewed through the Student Code of Conduct.
15. Should the approved animal be removed from the residence hall for any reason, the handler is expected to fulfill his/her housing obligations for the remainder of the housing contract.
16. The handler agrees to comply with approved animal health and well-being requirements as set forth in Section VII, Item A.
17. The handler must notify the Office of Disability Services, in writing, if the approved animal is no longer needed as an approved animal, is no longer in residence, or if the handler's room assignment changes after approval. To replace an approved animal, the handler must file a new request for reasonable accommodation.
18. The handler must complete a yearly renewal process with the Office of Disability Services to ensure maintained compliance with this policy, as approvals expire at the end of each spring term to coincide with the end of the annual housing contracts.

## **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 be immunized against diseases common to that type of animal. Dogs and cats must have current vaccination against rabies and wear a rabies vaccination tag.
2. Health: For animals, other than cats and dogs, to be housed in University housing, the handler must provide proof of an annual clean bill of health from a licensed veterinarian. Documentation can be a vaccination certificate for the animal or a veterinarian's statement regarding the animal's health. The Office of Disability Services has authority to direct that the animal receives veterinary attention.
3. Leash: If appropriate, the approved animal must be on a leash except when in the handler's residence, unless the leash would inhibit the approved animal's ability to be of service.
4. 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.
5. Approval expiration: University housing approvals issued at any time during the academic year expire at the end of each spring term to coincide with the end of the annual housing contract.
6. Other conditions: The Office of 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 to allow a service animal to accompany its handler at all times and in all places on campus, except where animals are specifically prohibited.
2. They are not to touch or pet a service animal or other assistance animal unless invited to do so by the handler.
3. They are not to feed a service animal or other assistance animal.
4. They are not to deliberately startle a service animal or other assistance animal.
5. They are not to separate or to attempt to separate a handler from his or her service animal or other assistance animal.
6. They are not to inquire for details about the handler's disabilities. The nature of a person's disability is a private matter.

## **C. Removal of Approved Animal**

The University may exclude/remove an approved animal 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) and the behavior is outside the duties of the approved animal on the ATU campus;
5. The animal is not housebroken;
6. The animal is physically ill;
7. The animal is unreasonably dirty; or,
8. 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.

## **D. Areas Off Limits to Service Animals**

The University may prohibit the use of service animals in certain locations because of health and safety restrictions (e.g. where the animals may be in danger or where their use may compromise the integrity of research). Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research/demonstration animals, areas where protective clothing is necessary, wood and metal shops, rooms with heavy machinery, and areas outlined in state law as being inaccessible to animals. Exceptions to restricted areas may be granted on a case-by-case basis by contacting the Office of Disability Services and the appropriate department representative. The Office of Disability Services has final decision-making authority.

### **E. Areas Off Limits to Other Assistance Animals**

All areas, except for privately assigned living space in University housing, are off limits to other approved assistance animals without prior authorization from the Office of Disability Services.

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

<sup>[2]</sup> U.S. Department of Housing and Urban Development, Subject: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act, FHEO-2020-01, January 28, 2020.