

ARKANSAS TECH UNIVERSITY

BOARD POLICY

Policy Number: 602

Subject: Service and Assistance Animal Policy

Date Adopted: March 2014

Revised: _____

Arkansas Tech University is committed to allowing people with disabilities the use of a Service or Assistance Animal, as necessary, on campus to facilitate their full-participation in University's programs and activities. Set forth below are specific requirements and guidelines concerning the appropriate use of and protocols associated with Service Animals and Assistance Animals. Arkansas Tech University reserves the right to amend this policy as circumstances require.

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 definition¹."

B. Assistance Animal

Assistance Animals are (1) animals 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. Some, but not all, animals that assist persons with disabilities are professionally trained. Other Assistance Animals are trained by the Handlers. In some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed as a

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

reasonable accommodation by the person with the disability. Unlike a Service Animal, an Assistance Animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times. 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.).

C. Partner/Handler/Owner

A partner/Handler/owner is a person with a Service or Assistance Animal. {The term 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 an Assistance Animal. Pets are not permitted on campus and are not covered by this policy. University owned animals are not covered by this policy.

E. Approved Animal

An "approved animal" is a Service Animal or Assistance Animal that has been granted as a reasonable accommodation by Arkansas Tech University under this policy.

Section II. Procedures for requesting to have Assistance Animals in University Housing as a Reasonable Accommodation

Assistance Animals may not be brought into University housing without approval of University officials.

The procedure for requesting Assistance Animals in University housing are outlined below:

1. A person requesting permission to keep an Assistance Animal in University housing must make a formal request to the University's Disability Services office at least 30 days before housing for the animal is needed. To do so, the person should submit the appropriate "Request Form for Disability Housing Accommodations", as well as documentation of their disability to be reviewed by the Disability services office.

2. Documentation of the need for an Assistance Animal should follow Disability Services guidelines for documentation of disability, and should generally include the following information:

- A. Signed verification of the individual's disability from a physician, psychiatrist, social worker, or other mental health professional, 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.

- B. Statement on how the animal serves as an accommodation for the verified disability. There must be an identifiable relationship or nexus between the disability and the assistance the animal provides.

- C. Statement on how the need for the animal is necessary to afford the student resident with a disability an equal opportunity to use and enjoy a dwelling; and
- D. Current documentation of items requested in a., b. and c. (dated within the last 6 months)

3. The Disability Services office 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 an animal that:

- A. Poses a direct threat to the health and safety of others;
- B. Would cause substantial physical damage to the property of others;
- C. Would pose an undue financial or administrative burden on the University;
- D. Would fundamentally alter the nature of University housing operations; or
- E. Does not comply with the requirements set forth in Section VII below.

5. The University may require removal of an animal that:

- A. Poses a direct threat the health and safety of others
- B. Causes substantial physical damage to the property of others;
- C. poses an undue financial or administrative burden on the University;
- D. Fundamentally alters the nature of University housing operations; or
- E. Does not comply with the requirements set forth in Section VII below.

6. Upon approval of an Assistance Animal, residential building 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) to solicit their acknowledgement of the approval, and notify them that the approved animal will be residing in shared assigned living space.

Section III. Service Animal Use on Campus

Visitors: Visitors to campus with Service Animals may access all public facilities, with the exception of areas where service animals are specifically prohibited due to safety or health restrictions, where the Service Animal may be in danger, or where the Service Animal's use may compromise the integrity of research.

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 Disability Services office.

Students: Students with a disability who wish to utilize a Service Animal in a classroom are encouraged but not required to register with the Disability Services office. Students are encouraged to register with the Disability Services office for access to resources, information, and advocacy around a range of disability-related dynamics, including Service Animals. Service Animals must follow the "Guidelines for Maintaining an Approved Animal at Arkansas Tech University" found in Section VII.

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 person seeking to keep a Service Animal in University housing must make a formal request to the University's Disability Services office. To do so, the person should submit the appropriate "Request Form for Disability Housing Accommodations" so that the student can be assigned to the most appropriate housing location with their Service Animal, considering the student's needs and preferences.
2. Requests for Service Animals in housing do NOT require documentation of disability. Rather, students should answer relevant questions on the Request Form regarding requests for Service Animals.
3. The Disability Services office will review the request and arrange a meeting with the person requesting that a service Animal be housed in university housing.
4. Upon approval of a Service Animal, residential building staff will be notified as appropriate.
5. Upon approval of a Service Animal, the student's roommate(s) or suitemate(s) will be notified (if applicable) to solicit their acknowledgement of the approval, and notify them that the approved animal will be residing in shared assigned living space.

Section V. Conflicting Health Conditions

Residence Life personnel will make a reasonable effort to notify tenants in the residence buildings where the Approved Animal will be located.

Students with medical condition(s) that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the Disability Services office if they have a health or safety related concern about exposure to a Service or 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 Assistance Animals.

Section VI. Handler's Responsibilities in University Housing

Approved Animals

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 responsible for the costs of care necessary for an Approved Animal's well-being. The arrangements and responsibilities with the care of an Approved Animal is the sole responsibility of the Handler at all times, including regular bathing and grooming, as needed.
3. The Handler is responsible for independently removing or arranging for the removal of the Approved Animal's waste. Waste must never be placed in a building's garbage cans or other small trash cans available on University property. See Section VII B for more information (care and supervision).
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 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, window, wall covering, or other items damaged. The Handler is expected to cover these costs at the time of repair and/or move-out.
6. The Handler is responsible for any expenses incurred for cleaning above and 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 must notify Disability Services in writing if the Approved Animal is no longer needed as an Approved Animal or is no longer in residence. To replace an Approved Animal the Handler must file a new Request for Reasonable Accommodation.
8. 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 above and beyond standard pest management in the residence halls.
9. If the Handler lives on campus, he or she must feed and provide water for the Approved Animal inside his or her room, Food and water for the approved animal are not to be left outside the residence hall room.
10. All roommates or suitemates of the Handler must sign an agreement allowing the Approved Animal to be in residence with them. In the event that one or more roommates or suitemates do not approve, either the Handler and Approved Animal or the non-approving roommates or suitemates, as determined by the appropriate housing office staff member for the residence location, may be moved to a different location.

11. Service Animals may travel freely with their Handler throughout University housing (and other areas of the University, see Section VII part G of this document). 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. When outside the residence, the Handler of an Assistance Animal shall carry proof that the animal is an Approved Animal.
12. Approved Animals may not be left overnight in University housing to be cared for by another person. Animals must be taken with the student if they leave campus for a prolonged period.
13. Housing has the ability to relocate Handler and Approved Animal as necessary according to current contractual agreements.
14. The Handler agrees to continue to abide by all other residential 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.
15. 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.
16. Should the Approved Animal be removed from the premises for any reason, the Handler is expected to fulfill his/her housing obligations for the remainder of the housing contract.
17. The Handler undertakes to comply with Approved Animal health and wellbeing requirements as set forth in Section VII, item C.

Service Animals - Additional Items

In addition to the requirements set forth in Section VI 1-17, the following guidelines apply to Service Animals:

1. The Handler is responsible for ensuring that the Service Animal is wearing a leash, harness or cape that identifies the animal is a Service Animal when on duty anywhere on campus.

Assistance Animals - Additional Items

In addition to the requirements set forth in Section VI 1-17, the following guidelines apply to Assistance Animals:

1. The Handler is responsible for complying with Pope County/City of Russellville dog control and licensing laws for animal rights and Handler responsibilities. Assistance Animals must be current with immunizations and wear a rabies vaccination tag.
2. The Assistance Animal must be spayed or neutered and cannot pose a direct threat to the health and safety of others, must not cause substantial physical damages to the

property of others, cannot pose an undue financial or administrative burden, or fundamentally alter the nature of the University's operations.

Section VII. Guidelines for Maintaining an Approved Animal at Arkansas Tech University

A. Introduction

The following guidelines apply to all Approved Animals and their Handlers, unless the nature of the documented disability of the Handler precludes adherence to these guidelines, and permission for a variance from the guidelines has been granted.

B. Care and Supervision

Care and supervision of the Approved Animal are the responsibility of the individual who benefits from the Approved Animal's use. The Handler is required to maintain control of the Approved Animal at all times.

The Handler is also responsible for ensuring the cleanup of the Approved Animal's waste and, when appropriate, must toilet the animal in areas designated by the University consistent with the reasonable capacity of the Handler. 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.

C. 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 must have current vaccination against rabies and wear a rabies vaccination tag. Although not mandated, cats should have the normal shots required for a healthy animal. Local licensing requirements are followed'
2. Health: Animals, other than cats and dogs, to be housed in University housing must have 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 University has authority to direct that the animal receive veterinary attention. (Local licensing law is followed.)
3. Leash: If appropriate the Approved Animal must be on a leash, unless the leash would inhibit the Approved Animal's ability to be of service.
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.

D. 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 or Assistance Animal unless invited to do so.
3. They are not to feed a Service or Assistance Animal.
4. They are not to startle a Service or Assistance Animal, deliberately.

5. They are not to separate or to attempt to separate a Handler from his or her Service or 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.

E. 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 Arkansas Tech University campus;
5. The animal is not house broken;
6. The animal is physically ill;
7. The animal is unreasonable 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.

F. Damage

Handlers of Approved Animals are solely responsible for any damage to persons or University property caused by their animals.

G. 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, motor pools, 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 Disability Services and the appropriate department representative; the person directing the restricted area has the final decision.

H. Areas Off Limits to Assistance Animals

All areas except for privately assigned living space in housing are off limits to approved Assistance Animals without prior authorization from Disability Services.