

Tennessee State University

Policy No. 7.01

Campus Facilities Policy Governing Service and Emotional Support Animals

Effective Date: June 2020

I. PURPOSE

- A. Tennessee State University (TSU) complies with the Americans with Disabilities Act as amended (ADAAA) in allowing the use of service animals for students, staff, and visitors. TSU complies with the Fair Housing Act in allowing students or employees living on campus the use of Emotional Support Animals (ESA) that are approved as a reasonable accommodation.
- B. It is TSU's general policy to provide reasonable accommodations to individuals with disabilities whenever an individual has a disability and there is a disability-related need for the requested accommodation. A disability-related need for a requested accommodation exists when there is an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

II. PETS AND ANIMALS ON CAMPUS IN GENERAL

Except as provided herein, Tennessee State University does not permit pets in residence halls, other than fish (please refer to your student handbook regarding housing policy) and does not permit pets or animals on campus.

III. DEFINITIONS

- A. **Service Animal.** A service animal is defined by the ADAAA as a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability.
- B. **Emotional Support Animal.** Emotional support animals, or assistance animals, as per the Fair Housing Act, are animals that work, assist, and/or perform tasks and services for the benefit of a person with a disability or animals that provide emotional support that improves the symptoms of a disability. Because the animals are not individually trained to perform work or tasks, emotional support animals are not Service Animals.
- C. **Individual with a Disability.** An individual with a documented physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

IV. SERVICE ANIMALS

A. Campus Access. Service animals may not be excluded from University facilities or activities, except in the following circumstances:

1. A service animal whose behavior poses a direct threat to the health or safety of others or is disruptive to the campus community may be excluded from campus regardless of training or certification.
2. When consistent with other University policies, state, and/or federal laws and regulations, a service animal may be restricted from specific areas of the University such as:
 - a. Food preparation areas;
 - b. Animal or academic research facilities and grounds;
 - c. Areas where protective clothing is necessary;
 - d. Hazardous research sites;
 - e. Clinical/sterile environments;
 - f. Mechanical rooms/custodial closets;
 - g. Areas where the service animal may be in danger; or
 - h. Areas in which the service animal is not accompanying the owner.

B. Service Animal Handling.

1. A service animal shall have a harness, leash or other tether, unless the owner's disability precludes the use of such tether, in which case the animal must otherwise be under the control of the owner (i.e., voice controls or other effective means).
2. Members of the University community and visitors are prohibited from interfering in any way with a service animal or the duties it performs.

C. Documentation Not Required.

1. Service animal owners must not be asked about the nature of their disability or for medical documentation. Owners must not be asked for special registration, identification card, license, or other documentation that the animal is a service animal or to demonstrate the animal's ability to perform work or tasks.

2. If the need for the service animal is not apparent, University personnel may only ask the following of a service animal owner:
 - a. Whether the service animal is required because of a disability; and
 - b. What work or task the animal has been trained to perform.

D. Notice Requirements.

1. Students with disabilities who intend to bring a service animal onto campus are requested to notify the University of the need for the service animal's presence in advance of bringing the animal to campus. Please contact the Office of Disability Services.
2. Residential students who utilize a service animal must contact Residence Life to ensure appropriate residential accommodations are assigned.
3. Employees who utilize a service animal must contact Human Resources to complete the appropriate ADA accommodation request information.

E. False Claims. Misrepresentation of a service animal is a Class B misdemeanor (T.C.A. § 39-16-304). The University reserves the right to notify the TSU Police Department of any individual who knowingly misrepresents a disability or disability-related need for the use of a service animal.

V. EMOTIONAL SUPPORT ANIMALS

A. Approval Process.

The presence of an Emotional Support Animal (ESA) on University property is limited to an ESA owner's residence hall/apartment and must be approved by the University, at its discretion, through the following process:

1. Deadlines.

In order to be able to reasonably accommodate a housing assignment for students or employees with an approved Emotional Support Animal (ESA), and allow enough time for the committee to review the application materials, the following deadlines have been stipulated and must be adhered to:

Fall deadline: June 1

Spring deadline: November 1

2. Intake.

- a. Students. A student requesting approval of an ESA must contact the Office of Disability Services (ODS) to obtain information regarding accommodation request(s) procedures.
- b. Employees. An employee requesting approval of an ESA must contact the Office of Equity and Inclusion (OEI) to obtain information regarding accommodation request(s) procedures.

3. Documentation.

After contacting the appropriate office to initiate the intake process, the student or employee must collect and submit the following documentation to the ODS or OEI, as appropriate:

- a. A professional diagnosis of the person's disability. This documentation must come from a qualified therapist, counselor, or medical professional appropriately licensed in the student's home state or in the State of Tennessee (the "Provider") and who has an established therapeutic relationship with the student (normally, at least six sessions).
 - b. A clear description from the Provider of the current impact and functional limitations resulting from the disability.
 - c. The Provider's confirmation that the ESA has been prescribed for treatment purposes and is necessary to help alleviate symptoms associated with the person's condition and/or to help the person use and enjoy university housing services.
 - d. The Provider's description of the support that the ESA will provide.
 - e. Any additional rationale or statement the University may reasonably need to understand the basis for the Provider's professional opinion.
4. Meeting. ODS or OEI personnel, as appropriate, will meet with the student or employee to discuss the need for an ESA in the residence halls/apartments.
5. Criteria. The University, in consultation with the student or employee, and other parties, as appropriate, may consider the criteria below in determining whether the presence of the animal is reasonable in the making of housing assignments for individuals with emotional support animals:
- a. Whether the animal poses or has posed in the past a direct threat to

the individual or others;

- b. Whether the animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
 - c. Whether the size of the animal is too large for available assigned housing space;
 - d. Whether the animal's presence otherwise violates individuals' right to peace and quiet enjoyment; and
 - e. Whether the animal is not housebroken or is otherwise unable to live with others in a reasonable manner.
6. Disclosure Consent. The student or employee must provide written consent for ODS or OEI, as applicable, to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal, including but not limited to Resident Life personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability. TSU reserves the right to assign an individual with an approved ESA to a single room without a roommate or other appropriate room.
7. Additional Information. The student may be required to submit additional information about the type of animal prior to approval by the appropriate University official.
8. Recommendation by ODS or OEI. Based on the documentation submitted by the student or employee and information developed through meeting with the student or employee, the ODS or OEI, as appropriate, shall make a recommendation on whether to permit the ESA and will inform the student or employee of the decision as well as any required constraints specific to the individual and/or animal.
9. A student or employee is not allowed to bring an ESA to campus prior to receiving written approval from the appropriate University official.

B. Restrictions and Limitations on Approved ESAs.

If approved, the emotional support animal is to be appropriately confined to the **individual's assigned living space**, except for toileting purposes as appropriate, and is **not** allowed to be present in other areas of campus, including but not limited to dining facilities, academic buildings, and

administrative buildings. When an ESA is outside the individual's living space, it must be in an animal carrier or controlled by a leash or harness. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University housing. Residence hall policy must be followed, including but not limited to policies disallowing heat lamps, rodents (live or frozen), insects, etc. Approved ESAs must be taken with the owner if the owner leaves campus overnight. Violations by students will be adjudicated through Office of Student Affairs Residential Life and/or Student Misconduct. Violations by employees will be adjudicated through Human Resources.

C. Revocation of Approval of ESA.

1. The University will take appropriate measures, up to and including revocation of approval for an ESA and/or a specific animal if, among other reasons:
 - a. The Owner violates any term of this policy, after notice and reasonable opportunity to cure when possible;
 - b. The Approved ESA is no longer needed to assist with a disability;
 - c. The University determines that the Approved ESA is a direct threat to the health, safety, or property of anyone in the University community, or that the Approved ESA is adversely affecting a University program or activity; or
 - d. The University discovers that false or misleading information was provided in the Owner's application for approval of an Approved ESA.
2. The University reserves the right to make an interim accommodation while determining appropriate measures.
3. The requesting student or employee may grieve revocation of approval of a previously Approved ESA in accordance with the grievance policy (See Student Handbook or for an employee, see Employee handbook).

VI. COMPLIANCE WITH APPLICABLE LAWS

A student or employee with a service animal or approved ESA must follow all applicable local and state ordinances, laws and regulations in regard to care, licensing, vaccinations, and other requirements for animals. It is the student's or employee's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.

VII. RESPONSIBILITY FOR PROPERTY DAMAGE

Any student or employee with a service animal or Approved ESA is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. An individual with a disability may be charged for any damage caused by his or her service animal or ESA beyond reasonable wear and tear to the same extent that other individuals are charged for damages beyond reasonable wear and tear. The individual's living space may also be inspected for fleas, ticks, or other pests if necessary, as part of the University's standard or routine inspections. If fleas, ticks, or other pests are detected, the individual will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall have the right to bill a student's account for unmet obligations under this provision.

The University reserves the right to amend this policy at any time as circumstances require.

Approved by:

Adopted: June 2020; Revised March 2022