

**Tennessee State University**  
**Policy No. 7.01**  
**Emotional Support Animals in Residence Life**  
**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. EMOTIONAL SUPPORT ANIMALS**

- A. The University may approve the presence of Emotional Support Animals (ESAs) in residence halls/apartments through the following process:
1. A student or employee, in applicable circumstances, must first complete the Intake process by contacting the Office of Disability Services (ODS), in the case of student requests, and the Office of Equity and Inclusion (OEI), in the case of employee requests, to obtain information regarding accommodation request(s) procedures.
  2. The Student or Employee must provide to the ODS or OEI the appropriate documentation from a qualified therapist, counselor, or medical professional appropriately licensed in the student's home state or in the State of Tennessee and who has an established therapeutic relationship with the student (normally, at least six sessions).
  3. The documentation must include the following:
    - a. The provider's diagnosis of the person's disability.
    - b. A clear description 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 professional opinion.
  4. ODS or OEI personnel will meet with the student or employee to discuss the need for an ESA in the residence halls/apartments.
  5. 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 emotion 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 housebroken or is unable to live with others in a reasonable manner.
6. The student or employee must provide written consent for ODS 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. Based on the documentation submitted by the student or employee and information developed through meeting with the student or employee, the ODS or OEI shall make a recommendation on whether to permit the ESA.
8. The student may need to submit additional information about the type of animal prior to approval by the appropriate University official.

## **V. COMPLIANCE WITH APPLICABLE LAWS**

The student or employee is not allowed to bring the animal to campus prior to receiving written approval from the appropriate University official. The student or employee must follow all applicable local and state ordinances, laws and regulations in regards 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.

## **VI. RESTRICTIONS AND LIMITATIONS ON APPROVED ESAs**

If approved, the emotional support animal is not allowed to be present in other areas of campus, including but not limited to dining facilities, academic buildings, and administrative buildings. The animal is to be appropriately confined to the **individual's assigned living space** except for toileting purposes as appropriate. 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 no heat lamps, rodents (live or frozen), insects, etc. are allowed.

## **VII. RESPONSIBILITY FOR PROPERTY DAMAGE**

The student or employee 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 assistance animal beyond reasonable wear and tear to the same extent that it charges other individuals 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 the Student's account for unmet obligations under this provision.

**Approved by:**

**Adopted: Revised June 2020**