

POLICIES

Issued: ~~December 11, 2019~~

**Responsible
Official:** Vice President for Student Affairs and ~~General
Counsel~~ [Vice President for Legal Affairs and
Organizational Strategy](#)

**Responsible
Office:** Office of Student Affairs and Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to allow animals on campus based [only](#) on the procedures and guidelines set forth in this policy.

Purpose

[The purpose of this policy is to recognize the importance of service animals and emotional support animals for individuals with disabilities. APSU complies with the Americans with Disabilities Act as amended \(ADAAA\) in allowing the use of service animals for students, staff and visitors. APSU complies with the Fair Housing Act in allowing students or employees living on campus the use of Emotional Support Animals that are approved as a reasonable accommodation.](#)

[APSU is committed to providing reasonable accommodations to individuals with disabilities whenever an individual has a disability and there is a disability-related need for the requested accommodation to facilitate their full-participation and equal access to the University's programs and activities.](#)

Contents

Procedures

-General Conditions

-Definitions

[-Guidelines and Procedures for Service Animals](#)

~~-Procedures only Applicable to Emotional Support Animals~~

~~-Procedures only Applicable to Service Animals in Housing~~

[-Guidelines and Procedures for Emotional Support Animals](#)

[-Owner's Responsibilities for Having an Assistance Animal on Campus](#)

~~-Guidelines Applicable to All Assistance Animals
-Guidelines for Maintaining an Assistance Animal at Austin Peay State University~~

~~Procedures~~ General Conditions

~~General Conditions~~

~~Unless otherwise authorized in APSU policy, APSU does not permit pets or animals on campus with these limited exceptions:~~

- ~~• Service Animals ~~that meet the~~ used to assist persons with disabilities, as defined by law ~~ADAAA definition and procedures detailed below.~~~~
- ~~• Emotional Support Animals when approved in residence halls and designated relief areas only.~~
- ~~• Fish in 20 gallon or less tanks allowed in the residence halls. (see Housing, residential life and Dining services A-Z guide handbook/calendar)~~

~~Austin Peay State University (APSU) recognizes the importance of service animals and emotional support animals for individuals with disabilities and has established the following policy to assist students with life issues. The policy ensures that students with disabilities, who require the use of assistance animals as a reasonable accommodation, receive the benefit of the work or task performed by such animals or the therapeutic support they provide. APSU is committed to allowing students with disabilities the use of an assistance animal on campus to facilitate their full participation and equal access to the University's programs and activities.~~

APSU reserves the right to enforce all relevant rules for the use of assistance animals through the student conduct code and applicable laws. APSU also reserves the right to revoke permission granted for the campus presence of any assistance animal whose owner fails to follow the requirements set forth in this procedure.

~~Requests for emotional support animals will only be reviewed under this policy for university housing. These animals will not be allowed in other campus facilities. Requests that do not carry evidence of the necessity of the animal will be denied.~~

Definitions

~~Definitions~~ Individual with a Disability

~~What is a Disability?~~

~~In order to qualify for a reasonable accommodation under the~~

~~Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the student must meet the statutory definition of having a “disability.”~~

~~“Disability” is defined as a physical or mental condition or impairment that substantially limits one or more of a person’s major life activities. These limitations may include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning. A person is substantially limited in major life activities if the individual is unable to perform the activity, or is significantly restricted as to the manner in which he or she can perform that activity when compared to the average person.~~

~~**What is a Service Animal?—**~~

~~A “Service animal” performs functions and tasks that the individual with a disability cannot perform for him or herself. Service animals are individually trained to do work or perform tasks for the benefit of an individual with a disability. These tasks include, but are not limited to: guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. An owner does not need prior approval before bringing a service animal to campus in areas where the general public is allowed to go. In situations where it is not obvious that the animal is a service animal, staff may ask only two specific questions: (1) is the animal a service animal required because of a disability? and (2) what work or task has the animal been trained to perform? Outside of a request for student housing, staff are not allowed to request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person's disability.~~

~~**What is an Emotional Support Animal?—**~~

~~An “emotional support animal” often referred to as a “companion animal” is an animal whose sole responsibility is to provide calming influence, affection, stability or security. An emotional support animal should demonstrate a good temperament and reliable, predictable behavior. Unlike a service animal, an emotional support 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. An emotional support animal, however, may be incorporated in a treatment process to assist in alleviating the symptoms of that individual’s disability. This treatment occurs within the person’s residence. Emotional~~

~~support animals are not service animals and will not necessarily qualify as a reasonable accommodation under ADA. If they meet the qualifications as a reasonable accommodation, then such animals can only be permitted in housing and not in public areas on campus.~~

An individual with a documented physical or mental impairment that substantially limits one or more major life activities as defined in the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act “ADAAA.”

Approved Animal—

~~An “approved animal” is an emotional support animal that has been permitted as a reasonable accommodation under this policy.~~

Assistance Animal

~~An “assistance animal” is either a service animal or an emotional support animal.~~

Owner

~~The “owner” is the student or other covered person who has a service animal or has requested an accommodation for an emotional support animal and has received approval to bring the “approved animal” on campus.~~

Pet

A “pet” is any animal, wild or domesticated, that is not trained or used as a service animal or emotional support/assistance animal.

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.

Emotional Support Animal

An “emotional support animal”, 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. Emotional support animals are not service animals. ~~Because the animals are not individually trained to perform work or tasks, e~~ Emotional support animals are not service animals.

Assistance Animal

An “assistance animal” per the Fair Housing Act, is either a service animal or an emotional support animal that has been ~~permitted as a reasonable accommodation under this policy.~~ approved as meeting the housing qualifications and guidelines detailed below.

Approved Animal

An “approved animal” is an ~~emotional support animal~~ [assistance animal](#) that has been permitted as a reasonable accommodation under this policy.

Owner

The “owner” is the student or other covered person who has a service animal or has requested an accommodation for an emotional support animal and has received approval to bring the “approved animal” on campus.

**~~Procedures only
Applicable to Emotional
Support Animals~~**

~~How Can I Apply for Approval for an Emotional Support Animal?~~

~~In order to have an emotional support animal in University housing, students must apply with the Office of Housing and Residence Life. (Application- <https://www.apsu.edu/disability/AnimalhousingESA.pdf>) The application is reviewed in coordination with the Office of House and Residence Life and the Office Disability Services.~~

~~Emotional support animals may not reside in university housing without expressed approval from APSU officials. Applicants should make arrangements with their external healthcare provider for the exchange of information with APSU, since the student’s healthcare provider may be contacted for clarification. Healthcare providers must be certified/accredited in one of the following categories:~~

- ~~A. M.D.~~
- ~~B. Mental Health Counselor~~
- ~~C. Psychologist/Psychiatrist~~
- ~~D. Licensed Clinical Social Worker (LCSW)~~

~~Verification of Disability and Need for an Emotional Support Animal~~

~~A student seeking the assistance of an emotional support animal to use university facilities and services must provide verification to the Office for Disability Services that he or she has a qualifying disability and that the emotional support animal is needed for the use and enjoyment of the university facilities and services. The student’s health care provider, who is qualified to make the requested assessment, must submit a signed letter on professional letterhead expressing the following:~~

- ~~1. The provider’s diagnosis of the person’s condition.~~

- ~~2. The provider's opinion that the condition affects a major life activity.—~~
- ~~3. The provider's professional opinion that the emotional support animal is used to help with the person's daily living activities, and is necessary to effectively utilize University facilities and services.—~~
- ~~4. The provider's description of what service(s) the emotional support animal will specifically provide.—~~
- ~~5. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.—~~

~~Documentation of the disability may not be required if the specific disability is already known to the university.~~

~~The Office of Disabilities Services will review the documentation upon receipt of all documentation. If the request is approved, the resident will be contacted by the Office of Disability Services to meet with the Housing/Residential Life Office. At this time, the policies and responsibilities will be reviewed with the owner of the animal. Notification of approval or denial of the emotional support animal will be communicated with the Office of Housing and Residence Life.~~

~~If a student's request to house an emotional support animal is denied, then he or she will have the opportunity to appeal such decisions. All appeals are reviewed by the Office of Equal Opportunity and Affirmative Action. The student will receive information about the appeals process via e-mail, and this information will be sent to the student within one week of the denial decision.—~~

~~*NOTE: Only Service Animals have access to non-residential university owned facilities (except restricted areas). Emotional support animals are restricted to housing only.*~~

~~***NOTE: It is a Class B misdemeanor to misrepresent a support animal.***~~

**Procedures only
Applicable to Service
Animals in Housing**

~~In order to have a service animal in University housing, students must apply with the Office of Housing and Residence Life. (Application—<https://www.apsu.edu/disability/AnimalhousingESA.pdf>) The application is reviewed in coordination with the Office of Housing and Residence Life and the Office Disability Services.~~

~~If the student's disability is not readily apparent or known to the University, the Office of Housing and Residence Life may ask the student to submit reliable documentation of a disability and the disability-related need for a service animal. If the disability is readily apparent or known but the disability-related need for the service animal or support animal is not, then the Office of Housing and Residence Life may ask the individual to submit reliable documentation of the disability-related need for a service animal.~~

~~Applicants should make arrangements with their external healthcare provider for the exchange of information with APSU, since the student's healthcare provider may be contacted for clarification. Healthcare providers must be certified/accredited in one of the following categories:~~

- ~~A. M.D.~~
- ~~B. Mental Health Counselor~~
- ~~C. Psychologist/Psychiatrist~~
- ~~D. Licensed Clinical Social Worker (LCSW)~~

~~The student's health care provider, who is qualified to make the requested assessment, must submit a signed letter on professional letterhead expressing the following:—~~

- ~~1. The provider's diagnosis of the person's condition.—~~
- ~~2. The provider's opinion that the condition affects a major life activity.—~~
- ~~3. The provider's professional opinion that the emotional support animal is used to help with the person's daily living activities, and is necessary to effectively utilize University facilities and services.—~~
- ~~4. The provider's description of what service(s) the emotional support animal will specifically provide.—~~
- ~~5. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.—~~

~~***NOTE: It is a Class B misdemeanor to misrepresent a service animal.***~~

Guidelines for Service Animals

Campus Access

A service animal must be permitted to accompany a person with a disability everywhere on campus and cannot be excluded from

APSU 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.

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. The service animal is adequately controlled so as to present no undue disruption to others.
3. The service animal and its owner adhere to all state procedures and requirements.
4. The service animal must relieve itself in appropriate areas outside, in non-traffic areas.
5. Members of the University community and visitors are prohibited from interfering in any way with a service animal or the duties it performs.

Documentation Not Required

Service animal owners must not be asked about the nature of their disability or for medical documentation of the disability. 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.

If the need for the service animal is not apparent, University personnel may only ask the following of a service animal

owner:

1. Whether the service animal is required because of a disability; and
2. What work or task the animal has been trained to perform.

Notice Requirement

Students. Students with disabilities who intend to bring a service animal onto campus are encouraged to notify the University of the need for the service animal's presence in advance of bringing the animal to campus by contacting the Student Disability Resource Center (SDRC).

Employees. An employee who intends to bring a service animal onto campus are encouraged to contact the Office of Institutional Culture (OIC). Policy 6:001 outlines the process for employee requests for reasonable accommodation through the OIC.

Procedure to Request Service Animals in On Campus Housing:

Students living on campus who utilize a service animal must:

1. Contact the Student Disability Resource Center to make the reasonable accommodation request for service animals for on-campus housing.
 2. Provide all requested documentation in accordance with law that may include proof of local and state licensure and vaccination requirements.
 3. Honor the deadlines listed under Guidelines for Emotional Support Animals.
 4. The procedures for requesting service animals in on-campus housing are outlined and can be found here: <https://www.apsu.edu/disability/index.php>.
- ~~1. Once approved for a service animal by SDRC, a letter will be sent to both the student and to the Housing and Residence Life for notification of approved accommodation.~~
 - ~~2. Student will then be contacted by Housing and Residence Life to finalize the housing process and complete agreements.~~
 - ~~3. Any student denied the accommodation will be contacted by SDRC listing reasons for the accommodation denial.~~

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 APSU Police Department of any individual who knowingly misrepresents a disability or

disability-related need for the use of a service animal.

Guidelines for Emotional Support Animals

Students who reside in university housing and who wish to bring an emotional support animal into University housing as an accommodation for a disability must request the University's permission to do so. Permission may ~~will~~ be granted only as an accommodation through the application to the Student Disability Resource Center (SDRC) and must be arranged in advance through the Office of Housing and Residence Life prior to bringing the animal onto APSU property.

The SDRC will assist the Office of Housing and Residence Life in determining on a case-by-case basis, whether the request represents a reasonable accommodation for a documented disability and should be granted.

Approval Process

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

1. **Deadlines:** In order to review the accommodation request, application materials and to be able to reasonably accommodate a housing assignment for students or employees with an approved ESA, accommodation requests should be submitted as soon as possible and prior to bringing an animal, preferably by:

Fall deadline: June 1

Spring deadline: November 1

2. **Intake:**

- a. **Student.** A student requesting approval of an ESA must contact the Student Disability Resource Center (SDRC) to obtain information regarding accommodation request(s) procedures.

- b. **Employees.** An employee requesting approval of an ESA for on campus housing must contact the Office of Institutional Culture (OIC) to obtain information regarding accommodation request(s) procedures. Policy 6:001 outlines the process for employee requests for reasonable

accommodation through the OIC.

3. Documentation:

Applicants should make arrangements with their external healthcare provider for the exchange of information with APSU, since the student's healthcare provider may need to be contacted for clarification. Healthcare providers must have an established therapeutic relationship with the student and must be certified/accredited in one of the following categories:

- a. M.D.
- b. Mental Health Counselor
- c. Psychologist/Psychiatrist
- d. Licensed Clinical Social Worker (LCSW)

Online registries are not considered reliable healthcare providers and will not be accepted.

The student's health care provider, who is qualified to make the requested assessment, must submit a signed letter on professional letterhead expressing the following:

- a. The provider's diagnosis of the person's condition.
- b. The provider's opinion that the condition affects a major life activity.
- c. The provider's professional opinion that the emotional support animal is used to help with the person's daily living activities, and is necessary to effectively utilize University facilities and services.
- d. The provider's description of what service(s) the emotional support animal will specifically provide.
- e. Any additional rationale or statement the University may reasonably need to understand the basis for the professional opinion.
- f. The type of animal being recommended (i.e. dog, cat, etc.).

Verification of Disability and Need for an Emotional Support Animal

- 4. Meeting.** SDRC or OIC personnel, as appropriate, may ~~will~~ schedule a meeting with the student or employee, to consider the accommodation request once all paperwork has been submitted to discuss the need for an ESA for on campus housing.

5. **Criteria.** APSU, 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. The animal's vaccination are not up-to-date; and
- e. Whether the animal is not housebroken or is otherwise unable to live with others in a reasonable manner.

6. **Next Steps for Students.** If the request is approved for an ESA by SDRC, a letter will be sent to both the student and to the Housing and Residence Life for notification of approval. It is the student's responsibility to schedule a meeting with the Office of Housing and Residence Life. At this time, the policies and responsibilities will be reviewed with the owner of the animal.

If a student's request to house an emotional support animal is denied, then he or she will have the opportunity to appeal such decisions. All appeals are reviewed by the Office of Institutional Culture. The student will receive information about the appeals process via e-mail, and this information ~~will~~ should be sent to the student within one week of the denial decision.

Employee requests for reasonable accommodation will be reviewed and facilitated in accordance with the procedures outlined in Policy 6:001.

False Claims

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

NOTE: Only Service Animals have access to non-residential university owned facilities (except restricted areas). Emotional support animals are restricted to housing only.

Owner's Responsibilities for Having an Assistance Animal on Campus

Guidelines Applicable to All Assistance Animals

~~Owner's Responsibilities for Having an Assistance Animal on Campus~~

1. The owner is responsible for assuring that the assistance animal does not unduly interfere with the routine activities of the university or cause difficulties for other members of the university community.
2. Service Animals may travel freely with their owner throughout university facilities. Emotional support animals must be contained within the approved student's privately assigned residential area (room, suite, and apartment) or specifically designated areas at all times, except when transported outside the private residential area in an animal carrier or controlled by leash or harness.
3. The owner is financially responsible for the actions of the assistance animal including bodily injury or property damage. The owner's responsibility covers, but is not limited to replacement of furniture, carpet, window, wall covering, and the like. **Carpet replacement expenses alone can be several thousand dollars; final restitution costs will vary depending upon the original condition of the residence and other factors.** The owner is expected to cover these costs at the time of repair and/or move-out. **In sum, the owner is personally and financially responsible for the actions of an approved animal.**
4. In the event two or more roommates have an assistance animal, there is an expectation that the animals live harmoniously together. Any conflicts between the animals should be worked out between the residents. If there is animal-related damage to your residential unit, then the university's policy on room damage charges will apply. If one resident takes responsibility for damages in a common area, then that resident will be

charged. If neither resident claims responsibility for the damage, any fines and/or repair fees will be split evenly between the residents with animals.

5. The owner 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 owner for unmet obligations.
6. The owner must notify ~~the Office of Disability Services~~ [SDRC](#) in writing if an approved animal is no longer needed as an approved animal or is no longer in residence. To replace an animal, the owner must file a new request following the procedures outlined ~~in~~ above.
7. The owner's residence may be inspected for fleas, ticks or other pests twice a semester or as needed. The Office of Housing and Residence Life or Facilities Office 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 owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residential facilities.
8. Assistance animals may not be left overnight in University housing to be cared for by another student. Animals must leave campus if the owner leaves campus for a prolonged period, including overnight.
9. Housing has the ability to relocate the owner and assistance animal as necessary according to current contractual agreements.
10. The owner undertakes to comply with the "Guidelines for Maintaining an Assistance Animal at Austin Peay State University" as set forth in this policy. The owner also agrees to continue to abide by all other university policies. Any violation of the above rules may result in immediate removal of the animal from the university and the owner will be afforded all rights of due process and appeal as outlined in that process. Should the assistance animal be removed from the university

premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

**Guidelines for Maintaining
an Assistance Animal at
Austin Peay State
University**

The following guidelines apply to all assistance animals and their owners, unless the nature of the documented disability of the owner precludes adherence to these guidelines, and permission for a variance from the guidelines has been granted.

Care and Supervision:

The Owner of an assistance animal is responsible for the animal's care and supervision at all times. The person is required to maintain control of the animal at all times. This includes the cleanup of the animal's waste. Outdoor solid animal waste must be picked up immediately and disposed of in outside trash dumpsters. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash dumpsters. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces. APSU custodial staff is not responsible for disposing of animal waste.

Austin Peay may remove or require the removal of any animal that poses a threat to the health or safety of others, is not housebroken, causing undue noise, or damage or otherwise.

Animal Health and Well-being

- 1. Vaccination:** In accordance with local ordinances and regulations the animal must be immunized against diseases common to that type of animal. Animals must have current vaccination and local licensing requirements must be followed.
- 2. Health:** Animals housed in APSU 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. APSU has authority to direct that the animal receive veterinary attention.
- 3. Assistance Animals and Conduct Policy violations:** Students in violation of the controlled substance, alcohol, or any other conduct policy that may put the animal at risk, may have their Assistance Animal

removed.

4. **Leash:** The animal must be on a leash or crated anytime it is outside the owner's private residential facility, including residential common areas. The only exception to this rule would be if the leash would inhibit the animal's ability to be of service. The owner is required to maintain control of the animal at all times.
5. **Containment of assistance animal during owner temporary absence:** It is advised that any assistance animal left in a residential facility while the owner is away temporarily from that facility for any length of time, should be housed in a crate or other appropriate containment apparatus. Roommates or suitemates cannot be left in charge of assistance animals nor can animals be moved to another room on campus, if the owner is not present. The owner of the animal retains responsibility for the animal at all times. An assistance animal found unattended for an extended period of time or abandoned may be impounded in accordance with applicable laws and regulations.
6. **Cleaning of assistance animals:** Assistance animals may not be washed in APSU residence halls.
7. **Other Conditions:** The ~~Office of Disability Services~~ [Student Disability Resource Center](#) and/or Office of Housing and Residence Life may place other reasonable conditions or restrictions on the animals depending on the nature and characteristics of the animal.

Revision Dates

[APSU Policy 3:007 – Rev.:](#)

APSU Policy 3:007 – Rev.: December 11, 2019

APSU Policy 3:007 – Issued: June 18, 2018

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

Approved

President: signature on file
