

CLARK ATLANTA UNIVERSITY

Policy 9.0: Animals Assistance Policy



CLARK ATLANTA UNIVERSITY		
Policy and Procedure	Subject: Policy 9.0 Animals Assistance Policy (AAP)	
Department: Student Services and Campus Life Office of Counseling and Disability Services	Review Date 4.21.2022	Issued By: Office of Counseling and Disability Services
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1.0 POLICY STATEMENT

Clark Atlanta University (“CAU”) is committed to maintaining a safe and accessible learning, living and working environment for all individuals, including individuals with disabilities. The University complies with Section 504 of the Rehabilitation Act, the Americans with Disability Act (ADA), and the Fair Housing Act (FHA). Clark Atlanta University permits Animal Assistance on Campus in two ways, Emotional Support Animals (ESA) or Service Animals (SA). Both options are considered reasonable accommodations and qualify for campus residential housing as long as the student has met the guidelines as a qualified student. The procedure for requesting housing accommodations has been completed and approved.

Please note that if you are found responsible for having an animal on campus without approval, you are no longer eligible to have an animal on campus.

2.0 ENTITIES AFFECTED BY THIS POLICY

This policy applies to all employees, students, faculty, staff, all divisions, departments, visitors, and units of Clark Atlanta University.

3.0 ANIMALS ASSISTANCE ON CAMPUS

Emotional Support Animals (ESA)

Emotional Support Animals are not considered service animals under the Americans with Disabilities Act. The support animals provide companionship, relieve loneliness, and sometimes help with psychiatric disabilities and mental impairments, such as depression, anxiety, and certain phobias; however, unlike service animals, ESAs do not have special training to perform specific tasks to assist people with disabilities.

Emotional Support Animals (ESA) are only allowed in a student’s assigned university housing room and may not be taken to class. Only one ESA is permitted for each student. ESAs are restricted to the registered student’s room and are only allowed outside the unit to care for the animal or to leave the building with the animal. ESAs are not otherwise permitted inside other University facilities. ESAs of visitors or students not residing in the university housing facility are not permitted in any university facility.

Service Animals (SA)

Service Animals are allowed to accompany the owner in all areas of Clark Atlanta University. Only limited inquiries are allowed when it is not obvious what service an animal provides. Employees may ask only two questions:

- Is the Service Animal required because of a disability?
- What work or task has the Service Animal been trained to perform?

Students with service animals may be eligible for academic accommodations. Students are strongly encouraged to connect to the Office of Counseling and Disability Services by the established important dates to discuss various housing and academic accommodations that need to be made.

4.0 DEFINITIONS

- a. **“Emotional Support Animals”** is an animal that provides assistance or emotional support to alleviate one or more identified symptoms. For an animal to be designated as an ESA, the student is required to demonstrate that their animal is a reasonable accommodation for their disability.

An Emotional Support Animal (“ESA” or “ESAs”) is any animal specifically designated by a Licensed Medical Practitioner to provide companionship, therapeutic and emotional support, or passive comfort to an individual with a disability in order to alleviate or mitigate one or more identified symptoms or effects of that disability, but does not qualify as a Service Animal under Section 504 and the ADA. An ESA may provide an individual with a disability an equal opportunity to use and enjoy a dwelling, workplace, or other areas, provided there is a nexus between the individual’s disability and the assistance or support the animal provides. Some ESAs are professionally trained, but in other cases, ESAs provide the necessary support to individuals with disabilities without formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA. ESAs are not Service Animals.

- b. **“Service Animal”** is defined by the ADA, as amended in 2008 and 2010, as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability,” including physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, do not service animals for the purposes of this definition.

The work or task performed by a service animal must be directly related to the individual’s disability. Examples of such work or tasks include guiding people who are blind or have low vision with navigation, alerting people who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals.

- c. **Owner:** the student who has requested the accommodation under this policy and as defined under federal and state law and uses a service animal to perform a work or task directly related to the individual’s disability.
- d. **Emergency Contact:** An individual who will take responsibility for an approved animal in the event that the owner cannot be reached during an emergency. The owner will include the identity and contact information of the Emergency Contact on the Approved Animal Registration Form.

5.0. NARRATIVE PROCEDURES

5.1 REQUEST PROCESS - Animals Assistance (AA)

Animals Assistance procedures for requesting university housing are as follows:

9.0 *Animals Assistance Policy*
Office of Counseling and Disability Services

1. A student requesting permission for AA in university housing must first register with the Office of Counseling and Disability Services by filling out an application and indicating that they are seeking reasonable accommodation.
2. Each student's request must be approved by the AA Committee composed of Housing and the Office of Counseling and Disability Services (HOCDS). After the student's request is received, the committee will send the student an application for housing accommodations filled out by the student.
 - a. Documents can be returned to the Office of Counseling and Disability Services Office either by delivery to Trevor Arnett Hall, Third Floor, mailed or emailed. For more information, call (404) 880.8042.
 - b. The HOCDS Committee meets at least once per semester to review requests for housing accommodations. Please note that requests for AA are not guaranteed.
3. The University may require additional documentation demonstrating the need for an AA.
4. ESA and SA Request guidelines are listed below:
 - a. ESA requires that all submitted documentation is in the form of a letter or report from a therapist, psychologist, psychiatrist, or another medical professional qualified to give a diagnosis and/or is currently treating the student for the disability for which they are requesting an AA.
 - b. ESA documentation must be on official letterhead and be signed and dated within the last two years.
 - c. ESA documentation should include a specific diagnosis, a statement of the student's current condition, summarize a recent evaluation, and the expected duration of the condition.
 - d. ESA documentation should provide evidence that the provider is treating the student for the condition for which the accommodation is requested.
 - e. ESA documentation should state the current impact or functional limitations imposed by the disability on the student's living situation and explain how the disability relates to your request for an AA. There must be a direct link established between the diagnosis and the requested AAOC.
 - f. ESA documentation must clearly state a recommendation for an AA as a part of the student's treatment plan and include possible alternatives if the requested accommodation is not available.
5. The Housing and Office of Counseling and Disability Services (HOCDS) will review requests and contact the student after a decision has been determined and arrange a formal meeting to review this policy with the student.

The Housing and Office of Counseling and Disability Services (HOCDS) may consider the following factors, among others, in determining whether the presence of an animal on campus is an approved reasonable accommodation or while making housing assignments for students with AA:

- A. The animal's presence otherwise violates students' right to peace and quiet.
- B. The animal is not housebroken or is unable to live with others in a reasonable manner.
- C. The animals' vaccinations are not up-to-date.
- D. The animal poses a direct threat to the individual or others, such as aggressive behavior towards or injuring the Owner or other individuals on campus.
- E. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
- F. The size of the animal.

Clark Atlanta University will not limit room assignments for individuals with AA to any particular building or building because the individual needs an AA. Upon approval of the HOCDs, Residence Life Staff will:

- A. Notify appropriate residential building staff
- B. Notify the Owner's roommate(s) or suitemates(s) to solicit their acknowledgment of the approval and notify them that the approved animal will be residing in the shared assigned living space(s).

5.2 REGISTRATION & RENEWAL OF ANIMALS ASSISTANCE ON CAMPUS

Upon approval, the owner of the AA will have to review this policy, fill out and sign the agreement form, and provide proper documentation related to the AA to keep on file. Should there be concern over the AA health or registration status, the University reserves the right to ask for records pertaining to these items at any time. Owners must produce them within 48 hours.

Registration documents include:

1. **Proof of vaccination:** The AA must be immunized against diseases common to that type of animal. The State of Georgia requires that all dogs and cats three months of age or older be vaccinated against rabies by a licensed veterinarian. Animals should wear vaccination tags at all times.
2. **Routine treatment:** In order to minimize potential disturbances to the community, when appropriate to the AA, owners should administer preventative flea and tick medication on a regular basis.
3. **Registration:** Animal Ordinance requires all dog, cat, and ferret owners in Dekalb County to register their animals. Proof of registration is required for the AA to live on campus.
4. **General health:** In order for the AA to be housed in campus housing, documentation from a licensed veterinarian or vaccination certificate regarding the animal's clean bill of health is required.

Any approval for a specifically identified AA is only for the designated academic year and will need to be renewed annually.

The renewal process will involve:

1. A renewal of the roommate/suitemate agreement contained within this policy.
2. Updated documentation for vaccination records and registration.
3. If the nature of the student's disability has fundamentally changed, they will need to submit updated documentation from their medical provider to the Office of Counseling and Disability Services. Otherwise, updated documentation related to the student's disability does NOT need to be submitted annually.

Renewal Deadlines

- Incoming first-year students: June 15 for the Fall semester
- Returning students seeking a new AA
- April 1 for the Fall semester; November 1 for the Spring semester of the following year
- Returning students seeking AA renewal: June 1 for next academic year

5.3 OWNER RESPONSIBILITIES IN UNIVERSITY HOUSING

- A. The owner is responsible for assuring that the AA does not interfere with the routine activities of the residence hall or cause difficulties for students who live there.
- B. The owner is financially responsible for the actions of the AA, including both bodily injury and/or property damage. The owner is expected to cover the costs at the time of repair and/or move-out.
- C. The owner is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to the University premises that are assessed after the student and animal vacate the residence. The University shall have the right to bill the student's account of the owner for unmet obligations.
- D. The owner must notify Housing or the Counseling and Office of Disability Services in writing if the AA is no longer needed as an approved animal or is no longer in the residence.
- E. If fleas, ticks, or other pests are detected through routine housing inspections, the residence will be treated using approved fumigation methods by a University-approved pest control service. If it is determined that the pests are attributed to the owner's AA, the owner will be billed for the expense of any pest treatment above and beyond standard pest management in residence halls.
- F. All roommates or suitemates of the owner must sign an agreement allowing the AA to be in residence with them. In the event that one or more roommates or suitemates do not approve, either the owner and animal or the non-approving roommate/suitemate may be moved to a different location.
- G. AA must be contained within the privately assigned residential area in an animal carrier or controlled by leash or harness.
- H. AA may NOT be left overnight in campus housing or be cared for by another student. Animals must be taken with the student if the student leaves campus for a prolonged period or boarded locally if the student is off campus. Examples include athletic trips, Journeys travel, school breaks, etc.
- I. Housing has the ability to relocate the owner and the AA as necessary.
- J. Any violations of the above rules may result in the immediate removal of the animal from the University and may be appealed through HOCDS Committee.
- K. Should the AA be removed from the premises for any reason, the owner is expected to fulfill their housing obligations for the remainder of the housing contract.
- L. The owner will comply with the animal health and well-being requirements outlined below.

5.4 MAINTAINING AN APPROVED ANIMAL AT CAU

The following guidelines apply to all Approved Animals Assistance unless the nature of the documented disability of the owner presents a variance from the guidelines and has been modified to meet those needs.

- A. **Care & Supervision.** Care and supervision of the animal are the responsibility of the Owner. The Owner is required to maintain control of the animal at all times and is responsible for ensuring the cleanup of the animal's waste.
 - a. 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.
- B. **Containment.** The owner is responsible for ensuring that the animal is contained, as appropriate when the owner is not present during the day while attending classes or other activities. An AA

must stay in a locked crate, aquarium, or cage when the owner is not present. If the owner is assigned to live in an on-campus apartment, the AA crate, aquarium, or cage must be located in the owner's bedroom. In the case of an emergency in which the AA must be cared for unexpectedly, the owner will name someone as the emergency contact to make decisions about the care of the animal.

- C. **Cleaning.** The owner shall not bathe and/or groom the animal or clean its cage/crate/bedding using residence hall facilities shared by other residents (bathrooms, showers, laundry rooms, dorm rooms, or apartment facilities). An outdoor space will be designated for the Owner to wash their animal.
- D. **Vaccinations.** In accordance with local ordinances and regulations, the 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.
- E. **General Health.** Animals to be housed in campus housing must have an annual clean bill of health from a licensed veterinarian. The University has the authority to direct that the animal receives veterinarian attention.
- F. **Leash.** If appropriate, the animal must be on a leash, and the owner must have control at all times.
- G. **In Case of Emergency.** The owner will name someone as the emergency contact to make decisions about the care of their animal. If the owner is unable to take care of the animal for more than 24 hours, the animal may be boarded at the expense of the owner at a designated facility.
- H. Please note that daily activities such as work shifts, class schedules, social obligations, etc., do not qualify as emergencies.
- I. **Emergency Evacuation.** Animal owners are solely responsible for evacuating their animals in an emergency. Evacuating the animal should not put the owner at risk of significant danger.

5.5 REMOVAL OF AAOC & CONDUCT

The University may exclude/remove an AA when/if:

1. The AA poses a direct threat to the health or safety of others.
2. The AA presence results in a fundamental alteration of the University's program
3. The owner does not comply with owner responsibilities in campus housing.
4. The AA or its presence created an unmanageable disturbance and interferes with the CAU community.
5. The AA causes substantial physical damage of the property of others.
6. The AA interferes with the reasonable enjoyment of housing by others.
7. The AA is out of control, and the owner does not take effective action to control it
8. The AA is not housebroken.
9. The AA poses a direct threat to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services.
10. The AA is being abused and/or not cared for by the owner.

Please note: Owners of Approved Animals Assistance are solely responsible for any damage to persons or University property caused by their Approved Animals.

Areas off-limits to Service Animals

- A Service Animal is permitted to accompany the student anywhere the student goes on campus. Still, the University may prohibit the use of Service Animals in certain locations because of

health or safety restrictions (e.g., where the animal may be in danger or where their use may compromise the integrity of research).

- Restricted areas may include, but are not limited to, custodial closets, facility equipment rooms, research laboratories, areas where protective clothing and hairnets are necessary, and rooms with heavy machinery.
- When students with Service Animals must access a restricted area for a course requirement, reasonable accommodations will be provided to ensure the student has equal access to the academic program or activity.

Sanctions Process

Once an Animals Assistance violation has been alleged, the review committee, Residence Life, Housing, Director of Student Conduct, and Counseling and Disability Services will contact the accused student (owner) of all decisions.

NOTE: Each incident is different, and the outcome of the case will depend on the severity of the alleged infraction. Repeat offenses will be considered and taken into account when assigning sanctions.

Sanctions could include the following:

- **1st Offense:** Formal warning issued from the review committee.
- **2nd Offense:** The animal is removed from campus depending on the allegation/violation, or additional sanctions are added to the owner's case.

In cases where the owner is found responsible, the owner will be given 48 hours to have their animal removed from the residence hall. The review committee may remove the animal during the first offense depending on the severity of the case.

5.6 REQUIREMENT FOR ALL MEMBERS OF THE CAU

Members of the CAU community are NOT to:

- A. Touch a Service or Emotional Support Animal unless invited to do so
- B. Feed a Service Animal or Emotional Support Animal
- C. Deliberately startle a Service or Emotional Support Animal
- D. Separate or attempt to separate an owner from their Service or Emotional Support Animal
- E. Inquire for details about the owner's disabilities. The nature of a student's disability is a private matter and is protected by law.

5.7 NON-RETALIATION PROVISION

Clark Atlanta University will not retaliate against any person because that individual requested or received a reasonable accommodation in College housing, including a request for an AA.

5.8 EMPLOYEES:

Service Animals or Emotional Service Animal request for employees must contact the Office of Human Resources.

QUESTIONS OR CONCERNS: Please contact the Office of Counseling and Disability Services.

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