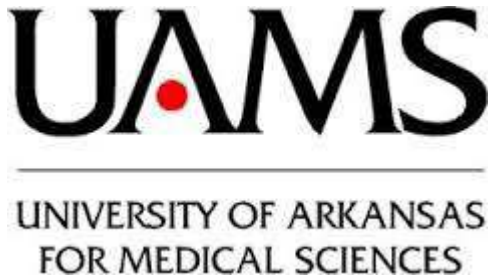


UAMS Academic Affairs Policy – 2.2.7



Policy: University of Arkansas for Medical Sciences, Division of Academic Affairs
Subject: Service and Emotional Support Animals in Campus Housing
Number: 2.2.7

Date Approved: (Council of Deans, Provost) July 1, 2017

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PURPOSE

UAMS is committed to compliance with state and federal laws requiring the provision of reasonable accommodations to individuals with disabilities. Consistent with the requirements of the Americans with Disabilities Act (ADA), as amended, and the Fair Housing Act, UAMS will consider on a case-by-case basis requests for an emotional support animal, and outline student responsibilities for a service animal in university owned housing.

The purpose of this document is to describe the policy and procedures for students requesting an emotional support animal and responsibilities of a service animal in campus housing as a reasonable accommodation.

DEFINITIONS

Emotional support animal (ESA): also referred to as a comfort animal and therapy dogs. Any animal that provides emotional support, also comfort for the benefit of a person with a disability, or that alleviates one or more identified symptoms or effects of a person's disability. A support animal provides companionship, relieves loneliness, and sometimes helps with depression, anxiety, and certain phobias, but does not have special training to perform tasks that assist people with disabilities. A therapy animal provides people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning.

An emotional support animal cannot be classified as a service animal, unless it is also individually trained to perform work or tasks.

Handler: the individual who utilizes the service or emotional support animal, or is responsible for the handling of the animal.

Healthcare Provider: a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession.

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Reasonable accommodation: a modification of rules, policies, or practices; adjustments to environments or facilities, or the provision of auxiliary aids and services which do not result in undue financial hardship or administrative burden. Accommodations that pose a threat to the health, safety of others, or result in a fundamental alteration of a program are not considered reasonable.

Service animal (SA): a dog that is individually trained to do work or perform tasks for an individual with a disability including physical, sensory, mental, psychological, intellectual, or other mental disabilities. A service animal in training are included in the definition of service animal for the purpose of this policy.

Other species of animals, whether wild or domestic, trained or untrained, are not service animals under this definition; however, a miniature horse may qualify in some situations. Animals, including dogs that serve solely to provide a crime deterrent effect, or to provide emotional support, companionship, or comfort are not service animals under this definition.

Work or tasks: the work or tasks performed by a SA that are directly related to the individual's disability (e.g., guiding an individual who is blind, alerting an individual who is deaf, pulling a wheelchair, or reminding a person with a mental illness to take prescribed medications.)

POLICY

Service animals are permitted in all university areas, including campus housing, with the exception of those areas where specifically prohibited due to safety or health restrictions, where the service animal may be in danger, or where use of the service animal may compromise the integrity of research.

If it is not obvious what service an animal provides, university employees may only ask two questions of the handler:

1. Is the animal required because of a disability; and
2. What task or work is the animal trained to perform?

The handler may not be asked to describe the nature and extent of their disability, be required to provide medical documentation of their disability, be asked or required to produce a special identification card or training record/documentation for the animal, or have the service animal demonstrate its ability to perform the designated work or task.

An ESA may be permitted in campus housing if:

1. The handler has a disability
2. There is a direct correlation between the handler's disability and the need for the animal

Students planning to bring their SA or ESA to live with them on campus should complete and submit a request to the ADA/Title Coordinator by completing form 2.2.7a and submitting all required documentation at least 30 days in advance of the animal's anticipated presence in campus housing.

DOCUMENTATION

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The rationale for seeking documentation about a student's condition is to support the Coordinator in establishing that a disability exists, understanding how the disability impacts the student, and making informed decisions about accommodations. Documentation supporting the need for an ESA must come from a healthcare provider and should be dated within the last six months and contain the following:

1. Nature of the impairment and how it substantially limits the individual
2. Provider's history with the individual
3. Symptoms that are reduced by the presence of the ESA, and
4. The importance of the ESA to the student's overall well-being

Per Act 268 of 2023 a healthcare provider shall not provide documentation relating to an individual's need for an emotional support animal unless the healthcare provider:

1. Possesses a valid, active license and includes the effective date, license number, jurisdiction, and type of professional license he or she possesses in the documentation required
2. Is licensed to provide professional services within the scope of his or her license in the jurisdiction in which the documentation is provided
3. Establishes a client-provider relationship with the individual at least thirty (30) days prior to providing the documentation requested regarding the individual's need for an ESA
4. Completes a clinical evaluation of the individual at least one (1) time each year regarding the need for an ESA
5. Provides a verbal or written notice to the individual that misrepresenting an animal as a service animal may subject the individual to a civil penalty
6. Reviews the need for an ESA to renew the documentation on a yearly basis

Supporting documentation is not required from a student seeking to have their SA live with them in campus housing; however, the ADA Coordinator may require the student to answer the relevant questions as outlined in this policy.

Current immunization records must be provided to the Coordinator prior to moving an approved SA or ESA into campus housing.

RESPONSIBILITIES

The handler must:

1. Attend to and be in control of the SA or ESA at all times, including care and supervision of the animal. Care and supervision of the animal includes, but is not limited to, costs of care necessary for the animal's well-being, regular feeding and watering, regular bathing and grooming, and regular exercise.
2. Keep the animal under their control at all times. A harness, leash, or tether is required unless the handler is unable to use any of these restraints. In such cases, the animal must be under the handler's control by another effective means such as voice control, signals, or other effective means.
3. Assure that the animal does not display any behaviors or noises that are unduly disruptive

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to others, as determined by the university.

4. Abide by Little Rock ordinances related to the licensing and control of animals.
5. Assume financial responsibility for the animal's actions, including any bodily or property damage, or cleaning and extermination costs.
6. Immediately notify the ADA Coordinator and Director, Campus Housing if the animal is no longer needed or is no longer in residence.
7. Additionally, the handler is encouraged, but is not required, to have the animal wear some type of commonly recognized SA identification symbol.

The animal's approved status is specific to that animal. An additional request must be submitted and approved in accordance with this policy prior to bringing a different animal into university housing.

University students, employees, and visitors must:

1. Allow service and support animals to accompany the handler, as permitted under this policy.
2. Not touch, feed, harass, or deliberately startle service or support animals.
3. Not attempt to separate the animal from the handler.
4. Avoid discussing the handler's disability.

HANDLERS' RESPONSIBILITIES IN CAMPUS HOUSING

1. The handler is responsible for the behavior of the approved animal in accordance with all university rules, regulations, and applicable community laws.
2. The handler is responsible for the care and supervision of the approved animal at all times. If the handler will be away for an extended period of time, arrangements must be made to board the animal off campus; the animal may not be left in University housing to be cared for by another person.
3. The handler is responsible for cleaning up all animal waste and disposing of that waste in outdoor dumpsters. Animal waste is not to be disposed of in indoor trash receptacles. The Director of Campus Housing will designate specific animal relief areas.
4. The handler's residence may be inspected regularly for fleas, ticks, or other pests. The Director of Campus Housing/designee will schedule the inspection. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved 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.
5. The animal must be fed and watered inside of the handler's room. Food and water for the animal are not to be left outside of the handler's room.
6. The handler is responsible for assuring that the approved animal does not unduly interfere with the routine activities of the residence hall or cause difficulties for students who reside there.
7. The approved animal must continue to be in overall good health. Immunization records

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must be updated annually and provided to the ADA Coordinator.

8. The university has the authority to temporarily or permanently exclude an ESA or SA from the grounds or facilities if the animal's behavior is unruly or disruptive, in ill health, or habitually unclean.
9. The handler is responsible for the cost to repair any damage to any person or property caused by the approved animal at the time of the damage. Property includes, but is not limited to, furniture, carpet, window, walls, or other items. The university shall have the right to bill the student's account for unmet obligations.
10. An ESA or SA must be removed from university housing after a single occurrence of biting or other aggressive behavior.
11. All other housing contract terms remain in full force and effect. Should the animal be removed from the premises for any reason, the handler is expected to fulfill their housing obligations for the remainder of the contract.

CONFLICTING HEALTH CONDITIONS

Individuals living on campus with medical conditions(s) who are affected by an approved animal (for example, respiratory diseases, asthma, severe allergies) and that would rise to the level of a disability as defined by the ADA, are asked to contact the ADA Coordinator/designee if they have a health or safety related concern about exposure to a SA or ESA.

The ADA Coordinator/designee will consider the conflicting needs and/or accommodations of all persons involved so as to provide reasonable accommodations to all individuals with disabilities.

REFERENCES

Little Rock Municipal Code, Chapter 6 - Animals

The Fair Housing Act, 42 U. S. Code, § 3604

The Americans with Disabilities Act, 42 U. S. Code, § 12132

Act 268 of 2023

FORMS

- Request for Service Animal or an Emotional Support Animal in Campus Housing
- Service Animal/Emotional Support Animal Campus Housing Acknowledgement Form