



To: University Council

From: Mary Little, Director, Disability Services
Ashley Leonard, Compliance Counsel

Date: October 29, 2019

Re: Service Animals – after 14-day comment period

I. Introduction

The Service Animals policy is a new policy and procedure that describes the permitted use of service animals by East Tennessee State University students, employees, and visitors. This policy replaces current policy PPP-43 (Animals on Campus). The public comment period for this proposed policy ran from October 7, 2019, through October 23, 2019. Two comments were received on this policy.

II. Comments Received

The comments received proposed minor changes that were incorporated into the final draft of the policy.

III. Legal Review of the Proposed Policy

This new policy complies with the Fair Housing Act (Title VIII of the Civil Rights Act of 1968), the Americans with Disabilities Act, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and state law regarding service animals.



Service Animals	
Responsible Official: Vice President for Student Life and Enrollment	Responsible Office: Disability Services

Policy Purpose

The purpose of this policy is to describe the permitted use of service animals by East Tennessee State University students, employees, and visitors.

Policy Statement

I. Applicability and Scope

It is the policy of East Tennessee State University (ETSU) to afford individuals with disabilities who require the assistance of a service animal equal opportunity to access University property, courses, programs, and activities.

A. Emotional Support Animals

1. Emotional support animals are an accommodation provided under ETSU's Reasonable Accommodations and Emotional Support Animals policy.
2. Please review ETSU's Reasonable Accommodations and Emotional Support Animals policy for the process of requesting an accommodation to have an emotional support animal at ETSU.

B. Therapy Animals

1. Requests for therapy animals visiting campus should be directed to the Health and Safety Office. Registration or approval by Disability Services is not required for therapy animals visiting campus.

C. Pets

1. Pets are not permitted in any university facility including residence halls with the exception of fish in an aquarium of a designated size.
2. Approval of fish must be authorized in writing.

D. False Claims

1. Misrepresentation of a service animal is a Class B misdemeanor (Tenn. Code. Ann. § 39-16-304). ETSU reserves the right to notify ETSU Public Safety if a person knowingly misrepresents a disability or disability-related need for the use of a service animal.

II. Service Animal Status

A. Permitted Inquiries

1. ETSU must permit service animal access to an event or activity with its owner when it is readily apparent the animal is trained to do work or perform tasks for its owner.
2. If the need for the service animal is not apparent, ETSU personnel may only ask the following of owners:
 - a. Whether the service animal is required because of a disability; and
 - b. What work or task the animal has been trained to perform.
 - c. If the owner states the animal is required because of a disability and the animal has been trained to do work or a task for the owner, the service animal must be admitted.
3. Owners must not be asked about the nature of their disability or for medical documentation. Owners must not be asked for a 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.

B. Where Service Animals Are Allowed

1. Owners are permitted to be accompanied by their service animal in all areas of the university's facilities and programs where the owner is allowed to go, except in limited circumstances.
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. Medically sensitive patient and clinic areas;
 - d. Hazardous research sites; or
 - e. Areas in which the service animal is not accompanying the owner.

C. Service Animals in Employment

1. University employees who require the use of a service animal in the workplace must make a request for an accommodation.
2. For more information and to make a request for a workplace accommodation, contact [Disability Services](#).

D. Service Animals in Training

1. Service animals in training have the same access as service animals.
2. Owners with service animals in training have the same responsibilities and obligations under this policy as owners with service animals.
3. In accordance with Tennessee law, owners of service animals in training may be asked to present credentials issued by an accredited school for training service animals.

III. Responsibilities

A. Owners of service animals must:

1. Keep the service animal under the owner's direct control at all times, such as by a harness, leash, or other tether. If the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice, signals, or other effective means.
2. Ensure the service animal does not disturb or disrupt normal academic or administrative functions.
3. Ensure the service animal's welfare.
4. Immediately cleanup after the service animal and properly dispose of the service animal's waste or other debris in appropriate bins.
5. Prevent the service animal from entering any body of water located on University premises.
6. Comply with all relevant city, county, and/or state license and leash laws while the service animal is on University premises.

B. Removal of Service Animals

1. University personnel may ask owners to remove their service animals from University premises if:
 - a. The service animal is not under the owner's direct control or the service animal is disturbing or disrupting the normal administrative, academic, or programmatic routine. The owner must first be given an opportunity to get the animal under control. If the

disruption or disturbance continues, then the owner may be asked to remove the animal;

- b. The service animal is not housebroken; or
- c. The presence, behavior, or actions of the service animal constitutes an immediate risk or danger to people or property.

2. Owners are responsible for damage or injury caused by service animals.

3. If asked to remove the service animal, the owner must be offered the opportunity to return to the University premises without the service animal and be provided with reasonable assistance to participate in a University service or program.

C. Violations of Policy

1. Owners who violate this policy or disregard a lawful instruction to remove or exclude a service animal from University property may be subject to additional penalties, including fines or banishment from University premises.

2. A student or employee owner who violates this policy may be referred for corrective or disciplinary action.

Authority: Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Fair Housing Act, Tenn. Code Ann. §§ 8-50-103, 62-7-112, 66-7-104, and 66-7-106, and Tenn. Code. Ann. § 39-16-304.

Definitions

Disability	A physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.
Emotional Support Animal	An animal that has been prescribed or recommended by a healthcare provider to provide emotional support that alleviates one or more symptoms or effects of the individual's disability. Emotional support animals are not considered service animals under the Americans with Disabilities Act or this policy.
Healthcare provider	Someone who is familiar with the individual's disability and the necessity for the requested accommodation, such as a doctor, licensed therapist, or other medical professional with whom the individual has a medical or therapeutic relationship.
Pet	A domestic or tamed animal kept for companionship or pleasure.
Service Animal	Any dog or miniature horse that is individually trained to do work or perform tasks for an individual with a disability. The tasks must relate directly to disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

Therapy Animal A type of animal-assisted intervention in which an animal meeting specific criteria is an integral part of the treatment process. Therapy animals may be temporarily brought to campus.

Policy History

Effective Date:

Revision Date:

Procedure (s)

A. Non-Discrimination and Non-Retaliation

If an owner believes access to a service animal has been unlawfully denied, they may file a complaint with:

1. ETSU's Office of University Compliance
Nell Dossett Hall, Room 201
423-439-8545
compliance@etsu.edu
2. U.S. Department of Education Office for Civil Rights
Atlanta Office
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303
404-974-9406
3. Equal Employment Opportunity Commission
Nashville Area Office
220 Athens Way
Suite 350
Nashville, TN 37228
1-800-669-4000
4. Tennessee Human Rights Commission
Tennessee Tower
312 Rosa L Parks Ave.
23rd Floor
Nashville, TN 37243
615-741-5825

Procedure History

Effective Date:

Revision Date:

Related Form(s)

Scope and Applicability

Primary: Students

Secondary: Health and Safety, Operations and Facilities, Employment

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