

Austin College Policy Regarding the Use of Animals for Accommodation

It is the policy of Austin College to provide equal access and reasonable accommodation for individuals with disabilities to participate in any program, service, or opportunity provided by the campus; and to comply with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008 (ADAAA), the Fair Housing Act, and other applicable federal and state regulations that prohibit discrimination on the basis of disability. Under the Fair Housing Act, persons with disabilities may request a reasonable accommodation of an assistance animal, including an emotional support animal in housing when its use is necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. With respect to a request for an assistance or emotional support animal, Austin College will determine, on a case-by-case basis, whether such an animal is a reasonable accommodation on campus.

Questions regarding service and emotional support animals should be directed to the Academic Skills Center Director in WCC 211, by phone at 903-813-2454, or by email at asc@austincollege.edu.

Conflicting Disabilities

Students who have allergic reactions to service dogs and/or emotional support animals (ESAs) that are substantial enough to qualify as a disability, must follow procedures to document a medical/physical disability and request specific accommodations related to such disability-related needs. Austin College will consider disability-related needs of all parties involved, and explore reasonable accommodations and seek resolution as efficiently and expeditiously as possible.

Emotional Support Animal (ESA) Defined

An emotional support animal (ESA) is an animal that provides comfort to an individual with a disability upon the recommendation of a healthcare or mental health professional. An emotional support animal does not assist a person with a disability with activities of daily living, is not required to be trained to perform work or tasks, and does not accompany a person with a disability at all times. ESAs can be species other than dogs. The role of an ESA is to live with a student and alleviate the symptoms of an individual's disability to provide equal opportunities to use and enjoy college housing. The revised 2010 ADA regulations specify that "the provision of emotional support well-being, comfort, or companionship do not constitute work or tasks," so these animals are not considered service animals.

Emotional Support Animals Permitted on Campus

A student requesting an emotional support animal (ESA) should identify with the Director of the Academic Skills Center as a qualified student with a disability (i.e., have a physical or mental impairment that substantially limits one or more major life activities) and provide documentation explaining how the animal will be necessary to offer the student equal opportunity to use and enjoy Austin College residential housing not otherwise possible. A student is not permitted to live with an ESA until given written approval by the Director of the Academic Skills Center.

An individual may request an emotional support animal as an accommodation in a campus residential facility if:

- 1) The individual has a disability;
- 2) The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling; and
- 3) There is an identifiable relationship between the disability and the assistance the animal provides.



In accordance with the Federal Housing Administration (FHA), Austin College allows ESAs only in residential facilities. Animals must comply with all City of Sherman Code of Ordinances regarding animals and the State of Texas Health and Safety Code §822.101 (Animals defined as “Dangerous Wild Animals”).

Things to Consider When Contemplating an Emotional Support Animal as an Accommodation in College Housing

- 1) Time obligation related to care of specific species
- 2) Time away from the animal, student schedule, lifestyle, other responsibilities
- 3) Financial cost of food, supplies, veterinarian visits
- 4) Previous ownership of species or anxiety an animal may experience in a new environment
- 5) Caring for the animal during school breaks
- 6) Travel
- 7) Training of animal (housebroken or litter trained)
- 8) Ideal time to bring it to campus

Exclusion of Emotional Support Animals from Campus

No animal will be permitted in residential facilities that:

- 1) Is not approved through the Academic Skills Center’s Access Services program
- 2) Poses a direct threat to the health or safety of others: A handler may be directed to remove an animal that Austin College determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, or a substantial lack of cleanliness of the animal.
- 3) Is out of control: If improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any campus facility until the handler can demonstrate that steps have been taken to mitigate the behavior. Improper behavior includes, but is not limited to, activity that may interfere with the quality of life of other residents on campus, such as barking or other disruptive noise.
- 4) Is not housebroken: A handler may be directed to remove an animal that is not housebroken or litterbox trained.
- 5) Would cause a substantial physical damage to the property of the college and other residents
- 6) Would pose an undue financial and administrative burden to the college
- 7) Would fundamentally alter the nature of the college’s housing operations

Removal of Animal

Austin College may remove or require the removal of the ESA if it poses a threat to the health and safety of others on campus, disrupts the educational environment of Austin College and/or the residential community, or the if the owner does not comply with the rules and responsibilities listed in this policy. It is the responsibility of the ESA owner to ensure the ESA does not interfere with the quality of life of other residents on campus. This includes noise violations (e.g. barking or other disruptive noise).

Procedures to Request an Emotional Support Animal

- 1) **Request for ESA Documentation Form:** Students requesting an ESA must submit a **Verification/Request Form for Emotional Support Animal (ESA)** to the Director of the Academic Skills Center. The form must be completed by the treating physician or mental health provider to permit the college to determine:



- That the individual has a disability for which the animal is needed;
- How the animal assists the individual including whether the animal has undergone any training; and
- The relationship between the disability and the assistance that the animal provides.

After initial approval, this form must be re-filed and approved in each subsequent year in which an ESA is requested or a new ESA is required.

- 2) **Limited Release of Information Document:** Students must complete and return this form with their application.
- 3) **ESA Health Documentation:** Students requesting an ESA in campus housing must provide documentation from a professional veterinarian certifying the ESA is in good health and current on all applicable state and local vaccinations. The ESA must also have had a general maintenance vaccination series appropriate to the species. All ESAs must have an annual well care visit with a licensed veterinarian. Dogs and cats must be spayed or neutered and veterinary verification must be filed with the ASC. Applicable animals must wear a current rabies vaccination tag. ESA owners must provide satisfactory documentation of this ongoing compliance for an ESA.
- 4) **Roommate Agreement:** A signed agreement from roommate(s) indicating consent to live in the same residence as the proposed ESA must be submitted with the Verification/Request Form for Emotional Support Animal (ESA).

Approval of Requests for Emotional Support Animals

The ADA Compliance Committee, consisting of the Vice President of Student Affairs, the Dean of Students, and the Director of Academic Skills Center, will evaluate all documentation and issue a decision regarding the requested ESA. The Director of the Academic Skills Center will notify the student and the Student Life Office regarding approval status. The committee reserves the right to request additional information, request a meeting with the student and/or recommend an alternate accommodation.

Denials of Requests for Emotional Support Animals

Austin College is not required to provide accommodations that would pose a direct threat to the health or safety of others. Austin College will also deny requests that would: (1) result in substantial physical damage to the property of others; (2) pose an undue financial and administrative burden on the College; or (3) fundamentally alter the nature of the College's residence life operations.

Responsibilities and Requirements for Emotional Support Animals and Their Handlers

To maintain the safety and health of the Austin College community, requirements for ESAs and their owners include the following:

- 1) **Animal and Owner Etiquette and Behavior:**
 - a. The ESA owner agrees to abide by all other residential policies. An exception to the animal policy made under this ESA Policy does not constitute an exception to any other Austin College policy.
 - b. The owner must notify the Director of the Academic Skills Center if the ESA is no longer needed, or is no longer in the residential facilities. To replace a previously approved ESA, the owner must complete and submit required documentation and forms to the Academic Skills Center.



- c. A copy of all required and up-to-date immunizations must be filed with the Academic Skills Center Director.
 - d. Dogs and cats must be spayed or neutered. A copy of the veterinarian's report must be filed with the Academic Skills Center Director.
 - e. The ESA owner is solely responsible for the animal's well-being and cleaning, including but not limited to regular feeding, bathing, grooming, daily care and veterinary services.
 - f. Dogs as ESAs must be "housebroken" and cats as ESAs must be litterbox trained. An owner may be required to remove an animal that is not housebroken.
 - g. Collars and tags must be worn at all times.
 - h. An ESA must be taken out of the building by way of the shortest and most direct path, and must be maintained under standard restraints such as a carrier and/or collar and leash when outdoors, in public areas, or in transit and must be confined to the residence when not in transit.
 - i. Animals which constitute a threat or nuisance to staff, residents or property, as determined by Residence Life staff must be removed within seven (7) days of notification. If the Austin College Campus Police personnel determine an animal poses an immediate threat, animal control may be summoned to remove the animal. If the behavior of an animal can be addressed and changed by the owner so the animal does not have to be removed, then a written action plan must be submitted by the owner. The action plan must outline the action to take place to alleviate the problems and also must give a deadline as to the length of time the plan will take to complete. Any action plan must meet the approval of the Dean of Student Life. Any animal owner found not adhering to a removal directive will be subject to disciplinary action.
- 2) **Animal Supervision:**
- a. The ESA must accompany the owner if the owner leaves campus for a prolonged period. The ESA may not be left unattended overnight in the residential facilities to be cared for by another campus resident.
 - b. The owner will be required to set up an alternative caretaker for the ESA in the event of an emergency that keeps the owner away from campus for a prolonged period of time. The contact information of the alternative caretaker will be filed with campus police.
 - c. When ESAs are left unattended in a student's room, they are required to be stored in a crate, carrier, kennel, or other appropriate enclosure. This containment will allow Austin College personnel to routinely access the residential facilities for maintenance and other routine tasks without posing a risk to the animal or Austin College staff.
 - d. The owner will hold Austin College blameless in the event the ESA goes missing. Austin College staff are not responsible for the retrieval of the ESA in the event the animal escapes or becomes lost.
- 3) **Injury, Cleanup, Damage:**
- a. The handler is responsible for any damage or injuries caused by their animal and must take appropriate precautions to prevent property damage or injury.
 - b. The handler is solely responsible for cleaning up after the ESA. If the handler is not physically able to clean up after the animal, it is the handler's responsibility to hire someone to conduct this task.
 - c. Animal waste must be immediately disposed of properly by the owner. It is the owner's responsibility to dispose of litter box contents and any solid animal waste in a plastic bag, and then place that bag in the garbage dumpsters outside of the residence. Animal feces may not be



disposed of in any trash receptacle or through the sewer system inside any building on the Austin College campus.

- d. Residents with cats must properly maintain litter boxes. In consideration of health of the cat and occupants of the residence, cat litter box contents must be disposed of properly and regularly.
 - e. If living on campus with an ESA, the handler's residence may be inspected for fleas, ticks, pests, and/or other damage as needed. The Student Life Office will schedule the inspection and notify the resident of the scheduled inspection. If fleas, ticks, or other pests are detected through inspection, the residence hall will be treated in accordance with college pest control procedures. The handler will be billed for the expense of any necessary pest control treatment.
 - f. If living on campus with an ESA, the handler will be financially responsible for expenses incurred above a standard cleaning or for repairs to the residential premises, including losses, liability, and claims.
- 4) **Restricted Areas:**
- a. The ESA will remain in the ESA owner's assigned campus room and is not permitted in other students' rooms or the common areas of the residential facilities, or in other areas of Austin College such as classrooms, academic buildings, administrative buildings, libraries, dining services areas, fitness center, etc.

Penalties for Improper Use of Assistance Animals

Section 121.006 of the Texas State Policy identifies penalties for improper use of Assistance Animals:

- 1) A person who uses a service animal with a harness or leash of the type commonly used by persons with disabilities who use trained animals, in order to represent that his or her animal is a specially trained service animal when training has not in fact been provided, is guilty of a misdemeanor and on conviction shall be punished by:
 - a) a fine of not more than \$300; and
 - b) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year.
- 2) A person who habitually abuses or neglects to feed or otherwise neglects to properly care for his or her assistance animal is subject to seizure of the animal under Subchapter B, Chapter 821, Health and Safety Code.



Verification and Agreement of Policy Receipt

I have submitted a copy of my emotional support animal's up-to-date veterinary health documentation, including proof of immunization and spay/neuter record, to be kept on file in the Academic Skills Center. I have read the policy pertaining to emotional support animals and understand that I may be asked to remove my animal from Austin College for non-compliance with policies and procedures outlined within.

Student Signature: _____ Date: _____

Director, Academic Skills Center: _____ Date: _____



LIMITED RELEASE OF INFORMATION

STUDENT NAME _____ DOB _____

I, _____, hereby authorize AUSTIN COLLEGE ACADEMIC SKILLS CENTER to RECEIVE medical and/or mental health information and/or records regarding diagnosis and treatment, for the College to determine whether student qualifies for an accommodation request.

RELEASE TO/RECEIVE FROM _____ (EX: REFERRING PHYSICIAN, MENTAL HEALTH PROVIDER, DIAGNOSTICIAN, RELATIVE, ATTORNEY, ETC.)

The information may be provided: by phone by fax by mail by email

I understand that electronic mail (email) is not confidential and can be intercepted and read by other people.

Information to be provided: Attendance/Dates of service Diagnosis Treatment plan/goals Treatment Summary Other

Is there any medical and/or mental health information that you do not wish to be released? Yes No If so, what?

- I understand that I have a right to receive a copy of this authorization.
I understand that any cancellation, modification, or revocation of this authorization must be in writing.
I understand that I have the right to revoke this authorization at any time unless Austin College Student Life has taken action in reliance upon it.
I understand that it is my responsibility to confirm receipt by Austin College Academic Skills Center of any cancellation, modification, or revocation.
I further understand that information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and may no longer be protected by the HIPAA Privacy Rule, although applicable Texas law may protect such information. In consideration of this consent, I hereby release the source of the records from all liability arising there-from.

I, _____ CONSENT to the release of information _____ (Signature of student) (Date)

EFFECTIVE TIME PERIOD. This authorization is valid for 1 year from the date signed unless another date is specified below.

Only complete this box if you wish to withdraw permission to release information. I, _____, wish to withdraw my consent to release information on _____. (Signature of student) (Date)



Verification/Request Form for Emotional Support Animal (ESA)

Student Name: _____ **DOB:** _____

Proposed ESA Name: _____ *Type of Animal:* _____ *Age of Animal:* _____

I authorize Austin College to receive information from my provider named herein _____

I authorize my provider to discuss my condition(s) with appropriate and qualified Austin College personnel on an as-needed basis.

Student Signature: _____ Date: _____

This form must be completed by a licensed clinical professional or health care provider familiar with the history and functional limitations of the student.¹ If this space is not adequate, please attach additional paper or a diagnostic report providing supplementary information.

The above named student indicated that you are the licensed professional who has suggested that having an Emotional Support Animal (ESA) in campus housing will be helpful in alleviating one or more of the identified symptoms or effects of the student's disability. So that we may better evaluate the request for this accommodation, please complete this form.

How long have you treated or counseled student? _____

Date of initial contact with student: _____

Date of last office visit with student: _____

1. Specific disability/disorder (DSM-V), including when student was first diagnosed, severity, and current symptoms:

2. Identify the specific limitations/impairment caused by the disability and how this substantially limits one or more major life activities for this student:

3. Explain how the accommodation of an ESA is necessary for the individual to use and enjoy campus housing²:

¹The provider completing the form cannot be a relative of the student.

²42 U.S.C. § 3604(f)(3)(B)

4. Identify any other accommodations that may be equally effective in allowing use and enjoyment of housing. If applicable, indicate any mitigating measures that have been tried, or are currently being used, and how they alleviate or eliminate limitations:

5. Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing? Do you believe those responsibilities might exacerbate the student's symptoms in any way?

6. Has the proposed ESA undergone any specific training?

Name of Treating Professional: _____

License #: _____

Address: _____

Phone: _____

Signature of Treating Professional: _____ **Date:** _____

Please Return Form to:

Director
Academic Skills Center
900 North Grand, Ste. 61544
Sherman, TX 75090
Office: (903) 813-2454
Fax: (903) 813-2038