



Emotional Support Animal (ESA) Policy

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 CSSAS in WCC 211, by phone at 903-813-2454, or by email at cssas@austincollege.edu.

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.

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.

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



Eligibility for Emotional Support Animals as an Accommodation

A student requesting an emotional support animal (ESA) should identify with the CSSAS 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 CSSAS.

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.

Procedures for Verifying Eligibility and Requesting an Emotional Support Animal

Students must follow institutional policy and procedures regarding ESAs and submit a formal request for an ESA accommodation by submitting all of the following documentation together:

- **Agreement to Abide by ESA Policy:** A signed form verifying the student read, understands, and agrees to follow all components of the ESA policy.
- **Limited Release of Information Form:** Students must complete and return this form with their application.
- **Verification/Request Form for Emotional Support Animal:** This 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;
 - The relationship between the disability and the assistance that the animal provides.
- **ESA Health Documentation (up to date veterinary records):** Documentation must be submitted from a professional veterinarian certifying the ESA is in good health, spayed or neutered (for dogs/cats), current on all applicable state and local vaccinations, up-to-date on general maintenance vaccinations appropriate to the species. ESA owners will provide updated vaccination documentation on an ongoing basis as necessary. Applicable animals must wear a current rabies vaccination tag on campus.
- **Roommate/s Agreement** (signed by roommate/s): Roommate/s will need to sign a statement verifying agreement to live in the same residence as the proposed ESA. They must print their name, sign their name, and date this statement.
- **Off-Campus Emergency Contact Information:** An off-campus, alternative caretaker must be included on the Verification/Request Form and will be called 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.



Exclusion of Emotional Support Animals from Campus Facilities

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”).

No animal will be permitted in residential facilities that:

- 1) Is not approved through the CSSAS 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 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).

Approval of Requests for Emotional Support Animals

The ADA Compliance Committee will evaluate all documentation and issue a decision regarding the requested ESA. The CSSAS will notify the student and the Student Life Office regarding approval status. The CSSAS 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 CSSAS 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 CSSAS
- c. A copy of all required and up-to- date immunizations must be filed with the CSSAS.
- d. Dogs and cats must be spayed or neutered. A copy of the veterinarian's report must be filed with the CSSAS.
- 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 off-campus, 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. The designated off-campus emergency contact person indicated will retrieve the animal from campus if the owner is quarantined or isolated on campus for COVID-19 related symptoms.
- d. 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.
- e. The owner will hold Austin College and it's employees 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.