Service and Emotional Support Animals Policy

Effective Date: September 4, 2019

I. Purpose

Georgia State University (“University”) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Emotional Support Animals” under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. As such, Service Animals assisting individuals with disabilities are generally permitted in all University owned facilities, University housing, and in programs on the University campus except as described below. Emotional Support Animals are generally permitted only in University housing to afford the individual with a disability an equal opportunity to use and enjoy University housing, provided certain conditions, as described herein are met. This policy applies to all University faculty, staff, students and visitors.

II. Definitions

A. Emotional Support Animal (“ESA”)

An animal that provides assistance or emotional support that alleviates one or more identified symptoms or effects of a person’s documented disability. Some Emotional Support Animals may be, but are not required to be, professionally trained.

B. Owner

An individual with a disability with a Service Animal or ESA.

C. Pet

A pet is a domestic animal kept for pleasure or companionship. A pet is not considered a Service Animal or an Emotional Support Animal. Pets are not permitted on campus.

D. Service Animal

Dogs, and in limited cases miniature horses, individually trained to do work or perform tasks for people with disabilities.

E. Trainer

An individual who is engaged in raising and training a Service Animal.

III. Difference between Service Animals and Emotional Support Animals

Service Animals are individually trained to do work or perform tasks for individuals with disabilities to enable them to access all the areas of campus where they may go, just as a person without a disability would do. For example, such dogs may help a person with low vision find their way around campus and within buildings. By distinction, ESAs are not necessarily trained and are used to provide emotional support that alleviates one or more symptoms or effects of an individual’s documented disability.

IV. Service Animals

Service Animals are welcome on campus consistent with the provisions of this Policy and applicable law. A Service Animal is generally permitted to be on University property in any place where the animal’s Owner is permitted to be, including University Housing assigned to a student Owner. There are limited exceptions to access by a Service Animal to specific areas of campus for health and safety reasons. Such areas may include but are not limited to research and
teaching laboratories, other research facilities where the animal may compromise the integrity of research, certain clinical/sterile environments, food preparation areas, or areas where there is a danger to the Service Animal.

1. **Employees with a Service Animal or Emotional Support Animal**

An employee with a disability who wishes to utilize a Service Animal or Emotional Support Animal in the workplace to enable him or her to perform the essential functions of his or her job must request a reasonable accommodation pursuant to the University’s ADA Employee Accommodation Policy and Procedure.

2. **Permitted/Prohibited Inquiries Regarding Service Animals**

Members of the University community are prohibited from interfering in any way with a Service Animal or the duties it performs.

When it is apparent that the animal is trained to do work or perform tasks for its Owner, University personnel must permit a Service Animal access to a University related event or activity. Examples include a dog guiding an individual who is blind or has low vision, pulling an individual’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

When it is not apparent that the animal is trained do work or perform tasks for its Owner, Supervisory-level University personnel may ask only the following two questions of the Owners:

1. Is the dog a Service Animal required because of a disability?
2. What work or task has the Service Animal been trained to perform?

If the Owner indicates that the animal is required because of a disability and indicates the work or task the Service Animal has been trained to do for the Owner, then the Service Animal must be permitted to accompany the Owner (unless the area is one listed above that may restrict animal access for health or safety reasons). If there is any doubt that an animal is an Service Animal, University personnel should admit the animal and then consult with the GSU Office of Disability Services regarding future access.

Owners of Service Animals may not be asked about the nature of the disability or for medical documentation of it, except in accordance with the University’s ADA Employee Accommodation Policy and Procedure.

3. **Registration of Service Animal**

Registration of Service Animals with the University is not required. However, employees who use a Service Animal in the workplace must request an accommodation as set forth in item 1 above. Students and visitors with Service Animal who regularly access University buildings may contact the GSU Office of Disability Services for information or assistance.

4. **Service Animals in Training**

Under Georgia law, Trainers accompanying Service Animals in training must be given the same degree of access an Owner assisted by a Service Animal is given subject to the following requirements. The Trainer should have identification/credentials indicating that they are an agent or employee of a school for seeing eye, hearing, service or guide dogs. The dog must be on a leash and under the control of the Trainer conducting the training and must be wearing identification that such dog is affiliated with an accredited school for seeing eye, hearing, service or guide dogs. No further inquiries are permitted if these requirements are met.

5. **Service Animal Residing with Student Owner in University Housing**

Service Animals are permitted to reside in University Housing. Students who require a Service Animal in University Housing should notify the GSU Office of Disability Services and University Housing in writing prior to the animal’s arrival within University Housing. Only in the event that the need for the Service Animal is not apparent may a student be asked whether the dog is a Service Animal required because of a disability and to identify the work or
task that the dog has been trained to perform. In that instance, University Housing will confer with Disability Services to confirm the eligibility of the Student to have a Service Animal.

V. **Student Requests for Emotional Support Animals**

Although it is the policy of the University that animals are generally prohibited anywhere on campus, the University will consider a student’s request to have an ESA in University Housing as described below. If approved, the ESA is permitted in University Housing only, except on case-by-case basis, when authorized by the University, through the Office of Disability Services.

1. **Requesting an ESA in University Housing**

A student requesting an ESA in University Housing must submit a Housing Accommodation Request Form with appropriate supporting medical documentation to the GSU Office of Disability Services. The request and document submission must be completed as soon as a student knows that he/she will be requesting an ESA, which should be at least 30 days before the student intends to move into University Housing. The GSU Office of Disability Services will notify University Housing regarding whether the housing accommodation request is granted.

2. **Access to University Facilities**

An ESA is not allowed in any University facilities other than in the University Housing space to which the Student Owner is assigned, except on a case-by-case basis, when authorized by the University, through the Office of Disability Services. An ESA must be contained within the privately assigned individual living space (e.g., room, suite, apartment) except to the extent the Owner is taking the ESA outside or to an authorized space. When an ESA is outside the individual’s specific living space, it must be in an animal carrier or controlled by a leash or harness. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the ESA is subject to capture and confinement and immediate removal from University housing.

VI. **Conflicting Health Conditions and Other Concerns**

University Housing is unique because, in most cases, it involves sharing living space which means that having an animal in University Housing impacts roommates and not just the Owner. As such, the GSU Office of Disability Services in conjunction with University Housing will alert the potential roommate of the fact that a Service Animal or ESA will be present to address conflicting medical conditions, objections or fears related to animals as early as possible in the housing assignment process. Such concerns will be addressed on a case-by-case basis and may include reassigning one of the students. Conflicting medical conditions, objections or fears related to animals in the workplace will be considered on a case-by-case basis by the Assistant Director of Benefits for FMLA and ADA or other appropriate human resources personnel.

VII. **Responsibilities of Owners and Trainers of Service Animals and ESAs**

An Owner or Trainer is solely responsible for the custody and care of the animal and is responsible for the following:

1. The Owner and Trainer must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Owner’s or Trainer’s responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations.

2. The Owner and Trainer must ensure that the Service Animal or ESA is on a harness, leash or other tether, unless the Owner’s disability precludes use of such tether, in which case the Service Animal or ESA must otherwise be under the control of the Owner (i.e. voice control or other effective means).

3. The Owner and Trainer must ensure the animal is housebroken and are required to clean up after and properly dispose of the animal’s waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the University.

4. The Owner and Trainer are required to ensure the Service Animal or ESA is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the animal.

5. The Owner and Trainer may be charged for any damage caused by his or her Service Animal or ESA beyond...
reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's and Trainer's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the University’s standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in University housing. The University shall have the right to bill the individual’s account for unmet obligations under this provision.

6. Neither Service Animals nor ESAs may be left overnight in University housing to be cared for by any individual other than the Owner or Trainer. If the Owner or Trainer is to be absent from his/her residence overnight or longer, the Animal must accompany the Owner or Trainer. The Owner and Trainer are responsible for ensuring that the Service Animal or ESA is contained, as appropriate, when the Owner or Trainer are not present during the day while attending classes or other activities.

7. The Service Animal or ESA is allowed in University Housing only as long as it is necessary because of the Owner’s disability or there is ongoing Training. The Owner or Trainer must notify University Housing in writing if the Animal is no longer needed or is no longer in residence.

8. The Owner and Trainer must provide written consent for the Office of Disability Services and University Housing to disclose information regarding the request for and presence of the Service Animal or ESA to those individuals who may be impacted by the presence of the Animal including, but not limited to, potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual’s disability.

9. The Owner or Trainer, and not University personnel, shall be responsible to provide care or food for any Service Animal or ESA including, but not limited to, removing the Service Animal/ESA during emergency evacuation for events such as a fire alarm. At such times, if the Owner or Trainer is unavailable, emergency personnel will determine whether to remove the Service Animal/ESA. The University shall not be responsible for the care of, damage to, or loss of the Service Animal/ESA in an emergency event.

VIII. Removal of a Service Animal or ESA

The University may require an Owner or Trainer to remove a Service Animal or an ESA from University property if:

1. the animal poses a direct threat to the health or safety of others;
2. the animal causes substantial property damage;
3. the animal’s presence results in a fundamental alteration of a University program;
4. the Owner or Trainer fails to comply with his or her responsibilities under this Policy; or
5. the animal or its presence creates an unmanageable disturbance or interference with the University community.

The removal of a Service Animal or ESA will be done in consultation with the GSU Office of Disability Services and University Police, as necessary. Should a Service Animal or ESA be removed from University Housing, the Owner is required to fulfill his/her obligations for the remainder of the Housing contract Term. If asked to remove a Service Animal, the Owner must be offered the opportunity to return to the University premises or the immediate area without the Service Animal and be provided with reasonable assistance at that time to participate in the University service or program.

IX. Violations of Policy

Depending on the seriousness or repetition of a Service Animal’s or ESA’s behavior, the animal may be excluded from University property temporarily or permanently. Problem behaviors should be reported to the GSU Office of Disability Services which is responsible for conducting the necessary assessments regarding ongoing or permanent removal of a Service Animal or ESA. If a Service Animal or ESA is excluded, the GSU Office of Disability Services is available to evaluate other potential options for the Owner.

Owners or Trainers who violate the policy or disregard an instruction to remove or exclude a Service Animal or ESA from University property may be subject to additional penalties, including banning from any University property, or other fines or penalties under applicable city, county or state rules, regulations or laws. Violations of this policy by an Owner or Trainer who is a University student or employee may also be referred for review under other applicable University policy.
### Policy Administration (all sections mandatory)

| Responsible Office(s) | Human Resources, Benefits  
|                        | 1 Park Place Suite 330, Atlanta 30303  404-413-3330  
|                        | Office of Access and Accommodation  
|                        | Student Center East Suite 205, 55 Gilmer St. Atlanta 30303 |
| Responsible Executive(s): | Assistant Director of Benefits, FMLA & ADA  
|                         | Director of Access and Accommodation |

### Policy Management (all sections mandatory)

<table>
<thead>
<tr>
<th>Policy History</th>
<th>Approval Date:</th>
<th>Approving Body (if applicable):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Administrative Council</td>
</tr>
</tbody>
</table>

### Web Links (optional)

<table>
<thead>
<tr>
<th>Procedures and forms (url)</th>
</tr>
</thead>
</table>

### Additional Information or Resources (optional)