

Policy 1.5

Policy on Reasonable Accommodations and Assistance Animals in Campus Facilities

Responsible Official:	Provost and Executive Vice President for Academic Affairs
Administering Division/Department:	Office of Diversity, Equity and Inclusion
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Policy Sections:

- I. [Overview](#)
- II. [Applicability](#)
- III. [Definitions](#)
- IV. [Policy Details](#)
- V. [Related Links](#)
- VI. [Contact Information](#)
- VII. [Revision History](#)

I. **Overview**

Emory University is committed to maintaining an environment that is free of unlawful harassment and discrimination. Pursuant to the University's commitment to a fair and open campus environment and in accordance with federal law, Emory does not tolerate discrimination against or harassment of any individual or group based upon race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, gender identity, gender expression, veteran's status, or any factor that is a prohibited consideration under applicable law. Emory University welcomes and promotes an open and genuinely diverse environment.

In furtherance of this commitment to nondiscrimination and harassment, and in accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA"), The Fair Housing Act, and state and local law, the University will accommodate individuals with disabilities who require the assistance of a qualified service animal or a support animal (collectively, Assistance Animals). This policy addresses use of Assistance Animals on University grounds and facilities. Emory's [Department of Accessibility Services \(DAS\)](#) provides information, assistance and support for individuals with Assistance Animals.

II. Applicability

This policy applies to all students, employees, and visitors on Emory University campuses. However, Emory Healthcare has separate policies governing service animals in Emory Healthcare facilities. The University offices which manage various housing offerings (generally, Atlanta Residence Life and Housing Operations, Oxford Residence Life, or University Real Estate) provides information and support for Assistance Animals in University Housing facilities.

III. Definitions

Assistance Animals: As used in this Policy, Assistance Animals means both Service Animals and Emotional Support Animals.

Service Animal: A dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Although uncommon, a service animal also can be a miniature horse. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal are directly related to the individual's disability. Examples of work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks; alerting individuals who are deaf or hard of hearing to the presence of people or sounds; providing non-violent protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; alerting individuals to the presence of allergens; retrieving items such as medicine or the telephone; providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Emotional Support Animal (ESA): An ESA is an animal that provides emotional or other support/assistance that alleviates one or more symptoms or effects of a person's disability. Unlike a service animal, an ESA does not necessarily assist a person with a disability with activities of daily living tasks. Absent a specific accommodation that is granted by DAS on a case-supported basis, when a reasonable accommodation is granted for use of an ESA, the permission is granted to permit the ESA to be present in an individual's residence (as designated) but not to accompany the individual with a disability around the campus. Accordingly, in most circumstances, an ESA may not attend class or go to an individual's campus workplace, enter the library, or visit other residence halls, dining halls, or other campus facilities. A handler must first submit a request reasonable accommodation to OAS to initiate the review process. In general, ESAs include what would normally be considered domesticated animals including a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes. Reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals. If an individual is requesting to keep a unique type of animal that is not commonly kept in households, then the individual has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal.

Individual with a Disability: An individual with a disability is a person who 1) has a physical or mental impairment that limits one or more of a person's major life activities or 2) has a record of having, or being perceived as having, a physical or mental impairment.

Handler: Handler means any person having an interest in or right of possession to a service animal or emotional support animal, or any person having control, custody or possession of a service animal or emotional support animal.

IV. Policy Details

A. Service Animals

Generally, an individual with a service animal is permitted to be accompanied by the service animal in all areas of the University's facilities and programs where the individual is permitted and prior registration for access is not required.

Such areas include public areas, public events, classrooms, and other areas where University programs or activities are held. Exceptions for service animal access for health and safety reasons are noted in subsection H below.

Access to venues on campus with a service animal is permitted if:

- The individual has a disability;
- The dog is individually trained to do work or perform tasks for the individual with a disability; and
- The work or task that the dog has been trained to provide is directly related to the person's disability.

If the need for the service animal is not readily apparent, University personnel may ask:

- Whether the service animal is required because of a disability; and,
- What work or tasks the animal has been trained to perform.

An individual with a service animal is not required to provide a specific 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. If there is any doubt that an animal is a service animal, University personnel should permit the individual and service animal access and then consult with DAS regarding continuing or future access.

B. Service Dog In-Training

A service dog in training and its trainer have the same access to facilities on campus as Service Animals, pursuant to Georgia law, so long as:

- (A) Such dog is being held on a leash and is under the control of the person training the dog for an accredited school for seeing eye, hearing, service, or guide dogs;
- (B) Such person has on his or her person and available for inspection credentials from the accredited school for which the dog is being raised; and
- (C) Such dog is wearing a collar, leash, or other appropriate apparel or device that identifies such dog with the accredited school for which such dog is being raised.

C. Emotional Support Animals

A request for use of an ESA will be evaluated as a reasonable accommodation request with DAS. Documentation for an ESA request must follow the DAS guidelines for documentation of a disability and should include a letter from a licensed health care provider with the following information:

- Brief summary of the provider's professional relationship to the student, including duration of time providing care. (DAS does not accept medical documentation from family members or from online services.)
- Verification of disability status through
 - A diagnosis or identification of the nature of the disability, and/or;
 - A description of the specific functional limitations experienced as a result of the disability and how these limit one or more major life activities.
- Statement on how the animal serves as an accommodation for the documented disability.
- Explanation of why the assistance of the animal is necessary to the ability of the student/resident to use and enjoy the living arrangements provided by the University.

Upon receipt of this information, DAS conducts an individualized assessment to determine if the student/resident has a qualifying disability and whether the request for an ESA is reasonable. DAS may engage in an interactive process, on an individualized basis, often in consultation with the affected operational leadership, to determine whether an ESA as a reasonable accommodation is appropriate. Non-authorized ESAs are not permitted in any University facility.

D. Pets

A pet is not considered a Service Animal or Emotional Support Animal. Except as permitted by Emory's Housing policies, or as part of University-sponsored program or event, pets are not allowed inside any Emory facility.

E. University Assistance

Service animal handlers are not required to register their service animal with the University, but DAS offers support and is a resource for individuals with Service Animals. Approvals by DAS are required for ESAs, however. Individuals with Assistance Animals, including students, guests, and employees who regularly access University buildings are encouraged to contact DAS. DAS can assist by providing advance notice to University personnel, such as faculty, advisors and Campus Services and Facilities, that an individual has an assistance animal.

F. Responsibilities of Handlers of Assistance Animals

Handlers of Assistance Animals are responsible for keeping the animal under control while in University facilities, including:

- Keeping a service animal under direct control at all times, such as by a harness, leash, or other tether; however, 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 handler's disability prevents the use of such devices, then the service animal must be under the handler's control through voice control, signals, or other effective means;
- Ensuring the animal does not interfere with routine activities of the University, or cause difficulties such as disturbing or disrupting normal or administrative functions;
- Immediately cleaning up after the animal and properly disposing of the animal's waste or other debris;
- Preventing the animal from entering any pond, fountain, or stream located on University premises; and
- Complying with any relevant city, county, and/or state license and leash laws while the animal is on University premises.
 - A handler is responsible for all aspects of the animal's health and well-being and following all local ordinances including the following:
 - Vaccination: In accordance with local ordinances and regulations, the animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. Cats should have the normal shots required for a healthy animal. The handler should be prepared to provide documentation showing proof of vaccination upon request.
 - Health: All animals must be disease-free. Cats and dogs must have an annual clean bill of health from a licensed veterinarian. Documentation can be a vaccination certificate for the animal or a veterinarian's statement regarding the animal's health. The handler should be prepared to provide documentation showing proof of an annual clean bill of health upon request. The University has authority to direct that an animal receives veterinary attention.
 - Licensing: The handler must comply with any applicable licensing requirements. The University reserves the right to request documentation showing that the animal has been licensed in accordance with applicable licensing requirements.
 - Training: Animals must be housebroken, as applicable.
 - Identification: All animals, if taken outside the residence, must wear an identification tag with local contact information and vaccination information.
 - The handler is responsible for damage or injury caused by the animal.

Other Conditions: Emory reserves the right to place other reasonable conditions or restrictions on animals to balance with the needs of other individuals with disabilities.

G. Removal of Assistance Animals from University Facilities

University personnel may ask handlers of assistance animals to remove an animal from University premises or from the immediate area as follows:

- If the animal is not under the handler's direct control or the assistance animal is disturbing or disrupting the normal administrative, academic, or programmatic routine, then the handler must first be given an opportunity to get the animal under control. Problematic behavior may include, but is not limited to, excessive noise (such as frequent or loud barking), running around unrestrained, making unwanted contact

with others, or aggressive conduct such as growling, biting or threatening others. If the disruption or disturbance continues, then the handler may be asked to remove the animal and take remedial steps to correct the animal's behavior before bringing the animal back on campus;

- If the presence, behavior, or actions of the animal constitutes an immediate risk or danger to people or property, the handler can be asked to immediately remove the animal and 911 (emergency assistance) may be contacted.

If asked to remove the animal, the handler must be offered the opportunity to return to the University premises or the immediate area without the animal and be provided with reasonable assistance at that time to participate in the University service or program.

Handlers with concerns about the removal of their assistance animal should contact DAS.

H. Conflicting Disabilities

Some individuals may have certain health conditions, including respiratory diseases, allergies, PTSD, phobias or severe reactions to animals that are substantial enough to qualify as disabilities. Emory will consider the needs of such individuals as well as the needs of handlers in meeting its obligations to reasonably accommodate all disabilities. Students requesting accommodations for health reasons should contact and register with DAS. Employees who are not students should also submit their accommodation requests to DAS. DAS will facilitate a resolution when a voluntary agreement cannot be reached within the affected Emory unit, program or activity.

I. Violations of Policy

Depending on the seriousness of the assistance animal's conduct or repeated conduct, an assistance animal may be excluded from University property temporarily or permanently. The DAS is responsible for coordinating the necessary assessments in consultation with key stakeholders regarding ongoing or permanent removal of an assistance animal. If an assistance animal is excluded, DAS is available to assist in evaluating reasonable accommodations for the handler.

Handlers who violate this policy or disregard an instruction to remove or exclude an assistance animal from University property may be subject to additional penalties, including bans from any University property, or other fines or penalties under applicable city, county, or state rules, regulations, or laws. Violations of this policy by handler who is a University student or employee may be referred for corrective or disciplinary action.

J. Employees

- a. **Service Animal:** University employees who require the use of a service animal in the workplace should make a request for accommodation. For more information and to make a request for a workplace accommodation, contact DAS. Requests to bring an animal into the workplace will be assessed on a case-by-case basis. Factors to be considered include, but are not limited to, the nature of the employee's position, the type of animal and the functions it performs and the environment the employee works in.
- b. **Emotional Support Animals:** ESAs are generally not considered to be a reasonable accommodation in the workplace under Title I of the ADA because they do not perform specific tasks that assist a person with a disability. Those employees who are required to live in University Housing as a condition of employment may have their ESAs with them, if authorized by DAS, in the University Housing unit subject to the provisions of this policy and applicable requirements and procedures developed and implemented by University Housing.

K. Questions and Resources

Questions regarding service or assistance animals should be directed to the Office of Accessibility Services at 404-727-9877 or oas_employee@emory.edu.

Job Accommodation Network, Service Animals in the Workplace, available at:
<https://askjan.org/topics/servanim.cfm?>

V. Related Links

- U.S. Department of Justice, Civil Rights Division, Disability Rights Section, Service Animals, available at: https://www.ada.gov/service_animals_2010.htm
- U.S. Department of Housing, Office of Fair Housing and Equal Opportunity, Service and Assistance Animals for People with Disabilities in Housing and HUD-funded Programs, available at: https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals
- GA Service Dog Laws, available at: <https://usaservicedogregistration.com/statelaws/georgia-service-dog-laws/> and, <https://americandisabilityrights.org/states/georgia/service-dog-official-code>

VI. Contact Information

A. University ADA Compliance Officer

The University’s ADA Compliance Officer [Allison Butler, allison.butler@emory.edu] is available to review individual concerns relating to compliance and to provide compliance support for programs, departments, campuses, schools, and healthcare relating to discrimination based on disability and providing access and reasonable accommodation for persons with disabilities.

B. Complaint Procedures

Individuals who wish to make a complaint that a University employee may have violated the University’s nondiscrimination and/or non-retaliation policies, including failure to permit access to an assistance animal under this policy, may contact: Allison Butler; allison.butler@emory.edu.

Subject	Contact	Phone	Email
Clarification of Policy	Allison Butler	404-727-7053	Allison.butler@emory.edu

VII. Revision History

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