

## **ANIMALS ON CAMPUS**

ASMSA is committed to providing a safe and healthy environment for the entire campus community. This policy establishes rules regarding the presence of animals on and in ASMSA property and applies to all students, employees, and visitors to campus. Except as specifically outlined below, and in accordance with state and federal laws, animals are not permitted on or in controlled spaces of ASMSA property as defined below.

### **I. Definitions**

**ASMSA Property:** ASMSA Property includes all areas owned or controlled by the ASMSA.

**Controlled Spaces:** Controlled Spaces are defined as any indoor spaces on campus that are owned or controlled by the ASMSA.

**Handler:** The owner or individual bringing an animal onto ASMSA Property.

**Service Animal:** A Service Animal is a dog that is individually trained to do work or perform specific tasks for an individual with a disability. The work or tasks performed by a Service Animal must be directly related to the individual's disability.

**Service Animal in Training:** A dog that is being trained as a Service Animal, in accordance with state law.

**Assistance Animal:** The federal Fair Housing Act uses the term "assistance animal," which includes both trained or untrained animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or provide therapeutic emotional support that alleviates one or more identified symptoms or effects of a person's disability. Under the federal Fair Housing Act, an individual with a disability may have the right to have an assistance animal in his or her home (including ASMSA residence halls) if the animal qualifies as a reasonable accommodation that is necessary to afford the individual equal opportunity to use and enjoy a dwelling, assuming that the animal does not pose a direct threat.

**Emotional Support Animal (ESA):** an animal specifically designated by a qualified medical provider to provide emotional support, therapeutic benefit, or comfort to an individual with a disability provided there is a nexus between the disability and the assistance the Emotional Support Animal provides. However, because Emotional Support Animals are not individually trained to perform specific work or tasks, they are not Service Animals.

### **II. Service Animals**

Generally, a Service Animal/Service Animal in Training is permitted to be any place its Handler goes, with limited exceptions for areas where animals are prohibited for health and safety reasons. Such areas may include, but are not limited to:

- Research and teaching laboratories;
- Mechanical rooms and custodial closets;
- Food service preparation areas;

- Areas where protective clothing or other personal protective equipment is necessary;
- Any areas where there is a potential danger to the Service Animal.

When a student with a Service Animal needs to be in one of these restricted areas for a course requirement, alternative arrangements will be considered to provide access. If it is determined to be unsafe for the Service Animal to be in one of these restricted areas, reasonable accommodations will be provided to assure the student equal access to the academic program or activity.

### **III. Assistance Animals and ESA's**

Approved assistance animals and ESA's are not permitted in common areas of campus but are permitted in ASMSA Housing facilities consistent with this policy and ASMSA's housing policies.

### **IV. Responsibilities of Handlers**

It is the Handler's responsibility to ensure that the animal is in full compliance with all requirements outlined in the *Hot Springs Animal Control Laws* and *Garland County Code O-21-11*, pertaining to animals, including but not limited to behavioral expectations, restraining requirements, registration, and immunizations, as well as any other relevant state, county, or local laws concerning animals.

The Handler is responsible for directly supervising the animal and always retaining full control over the animal. All animals must be kept on a leash, harness, tether, or in an animal carrier, unless such devices would interfere with a Service Animal's work or an individual's disability prevents the use of those devices, or the animal is an Emotional Support or Assistance Animal within the student Handler's on-campus residence. If an animal is not leashed or otherwise restrained, the Handler must retain control of the animal through voice, signal, or other effective controls. The animal may not be allowed to run loose anywhere on campus.

The Handler is responsible for immediately cleaning up any waste or damage created by the animal, and for all costs related to damage created by the animal. This includes fees for clean-up and disposal of animal waste or replacement and repair of ASMSA or other individuals' assets. If the Handler fails to clean up after the animal, or if the animal causes damage to property, the Handler may be prohibited from bringing the animal onto ASMSA Property. Anyone who brings an animal on ASMSA Property assumes all financial responsibility for any damage to property or injury to individuals caused by the animal.

Animals may not be tethered to ASMSA buildings, structures, motor vehicles, trees, railings, light poles, benches, posts, or other structures.

### **V. Removal of Animals from ASMSA Property**

All animals are the responsibility of their Handlers. Animals permitted on ASMSA Property must be house broken and be under their Handler's control (in proximity to the Handler and responsive to commands, in harness, leashed or in a carrier). An animal's behavior is considered the Handler's behavior; the animal will be held to the same basic standard of conduct as their

Handlers. If they are disruptive to ASMSA business or community behavioral expectations for educational and residential environments, Handlers may be asked to correct the animal's behavior or remove it from the environment.

If an animal is permitted onto ASMSA Property in accordance with applicable policies, ASMSA reserves the right to revoke that permission or exclude the animal from a particular location under the circumstances outlined below:

- The animal behaves in a way that poses a direct threat to the health and safety of others, and/or has a history of such behavior;
- The animal is disruptive, and/or is not under the control of the Handler;
- The animal is considered dangerous, vicious, or noisy, as defined in the City Code and/or the County Code;
- The animal causes damage to property or harm to community members;
- The animal is not house broken, and/or is excessively unclean;
- The animal is physically ill;
- The Handler violates any of the responsibilities outlined in these policies; and/or
- The presence of the animal would fundamentally alter the nature of the service or program.

If the animal is disruptive or exhibiting behavior that threatens the health or safety of others in the classroom, the workplace, at a public ASMSA event or inside a residence hall, the appropriate school official in charge may ask the Handler and the animal to leave immediately.

## **VI. Failure to Comply**

### **Unattended or Uncontrolled Animals**

If an unattended or uncontrolled animal is observed on ASMSA Property, a reasonable attempt will be made to locate the animal's Handler. If the Handler is located, they may face disciplinary measures. If attempts to find the animal's Handler are unsuccessful, the City of Hot Springs Animal Services will be contacted for removal of the animal from ASMSA Property, and the Handler will be responsible for all costs associated with securing the release of the animal. If ASMSA must remove or impound an animal under this provision on more than one occasion, ASMSA reserves the right to require the Handler to permanently remove the animal from campus.

### **Property Damage**

ASMSA will seek restitution for any animal-related damage to ASMSA Property. The repair or replacement cost of damaged property is the sole responsibility of the Handler of the animal that caused the damage.

## **VII. Accommodation Requests**

1. **Request Process.** Persons seeking accommodation for a disability in the form of an animal on campus should submit the Accommodation Request Form for Animals and the Medical Statement Form (if applicable) to the Director of Human Resources

& Campus Culture (employees, applicants, and visitors) or the Dean of Students (students). The accommodation request will not be processed without the completed Accommodation Request Form. In most instances, the Medical Statement Form will be required. The applicant's medical care provider may be contacted if additional information is needed to determine if the individual has a disability and or to assist in determining a need.

If an employee notifies a supervisor of a need for an animal on campus for a disability, the supervisor should inform the employee that ASMSA has established procedures for determining accommodations on a case-by-case basis and refer the employee to Human Resources. Questions regarding an employee's medical condition should be left to Human Resources.

## **VII. Review of Request Decisions**

An employee seeking review of an accommodation decision under this policy should follow the procedures outlined in ASMSA's Policy on Disability Accommodations located at <https://www.asmsa.org/human-resources/>.