

Alabama Agricultural and Mechanical University (AAMU) recognizes the importance of Service and Support Animals to individuals with disabilities and has adopted a policy to ensure that people with disabilities who require the use of service or support animals as a reasonable accommodation receive the benefit of the work, tasks, or therapeutic support performed by such animals. AAMU's service and support animal policy complies with all applicable Titles of Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act (ADA) of 1990, U.S. Department of Housing and Urban Development (HUD), and Fair Housing Act (FHAct). As such, AAMU permits all individuals with disabilities, which include employees, students, and visitors who require service animals access to all facilities, university owned housing, transit vehicles, and programs held on the campus of AAMU; whereas, individuals with disabilities who require assistance/comfort/therapeutic animals are only permitted access in university owned housing provided certain conditions are met as outlined by Disability Services (DS).

Service Animal Policy

The ADA and FHAct/Section 504 Definition of Service Animals

The Department of Justice (DOJ) amendments to its regulations for Titles II and III of the Americans with Disabilities Act (ADA) limits the definition of a service animal to include **dogs** that are 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. In addition to the provisions about service dogs, revised ADA regulations have a new, separate provision about **miniature horses** that have been individually trained to do work or perform tasks for people with disabilities. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 to 100 pounds. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are:

- a) whether the miniature horse is housebroken;
- b) whether the miniature horse is under the owner's control;
- c) whether the facility can accommodate the miniature horse's type, size, and weight; and
- d) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

An assistance animal is not a pet. It is an animal that works, aids, or performs tasks for the benefit of a person with a disability. Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who

have a disability-related need for such support. For purposes of reasonable accommodation requests, neither the FHAct nor Section 504 requires an assistance animal to be individually trained or certified. While dogs are the most common type of assistance animal, other animals such as miniature horses can also serve as assistance animals.

AAMU does not allow any individual to keep more than one service animal for a disability (or identified symptom or effect of a disability) for which the animal is needed.

Registration and Management of Service Animals

Disability Services (DS) will determine if an animal meets the criteria of a service animal as defined by the ADA.

Registering a Service Animal on Campus. The individual with a disability should contact the Office of Disability Services (ODS) as soon as he or she is aware of plans to bring a service animal to campus. To register a service animal on campus, the individual with a disability should complete the Support Animal Request Form at least 30 days prior to planned arrival and submit it to the Office of Disability Services via Laserfiche. In the event Laserfiche is inoperable for 48 hours or more, submit the request to the Office of Disability Services, which is located in the Health and Counseling Center, by fax: (256) 372-5599 or by email: disabilityservices@aamu.edu.

Under the ADA's public accommodation statute, the university is not to ask about medical documentation, identification cards, or require demonstration of the ability to perform so long as the service animal is confined to the areas of the University that are open to the public. However, as required by university policy, the service animal is required to wear the appropriate harness, backpack, or vest identifying it is a trained service dog. When it is not obvious what service the animal provides, and the animal is within restricted access areas (such as residence halls, employee only, or classrooms), the student must provide a letter from a certified clinician which substantiates the answers to the only two questions that can be asked: (1) if the service or support animal is required because of a disability, and (2) what work or task the service or support animal has been trained to perform. The letter **must** be dated and on letterhead, then submitted to the Office of Disability Services.

In the event a person is found to falsely claim an animal, please see the Alabama law § 24-8A-5. Alabama law § 24-8A-5 states: A person commits the offense of misrepresentation of an animal as an assistance animal or service animal if a person intentionally does any of the following:

- a) Creates a document that misrepresents an animal as an assistance animal or service animal for use in housing, or
- b) Provides a document to another person falsely stating that an animal is an assistance animal or service animal for use in housing, or

- c) Fits an animal, which is not an assistance animal or service animal, with a harness, collar, vest, or sign that the pet is an assistance animal or service animal for use in housing.

- Upon a first offense, a violation of subsection (a) shall be subject to a civil penalty of five hundred dollars (\$500) or treated as a Class C misdemeanor, and

- Upon a second or subsequent offense, a violation of subsection (a) shall be a Class B misdemeanor.

Procedures and Management of Service Animals

Request Submission Deadlines. Students requesting accommodations for service animals within a housing assignment on university property must notify the Office of Disability Services by completing the Support Animal Request form. The request should be completed and submitted no less than 30 days prior to the beginning of the semester in which the animal would be requested. If the request is submitted less than 30 days prior to the housing request, the university may be on a limited ability to grant the request. All supplemental documentation must be submitted with the initial request prior to review and or consideration. No animal should be present on campus or in dormitories prior to approval from the Director of Housing. Once approved, the service animal request is valid for the academic year (Fall and Spring). Approval to have an animal in the residence must be approved each academic year and each summer by submission of request to the Office of Disability Services and final approval by the Director of Housing.

Conflicting Medical Conditions. Individuals with medical or psychological conditions affected by service or support animals should contact the Office of Disability Services (ODS) if there is a health or safety concern about exposure to a service animal. The person reporting the concern will be asked to provide medical documentation to DS and sign a Release of Information Form to the Student Health and Wellness Center so that a determination may be made regarding a need for accommodation.

Roommate Notification and Approval. The requesting student will notify and seek approval from roommates via email or other forms of written communication alongside the request of the service animal. The roommate decision should be attached with each annual submission.

Notice of replacement or removal of animal. Students will notify Disability Services and Director of Housing if an animal is no longer kept by the student in the residence. To replace an animal, the student must complete a new request with all documentation submitted to the Disability Services office. The replacement animal must not be on university property until notice is provided by the Director of Housing.

Access. Individuals with disabilities may be accompanied by their service animals in all university buildings where members of the public or participants in services, programs or activities are allowed to go. This would include participation in services, programs, or activities, unless it will fundamentally alter the nature of the goods, services, programs, or activities provided by the University or where is prohibited by health laws (i.e., food prep areas, swimming pools, or sterile laboratories, etc.).

Care and Supervision. The student shall always remain responsible for the service animal. At no time is the student permitted to transfer care or supervision to another person. At no time is the University responsible for the care or supervision of the service animal. If the assigned student is not in the physical presence of the animal, the animal must be within an appropriately sized crate and no longer than a reasonable amount of time. The appropriate amount of time that the animal can be left alone is determined by the Director of housing whose decision is final. Prior to presence on university property, the animal must be housetrained, and crate trained. Housetrained animals mean the animal can consistently control its waste elimination. Crate trained means the animal can be confined to a closed crate without barking, whining, or whimpering. The crates or equipment required for the animal may not pose a threat to the safety of others. Care equipment may not block evacuation routes in case of emergencies.

Control and Animal Behavior. The handler of the service animal **must** assume full responsibility and always demonstrate full control of the animal. The handler **must** maintain control of the animal through voice, signal, or other effective controls. If the animal is not under the control or poses a risk to the health and/or safety of others, the handler may be asked to remove the animal.

Service animals **must** be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the handler's disability prevents using these devices. To the extent possible, the service animal should be unobtrusive to other students and the learning environment. The student must ensure that the animal does not:

- a. Leave the students room accept when accompanied by the student,
- b. Display disruptive repeated behaviors such as barking, digging, whimpering,
- c. Attack, harass, jump on or at other or their tamper with their personal belongings
- d. Bring nose or mouth near food intended for human consumption

AAMU has the authority to exclude an animal temporarily or permanently from the university if the behavior is aggressive or unruly. Upon a single occurrence of unprovoked biting or aggressive behavior, the animal will be required to be removed from the university property. This decision will be approved by authorized personnel or by the Director of Housing.

Animal Health and Vaccination Requirements. The service animal must remain in good health while on university property. AAMU has the authority to exclude an animal temporarily or permanently from the property if the animal is in ill health or is habitually unclean. The student of the service animal **must** show proof that the animal has been treated for pests such as fleas and ticks, as well as vaccinated against rabies as required by the State of Alabama. As such, the animal must wear a valid rabies vaccination tag. It is further **recommended** by the State of Alabama that the animal has been vaccinated against distemper/adenovirus/parainfluenza/ parvovirus (DAPP). All service animals kept in residence halls **must be sterilized** (spayed, neutered, or other method of sterilization). Students must provide Disability services with veterinarian verification that the animal has been sterilized. No request may be approved without the above-mentioned documentation from your veterinarian on official letterhead.

Waste Disposal Grooming/Upkeep. The student is responsible for cleaning and removing or arranging for the immediate removal of the animal's waste. Feces **must be** disposed of properly and not allowed to be disposed indoors. This includes University common areas and exterior property such as sidewalks etc. At no time are students allowed to maintain grooming (cutting animal hair) or upkeep (bathing) within the residence hall or anywhere on the university property.

University Property Damage and Emergencies. AAMU reserves the right to charge service animal owners and or students for any damage incurred by the animal on any university property.

AAMU is not responsible for any damages caused to the animal because of emergency occurrences such as fire alarms, fire drills, natural disasters, or any other emergency situations.

Student Health and Wellness Center. Except in emergency visits, the handler of a service animal **must** notify the staff in the Student Health and Wellness Center in **advance** of the presence of a service animal to ensure that patient safety is not compromised, as well the need to minimize the risk of exposing the service animal to infections and disease.

Harassing, Injuring or Causing the Death of a Service Animal

Effective August 1, 2016, it is the policy (Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901) of the State of Alabama to recognize the special role and value of service dogs, not only in the lives of those persons who use them, but also in society at large and, to encourage the use of service dogs by persons with disabilities, and to recognize that those persons have a right to use service dogs without any interference with or injury to the service dog. As such, it is unlawful in the State of Alabama and, considered a Class A, B, or C misdemeanor for a person who has received notice and found guilty of his or her behavior as harassing with malice or reckless disregard, and/or caused injury or death to a service dog without legal justification. In such, reports filed with the Office of Public Safety against individuals on

the campus of Alabama A&M University will be handled in accordance with the Student Code of Conduct and applicable laws of the State of Alabama.

Exclusions

University exclusion rationale may include:

- a) The animal is not able to be controlled and the student does not effectively alleviate behaviors such as barking in residence halls, theater, or other places that may disrupt or disturb student learning, or animal placing snout or nose on food intended for human consumption.
- b) The animal will pose undue financial and administrative hardship on university services or facilities that would fundamentally alter the nature of services or programs.
- c) The animal poses a direct threat or would cause substantial damage to the property of others.

Emotional Support Animal Policy

The ADA and FHAct/Section 504 Definition of Emotional Support Animals

Emotional Support animals. Sometimes referred to as emotional support animals, therapy animals and/or companion animals, are **not** service animals under the ADA. This definition, however, does not limit AAMU's obligations to make reasonable accommodations for assistance under the FHAct or Section 504. In situations where the ADA and the FHAct/Section 504 apply simultaneously, AAMU **must** meet its obligations under both the reasonable accommodation standard of the FHAct/ Section 504 and the service animal provisions of the ADA.

An emotional support animal is not a pet. It is an animal that aids the benefit of a person with a disability by providing emotional support that alleviates one or more identified symptoms or effects of a person's diagnosed disability. Approval for emotional support animals will be determined by Disability Services and require documentation from a physician, psychiatrist, licensed social worker/mental health professional that demonstrates that the animal provides emotional support to alleviate symptoms of the disability and plays a role in the treatment of a disability. They are prescribed as part of an ongoing therapeutic relationship that is integrated into treatment.

Please note: AAMU will not permit animals that are reasonably viewed as high risk. The University reserves the right to request that an approved emotional animal be removed from campus if:

- a. The animal demonstrates behaviors that is deemed unruly, disruptive, or
- b. The animal becomes a direct threat to the health and safety of others.

AAMU does not allow any individual to keep more than one emotional support animal for a disability (or identified symptom or effect of a disability) for which the animal is needed.

Registration and Management of Support Animals

Disability Services (DS) will determine if an animal meets the criteria of a support animal as defined by the ADA.

Registering a Support Animal on Campus. *(See Assistance Animal Guidelines)* The individual with a disability should contact the Office of Disability Services (ODS) as soon as he or she is aware of plans to bring a support animal to campus. To register a support animal on campus, the individual with a disability should complete the Support Animal Request Form at least 30 days prior to planned arrival and submit it to the Office of Disability Services via Laserfiche. In the

event Laserfiche is inoperable for 48 hours or more, submit the request to the Office of Disability Services, which is located in the Health and Counseling Center, by fax: (256) 372-5599 or by email: disabilityservices@aamu.edu.

Under the ADA's public accommodation statute, the university is not to ask about medical documentation, identification cards, or require demonstration of the ability to perform so long as the animal is confined to the areas of housing within the University. However, students must carry, and readily present, documentation (provided by the university) verifying registration with Disability Services.

In the event a person is found to falsely claim an animal, please see the Alabama law § 24-8A-5. Alabama law § 24-8A-5 states: A person commits the offense of misrepresentation of an animal as an assistance animal or service animal if a person intentionally does any of the following:

- a. Creates a document that misrepresents an animal as an assistance animal or service animal for use in housing, or
 - b. Provides a document to another person falsely stating that an animal is an assistance animal or service animal for use in housing, or
 - c. Fits an animal, which is not an assistance animal or service animal, with a harness, collar, vest, or sign that the pet is an assistance animal or service animal for use in housing.
- Upon a first offense, a violation of subsection (a) shall be subject to a civil penalty of five hundred dollars (\$500) or treated as a Class C misdemeanor, and
 - Upon a second or subsequent offense, a violation of subsection (a) shall be a Class B misdemeanor.

Procedures and Management of an Emotional Support Animal

Request Submission Deadlines. Students requesting accommodations for emotional support animals within a housing assignment on university property must notify the Office of Disability Services by completing the Support Animal Request form. The request should be completed and submitted no less than 30 days prior to the beginning of the semester in which the animal would be requested. If the request is submitted less than 30 days prior to the housing request, the university may be on limited ability to grant the request. All supplemental documentation must be submitted with the initial request prior to review and or consideration. No animal should be present on campus or in dormitories prior to approval from the Director of Housing. Once approved, the emotional support animal request is valid for the academic year (Fall and Spring). Approval to have an animal in the residence must be approved each academic year and each summer by submission of request to the Office of Disability Services and final approval by the Director of Housing.

Conflicting Medical Conditions. Individuals with medical or psychological conditions affected by support animals should contact the Office of Disabilities Services if there is a health or safety concern about exposure to an emotional support animal. The person reporting the concern will be asked to provide medical documentation to Disability Support and, sign a Release of Information Form to the Student Health and Wellness Center so that a determination may be made regarding a need for accommodation.

Roommate Notification and Approval. The requesting student will notify and seek approval from roommates via email or other forms of written communication alongside the request of the emotional support animal. The roommate decision should be attached with each annual submission.

Notice of replacement or removal of animal. Students will notify Disability Services and Director of Housing if an animal is no longer kept by the student in the residence. To replace an animal, the student must complete a new request with all documentation submitted to the Disability Services office. The replacement animal must not be on university property until notice is provided by the Director of Housing.

Access. Emotional support animals must remain in residence unless accompanied by the student to the designated walking area, or while entering or exiting the residence hall. Emotional support animals are not allowed to roam throughout common areas or any area on campus aside from the student residence.

Care and Supervision. The student shall always remain responsible for the emotional support animal. At no time should the student be permitted to transfer care or supervision to another person. At no time is the University responsible for the care or supervision of the emotional support animal. If the assigned student is not in the physical presence of the animal, the animal must be within an appropriately sized crate and no longer than a reasonable amount of time. The appropriate amount of time that the animal can be left alone is determined by the Director of Housing whose decision is final.

Prior to presence on university property, the animal must be housetrained, and crate trained. Housetrained animals mean the animal can consistently control its waste elimination. Crate trained means the animal can be confined to a closed crate without barking, whining, or whimpering. The crates or equipment required for the animal may not pose a threat to the safety of others. Care equipment may not block evacuation routes in case of emergencies.

Control and Animal Behavior. The handler of the support animal **must** assume full responsibility and always demonstrate full control of the animal. The handler **must** maintain control of the animal through voice, signal, or other effective controls. The *emotional support* animal must be on a leash, harness, or tether always. If the animal is not under the control or poses a risk to the health and/or safety of others, the handler may be asked to remove the animal. The student must ensure that the animal does not:

- a. Leave the student's room except when accompanied by the student,

- b. Display disruptive repeated behaviors such as barking, digging, whimpering,
- c. Attack, harass, jump on or at other or their tamper with their personal belongings
- d. Bring nose or mouth near food intended for human consumption

AAMU has the authority to exclude an animal temporarily or permanently from the university if the behavior is aggressive or unruly. Upon a single occurrence of unprovoked biting or aggressive behavior, the animal will be required to be removed from the university property. This decision will be approved by authorized personnel or by the Director of Housing.

Animal Health and Vaccination Requirements. The emotional support animal must remain in good health while on university property. AAMU has the authority to exclude an animal temporarily or permanently from the property if the animal is in ill health or is habitually unclean. The student of the emotional support animal **must** show proof that the animal has been treated for pests such as fleas and ticks, as well as vaccinated against rabies as required by the State of Alabama. As such, the animal must wear a valid rabies vaccination tag. It is further recommended by the State of Alabama that the animal has been vaccinated against distemper/adenovirus/parainfluenza/ parvovirus (DAPP). All emotional support animals kept in residence halls **must be sterilized** (spayed, neutered, or other method of sterilization). Students must provide Disability Services with veterinarian verification that the animal has been sterilized. No request may be approved without the above-mentioned documentation from your veterinarian on official letterhead.

Waste Disposal Grooming/Upkeep. The student is responsible for cleaning and removing or arranging for the immediate removal of the animal's waste. Feces **must be** disposed of properly and not allowed to be disposed indoors. This includes University common areas and exterior property such as sidewalks etc. At no time are students allowed to maintain grooming (cutting animal hair) or upkeep (bathing) within the residence hall or anywhere on the university property.

University Property Damage and Emergencies. AAMU reserves the right to charge emotional support animal owners and or students for any damage incurred by the animal on any university property.

AAMU is not responsible for any damages caused to the animal because of emergency occurrences such as fire alarms, fire drills, natural disasters, or any other emergency situations.

Exclusions

University exclusion rationale may include:

- a. The animal is not able to be controlled and the student does not effectively alleviate behaviors such as barking in residence halls, theater, or other places

that may disrupt or disturb student learning, or animal placing snout or nose on food intended for human consumption.

- b. The animal will pose undue financial and admirative hardship on university services or facilities that would fundamentally alter the nature of services or programs.
- c. The animal poses a direct threat or would cause substantial damage to the property of others.
- d. Animals that may pose an animal-to human infectious disease threat, such as monkeys, reptiles, and hedgehogs, will not be approved.

Appeal/Grievance Procedure

If a student feels as though his/her request for an animal has been unreasonably denied, he or she may submit a written appeal to DS for reconsideration. All appeals/grievance will be reviewed by a Committee consisting of the Associate Vice President for Student Affairs, Director of Health and Counseling Center, Director of Residential Life, Chief of Public Safety, and an ADA student. DS and General Counsel will serve as the Chairs of the Committee, however, DS nor General Counsel will serve as a voting member. The Committee will have the ability to require mediation or require the handler to remove the animal from the residence hall or campus if it is determined that the behavior, odor, or etc. of the animal is in violation of the AAMU's policy and procedures. The committee will convene within 14 Days of the written request and provide a response with 7 days after the meeting.

Please contact the Office of Disability Services at (256) 372-5601 or visit the Health and Counseling Center for more information.

Assistance Animal Guidelines

An **assistance animal**, also referred to as **emotional support animals**, are animals that have been prescribed by a medical or psychiatric health provider as playing a role in the treatment of a disability. Assistance animals are not pets, but rather a part of an ongoing therapeutic relationship that is integrated into treatment.

AAMU works with students to make reasonable accommodations for assistance animals in accordance with federal guidance. These guidelines are intended to help you and your provider in preparation of documentation. Please keep in mind that thoroughly addressing guidelines helps Disability Services in determinations of disability and disability need for assistance animals.

The following should be included in the report:

1. Student information including name, date of most recent evaluation
2. Evaluator information:
 - Name, qualifications, licensure, office information
 - Length of time the provider and student have been in a therapeutic relationship
 - Nature of practice with student (monthly medication management, psychotherapy, case management, etc.)
3. History to support diagnosis:
 - Description of the duration and severity of the disorder
 - Relevant medical, familial, and social histories
 - Length of time animal has been prescribed in care
 - Evidence of reduced symptomology, improved functioning from assistance animal treatment role
4. Evidence of current impairment:
 - Description of how disability currently impacts the student in social, academic, or occupational settings
 - Description of how the disability will limit the student in a residential setting
 - Discussion of how the assistance animal is necessary for the resident to use and enjoy College housing as compared to a person without a disability
5. Assessment information:
 - Results and interpretation of specific evaluation data to support diagnosis
6. Treatment and medication:

- Description of any current medication, therapy, or other treatment being implemented
- Identification of the animal (name, species)
- Identification of the animal's role in the treatment plan
- Description of the medically necessary assistance the animal provides to the student

7. Diagnosis:

- Clear statement of diagnosis including the DSM-5 or ICD-10 diagnostic code

8. Recommended accommodations:

- Include specific recommendations for academic accommodations and the rationale for the accommodations

Documentation from the Internet

Some websites sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. The Housing and Urban Development Department notes that such documentation, by itself, is not sufficient to establish disability or disability related need for an assistance animal. In accordance with the Fair Housing Act, AAMU expects requests for assistance animal accommodations be accompanied with sufficient documentation of a disability and a disability related need for an assistance animal. Please use caution when seeking assistance animal documentation from websites that claim to guarantee to provide all the documentation you need.

For more information, please review U.S. Department of Housing and Urban Development's guidance on Service and Assistance Animals:

<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>