



**Policy Title:** SA8007 - Assistance Animal Policy

**Subject Area:** Student Affairs

**Responsible Official(s):** Senior Associate Vice Provost, Student Academic Success

**Responsible Office(s):** Disability Resources for Students

## Policy Statement

The University of Memphis recognizes the importance of Assistance Animals to individuals with disabilities. The University has established the following guidelines for the use of Service Animals (SA) on University campuses and centers and the use of Emotional Support Animals (ESA) in University housing in order to comply with the Americans with Disabilities Act (ADA-AA), as amended, and the Fair Housing Act.

## Definitions

***Assistance Animal*** - An Assistance Animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. An assistance animal can be a service animal or an emotional support animal but is not a pet.

***Service Animal*** - A Service Animal is defined under the Americans with Disabilities Act, as amended, as a dog, or in some cases a miniature horse, that is trained to perform tasks or services for an individual with a disability, including but not limited to: physical, sensory, psychiatric, intellectual or other mental disabilities.

Examples of tasks and services include, but are not limited to:

- Guiding people who are blind;
- Pulling a wheelchair for those with limited mobility;
- Alerting and protecting a person who is having a seizure;
- Providing physical support and assistance with balance and stability;
- Alerting diabetics of blood sugar spikes and drops.

***Emotional Support Animal*** - An Emotional Support Animal is defined as any animal with a primary role of providing a person with a disability emotional support. One main distinction

between Service Animals and Emotional Support Animals is that ESAs are not required to undergo any specialized training. They are not required to perform specific tasks for the benefit of an individual with a disability.

**Owner** - The "Owner" is the student or other covered person who has requested the accommodation, provided notice or documentation, and received any necessary approval to bring their SA or ESA on campus.

## Procedures

### Service Animals

A person with a disability who wishes to utilize a SA, as defined under the ADA-AA, on campus is not required to register with Disability Resources for Students (DRS) unless other accommodations are needed. However, a student who wishes to have a SA in University housing on campus or in class should notify DRS at least thirty (30) days in advance of the need. This notification assists DRS in ensuring a smooth transition for the student in bringing the animal to housing or class.

If the student indicates the need to have the SA in University housing, DRS will notify Residence Life of the student's need. Upon notification that a SA will be living in University housing, the student's roommate(s) or suitemate(s) will be notified (if applicable) that the SA will be residing in the shared, assigned living space.

In general, the University will not ask about the nature or extent of a person's disability, but may ask two questions to determine whether an animal qualifies as a SA: 1) Is this Animal required in service of a disability? and 2) What service or task has the animal been trained to do?

Faculty or other employees of the University who need the assistance of a SA, as defined under the ADA-AA, should consult with their respective supervisor and Human Resources as necessary.

Service Animals will be allowed in all public spaces of the University except as outlined in the 'exceptions' section of this policy.

### Emotional Support Animals in University Housing

Pets are not allowed in University-owned or controlled residence halls. Residence Life will make accommodations for the allowance of ESAs which are consistent with Fair Housing Act standards. If approved, ESAs are only allowed in campus residence halls and areas designated by Residence Life for exercising and relieving the ESA.

DRS will maintain appropriate procedures for students to request an ESA. Students will be required to register with DRS and submit appropriate documentation. Once approved by DRS, students may move their ESA into the residence hall. Within five business days of the student

moving their ESA in, they must meet with a designated residence hall representative to sign an Assistance Animal Agreement. No ESA may be kept in University housing at any time prior to the student receiving approval as a reasonable accommodation pursuant to this policy.

Residence Life, in consultation with DRS, will maintain appropriate procedures for determining if an animal is reasonable within the confines of University housing. The University may consider the following factors, among others, as evidence in determining whether the presence of the ESA is reasonable or in making housing assignments for individuals approved for ESAs:

- The size of the animal;
- Whether the ESA is domesticated;
- Whether the presence of the animal would force another individual out from housing (e.g., serious allergies);
- Whether the presence of the animal violates an individual's right to peace and quiet enjoyment of the residential setting;
- Whether the animal is not housebroken or is unable to live with others in a reasonable manner;
- Whether the animal's vaccinations are not up to date;
- Whether the animal poses, or has posed in the past, a direct threat to the individual or others such as aggressive behavior toward or injuring the individual or others;
- Whether the animal has caused excessive damage to University housing or facilities, property, or the property of others beyond reasonable wear and tear.

### **Proper Care and Supervision of Assistance Animals**

The care and supervision of the SA or ESA are the sole responsibility of the owner. The owner is responsible for ensuring that the animal does not unduly interfere with the routine activities of the University community or cause difficulties for students, faculty, staff, and/or guests of the University. The owner is required to maintain control over the animal at all times, which includes the use of a leash or other appropriate control. If the animal is not under control or poses a risk to the health or safety of others, the owner may be asked to remove the animal. In addition, the owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Assistance Animal and/or discipline for the responsible individual.

### **Damage**

SAs and ESAs considered unattended or abandoned may be removed following any applicable laws and regulations. The owner is solely and financially responsible for the actions of the animal, up to and including bodily injury and property damage. The owner will be expected to replace damaged furniture, carpet, tile, windows, walls, etc.

## **Licensing**

In accordance with Tennessee law, any animal that has reached a proper level of maturity (according to Tenn. Comp. R. & Regs. 1200-14-01-.33, after a dog reaches three months of age, a cat six months of age) must have a rabies vaccination, must be licensed, and must display a license on its collar at all times.

## **Health**

Any aspect or circumstance of the condition, health, or behavior of any SA or ESA on campus that is deemed to be a threat to the health or safety of any member of the University community will result in appropriate action. Individuals who perceive a threat should contact campus police at 678-HELP. Incidents of suspected abuse or neglect will be reported to the proper agency for investigation. The University and University Police Services will assist in any investigation as required.

## **Exceptions**

A Service Animal, as defined under the ADA-AA, will generally be allowed free access to all areas of the University where the owner is allowed. Exceptions to this access include, but may not be limited to the following:

- Chemistry, biology, or other laboratories where chemical agents harmful to the animal may be present;
- Mechanical and electrical rooms;
- Food preparation areas and kitchens;
- Teaching and research laboratories including those where research including animals are being conducted;
- Areas where protective clothing are required including laboratories and some art studios;
- Other areas that may be deemed by the University to be harmful to the animal or where the presence of a SA may pose an unreasonable risk to the operations and activities of the University.

Any SA or ESA may be excluded from the University if the animal is disruptive, becomes threatening or aggressive, is not under the control of the owner, or poses a risk to the health or safety of members of the University community.

## **Exclusions**

This policy does not apply to animals used in classes on campus, which may be based on requests by faculty for such use. This policy does not apply to animals used in police operations

or to animals trained for and used in a clinical, therapeutic setting on campus, such as the Counseling Center.

Certified Comfort/Therapy Animals working in a therapeutic setting with an appropriately trained handler/therapist under the auspices of the University are excluded from this policy. In certain cases, approved by the Dean of Students or designee, animals may be included on campus for programs or events in a controlled setting.

### **Violations**

Any violation by the owner of the SA or ESA may result in the immediate removal of the animal from campus. In addition, the student may face disciplinary action(s) or cancellation of their housing contract.

### **Appeals Process**

Any individual who wishes to challenge a decision denying a request for accommodation under this policy may file a complaint with the Office for Institutional Equity. Additionally, if at any time the student feels a denial of their request constitutes a barrier to their access to the University or discrimination on the basis of disability, they may file a complaint with the Office for Institutional Equity. If a contract has already been signed for University housing when the request for use of the animal is denied, the individual may request to be released from the contract.

## **Related Documents, Policies and Forms**

[Americans with Disabilities Act of 1990, As Amended](#)  
[Fair Housing Act](#)

### **Last Revision Update Log:**

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