



Ashland University

Emotional Support Animal Policy, Procedures and Agreement

Ashland University (AU) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA), and of Emotional Support Animals (ESAs), supported by the Fair Housing Act. The University is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full participation and equal access to the University’s programs and activities. AU is also committed to allowing ESAs, necessary to provide individuals with significant mental health disabilities an equal opportunity to use and enjoy University housing. This Policy explains the specific requirements applicable to an individual’s use of an ESA in University housing. AU reserves the right to amend this Policy as circumstances require. This Policy applies solely to ESAs that may be necessary in University housing. It does not apply to “service animals” as defined by the ADAAA, and whose presence on campus is explained in the AU Service Animal Policy.

Although it is the Policy of AU that individuals are generally prohibited from having animals of any type in University housing, AU will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a significant mental health disability. **However, no ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.** Any requests for animals in residence for individuals with disabilities that are neither service animals nor ESAs should be directed to the Student Accessibility Center.

Students will review this Policy, sign and agree to the terms contained therein before bringing the animal to campus.

ESA's are typically assigned given a specific mental health treatment plan - plans or intervention can and/or will change periodically given the clinical review and treatment progress. Therefore, we can never assume the treatment intervention/process is static - it is a dynamic process, thus requiring updated treatment plans and recommendations. For this reason, **students are asked to renew their ESA requests every year**, just like they would renew their housing accommodation requests.

Definitions:

Emotional Support Animal (ESA): An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support for an individual with a diagnosed mental health disability. Unlike service animals that are trained to perform specific tasks that are important to the independence or safety of their disabled handler, ESAs are generally not trained to perform disability-specific tasks. Their therapeutic support is a function of their presence and interaction with the person with a disability. ESAs are not pets, but they typically are animals commonly kept in households as pets. An ESA may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure. Under guidance from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household

animals. Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis. The question in determining if an ESA will be allowed in University housing is whether or not the ESA is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing, an ESA is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

Owner: A student who has requested the ESA accommodation, and has received approval to bring an ESA to campus.

Student Accessibility Center: The office that collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all AU programs and activities.

Procedures for Requesting ESA's in University Housing

Documentation of a significant mental health disability and the associated need for an ESA should come from a mental health provider with whom an established provider-patient relationship exists and knows and understands the difficulties and can explain how the presence of the animal may help to alleviate one's symptomology.

The procedure for requesting ESA's follows the general procedures set forth in the Housing Accommodation Policy for University Housing ("Reasonable Accommodation Policy") and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Housing Accommodation Policy, this Policy shall control.

You can request the ESA at any time, but if it is less than 60 days before the move-in date, we may not be able to grant the accommodation immediately.

1. The student will complete the ESA Housing Accommodation Request (Form 1).
2. The SAC will fax or mail the request for supporting documentation from their licensed healthcare provider (ESA Verification of Necessity). The Student Accessibility Center will notify the student of the receipt of the forms and notify the student if any additional information or documentation is needed.
3. The Director of the Student Accessibility Center will engage in the interactive process with the student by scheduling an intake meeting to review all documentation related to the request.
4. Upon receipt of all the necessary documentation, the Housing Accommodation Team (Housing Coordinator, Directors of Counseling/Health Center, and the Student Accessibility Center) will determine whether appropriate reasonable accommodation can be made based on the submitted information.
5. The student will be notified in writing whether or not the accommodation can reasonably be made. This notification will be sent to the student's University email address.
6. The student will submit ALL requested information (photo, vaccination records, etc.) before an animal can be brought on campus.
7. Students who need **additional accommodations** or advocacy, should register with the Student Accessibility Center. Please contact: Julie Donatini, Director, Student Accessibility Center at: jdonatin@ashland.edu, or call 419-289-5904.

Vaccinations: in accordance with local ordinances and regulations, the ESA must be immunized against diseases common to that type of animal. Proof of vaccinations must be submitted and approved prior to the ESA's arrival.

Dogs

Rabies Vaccination

DA2PL-Parvo

Bordetella

Canine Influenza (2 strains)

Flea and Tick Prevention

Cats

Rabies Vaccination

FELV

FVRCP

Flea and Tick Prevention

*If your ESA is not a dog or cat, please work out the details with the Residence Life Office. The college reserves the right to limit approval of proposed ESAs to animals that do not pose health or safety concerns or would significantly disrupt the residence hall living environment for others.

*Vaccinations must be in place a minimum of 14 days before the ESA's arrival on campus

*Dogs will need to be licensed by the State of Ohio

Health: The ESA must be in good health. ESA's to be housed in University Housing must have an annual clean bill of health from a licensed veterinarian, and verifying documentation must be submitted to the SAC along with the annual Housing Accommodation Request document. **ESA's (where appropriate) must be spayed or neutered prior to being brought to campus, and the owner must submit documentation of the applicable procedure.** The Residence Life Office and/or SAC will also have the right to contact the ESA's veterinarian to request additional medical documentation as needed. A release form must be on file with your veterinarian, to provide access to medical information. During Health and Safety Inspections, a Residence Life staff member will conduct an inspection of the animal. A check list will be completed and submitted for review.

The Federal Trade Commission (FTC) has been asked to investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA. The websites in question offer for sale documentation that is not reliable for purposes of determining whether an individual has a disability or disability-related need for an ESA because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations.

Criteria for Determining if Presence of the ESA is Reasonable

University Housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in

certain residence halls. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of University Housing, AU reserves the right to assign an individual with an ESA to a single room without a roommate. Additionally, if roommates/suitemates have objections to sharing their living quarters with the ESA, alternative living arrangements may be necessary. Such decisions will be made on a case-by-case basis. The Office of Residence Life retains the right to alter room assignments as appropriate.

Residence Life may consult with the Student Accessibility Center in deciding on a case-by-case basis of whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing policies; (3) poses a direct threat to the health and safety of others; and/or (4) would cause substantial property damage to the property of others, including University property.

AU may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with ESA's, including, but not limited to:

1. The space needed for the cage/crate in which the animal will be housed is too large for available assigned housing space;
2. The proposed enclosure for the animal has been inspected and does not provide safe containment;
3. The animal's presence would force another individual from individual housing (e.g. serious allergies);
4. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
5. The animal is not housebroken or is unable to live with others in a reasonable manner;
6. The animal's vaccinations are not up-to-date;
7. The animal poses health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting;
8. The University believes that University Housing is not an appropriate setting to raise a young puppy/kitten. Generally, dogs must be at least 10 months of age and cats six months of age, be spayed or neutered, before being allowed to live in-residence;
9. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others;
10. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear; or
11. Generally, **only one ESA** is allowed per residence unit and one ESA will be approved for a student, in order to fulfill the intent of the FHA requirement.

Responsibilities of ESA Owners in University Housing

An ESA must be contained within the Owner's privately assigned individual living accommodation (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness.

Notwithstanding the restrictions set forth herein, the ESA must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University housing.

If the University grants an Owner's request to live with an ESA, the Owner is solely responsible for the custody and care of the ESA and must meet the following requirements:

1. The Owner 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 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, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.
2. The Owner is 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 AU.
3. 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 ESA and/or discipline for the responsible individual.
4. AU will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
5. An individual with a disability may be charged for any damage caused by his or her 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 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 the residence halls. The University shall have the right to bill the Owner's account for unmet obligations under this provision.
6. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
7. ESA's may not be left overnight in University Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the ESA is contained, as appropriate, when the Owner is not present

during the day while attending classes or other activities.

8. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
9. The animal is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Student Accessibility Center in writing if the ESA is no longer needed or is no longer in residence. To replace an ESA, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy when requesting a different animal.
10. The ESA will not be bathed using residence hall facilities.
11. AU personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
12. The individual must provide written consent for the Student Accessibility Center to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life personnel and 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.

Exclusions

The University may require the individual to remove the animal from University housing if:

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in a fundamental alteration of a University program;
3. the Owner does not comply with the Owner's Responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the University community.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Student Accessibility Center and may be appealed. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the ESA be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract. If it is determined that the animal must be removed from University Housing and the student fails to comply with the stated timeframe, the University may have the animal removed to the nearest, appropriate animal shelter, at the Owner's expense. Additionally, failure to comply with the order for removal may result in disciplinary action. All expenses for care/boarding of the animal are the responsibility of the ESA owner and may be charged to the individual's account if left unpaid. In an emergency when the individual is unable to provide routine care and supervision of the ESA, the animal will be removed from University Housing and taken to the nearest, appropriate animal shelter, at the

Owner's expense.

The owner is responsible for assuring that the approved animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there. The owner is financially responsible for the actions of the approved animal including bodily injury or property damage. The approved animal must abide by the same rules of conduct as the owner, outlined in the Student Handbook. The student is encouraged to have insurance on the animal for any injury that may occur.

Other Conditions: The Office of Residence Life may place other reasonable conditions or restrictions on the Emotional Support Animal depending on the nature and characteristics of the animal. The University is not responsible for loss, damage to, or death of the animal.

Requirements for Cause of Removal of the ESA: Any violation of the listed policies and procedures or the Student Handbook, may result in immediate removal of the ESA from University Housing. The owner may also be subject to Student Conduct charges.

If a request to remove the ESA is made, the owner must remove the animal within 48 hours of notification unless the animal poses a direct and immediate threat to the health or safety of another, then it must be removed immediately.