

Emotional Support Animals in University Housing

Policy and Agreement

Section 1. University Policy

Oklahoma City University (University) and Disability and Access Services (DAS) recognize the importance of Emotional Support Animals (ESAs).

The University is also committed to allowing ESAs, when necessary to provide students with mental health disabilities an equal opportunity to use and enjoy University housing. This policy explains the specific requirements applicable to a student's use of an ESA in University housing. The University 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 Americans with Disabilities Act Amendment Act (ADAAA), and whose presence on campus is explained in the University's Service Animal policy located here:

<https://www.okcu.edu/campus-life/support-services-for-students/disability-access-services/service-animal-policy>

Although it is the policy of the University that students are generally prohibited from having animals of any type in University housing, the University will consider a request by a qualified student with a mental health disability for reasonable accommodation from the "No pets on Campus" policy to allow an ESA that is reasonable and necessary because of a mental health disability.

"The Americans with Disabilities Act Amendments Act (ADAAA) as amended defines a person with a disability to include (1) students with a physical or mental impairment that substantially limits one or more major life activities; (2) students who are regarded as having such an impairment; and (3) students with a record of such an impairment."

Section 2. Emotional Support Animals in OCU Student Housing

Emotional Support Animals ("ESAs") are not considered to be pets. An ESA is an animal that provides therapeutic emotional support for a student with a diagnosed mental health disability. Unlike service animals that are trained to perform specific tasks and are important to the independence or safety of their disabled handler, ESAs are generally not trained to perform disability-specific tasks nor is there any legitimate entity that is authorized to provide certification of an ESA.

The question in determining if an ESA will be allowed in university housing is whether the ESA is necessary due to the student's mental health disability, the mental health disability's substantial

limitations of one or more major life activities and functional limitations created by the disability, the necessity of the ESA to afford the student a full opportunity to use and enjoy University housing, and whether the ESAs presence in university housing is reasonable.

Section 3. Rules and Standards

- No ESA may be kept in university housing at any time prior to the student completing the application and interactive process and receiving final written approval from DAS as a reasonable accommodation pursuant to this policy.
- A student applying for an ESA shall acknowledge that they have read and agree to abide by the ESA Policy.
- The University limits ESAs to one per approved student.
- Animals eligible to be approved as ESAs include dogs and cats.
- ESAs are required to have all vaccinations necessary to make them safe to be around humans and other animals that may be in residence.
- Students applying for an ESA must provide documentation to DAS demonstrating that their animal meets all requirements of the policy.
- As a condition of continued use of an approved ESA, students must provide updated continuing documentation each year.
- An ESA must be at least twelve (12) months of age to be eligible to live on campus. This is to help ensure the animal is reliably housebroken, trained, and not disruptive to other residents.
- **An ESA Must Be Within the Physical Control of the Student At All Times.** Without exception, at all times including when the student is not present in their residence, the ESA must be under the physical control of the student which means they must be caged, crated, or kept in an appropriate container when the student is not in their living space. This is for the safety of the ESA and others and to reduce damage to the living space.
- An ESAs behavior, including noise, odor, waste, or other behaviors shall not exceed reasonable standards for a well-behaved animal.
- An ESAs behavior shall not create an unreasonable living environment or frequent disruptions for other residents.
- If the student leaves campus for longer than **twelve (12) hours** at a time, they must place the animal with a caregiver who does not live on the OCU campus.
- When an ESA is outside the private student living space for natural relief/toileting or walking, it must be in an animal carrier or controlled by a leash or harness at all times.
- When walking or toileting the animal, the student must pick up the waste and dispose of it in an appropriate manner and place. Failure to do so will result in removal of the animal and the approval for said animal to be rescinded. Neglect of any animal, regardless of intent, is a violation of the Student Code of Conduct. Potential violations of any part of the policy or agreement will be referred to the Dean of Students Office of Student

Conduct and the animal removed from campus.

- ESAs are not allowed in any University facilities other than University residence halls (e.g. residence halls, suites, apartments, etc.) to which the student is assigned.
- **ESAs are not permitted in any other areas of the University (e.g. dining facilities, laundry facilities, gym, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, student centers, etc.).** If an approved EA is found outside of specified parameters, the animal is subject to capture and confinement and/or immediate removal from University housing. Violations of these rules or any other applicable policy shall be referred to the OCU Office of Dean of Students.

Section 3. Process for Requesting an ESA in University Housing

The process for requesting an ESA follows the general process set forth in the Housing Accommodation Requests policies and procedures and the requirements set forth within this Policy; however, to the extent the requirements and procedures in this policy conflict with the general Housing Accommodation policies, this policy shall take precedence. The DAS application link is here: <https://www.okcu.edu/campus-life/support-services-for-students/disability-access-services>

A. Initial Application or Updated Accommodation Requests

- Students who have **never been approved** for an ESA shall submit an application.
- Students who have **previously been approved** as a person with a disability through the OCU interactive process need to update their accommodation request by emailing DAS at das@okcu.edu.
- All applications shall include the appropriate documentation to support the request for an ESA as referenced below.

B. Documentation

Documentation of the student's mental health disability and the associated need for an ESA should come from a qualified healthcare provider which may include the primary care provider, psychologist, psychiatrist, clinical licensed social worker, who has diagnosed and/or is familiar with, knows, understands and treats, or has treated for an appropriate period of time to be able to attest that the condition is a mental health disability and legitimate need for an ESA.

The student and provider should also have an established relationship long enough so the provider is legitimately able to describe how the condition substantially limits one or more major life activities; the fundamental limitations caused by the mental health disability; the requested accommodation and describe the relationship or nexus between the student's disability and the need for the requested accommodation.

OCU is concerned about the growing number of questionable website services that offer to create "ESA letters" for a price, based on nothing more than, as an example, answers to an online survey and a phone call. As such and in accordance with Oklahoma State Statute Title 41,

Section 113.2, purchased letters or certifications of this type are considered inadequate and will not be accepted as documentation.

If further or clarifying information is needed, DAS staff will email the student and request updated information.

C. Timeline

In keeping with the Housing Accommodation Request Policies (<https://www.okcu.edu/campus/residencelife/apply/accommodation>), DAS will accept and consider requests for reasonable accommodation in University housing (including ESAs) at any time. If the request for the ESA and documentation is made fewer than **sixty (60) calendar days** before the student moves into university housing, OCU cannot guarantee that the application will be processed prior to the student's occupancy.

DAS will provide a written response (via the student's OCU email) to a student's request as soon as practicably possible from the time DAS receives the request and all necessary supporting documentation, and the housing accommodations review process has occurred. If university staff (i.e., University Health Services, University Counseling Services, Residence Life, etc.) need to be involved in the review process, there may be a longer processing period.

Students who have never been approved for an ESA are encouraged to complete an application and provide appropriate documentation with DAS as soon as practicably possible after having paid their housing deposit with the University but no later than **sixty (60) calendar days** before the student moves into university housing in the fall or upon return to housing in the spring semester, or prior to the start of spring semester for students entering mid-academic year.

Housing accommodations including ESAs are granted for the academic year only, therefore requests for housing accommodations must be made each academic year. This does not mean a new application needs to be filed, although updated documentation to support the request may be required. Updated vaccine documentation will be required each year. If the vaccines records expire during the year, updated vaccine information will be required. Further, a new ESA agreement must be signed by the student yearly.

Returning and/or current students who have previously been approved for an ESA are to contact the DAS office to indicate their intent to continue the previously approved ESA accommodations for the upcoming term. Note, it is best to affirm that intention when selecting housing in the spring semester for the next academic year. The student must submit their intention and provide all necessary updated documentation and sign a new ESA agreement before moving in for the semester.

A student approved for an ESA must receive written final approval from DAS before bringing the animal to their campus living space in accordance with this policy and the signed agreement. Failure to do so could result in a fine through the conduct office and/or removal of the animal until final approval is given.

Section 4. University Determinations

Final determination on an application will not be made until the student has completed the entire application, provided appropriate documentation, and completed the interactive process.

If DAS determines that an ESA is necessary and reasonable, the office will contact the student, in writing, to schedule a meeting with the student as soon as practically possible. After the student and DAS staff have met, written notice of necessary information regarding the implementation of the accommodation and the student's responsibilities and other information that is needed to finalize the process will be emailed to the student. However, if other University staff (i.e., University Health Services, University Counseling Services, Housing and Residence Life, etc.) need to be involved in the review process, there may be a longer processing period.

DAS will inform Housing and Residence Life approval of ESA accommodations. If Housing and Residence Life requires additional information, that office will contact the student prior to placement in housing and/or implementation of the accommodation. Prior to final approval, the student's roommates will also be contacted to ensure they agree to the animal being introduced into the living space and that there are no other reasons (allergies as an example) that they would not choose to live with an animal. Students are to respond to Residence Life inquiries in a timely manner. If a roommate declines to live in a space with an approved ESA, Housing and Residence Life staff will determine an alternate space for one of the students. No OCU student will be required to live with an ESA if they decline to do so.

The University may approve a student's request to have an ESA but not approve the specific animal the student was hoping to bring. The size of the crate, cage, or container required for the animal may not be conducive to the dimensions of the assigned housing space. The size of the housing space will not be adjusted to fit the animal and its crate, cage, or container. The animal and its crate, cage, or container must fit the assigned space. There are many other considerations involved in the assessment of the appropriateness of an animal, making it pertinent that all students work closely with DAS throughout this interactive process.

If DAS determines that an ESA is necessary, but unreasonable based on characteristics of the animal in question and the housing environment, DAS will contact the student, in writing, of its determination and engage in an interactive process with the student to determine if there are alternative options that might effectively meet the student's disability related needs.

If the student is unwilling to accept any alternate options offered by DAS, or there are no alternate options available, DAS will provide a written notification to the student of the denial and reasons for the denial, the right to appeal the decision, and the procedures for that appeal process.

Section 5. Removal of an ESA

If Housing and Residence Life staff report violations of the ESA policy and/or the Student ESA Agreement to DAS and a determination is made by DAS staff that the student has violated the

ESA policy and/or the ESA agreement, a decision may be made that the immediate removal of the ESA is appropriate and approval of the animal may be rescinded.

The University reserves the right to direct removal of an ESA from campus housing upon determination that approval for the ESA should be rescinded. Such determination shall be made by the University, in its absolute discretion.

Factors to be considered include, but are not limited to:

- The animal is not under the physical control of the approved student at all times.
- The space needed for the cage, crate, or container in which the animal will be housed is too large for the assigned housing space.
- The animal's presence would interfere with another student's occupancy in campus housing (e.g., serious allergies or other health concerns).
- The animal is not housebroken, trained, exhibits unruly behavior, or is unable to live with others in a reasonable manner.
- The animal's presence otherwise violates students' right to peace and quiet enjoyment.
- The animal poses or has posed a direct threat to the student or others, such as aggressive behavior towards or injuring the student or others, or the potential of transmission of zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting.
- The animal's vaccinations are not up-to-date.
- The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
- The animal causes damage to the living space.

If an approved ESA is removed, the student must reapply, provide documentation, and go through the interactive process again before another ESA application will be considered for approval. All ESA-related fees and damages must be paid before reapplication.

Section 6. Appeals

A student may appeal any adverse decision made pursuant to this policy.

Step 1: The student shall submit an informal written appeal to the Vice President for the Office of Diversity, Equity and Inclusion, or their designee. The appeal should contain information supporting the student's position on the adverse determination, including information of the remedy the student is seeking.

The Vice President, or their designee, shall review the informal written appeal and shall render a decision.

If the student wishes to formally appeal the decision on the informal written appeal, the student may appeal via the OCU Grievance Procedure.

Student Emotional Support Animal (ESA) Agreement

Student's Responsibilities for Assistance Animal

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

A. General Responsibilities

- The student must abide by current city, county, and state ordinances, laws, and/or other regulations pertaining to licensing, vaccination, and other requirements for animals. It is the student'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 shall include proof of current vaccinations. The University reserves the right to request documentation showing that the animal has been licensed, as appropriate.
- The student is required to clean up after and properly dispose of the animal waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the University. If the ESA student does not collect and properly dispose of the animal waste, including in outdoor spaces, this could result in the removal of the animal from campus housing and the approval for the animal being rescinded. Further, neither the animal nor the animal bedding/cage/crate can be washed in the communal bathroom facilities.
- The student is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse shall result in immediate removal of the ESA and/or discipline for the student.
- The University will not ask for or require a student with a disability to pay a deposit for an approved ESA.
- The student must fully cooperate with University personnel regarding meeting the terms of the ESA 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 waste, etc.).
- The student shall be responsible for all damage and excessive cleaning costs caused by their ESA beyond reasonable wear and tear to the same extent that it charges other students for damages beyond reasonable wear and tear. The student'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 or at any time during the term of occupancy.
- If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved methods by a University approved pest control service. The ESA student will be responsible for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall hold the student responsible for

all related costs. Unmet obligations under this provision may result in the delay in the student being able to register for classes for upcoming semesters.

- ESAs may not be left overnight in University Housing to be cared for by any student other than the student. If the student is to be absent from their residence hall overnight or longer than **twelve (12) hours**, the animal must accompany the student or be moved off campus. The student is responsible for ensuring that the ESA is caged, crated, or contained when the student is not present while attending classes or other activities.
- The student agrees to abide by all equally applicable residential policies that are unrelated to the student's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for other students who reside there.
- The animal is allowed in university housing only as long as it is necessary because of the student's mental health disability. The student must notify the DAS staff 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 student's mental health disability, and the student must follow the procedures in this policy and/or other reasonable accommodation policy when requesting a different animal. Any animal replacing the one previously approved must be fully approved by DAS prior to the student bringing the animal to campus.
- University personnel shall not be required to provide care or food or other costs related to the ESA, including but not limited to any cost for removing the animal during an emergency evacuation for events such as a fire alarm or other type of emergency. 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.

B. Removal of ESA

The University may require the student to immediately remove the ESA from University housing and a referral made to the Dean of Students Office of Student Conduct if:

- The animal poses a direct threat to the health or safety of others, is unruly or causes substantial property damage to the property of others.
- The animal's presence results in a fundamental alteration of a University program.
- The student does not comply with any of the student responsibilities set forth in the ESA Policy and/or Student ESA Agreement.
- The animal or its presence creates an unmanageable disturbance, noise, or interference with the University community.
- The student neglects the animal, regardless of intent.

The University will base such determinations upon the consideration of the behavior of the

animal at issue and or violations of the ESA Policy and/or Student ESA agreement, 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 DAS staff, Office of Dean of Students and Housing and Residence Life, and may be grieved through the informal DAS Grievance Process and/or formally appealed the University's Grievance procedure. The student will be afforded all rights of due process and appeal as outlined in those processes.

If an approved ESA is removed after student conduct and subsequent appeal processes, the student must reapply, provide updated documentation, and undergo the interactive process again before another ESA may be considered for approval.

Further, if the animal causes damage, all fees and damages must be paid before consideration would be given for another animal.

Should the ESA be removed from the premises for any reason, the student is still expected to fulfill their housing obligations for the remainder of the housing contract. Any costs incurred for removing the animal will be the responsibility of the student.

C. Non-retaliation Provision

The University will not retaliate against any person because that student has requested or received a reasonable accommodation in university housing, including a request for an ESA.

Acknowledgement and Release of Information Consent Form

By my signature below, I verify that I have read, understand and will abide by the ESA Policy and Student ESA Agreement requirements outlined here and I agree to provide any additional information required to complete my request for a reasonable accommodation under the University's ESA policy for University Housing.

I acknowledge consent for DAS to disclose information regarding the request for and presence of the ESA to students who may be directly impacted by the presence of the animal including, but not limited to, Residence Life personnel and potential and/or actual roommate(s). Such information shall be limited to information related to the animal and shall not include information related to specifics of the disability that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing others for the presence of the ESA and/or resolving any potential issues associated with the presence of the ESA.

I acknowledge that I have read and understand the ESA policies and agreement, and I agree to abide by the requirements applicable to the ESA. I understand that if I fail to meet the requirements set forth in the policy and/or agreement, the University has the right to require removal of the ESA and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I further recognize that the presence of the ESA may be noticed by others visiting or residing in University Housing and agree that staff may acknowledge the presence of the animal and

explain that under certain circumstances ESAs are permitted for persons with disabilities.

Student Signature:

Date:

Please Print Your Name on the Line Above