

# AZUSA PACIFIC UNIVERSITY

## Accessibility and Disability Resources

**Title:** Emotional Support Animal Policy

**Effective Date:** November 11, 2023

**Issuing Authority:** Accessibility and Disability Resources

**Responsible Office:** Accessibility and Disability Resources; Office of Residence Life

### **Policy: Emotional Support Animals as a Disability Accommodation**

Azusa Pacific University is committed to providing reasonable accommodations to qualified students with disabilities. Students with disabilities who seek to bring an Emotional Support Animal (ESA) to APU campus housing must first contact Accessibility and Disability Resources staff (division of the Academic Success Center). This policy explains the specific requirements applicable to the student's use of an ESA in campus housing. Service Animals are addressed in a separate policy – APU's Service Animal Policy.

### **I. Reason for Policy**

A student with a disability may be allowed to have an ESA in APU campus housing where animals are otherwise not permitted. There is debate whether the Fair Housing Act applies to dormitories and other student housing. APU has chosen as a matter of student care to implement this policy. Accessibility and Disability Resources staff consider each request on a case-by-case basis to determine the reasonableness of the request and the need of the ESA as defined in this policy.

### **II. Emotional Support Animal- Definition**

ESAs are domesticated animals that provide necessary therapeutic support to an individual with an identified disability. Unlike Service Animals, ESA's are not individually trained to perform a task and therefore, do not accompany the student with a disability at all times. If approved, the ESA must be contained within the student's assigned housing placement (room, suite, apartment) except to the extent the student is taking the animal out for natural relief, or to leave the campus.

### **III. Emotional Support Animal Application and Approval Process:**

#### **A. Application Process**

1. A student seeking an ESA must contact Accessibility and Disability Resources (ADR) staff in person, via email, or over the phone regarding the possibility of bringing an ESA to campus housing. The student will be sent an electronic copy of this policy and have the opportunity to ask questions.
2. Submit an accommodations application at least 30 days prior to moving into campus housing. Request for Accommodations Application form can be found in the Accessibility and Disability Resources office or on the website at <https://www.apu.edu/academic-success/services/accessibility/>.

3. Provide documentation of the need for the accommodation supplied by a reliable third party (e.g., treating neurologist, psychiatrist, psychologist, or other licensed mental health professional). There should be an established treatment history for at least 30 days with ongoing contact. At a minimum, documentation must include:
  - a. A description of the student's current functional limitations
  - b. A statement clearly identifying how the ESA serves as an accommodation for the verified disability and a description of the relief/support the ESA will provide
  - c. Any additional information the ADR staff may reasonably need to determine the basis for the professional opinion.
4. Once the application and documentation have been received, the request will be reviewed by the Office of Accessibility and Disability Resources, and as needed, in consultation with the Office of Residence Life.
5. The student will receive follow up communication within 15 calendar days of their request. The student may be invited to a meeting either in person or over the phone to discuss the status of the ESA request.
6. Students who have concerns with the decision may follow the Disability Grievance Process as outlined on the Accessibility and Disability Resources website.

#### **IV. Timeline and Review process**

- A. Because it takes time to evaluate Housing Accommodation requests, students should plan to submit the request at least 30 days before the intent to bring an ESA to campus housing. If the formal request for a Housing Accommodation is not completed well in advance of the desire to have an ESA, the University cannot guarantee that it will be able to meet the student's accommodation needs immediately; APU will attempt to meet needs as quickly as possible. Students may not have an animal reside in campus housing with them while their request is pending with the DRC. Unapproved animals located in campus housing must be removed immediately.
- B. Once a completed application and supporting documentation has been received, there are a number of factors that inform the review of an initial request and the renewal of a request. Some of the considerations are:
  1. The sufficiency of the documentation
  2. The student's personal statement on the application
  3. Whether the ESA's presence would force another individual from campus

housing (e.g., allergies, emotional health) or would disturb other individuals' right to peace and quiet enjoyment of campus housing.

4. Whether the ESA is housebroken and is mature enough to be able to live with others in a healthy, reasonably odor-free manner. An ESA may not propose a risk to maintenance of property beyond reasonable wear and tear. Campus housing is not the optimal setting to train a puppy.
5. The size and weight of the animal relative to the size of the residential space. Large animals should not be confined to small spaces; it is not fair to the animal. Animals less than 25 lbs. tend to be appropriate in most campus housing spaces. Animals larger than 25 lbs. will have an additional assessment to determine whether the residential space is appropriate/adequate.
6. The presence of other animals in the assigned unit. Typically, only one ESA to a residential space is appropriate.
7. Whether the ESA poses, or has posed in the past, a direct threat to the health and safety of persons or other animals. Animals who exhibit aggressiveness are not appropriate for campus housing regardless of whether they have "actually" injured someone. In other words, the University does not have to wait until someone is harmed; aggressive behavior is disqualifying.
8. While an ESA is not limited to a particular type of animal, animals that are prohibited by state or local laws including but not limited to animals considered a zoonotic risk are typically not considered a reasonable Assistance Animal accommodation.

#### C. After Approval : Bringing Animal to Campus

1. The student consults with roommates to verify that they are agreeable to live with a student who has an ESA. If roommates are not agreeable, Residence Life can consider reassigning the student with the ESA.
2. The student submits documentation of the animal's vaccination and good health. A letter from the animal's veterinarian is acceptable. It is the student's obligation to ensure that all appropriate documentation of the animal's vaccinations and health is submitted to the ADR office. Copies of the animal's documents will be kept on file in the ADR office.
3. Within 7 days of submitting the animal's health documentation, the student meets with the ADR Coordinator to review and sign the ESA agreement. If an ESA is approved, the student must meet with the ADR Coordinator to review and sign the ESA Agreement. Refusal to sign or abide by the ESA Agreement will be presumed to be an indication that the student does not intend to abide by the policy and will result in revocation of the approval.

4. Within 5 days of the student signing the agreement, ADR will send an Accommodation Memo to the student, Office of Residence Life and the Department of Campus Safety.
5. The ESA may now reside in the student's campus housing unit.
6. Once a specific ESA animal is approved, the ESA request is not transferable to a different animal.

## **V. Student Responsibilities**

### **A. Adherence to Policy**

1. Bringing an unapproved animal to campus could result in disciplinary action per the Health and Safety section of the Residence Life Policies and Procedures.

### **B. Caring for the Animal**

1. Students who own an approved ESA are solely responsible for the care and responsibilities of the animal. The student is responsible for immediately cleaning up and properly disposing of their animal's waste. Dogs taken out for relief must be controlled on a leash. The University retains the right to designate a particular area for animals to relieve themselves.
2. If the student will be away from campus overnight, the animal is not to be left in campus housing, but must either accompany the student, or be kept by someone not living in campus housing.
3. Students must provide contact information for someone who does not reside on campus who could care for the animal in case of emergency. If, for some reason, the student is not able to care for the animal, the contact person would be asked to house and care for the animal in the student's absence.
4. The animal must be kept under control by its owner at all times. A direct threat to the health and safety of others may be grounds for removal of the animal. Incessant or continuous behavior that violates Residence Life's 24 hour courtesy policy regarding noise may result in the removal of the animal.

### **C. Renewal**

1. ESA approvals are valid for one academic year. Students who want to renew the ESA request for the following year must make a written request to ADR. The owner will be asked to annually affirm/sign the ESA Agreement. They may also be invited to a meeting with the ADR Coordinator or Director. Compliance to this policy is a requirement for consideration of renewal.

#### D. Charges for Damages

1. Students with an approved ESA may be charged for damages caused by their animal. With reasonable cause, the student's housing unit may also be inspected for fleas, ticks, or other pests. If fleas, ticks, or other pests are detected through inspection, the unit will be treated using approved fumigation methods by a university approved pest control service. The student will be billed for the expense of any pest treatment above and beyond standard pest management in campus housing.
2. If damages caused by the ESA pose an excessive financial burden on the University, this may result in immediate removal of the animal from campus housing.

#### **VI. Cause to remove an animal from campus**

- A. If the student does not abide by the ESA policy or the guidelines in the ESA Agreement, the following protocol will be activated:
  1. Written warning sent to the student detailing the issues out of compliance.
  2. The student will have 7 days from receipt of warning to remedy the issues and come back under compliance.
  3. If, after 7 days, the issues have not been resolved, the student will be required to remove the animal from campus housing.
  4. Students will receive no more than two opportunities per academic year to correct compliance issues in their campus housing unit regarding the ESA policy or the ESA Agreement. The student will be required to remove the animal from campus housing if a third issue is documented in one academic year. Failure to remove an animal from campus housing upon notice to do so could result in disciplinary action per the Noncompliance with a University Official section (1.4) of APU's Community Expectations.

