



Emotional Support Animal Policy

Although it is the policy of Ohio Dominican University (ODU) that students are generally prohibited from having animals of any type in University housing, ODU will consider a request by a student with a mental health disability for reasonable accommodation to allow the presence of an emotional support animal (ESA). ODU will consider such modification of policy, as mandated by the Fair Housing Act (FHA), in order to assure that the student has an equal opportunity to use and benefit from University housing. This policy explains the specific requirements applicable to a student's application for and use of an ESA in University housing. ODU 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, whose presence on campus is explained in the ODU [Service Animal Policy](#).

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. Animals found to be in residence prior to this formal approval must be removed immediately. Failure to abide by this restriction will be considered a violation of the Student Code of Conduct.

Definition: Emotional Support Animal (ESA)

An emotional support animal (ESA) is an animal the presence of which lessens the effects of a 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.

Application Process

Approval for having an ESA in residence is a two-step process. First, the student must establish their need for an ESA. Approval for a specific animal to serve in that role is a separate step. The student may need to consider an alternative to the requested animal. Generally, ESAs approved to reside in ODU housing are dogs or cats, but the University will consider requests for other commonly domesticated animals on a case-by-case basis.

The presence of ESAs is assigned as a housing accommodation. All rules under the University's Residence Life Policy apply to the student unless they are specifically contradicted in this policy.

Application Process: Step One

ODU will accept and consider requests for an ESA as an accommodation in University housing at any time. The student making the request for accommodation should complete the Self Disclosure Form, the ESA application, and submit documentation to the Accessibility Services Office (ASO) as soon as practicably possible before moving into University housing. These forms are available on the [ASO website](#). However, if the request for accommodation is made fewer than 60 days before the student intends to move into University housing, ODU cannot guarantee that it will be able to meet the student's accommodation needs during the first semester or term of occupancy.

If the need for the accommodation arises when a student already resides in University housing, they should complete the Self Disclosure Form, the ESA application, and submit documentation to the ASO as soon as practicably possible. These forms are available on the [ASO website](#). ODU cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

Under the Fair Housing Act, a housing provider may request reliable documentation when an individual requesting the reasonable accommodation of an ESA and has a disability-related need for the accommodation that is not obvious or otherwise known. Please note, websites that sell letters of support, certificates, registrations, and licensing documents for ESAs to anyone who answers certain questions or participates in a short interview and pays a fee are generally not, by themselves, sufficient to reliably establish that an individual has a mental health disability or support the finding that there is a disability-related need for an ESA.

Application Process: Step Two

In considering whether to approve an animal for residence, the University will consider the following:

- The space needed for the cage/crate in which the animal will be housed is too large for available assigned housing space;
- the animal's presence is problematic for another student living in housing (e.g., because of allergies or fears);
- the animal's presence is disruptive to the housing environment for other residents (e.g., because of noise or odors);

- the animal is not housebroken or is unable to live with others in a reasonable manner;
- 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;
- the animal's vaccinations are not up-to-date;
- the animal poses or has posed in the past a direct threat to the student or others such as aggressive behavior towards or injuring the student or others; or
- the animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

In addition, the following will apply:

- Generally, only one animal will be approved to serve as an ESA for a student.
- Typically, only one animal may reside in a housing unit.
- Dogs should be at least 12 months old. Cats should be at least six months of age. Cats and dogs should be spayed/neutered before being brought into the residence hall.

Student Responsibilities

If the University approves a student's request to live with an ESA, the student (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.
2. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner in outdoor waste containers. Waste that is not properly disposed of may result in a fine for each occurrence.
3. The ESA must be contained (crate/cage) when the owner is not in the room. The university reserves the right to inspect the crate/cage. Neither the animal nor the crate/cage and accessories can be washed in communal bathroom facilities.

4. 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 student.
5. The Owner may be charged for any damage caused by the ESA beyond reasonable wear and tear to the same extent that it charges other students 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, disposing of feces in outside waste containers, etc.).
7. The Owner 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 individuals who reside there.
8. ESAs 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 their residence hall overnight or longer, the animal must be removed from campus. The Owner is responsible for ensuring that the ESA is contained, as appropriate, when the Owner is not present.
9. ESAs are not permitted in other areas of the University (e.g. common living areas, dining facilities, libraries, academic buildings, athletic buildings and facilities, etc.).
10. When the animal is taken outside to eliminate waste or is transported off-campus, the animal must be in a carrier or controlled by a leash or harness.
11. 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 ASO 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 for consideration of a specific animal to serve as an ESA.
12. University 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.

13. The Owner must provide written consent for the ASO 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 student's disability.
14. 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.
15. The University will not ask the student with a disability to pay a fee or surcharge for an approved ESA.
16. Should the student provide knowingly false information regarding the need for an ESA or refuse to follow appropriate direction from University personnel concerning their conduct in relation to the ESA, the University may refer the student to the Dean of Students for a student conduct investigation.

Removal of an ESA

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

- The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- the animal's presence results in a fundamental alteration of a University program;
- the Owner does not comply with the Responsibilities set forth in this policy; or
- 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 Accessibility Services Office. Should the ESA be removed from the premises for any reason, the student is expected to fulfill their housing obligations for the remainder of the housing contract.

Emergency Contact

The Owner must identify and provide contact information for an Emergency Contact who does not reside in University housing and who will be responsible for taking charge of the ESA should the Owner be unable to care for the animal in the residence hall. This Emergency Contact must be prepared to remove the animal from the residence hall within 12 hours of notification. If the Emergency contact cannot/will not pick up the ESA, the ESA will be removed to a local boarding facility and boarded at the Owner's expense. In addition, students may be charged up to \$100 per day for having an unapproved animal on campus.

Appeals

Appeals/complaints arising under this policy shall be handled by the Dean of Students following the steps outlined in the Student Handbook. The Owner will be afforded all rights of due process and appeal as outlined in that process. If the ESA is excluded from University Housing, the animal must remain off campus during any appeals process.