



OAKWOOD  
UNIVERSITY

## EMOTIONAL SUPPORT ANIMAL POLICY

### DISABILITY SUPPORT SERVICES RESIDENTIAL LIFE

Oakwood University is committed to providing a supportive environment for students with disabilities as well as to complying with all applicable provisions and the most recent guidance from the Americans with Disabilities Act (ADA), as amended, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act. In accordance with Housing and Urban Development (HUD) and the Fair Housing Act (FHA), Oakwood University has created the following guidelines for Emotional Service Animals in the University residences.

Under the Fair Housing Act (FHA) a person with a disability may keep an emotional support animal in the individual's dwelling when there is an established need for the therapeutic nature of the animal that is connected to the individual's disability.

#### **DEFINITIONS**

**Disability:** Disability is defined as a physical, mental or medical condition or impairment that limits one or more of a person's major life activities or is demonstrable by medically accepted clinical or laboratory diagnostic techniques. These limitations may include: Caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.

**Assistance Animals:** A category of animals that may work, provide assistance, perform tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.

Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. For purposes of reasonable accommodation requests, neither the FHAct nor Section 504 requires an assistance animal to be individually trained or certified. While dogs are the most common type of assistance animal, other animals can also be assistance animals.

**Service Animals:** Dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Examples of work can include but are not limited to alerting people who are deaf, pulling a wheelchair, actively grounding a person with PTSD/ASD during an anxiety attack, alerting and protecting a person who is having a seizure, or guiding people who are blind. Service animals are working animals, not pets.

The work or task an animal has been trained to provide must be directly related to the person's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as

service animals under the ADA. Service animals are allowed access to anywhere the handler is allowed and are not required to present certifications of any kind. When it is not obvious what service an animal provides, the following two questions may be asked:

1. Is the service animal required because of the impact of a disability?
2. What work or task has the animal been trained to perform?

**Pet:** A pet is a domesticated animal kept for companionship unrelated to a disability. A pet is not considered an emotional support animal, and therefore is not covered by this policy. Individuals are not allowed to have pets on University property.

**Emotional Support Animal (ESA):** An ESA is an assistance animal (typically a dog or cat, though it can be another animal) that provides therapeutic benefit and emotional support to persons with disabilities who have a disability-related need for such support. This support must be based upon the written recommendation of the individual's physician, psychiatrist, social worker, or other licensed mental health professional. Letters that are purchased online are not accepted. Unlike a service animal, an ESA does not need to be trained to provide a service or a task and does not accompany a person with a disability at all times. An ESA may be a reasonable accommodation for a student with disabilities, but only within the student's dwelling.

**ESAs are only allowed in the residence halls, campus-owned apartments, or houses. ESAs are NOT allowed in classrooms, campus buildings, at a student's work site, or campus grounds not designated for animals.**

Oakwood University is committed to compliance with state and federal laws regarding individuals with disabilities. All questions regarding Emotional Support Animals should be directed to:

Disability Support Services  
Cunningham Hall Room 203  
256-726-7149  
[DSS@oakwood.edu](mailto:DSS@oakwood.edu)

## **STUDENT QUALIFICATIONS**

An individual may keep an Assistance Animal as a Residential Accommodation in university housing. The University will require documentation provided on the letterhead of a treating physician or mental health provider so that the University can determine if;

1. The student has a documented disability (a physical or mental impairment that substantially limit one or more major life activities); and
2. The animal is necessary to afford the student with a disability an equal opportunity to use and enjoy their dwelling; and
3. There is an identifiable and documented nexus between the disability and the assistance that the animal provides.

**Letters that are purchased online are not accepted.**

## **PERMITTED ANIMALS**

Oakwood University will allow only those Service and Emotional Support Animals that are allowed by local and state laws and conform to standards within this Agreement. Dangerous (as determined by Residential Life using reasonable discretion), poisonous, and/or illegal animals are not permitted. Animals that are not traditionally domesticated are prohibited.

Madison County, including the City of Huntsville (Code of Ordinances of the city of Huntsville , Alabama Ordinance 19-1040, Section 5- 41), requires all animals four (4) months or older to be licensed. Animals must wear license tags at all times. The tags verify that the shots (rabies, etc.) required by law have been given.

## **ESA REQUEST PROCESS**

The Residential Assistance Animal Request Process consists of Disability Support Services reviewing documentation, making determinations, and communicating with the appropriate members of the university community.

**Please allow 2 weeks from the initial receipt of ALL documents and forms for processing. Assistance animals are NOT allowed in Residences without a signed Emotional Support Agreement on file in the Disability Support Services office.**

1. **Request an ESA Intake Interview** by making an appointment with the Disability Specialist in person, phone, or email.
2. **Review the Emotional Support Animal Policy (this document)**
3. **Complete and submit the Request for Residential Accommodation Form.**
4. **Submit Student Documentation** on official letterhead, from a licensed physician, psychiatrist, psychologist, mental health counselor, or social worker, which addresses: a. documentation of the student's mental health diagnosis/condition, including severity of condition and impact on major life functions, b. statement on how the animal serves as an accommodation for the documented disability, c. statement on how the need for the ESA relates to the ability of the student to use and gain benefit from university housing. This documentation should reflect the student's current level of functioning. The professional providing the documentation must be one who has:
  - a. met personally and face-to-face with the student,
  - b. has established a therapeutic relationship with the student, and
  - c. has residency in the student's home state or the State of Alabama
5. **Submit Animal Documentation:** This includes copies of the animal's current vaccination record, rabies certificate, well-animal check from a veterinarian within the last 3 months, and a current photo of the animal and the owner together. Proof of license for the city of Huntsville is also required.
6. **Receipt & Review of documentation.** The Disability Specialist will review all the documentation and determine, on a case-by-case basis, whether to approve the student's request for an ESA. In making this determination, the Disability Specialist will consider the needs of the student, as well as the impact of the animal on the campus community.

7. **Notification of Determination:** The student will be informed of the final determination by email within 2 weeks after the initial submission of all documents and an ESA intake interview. If the student does not agree with the determination, the student may follow the University's Grievance Procedure.

**If the Request is Approved:**

8. **Sign the Emotional Support Animal Agreement:** If approved, the student will meet with the Disability Specialist to review and sign the Emotional Support Animal Agreement.
9. **Meet with Residential Life Staff.** DSS will notify residential staff that the ESA is approved. A meeting with the student, a residential designee, and the Disability Specialist will be arranged to review the policy and specific details and requirements for having the ESA in university-owned housing. The residential designee will sign the Emotional Support Animal Agreement at that time.
10. **Roommate/Suitemate Agreement:** Where applicable, the roommates/suitemates will also meet with the residential life staff and sign the Roommate/Suitemate Agreement before the animal is moved into housing. Students should note that housing options may be limited as the University balances appropriate accommodations to students with disabilities with students who have allergies and/or animal fears.
11. **Move-In Approval:** Residence Hall Staff will give the student a move-in date for the ESA. Student must provide all supplies necessary for the animal at the time the animal is moved into housing.
12. **Notice** will be given and signatures will be received from Campus Safety and Physical Plant.
13. **Changes:** Should changes in the housing assignment for the owner, roommates, suitemates be required, the Residential life staff and DSS will meet with the individuals and make arrangements for room assignment changes.

Like all disability accommodations, ESA determination is made on a case-by-case basis through an interactive process between the student, Disability Support Services, and Residential Life. Students should note that residence options may be limited as the university balances appropriate accommodations for students with ESAs and other residents with difficulties such as allergies.

## **ESA TERMS AND CONDITIONS**

The student desiring to house an ESA in campus housing will be subject to the following terms and conditions:

### **I. ANIMAL HEALTH AND WELL-BEING**

- A.** Students are 100% responsible for their ESAs and may not rely on others or Oakwood University personnel to supervise or care for their animal. This includes such tasks as: care, feeding, exercising, bathing, and waste disposal.
- B.** **Animals must be at least six (6) months old before being approved as an ESA.** This is to ensure that the animal is fully potty trained and has all shots as required by Alabama and Madison County Law.
- C.** Madison County, including the City of Huntsville (Code of Ordinances of the city of Huntsville, Alabama Ordinance 19-1040, Section 5- 41), requires all animals four (4) months or older to be licensed and immunized. Animals must wear license tags at all times, securely fastened to a collar or other like harness. The tags verify that the shots (rabies, etc.) required by law have been given.
- D.** If taken outside the dwelling area allowed under this Agreement, the ESA must wear identification tags with home address.
- E.** If an ESA becomes ill or has an injury, the Student must ensure that proper and adequate veterinary medical intervention is provided and that recommended medical protocol is fully complied with. An ESA that is ill should not be taken to public areas, and could, if necessary, be asked to be removed from student housing until the ESA is well.
- F.** In case of emergencies, the primary duty of emergency personnel is for the safety of the students. Students who have ESAs in student housing have the primary responsibility to protect or evacuate their ESA.
- G.** If the ESA is abandoned or no one is available to care for the ESA, the local Animal Control may be contacted for removal of the animal.

### **II. ANIMAL BEHAVIOR**

- A.** ESAs must be safe and controlled and not pose a threat to the health and safety of persons on the university campus. ESAs should not cause physical damage to property, or fundamentally alter the nature of the University.
- B.** ESAs must be housebroken or trained (i.e. toilet outdoors or use of litter box). ESAs which are not housebroken or trained will not be permitted in student housing.
- C.** ESAs must be caged, crated, or contained when the Resident is not with the animal.
- D.** An ESA's behavior, noise, odor and waste must not exceed reasonable standards for a well-behaved animal. These factors should not create unreasonable disruptions for other residents. If the noise (whining, barking or meowing) or smell (lack of cleanliness, excess waste) is excessive as judged by Residential Life Housing staff, it may be grounds to remove the animal from campus.

- E. The Student is responsible for assuring that the ESA does not interfere with the routine activities of the residents or cause unreasonable difficulties for students and/or other residents who reside there. Residential community living requires respect for the needs of residents with allergies and those who may fear animals.

### III. ANIMAL CLEANLINESS

**A. ESA FEEDING/WASTE:** Students are responsible for having appropriate equipment for feeding their animal and properly containing and disposing of all animal waste, including, but not limited to:

1. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and tied securely before being disposed of in outside trash dumpsters.
2. Litter boxes should be placed on mats so that feces and urine are not tracked onto carpeted surfaces.
3. Students must ensure that animal feeding areas and animal food storage is clean and sanitary.
4. The ESA owner must never allow the animal to defecate on any public or private property unless the owner immediately removes the waste. The owner should always carry equipment sufficient to clean up the animal's feces whenever necessary and is responsible for the proper disposal of the animal's feces and for any damage caused by the waste or its removal. Litter box contents must be properly disposed of and regularly changed with new pet litter or pads.
5. Animal feces may not be disposed of in any trash receptacle or through the sewer system inside any building on the Oakwood University campus. Waste Must be taken your respective residence hall dumpster for disposal.

**B. DESIGNATED ANIMAL RELIEF AREAS:** With respect to designated areas, Residential Life/Residence Hall Staff/DSS/Physical Plant reserves the right to designate specific sites indoors/outdoors for animal relief areas and to prohibit (even if there is immediate clean up afterwards) animal waste in any other area.

**C. ESA BATHING:** The ESA must not be bathed in an on-campus facility or on school property. The student must make arrangements for bathing the ESA at an off-campus location. If an ESA's odor is offensive to other individuals, the Student will be directed to bathe the ESA prior to returning to the residence. Repeated occurrences may result in the ESA being temporarily barred from the residence until steps are taken to comply with the rules regarding cleanliness.

**D. ESA INSPECTION:** The ESA and all equipment must be kept clean. The Student's place of residence and ESA may be inspected for fleas, ticks, other pests, or signs of neglect by Residence Hall Staff once per quarter or as needed. 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 at the Student's expense.

- E. ESA WELL ANIMAL CHECK:** If there are odors, complaints of poor animal hygiene, poor treatment of an animal, lack of care/neglect, animal abuse, noise, threatening behavior by an animal, or other immediate needs, the Residence Hall staff may enter for a "well-animal check" at any time. Where at all possible, students will be notified prior to the well-animal check.

#### IV. STUDENT/RESIDENT RESPONSIBILITIES

- A. ESA REGISTRATION:** The Student must register their ESA with the Disability Support Services office by completing the Emotional Support Animal Agreement form and providing all appropriate documentation to the Disability Specialist. Appropriate documentation shall include copies of:

1. Current vaccination record;
2. Rabies certificate;
3. Well-animal check from a veterinarian, current within last three months;
4. Current photo of animal and owner together;
5. Proof of license for the City of Huntsville, as per the Code of Ordinances of the city of Huntsville, Alabama Ordinance 19-1040, Section 5- 41.

This information must be updated yearly. Registration information will be shared with Residential Life, Housing, Oakwood University Police Department (OUPD), and Facility Services.

- B. HOUSING EXPECTATIONS:** Once the ESA is approved and registered with the DSS office, the Student must meet with the Residential Life dean to discuss housing expectations.

1. If the Student has a roommates or suitemates, those individuals must meet individually with Residential Life and Disability Support Services and sign a statement that they agree to a roommate having an ESA. **This MUST be done before the animal is moved into student housing.**
2. If one or more roommates or suitemates do not approve, either the Student and ESA or the non-approving roommate or suitemates, as determined by the Housing Director, may be moved to a more suitable location.

- C. ESA LIMITS:** ESAs are limited to the resident's room except when exiting or entering the residence hall.

1. When the Student is not in the room or residence, the animal **must** be crated, caged, or contained.



2. Animals are not allowed to “wander” outside the residence hall room, apartment, or house. The ESA **must** be on a leash, other like harness, in a carrier or cage, while in transit outside the Resident’s room (if the Resident is unable to use a leash it must be under voice command of the Resident). Transit should be accomplished by using the most direct entry and exit route and in a prompt manner (i.e. moving into or out of the residence hall, taking a dog outside to relieve itself).
- D. ESA CARE:** The Student is responsible for ensuring care for the ESA at all times, including when the Student is not there. Animals should not be left alone for extended times (i.e. 8-12 hours) or overnight. Arrangements must be made by the Resident for proper care of an ESA if they are not there or cannot care for the ESA. Please note that Oakwood University staff will NOT supervise or care for the animal.
- E. DAMAGE:** The Student is financially responsible for any damage caused by the actions of the ESA, including bodily injury or property damage, which may necessitate replacement or repair of furniture, carpet, extra cleaning for poor animal hygiene, etc.
1. If an ESA causes physical damage to the property of others that cannot be reduced or eliminated by reasonable accommodation, the ESA may be excluded from living in the residence.
  2. The Student must immediately report damage or injury to Residential Life Housing staff.
  3. Oakwood University shall have the right to bill the account of the Student for unmet obligations arising for damage or extra cleaning caused by an ESA. If the individual owning the ESA is a non-student (i.e., spouse or child), the family member who is the student-resident will be charged through Student Accounts.
- F. ESA REMOVAL:** If the Student is asked to remove the ESA for breach of contract, the ESA must be removed from the residence within 24 hours.
1. The Student must inform the DSS office in writing if the ESA is no longer in residence. If a Student moves to a different room/address from what is on file with DSS, the Student must inform DSS of that change within 24 hours.
- G. ESA SUBSTITUTION:** The Student must file a new Emotional Support Animal Agreement if the Student wishes to bring a new/different ESA in substitution of the previously approved ESA.
- H. ESA MISSING:** The Student shall notify Residential Life and DSS if the ESA escapes. The Student hereby holds Oakwood University blameless in the event the ESA goes missing. Oakwood University staff is not responsible for the retrieval of the ESA in the event the ESA escapes or becomes lost.
- I. STUDENT RELOCATION:** Residential Life may relocate the Student and ESA if the specific ESA poses a direct threat to the health and safety of others by remaining in its current location.
- J. ESA REQUEST DENIAL:** An ESA request may be denied if:
1. The specific ESA poses a direct threat to the health and safety of others that cannot be reduced or eliminated by another reasonable accommodation, or



2. The Specific ESA would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation, or
3. The specific ESA would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing provider's services.
4. ESA and/or Student documentation is insufficient or inconsistent.

**K. RESIDENTIAL POLICIES:** The Student agrees to continue to abide by all other residential policies.

**L. STUDENT COMPLIANCE:** Students approved for having an ESA will sign an agreement that will be incorporated into and shall become part of the Residential Life Contract executed between the Student and Residential Life. If the Student fails to comply with any part of this Agreement, it may result in a referral to the Residential Life Committee or Student Conduct Board and/or removal of the animal.