Guidelines for Emotional Support Animals in ODU Housing & Residence Life

Scope
This policy applies to Old Dominion University Housing & Residence Life. It applies to residential students, guests, contract workers, vendors, and others affiliated with the university.¹

It applies to university on-campus housing: residence halls, apartment communities, or properties otherwise under the control of ODU Housing & Residence Life.

Purpose
These guidelines provide a framework to evaluate student requests for bringing emotional support animals, as defined below, into on-campus housing. They are meant to provide guidance only. Each request for an emotional support animal will be considered on its merits with due consideration of the facts in the individual case and for the needs of the individual student.

Old Dominion University is committed to minimizing disruptions animals may cause in on-campus housing. Animals, if not properly controlled, pose the risk of offensive odors, excrement, fleas, biological agents, and other hazards that may pose a threat to campus operations. Preserving a clean living and working environment, allowing all residential students and employees to feel safe from animals they may be afraid of, and to respect the health and budgetary restrictions of the university community are essential components of these guidelines.

Definitions
Emotional Support Animal: Any animal that is specifically designated by a qualified medical provider as affording an individual with a disability an equal opportunity to use and enjoy a dwelling, provided there is a nexus between the individual’s disability and the assistance the animal provides.

An emotional support animal is not a service animal (nor a pet) and thus not entitled to the same privileges as a service animal. At Old Dominion University’s discretion, emotional support animals may be permitted in University housing, on a case-by-case basis. Emotional support animals are not permitted in any other area other than the student’s residence and immediate surrounding area.

¹ This does not apply to Housing & Residence Life professional full-time, employees (HRL) living in apartments within the residence halls/apartment complexes, including but not limited to Residence Hall Directors (RHD) and Assistant Directors (AD) who have an apartment.
**Service Animal:** Service animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities (ADA Amendments Act, 2008).

Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task of a dog or miniature horse has been trained to provide must be directly related to the person’s disability. Service animals are allowed on all parts of campus and do not require documentation or approval. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

**Handler:** A person with a disability who is the owner of a service animal or an emotional support animal.

**Pet:** Any animal owned by the handler that is not a service animal or an emotional support animal. A pet is an animal kept for ordinary use and companionship unrelated to a disability. Service and emotional support animals, as defined above, are not considered pets. Students are not permitted to bring pets inside any on-campus residential building (e.g. residence halls, apartment communities, etc.). Similarly, vendors, contract workers, volunteers and others affiliated with the university are not permitted to have pets inside of a residential building when they are engaged in university activities or work.

**ODU Policy on Emotional Support Animals**

The University may allow a resident with a disability to keep an emotional support animal in the residential facilities if certain conditions are met. The animal must be necessary for the resident with a disability to have equal access to housing, and the specific accommodation requested must also be reasonable, and must, among other things, alleviate one or more identified symptoms or effects of the resident’s disability.

Anyone seeking permission to have an emotional support animal in their ODU on-campus housing must first obtain approval from the Office of Educational Accessibility. The requestor must follow the established registration process, as described on the University’s website, and in the Office of Educational Accessibility materials. The Office of Educational Accessibility requires that the requestor’s medical documentation meet the Office of Educational Accessibility documentation criteria and include the medical provider’s description of the link between the emotional support animal and the requestor’s disability.

Obtaining approval of an emotional support animal by the Office of Educational Accessibility does not guarantee an actual room assignment in University housing. All students who wish to reside in University housing must follow the Housing & Residence Life room application
process and adhere to their deadlines and housing requirements. Approved emotional support animals are not permitted in public spaces, and are only allowed in the residence of the individual who has obtained approval to have the animal on campus.

A student who has been approved for an emotional support animal in University housing must follow the University’s requirements for animal health and behavior.

Expectations, Rights, and Responsibilities Related to the Use of Animals in On-campus Housing
Requests for emotional support animals will take into account the needs and requirements of other members of the University community with disabilities or medical conditions, including allergies to animals. Students who live in university housing are given housing assignments at the beginning of each academic year based on the accommodations requests known at the time. A student who requests an emotional support animal after initial housing assignments have been made may be required to move if the presence of the animal would conflict with accommodations granted another student in the same residential facility. Communicating needs prior to assignments is advised based on the high level of occupancay within on-campus housing.

Emotional Support Animals and On-Campus Residential Buildings
• An emotional support animal may reside in University Housing, including accompanying such individual in all public or common use areas of University Housing, when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy University Housing. Emotional support animals are restricted to on-campus housing and not allowed in other locations on-campus.
• Before an emotional support animal can move into University Housing with a person with a disability, a request must be submitted to Office of Educational Accessibility and approval must be granted (preferably 30-45 days prior to move in).
• Individuals who are allergic to animals or any other circumstances that may restrict them from cohabitating with or near animals should contact Office of Educational Accessibility. Housing & Residence Life staff in collaboration with the Office of Educational Accessibility staff will work to prevent a room assignment near an emotional support animal.

Licensing
• According to Virginia law, any animal that has reached a proper level of maturity must be licensed and must display a license on its collar at all times.

Health of Animals
• All animals must have all veterinarian-recommended vaccinations necessary to maintain the animal’s health and prevent contagious diseases. Student partners are expected to submit documentation of vaccinations to the Housing & Residence Life Office (Virginia House) before August 1 for the Fall semester and December 1 for the Spring semester.
The University reserves the right to request updated verification at any time during the animal’s residency. Documentation shall be maintained at the residence at all times.

- Veterinarian assessment of animal breed/mix of breed, the information provided by the student and must be signed by a licensed veterinarian.
- A valid vaccination tag must be worn by the animal at all times.
- The student must provide verification of flea prevention treatment for the animal as appropriate.
- The University reserves the right to require updated veterinary records or other evidence of the health of the animal at any time.

**Care and Supervision**

ODU is not responsible for the care or supervision of emotional support animals. The animal will be the full responsibility of the individual with a disability, and the owner must be consistently in control of the animal. If the animal is not under control or poses a risk to the health or safety of others, then the individual may be asked to remove the animal.

Handlers using emotional support animals are responsible for the cost, care, and supervision of the animal, including:

- All animals should have a tag that identifies the owner and contact information in case of an emergency.
- Compliance with any and all county and state laws including but not limited to animal license requirements, vaccination, and identification tags.
- Crating/containing emotional support animal in some way when the Handler is out of their assigned residence hall room. Emotional support animals may not pose a safety issue for anyone who has a legitimate cause for entering the room and also for the safety of the animal.
- Keeping the animal under control and taking effective action when it is out of control;
- Feeding and exercising the animal.
- Ensuring that the animal is kept as clean as possible. Regular bathing/grooming and pest control measures are the responsibilities of the owner.
- Removing or arranging for the removal of the animal’s waste, both inside their living space and outside in the adjacent areas. This will result in placing the waste in a closed container and then removing the container to an outdoor trash bin. Handlers who live in on-campus housing may need to designate an individual to help with clean up.
- Damages created by the animal aside from ordinary wear and tear. Costs include fees for clean-up and disposal of animal waste and replacement or repair of University or individual property.

**An Emotional Support Animal May Need to Leave Campus if:**

- It is out of control and effective action is not taken to control it;
- Its waste is not being properly disposed of or the animal is damaging campus property;
- Non-housebroken animal;
- It poses a direct threat to the health or safety of others;
- It is not being properly cared for.
In the event that removal of an emotional support animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the emotional support animal present.

Conflicting Disabilities
Housing & Residence Life will make a reasonable effort to notify students in the residence hall where the animal will be located of the existence of a service or emotional support animal in the building.

Students with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) should contact the Office of Educational Accessibility if they have a health or safety-related concern about exposure to a service or emotional support animal. The individual will be asked to provide medical documentation to the Office of Educational Accessibility that identifies the condition(s), and will allow determination to be made as to whether the condition is disabling and whether there is a need for an accommodation.

The Office of Educational Accessibility will resolve any conflict in a timely manner, considering the conflicting needs and/or accommodations of all persons involved. The Office of Educational Accessibility may use the Student Health Services as a resource for information on health issues. In the event an agreement cannot be reached, the final decision will be made by the Section 504 Coordinator (Office of Institutional Equity and Diversity).

Procedures for Requesting Emotional Support Animals in College Housing
A request to have an emotional support animal in campus housing is considered a request for accommodation. Ideally requests should be made with 30-45 days notice and will be reviewed on a case-by-case basis. Requests are generally processed within 30 days. A student is not permitted to live with an emotional support animal until expressly approved to do so by the Office of Educational Accessibility and the emotional Support Animal Agreement has been reviewed and signed.

The student will be asked to provide documentation verifying:
- The student has a disability (provide a signed letter, on professional letterhead, from the person’s physical or mental healthcare licensed provider or therapist. The provider or therapist should be familiar with the professional literature concerning the assistive and/or therapeutic benefits of emotional support animals for people with disabilities.)
- The animal is necessary to afford the student with a disability an equal opportunity to use and enjoy a dwelling; and
- There is a clear and identifiable relationship or between the disability and the assistance the animal provides.

Documentation should be forwarded to the Office of Educational Accessibility. Permission will be granted only as a reasonable accommodation for a documented disability.

ODU may exclude emotional support animal from housing if it:
- Poses a direct threat to the health or safety of others,
• Would cause substantial physical damage to the property of others (including the University),
• Would pose an undue financial or administrative burden, or
• Results in a fundamental alteration of the University’s program(s).

The procedures for approval for an Emotional Support Animal:
• Registration with the Office of Educational Accessibility.
• Meet with Director of the Office of Educational Accessibility or designee to review need for emotional support animal and develop reasonable accommodations.
• If approved, meet with the Executive Director of Housing and Residence Life or designee prior to the animal taking occupancy in order to review the agreement and expectations.
• Review and sign the University’s Emotional Support Animal Agreement.
• Provide signed documentation from a licensed veterinarian that the animal has an annual clean bill of health (including current vaccinations, medications, or other health-related matters required or recommended by veterinarians regarding the breed or type of animal in question).

Appeal Process
Any individual who wishes to challenge a decision reached by Office of Educational Accessibility in the request for accommodation may appeal to the Office of Institutional Equity and Diversity. If the Office of Institutional Equity and Diversity denies your appeal, then you may not use the animal for the requested service.

If you have already signed your ODU Housing & Dining Agreement when a request for use of an animal is denied you can request release from the agreement through the Petition for Release process. Releases will be considered in instances of serious medical or health problems which are directly related to and/or cannot be accommodated successfully in any of the residential complexes. Documentation for releases should be submitted with request for agreement release to Housing & Residence Life. Releases are subject to the approval of the Executive Director for Housing & Residence Life or his/her designee.

A student may appeal the removal of an animal on the following grounds. The student writing the appeal should indicate which of the following is applicable for his/her appeal:
• If sanctions involving separation (termination of the housing agreement, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct expulsion) were appropriate in light of all relevant factors.
• If a significant departure from any provision of this Code unfairly and materially impacted the outcome of the hearing (deviations from procedures outlined in the Code will only be instructive when significant prejudice to the appealing student occurs).
• If a finding of responsibility was reasonable based on the information available to the Conduct Officer or panel.
• If new information, not known or reasonably available to the appealing student at the time of the hearing, that could be sufficient to substantively modify the outcome of the hearing.

**Guidelines for Members of the ODU Community**
To ensure equal access and nondiscrimination of people with disabilities, members of the ODU community should abide by the following practices:

• Do not ask for details about a person's disabilities or the reason for having the animal;
• Do not pet, feed or otherwise interfere with an emotional support animal;
• Do not deliberately startle, tease, or taunt an emotional support animal; and
• Do not separate or attempt to separate a person and that person's emotional support animal.

**Questions Or Concerns Related To This Information Should Be Addressed To:**
• Housing & Residence Life
• Office of Educational Accessibility
• Dean of Students Office
• Office of Institutional Equity and Diversity


Consulted policies from: The College of William & Mary, University of Virginia, UNC Chapel Hill, Longwood, Clemson, Syracuse, Randolph Macon, Marymount University