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# COLUMBUS STATE UNIVERSITY

## *Emotional Support Animals*

Policy Name: Emotional Support Animal

Policy Owner: Center for Accommodation and Access

Responsible University Office: Director of the Center for Accommodation and Access

Related Policies: Housing Accommodation Policy, Evacuation Guidelines, Attendance and Students with Disabilities, Disability Services and Accommodations Procedures, Grievance Procedure and Students with Disabilities, Off-Campus Programing and Internships, Personal Attendant, Physical Accommodations, Service Animals, Services to Students (SSD) Record Retention Policy, Temporary Disabilities, and Testing Administration Procedures

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### **I. PURPOSE AND SCOPE OF POLICY**

CSU is committed to allowing Emotional Support Animals (ESAs) as an accommodation to provide individuals with disabilities an equal opportunity to use and to access university housing. This Policy explains the specific requirements applicable to an individual's use of an ESA in university housing. CSU reserves the right to amend this Policy as circumstances require. This policy applies solely to "Emotional Support Animals;" it does not apply to "Service Animals" as defined by the ADAAA.

### **II. DEFINITIONS**

The definition of "**disability**" in the Americans with Disabilities Act (ADA) of 1990, P.L. 101-336 (July 26, 1990), as amended by P.L. 110-325 (September 25, 2008) draws substantially from existing legislation, namely Section 504 of the Rehabilitation Act of 1973, as amended, and the Fair Housing Amendments Act of 1988. The ADA defines disability with respect to an individual, as:

- a physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
- a record of such an impairment; or
- being regarded as having such impairment.

**“Emotional Support Animals”** are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Service Animals under the ADA and CSU’s Service Animal Policy. In most cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification. Any animal may serve a person with a disability as an ESA.

**"Major life activities"** is defined as an individual being limited in his or her ability to perform such functions as self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, neurological, digestive, or respiratory.

**“Owner”** is the individual who has requested the accommodation and has received approval to bring an ESA on campus.

### III. POLICY SECTION

Columbus State University (CSU) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Emotional Support Animals” (ESA) under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities.

In determining if an ESA will be allowed in University housing, the University must decide whether or not the ESA is necessary because of the individual’s disability to afford the individual an equal opportunity to use and to access University housing and whether its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing, an ESA is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.) without special permission.

An Emotional Support Animal may not be kept in University housing at any time prior to the individual receiving approval for the ESA as a reasonable accommodation pursuant to this Policy.

CSU will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal. The Owner can be charged for damage done to university property by the ESA.

### IV. PROCEDURES

The procedure for requesting ESAs follows the general procedures set forth in the Housing Accommodation Policy for University housing and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Housing Accommodation Policy, this Policy shall control.

## I. Criteria for Determining if the ESA is Reasonable

- A. To ensure that the presence of ESAs is not an undue administrative burden or fundamental alteration of University housing, CSU reserves the right to assign an individual with an ESA to a single room without a roommate. The Center for Accommodation and Access shall nonetheless consult, when necessary, with Residence Life in making a determination on a case-by-case basis of whether the presence of an ESA is reasonable. CSU will not limit room assignments for individuals with ESAs to any particular building or buildings because the individual needs an ESA due to a disability.
- B. A request for an ESA may be denied as unreasonable if the presence of the animal:
  - 1. imposes an undue financial and/or administrative burden;
  - 2. fundamentally alters University housing policies; and/or
  - 3. poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property.
- C. CSU may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Emotional Support Animals:
  - 1. The size of the animal is too large for available assigned housing space;
  - 2. The animal's presence would conflict with another's disability (e.g. serious allergies);
  - 3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
  - 4. The animal is not housebroken or is unable to live with others in a reasonable manner;
  - 5. The animal's vaccinations are not current;
  - 6. The animal has been neglected or causes severe cleanliness concerns;
  - 7. The animal poses a direct threat to the individual or others (i.e. aggressive behavior towards or injuring the individual or others); or
  - 8. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
- D. A request for an emotional support animal must be approved prior to the following deadlines for each semester. Emotional support animal requests received after these deadlines will be approved starting the following semester.
  - 1. Fall Semester: August 1
  - 2. Spring Semester: January 1
  - 3. Summer Semester: May 1

- E. All of the following must be included in documentation in order to receive approval for an emotional support animal.
1. A qualified evaluator must attest to the presence of a disabling condition as defined by the ADA and demonstrates substantial limitations when compared to most people in the general population.
  2. Evaluators must be licensed qualified professionals whose training and credentials are consistent with expertise in the disability for which they provide documentation. Evaluators may not be friends or family members of the student.
  3. A diagnostic statement based on the most current Diagnostic and Statistical Manual of Mental Disorders (DSM) and/or International Classification of Diseases (ICD) should be included.
  4. Quantitative and qualitative information should be used to demonstrate that the difficulties are substantially limiting when compared to most people in the general population. Evaluators should demonstrate how the assessment results meet diagnostic criteria.
  5. The progression of the condition should be detailed if its impact on the student's functioning is expected to change over time.
  6. The substantial limitation in a major life activity should be described. Evidence that the difficulties are substantially limiting to the student should be presented. In some cases, documentation of a current substantial limitation may be difficult to produce due to use of effective accommodations and interventions. In such cases, the documentation of the substantial limitation should include a description of the substantially limited abilities and skills, the accommodations and interventions implemented to address those limitations, the degree of the effectiveness of each, and justification for continued need.
  7. Identifying information includes the names, signatures, titles, identifying credentials (e.g., license numbers), and contact information of evaluating professionals.
  8. Dates of evaluations must be included.
  9. Documentation should reflect data collected within three years at the time of request for services.

## II. Access to University Facilities by Emotional Support Animals

An ESA must be contained within the Owner's privately assigned individual living accommodations (i.e. room, suite, apartment) except when the individual is taking the animal out for natural relief or for exercise. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by the Owner (i.e. a leash or harness). ESAs are not allowed in any University facilities other than University

residence halls (i.e. dormitories, suites, apartments, etc.) to which the individual is assigned without special accommodations from the CAA.

### III. Owner's Responsibilities for Emotional Support Animal

The Owner is solely responsible for the custody and care of the Emotional Support Animal, which includes, but is not limited to, the following requirements:

1. Notwithstanding the restrictions set forth herein, the ESA must be properly caged, crated or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or to run at large. If an animal is found running at large, the animal is subject to capture, confinement, and/or immediate removal from University housing.
2. 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 to 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. The University reserves the right to request documentation showing that the animal has been licensed.
3. The Owner is required to clean up after and to properly dispose of the animal's waste in a safe and sanitary manner and, if provided, must use animal relief areas designated by CSU.
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 Emotional Support Animal and/or discipline for the responsible individual.
5. The Owner may be charged for any damage caused by their Emotional Support Animal beyond reasonable wear and tear to the same extent that it charges other individuals 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 Policy.
6. The Owner must fully cooperate with University and Residence Life personnel with regard to meeting the terms of this Policy and developing procedures for care of the

animal [e.g., cleaning the animal (ESA will not be bathed using residence hall facilities, i.e. tubs or sinks), feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.].

7. Emotional Support Animals 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 accompany the Owner. The Owner is responsible for ensuring that the Emotional Support Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.
8. The Owner agrees to abide by all equally applicable residential policies and requirements that are unrelated to the individual'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.
9. 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 Center for Accommodation and Access in writing if the Emotional Support Animal is no longer needed or is no longer in residence. To replace an Emotional Support Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in University Policies when requesting a different animal.
10. CSU personnel shall not be required to provide care or food for any Emotional Support Animal including, but not limited to, removing the animal during emergency evacuation, such as fire. 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.
11. The Owner can, but is not required to, provide written consent for the CAA to disclose information regarding the request for and presence of the Emotional Support Animal 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 individual's disability. If consent is not given to CAA, the Owner must reach out to their potential roommates in advance of moving in, to give the opportunity for roommates to choose another room assignment, if there are conflicting disabilities, phobias or if the roommates do not want to live with an animal.
12. The Owner will provide the University with the name and contact information of someone who is not a student in residence as the emergency contact should something happen, and the Owner is indisposed to care for the ESA unexpectedly.

## **V. REMOVAL OF THE EMOTIONAL SUPPORT ANIMAL**

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

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in a fundamental alteration of a University program;
3. the Owner does not comply with the Owner's Responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the University community.

If for any reasons listed above it is necessary to remove the animal, the student will have 24 hours to arrange for the animal to be removed or University Residence Life will remove the animal. Should the ESA be removed from the premises for any reason, the Owner is expected to fulfill their housing obligations for the remainder of the housing contract.

The Owner shall receive three warnings though depending on the severity of the violations, the University may bypass the warnings and proceed to immediate removal of the animal. The University will base such determinations upon the consideration of the behavior of the 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 Center for Accommodation & Access and may be appealed to the Columbus State University's ADA/Section 504 Grievance Procedure. The Owner will be afforded all rights of due process and appeal as outlined in that process. Complaints to initiate the Grievance Procedure can be filed here: [https://publicdocs.maxient.com/reportingform.php?ColumbusStateUniv&layout\\_id=8](https://publicdocs.maxient.com/reportingform.php?ColumbusStateUniv&layout_id=8)

## **VI. NON-RETALIATION PROVISION**

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

## **VII. RELATED BOARD OF REGENTS' POLICIES**

BoR POLICY 4.1.5, Students with Disabilities

## **VIII. LINKS**

<https://caa.columbusstate.edu/>