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**I. Title:**

Emotional Support Animal (ESA) Policy

**II. Policy Statement:**

Alabama State University (ASU) is committed to providing reasonable access to its programs and services for all students. Therefore, the institution recognizes the importance of an Emotional Support Animal as a support option for students as part of an ongoing medical or mental health treatment plan. ASU also allows an ESA in university residential halls for individuals with disabilities (IWD) so that such individuals can participate in the University housing program. This Policy explains the specific requirements applicable to an individual's use of an ESA in University housing and applies solely to "*Emotional Support Animals*" which may be necessary in University housing. It does not apply to "Service Animals" as defined by the Americans with Disabilities Act (ADA). Rules for Service Animals in University housing can be found in the Service Animal Policy. ASU reserves the right to amend this Policy, as circumstances require.

**III. Scope:**

All requests for Emotional Support Animals (ESA) must be submitted to and approved by the Office of Accessibility and Veteran Affairs Services (OAVA). After reviewing the required documentation for ESAs, Alabama State University's OAVA will thoroughly evaluate and/or consult with and/or interview the student before approval is granted along with the required documentation for ESA's. There must be a documented relationship between the IWD and the assistance the ESA provides.

Emotional Support Animals (ESAs) are covered within the Federal Fair Housing Act (FHA). The FHA will allow students to qualify for ESAs if they have a documented disability that is determined by a physical or mental health professional. This policy will only be applicable to students who are receiving accommodations from the OAVA. With this policy, a student may submit a request for an ESA accommodation.

Animals whose sole function is to provide comfort or emotional support are Emotional Support Animals. The following are restrictions to the ESA policy:

- Exotic, dangerous, poisonous, unlawful, or any other animals that pose a direct threat to the health and/or safety of the campus community will not be permitted as ESAs.
- Size restrictions of 20 pounds or less will apply to all ESA request.
- This policy does not apply to Service Animals (as defined by the ADA) on campus.

**IV. Effective Date:**

This policy is effective upon official approval by the ASU Board of Trustees

**V. Audience:**

All University employees, faculty, staff, and students are expected to follow this policy.

**VI. Policy Management (Designated Responsibilities and Applicability of ESA Policy):**

- The Vice President of Student Affairs and Enrollment Management, Director of Accessibility and Veteran Affairs, Assistant Vice President of Student Affairs/Housing & Residence Life, and Faculty have a fundamental responsibility to attain a general understanding of this policy and general knowledge of Emotional Support Animals (ESA).
- The University reserves the right to amend this policy as it deems necessary.
- The Office of Accessibility and Veteran Affairs must ensure that proper protocol is followed if students are permitted to have an Emotional Support Animal (ESA).
- Responsible Office: Office of Student Affairs & Enrollment Management
- Responsible Executive: Vice President of Student Affairs & Enrollment Management
- Responsible Officer(s): Director of Accessibility and Veteran Affairs, Assistant Vice President of - Student Affairs/Housing & Residence Life, and Public Safety

**VII. Definitions:**

The definitions of the ESA policy are:

- **Accommodation:** A modification or adjustment in policies, procedures, or work/housing/school environment to enable a student to partake in equal opportunities and access to University benefits and services based on a documented disability.
- **Disability:** The Americans with Disabilities Act (ADA) defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. Acceptable documentation of a disability can be from either a medical or mental health provider. It should verify the disability as well as the need for an emotional support animal.
- **Emotional Support Animal (ESA):** An animal that is selected to play an integral part of a person's ongoing treatment process and must be prescribed to an individual with a disability (IWD) by a physician or mental health professional. ESA is a term that the United States Department of Housing and Urban Development (HUD) uses to cover a category of animals that may work, provide assistance, or perform 2 physical tasks for an individual with a disability (IWD) and/or 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 Emotional Support Animals (ESA) are not the same as a Service Animal (please refer to the Service Animal policy).
- **Individual with Disability (IWD):** The "individual with disability" (IWD) is the student who has requested the accommodation and has received approval to bring an Emotional Support Animal into University housing. The individual with disability (IWD) is responsible for adhering to all policies and procedures regarding the ESA.
- **Pet:** A "Pet" is an animal kept for ordinary use and companionship. A pet is not considered an ESA. A pet is not covered by the ESA policy.

- **Approved ESA.** Approved Emotional Support Animals (ESAs) are animals that have been permitted in designated areas of student housing as a reasonable accommodation under this policy.

## VIII. Procedures:

### For ESA Accommodations:

1. The student must be a registered full-time student and have a documented disability on file with the Director of Accessibility and Veteran Affairs.
2. The student must complete the Emotional Support Animal (ESA) Request Document.
3. The student must be registered with the University Counseling Center and must seek treatment monthly (4 sessions) throughout the course of the semester.
4. The student must submit the following documentation to the Office of Accessibility and Veteran Affairs:
  - a. A letter on professional letterhead via email from the student's licensed physician and/or licensed mental health professional to the Office of Accessibility and Veteran Affairs on behalf of the student requesting an Emotional Support Animal (ESA) accommodation.
  - b. The letter from the student's physician and/or mental health professional must convey the following:
    - i. That an identified disability exists.
    - ii. Indicate the length of time in treatment for the disability.
    - iii. Confirm that the animal is being prescribed as an ongoing treatment plan for the student, and its presence will render therapeutic, physical, and emotional effects during the student's enrollment
    - iv. The connection between the student's disability and the need for an Emotional Support Animal (ESA).
    - v. Explain what symptoms will be reduced by having an ESA.
    - vi. Statement of how important the ESA is for the individual's well-being while living in student housing.
  - c. An updated vaccination report from the Emotional Support Animal's (ESA) veterinarian with the required applicable vaccinations for the specific approved ESA within the last year. Any vaccination records that will expire during the course of the ESA's approval will not be accepted. The student is responsible for maintaining up-to-date vaccinations and preventive treatments for fleas and ticks. Documentation from a veterinarian for preventive treatments for fleas and ticks are required.
  - d. Student must complete the Roommate Agreement when staying in University on-campus and off-campus housing. This agreement must be signed by the roommate and suitemates.
  - e. A certificate verifying that the ESA is house-broken or potty-trained
  - f. Student must have an enclosure with a door or gate for the Emotional Support Animal (ESA).
    - i. ESA are only allowed in the student's room area.
      1. ESAs are not allowed in classrooms.
      2. ESAs are not allowed in lunchrooms or eating areas.
      3. ESAs are not allowed to roam residential halls or common areas.

4. ESAs are not allowed to attend university functions as a visitor/companion. (failure to comply may result in fines)
  5. ESAs are allowed to use grass areas for restroom usage; however, the individual with a disability (IWD) is responsible for picking up and discarding any waste matter (failure to comply may result in fines).
- ii. Students must apply for an ESA prior to every Fall semester to be considered for approval for the academic year (Fall, Spring, and Summer).
    1. ESA applications that are not submitted prior to the academic year starting (Fall) will not be accepted and will have to apply for the following year's application cycle.
    2. On a case-by-case basis, if a student's first semester is the Spring or Summer, the ESA accommodation request for approval will be reviewed.
  - g. Students must also attend an Intake Interview upon the submission of all documentation.

Upon approval of an Emotional Support Animal (ESA) through the Office of Office of Accessibility and Veteran Affairs, the Office of Residential Life will be notified.

**Monitoring and Violations of ESA Accommodations:**

1. The Office of Residential Life has the responsibility to ensure all individuals in university housing (including off-campus housing) with approved ESAs are in compliance of the ESA policy.
2. The University may require an individual with disabilities (IWD) to remove an approved ESA for the following reasons, but are not limited to:
  - a. Any section of the ESA policy that are not adhered.
  - b. The ESA is out of control and the individual with disabilities (IWD) does not or cannot control it.
  - c. The ESA is not housebroken.
  - d. The ESA exceeds the size restrictions of 20 pounds.
  - e. The animal poses a threat to the health and safety of others including Dangerous, poisonous, unlawful, or any other animals that pose a direct threat to the health and/or safety of the campus community will not be permitted as ESAs.
  - f. The approval of the ESA may be subjected to a security deposit and any applicable damage fees/fines as a result of any violation related to the ESA policy. Violations sanctions may include but are not limited to the following:
    - i. First Violation: Warning (Office of Accessibility and Veteran Affairs (OAVA) and Housing & Residential Life Office)
    - ii. Second Violation: A monetary fine will be imposed.
    - iii. Third Violation: ESA would have 24 to 48 hours to be removed from campus premises at the student's expense.
3. The University may deny an ESA for the following, but are not limited to:
  - a. The presence of the ESA poses an undue financial and administrative burden on Alabama State University.

- b. The presence of the ESA fundamentally alters the nature of Alabama State University's housing services or the animal is not reasonable.
  - c. The specific ESA poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation.
  - d. The specific ESA in question would cause substantial physical damage to the property of others, or is disruptive to the housing environment (e.g. excessive or uncontrolled barking).
  - e. Failure to provide appropriate verification that the ESA provides assistance directly related to the student's disability.
  - f. Failure of the ESA's handler to maintain appropriate control of the ESA.
4. Students who are not approved for an ESA and bring animals into the residence hall, will be subjected to disciplinary charge (s) from the Office of Judicial Affairs and must immediately remove the animal from campus.

Should the ESA be removed from the premises for any reason, the individual with disabilities (IWD) is expected to fulfill housing obligations for the remainder of the housing contract.

**Document History**

*Approved by BOT: May 2, 2024*