



USAO ESA Policy and Procedure Handbook

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USAO ESA Policy and Procedure Handbook

A. Animals on Campus - Policies and Procedures

As reflected in the USAO Student Handbook, dogs, and other pets [except service animals and approved emotional support animals (ESA's)] are **NOT PERMITTED** in university buildings or on university property. Students who have service animals or emotional support animals should adhere to the following policies and procedures regarding animals on campus.

B. Service Animal - Definition

Per the Americans with Disabilities Act (ADA), "service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability." In addition to the provisions about service dogs, the ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. The ADA specifies that "other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition."

The work or tasks performed by a service animal must be directly related to the individual's disability. 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 a service animal has been trained to provide must be directly related to the person's disability.

Dogs whose sole function is to provide comfort or emotional support do not qualify as Service Animals.

C. Emotional Support Animal (ESA) – Definition

Emotional Support Animals are:

- animals that work, aid, or perform tasks for the benefit of a person with a disability, OR
- animals that provide emotional support which alleviates one or more identified symptoms or effects of a person's disability.

Some, but not all, animals that assist persons with disabilities are professionally trained. Other ESA's are trained by the owners. In some cases, no special training is required. The question is whether the animal provides the assistance, or the benefit needed as a

reasonable accommodation for the person with the disability. Unlike a service animal, an ESA does not actively assist a person with a disability with activities of daily living, nor does it always accompany a person with a disability.

ESA's may be considered for access to university housing; however, they are not generally permitted in other areas of the university (e.g. libraries, academic buildings, classrooms, labs, student center, etc.) ESA's are protected under the Fair Housing Act (FHA) for housing accommodations but not for public accommodations that restrict animals. ESA's do not have rights in public places; however, service animals are protected in public places under the FHA & ADA. ESA's are not allowed to attend classes.

D. Service Animal Policy

Service animals are the only animals which may accompany a person with a disability anywhere on campus that the student and the general public are allowed. Service animals are welcome in buildings on campus and may attend classes, meetings, or other events. If there are any questions as to whether an animal qualifies as a service animal, a determination can be made by the Accessibility Specialist or the Coordinator of Student Outreach Services.

Service animals in training are not currently protected under the ADA and Oklahoma state laws do not extend the protections given to trained service animals to service animals in training. Therefore, USAO, in accordance with federal and state laws, **does NOT grant service animals in training** the same rights as trained service animals at this time.

If it is readily evident that an animal is providing a service related to a disability such as a dog who guides a person with visual impairments, no further inquiry is allowed. There currently are no certifications or identification methods, such as vests or ID cards, required or recognized under the federal and state (Oklahoma) laws for services animals. Conversely, if an animal is observed to be wearing a vest or other identification method indicating they are service animals, this is not in and of itself sufficient to determine they are a service animal. In cases where it is not readily evident, the procedure outlined in the following section should be utilized.

As stated in [ADA Requirements: Service Animals](#) on **ADA.gov** and in accordance with the [ADA Standards 2010](#), a person with a disability cannot be asked to remove his service animal from the premises unless:

- the dog is out of control and the handler does not take effective action to control it,
 - the dog is not housebroken,
- OR

- When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to participate or obtain goods/services without the animal's presence.

E. Service Animal Procedure

Faculty and staff may use the following process to help determine if an animal is a service animal under the ADA:

- (1) Is the animal a dog or a miniature horse?
 - a. If yes, proceed to the next question.
 - b. If no, the animal is not a service animal but may be an ESA for which a reasonable accommodation is needed. Proceed to **F: Part II.**
- (2) Is it readily apparent that the animal is trained to do work or perform tasks for the benefit of an individual with a disability? (Performing work or tasks means that the animal is trained to take a specific action when needed to assist the person with a disability.)
 - a. If yes, further inquiries are unnecessary and inappropriate because the animal is a service animal. It is readily apparent when the animal is observed doing tasks such as the following:
 - guiding an individual who is blind or has low vision
 - pulling a wheelchair
 - providing assistance with stability or balance to an individual with an observable mobility disability.
 - b. If no, proceed to the next question.
- (3) In accordance with the **ADA Service Animals Standards of 2010**, if it is not readily apparent the animal is trained, USAO must limit its inquiries to the following two questions:
 - a. Is the animal required because of a disability?
 - b. What work or task has the animal been trained to perform?

No further inquiries are allowed. Employees of USAO, including the Accessibility Specialist, the Coordinator of Student Outreach & Support, an ADA Coordinator **NOT** allowed to ask or request:

 - for the nature or extent of the person's disability
 - for documentation
 - for the animal performs the task identified.
- (4) The animal qualifies **as a service animal** if the student's answers to the above questions are:
 - a. for question (1) = YES

AND

- b. for question (2) the work or a task is identified.
- (5) If the answer to either of the above questions is “no” or “none,” the animal **does not qualify** as a service animal under federal law but may be a support animal or other type of ESA that needs to be accommodated through the appropriate procedures.
- a. If the individual identifies at least one action the animal is trained to take which is helpful to the disability other than emotional support, the animal should be considered a service animal and permitted on campus including in housing, public and common use areas. USAO should not make further inquiries.
 - b. Emotional support, comfort, well-being, and companionship are not specific work or tasks for purposes of analysis under the ADA.
 - c. If no specific work or task is identified, the animal would not be considered a service animal but may be a type of animal for which reasonable accommodation may be required.

i. Considering exceptional circumstances when a service animal may be excluded from locations on campus

The ADA does not require the institution to modify policies, practices, or procedures if it would:

- fundamentally alter the nature of the goods, services, programs, or activities provided.
- pose a direct threat to health and safety of others
- overrule legitimate safety requirements

If admitting service animals would fundamentally alter the nature of a service or program, pose a direct threat, or present a legitimate safety concern, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

In most settings, the presence of a service animal will not result in a fundamental alteration. However, there are some exceptions. For example:

- If the animal’s presence interferes with the experiment which would make the lesson and/or research impossible to conduct.
- If the lab is a sterile environment or houses hazardous pathogens, the animal may be excluded.

A decision to exclude a service animal cannot be based on the notion that an animal might threaten the safety of others. It also cannot be based on assumptions or bad experiences with other animals. Each service animal

must be considered individually, and each situation or location requires a Direct Threat or Needs Assessment.

When a person who is allergic to pet dander or has a fear of the animal and a person who uses a service animal must spend time in the same room or facility, for example, in a classroom or a dorm room/suite, both parties should be engaged in an interactive process to determine how both may be accommodated.

- In cases in which **both parties are students**, the Accessibility Specialist, the Coordinator of Student Outreach & Services, or an ADA Coordinator must be involved in determining how best to accommodate the parties.
- If one party is a **student and the other is faculty or staff**, both the Accessibility Specialist, the Coordinator of Student Outreach & Services, or an ADA Coordinator **AND** the Dean of Students or Vice President for Enrollment Management & Student Life must be involved in determining how best to accommodate the parties.
- The accommodation may include assigning the parties, if possible, to separate locations within the room or different rooms in the facility.

ii. **Requirements of service animals and their owners**

In accordance with local law, **service animals should be licensed** with the city of Chickasha. City animal licenses are available at the **Chickasha Animal Shelter** (<https://www.chickasha.org/153/Licenses>).

Please speak with a Chickasha Animal Control Officer for the current rate for the license. All costs for the animal license are the responsibility of the owner/student.

All service animals must wear the license tag at all times. If a service animal is lost or running loose, the license tag helps us get your service animal back to you. It also helps as proof of ownership, should someone else try and claim your service animal.

- Animals should be in good health.
- The owner must be in full control of the animal at all times.
- Reasonable behavior is expected from service animals while on campus. The owners of disruptive and aggressive service animals may be asked to remove them from university facilities. If improper behavior happens repeatedly, the owner may be told not to bring the

service animal into any facility until they take significant steps to mitigate the behavior. Cleanliness of the service animal is mandatory. Consideration of others must be taken into account when providing maintenance and hygiene for service animals. The owner is expected to clean and dispose of all animal waste.

iii. Frequently Asked Questions

Q. What does "do work or perform tasks" mean?

A. The dog/miniature horse must be trained to take a specific action when needed to assist a person with a disability. The mere presence of an animal providing comfort to someone would not be considered a service animal under the ADA. Service animal examples would include a person with diabetes who may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication or a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

Q. Who is responsible for the care and supervision of a service animal?

A. The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, grooming and veterinary care. Covered entities are not obligated to supervise or otherwise care for a service animal.

F. Animals in Residence Halls

The Fair Housing Act (FHA) requires housing providers, such as USAO, to modify or make exceptions to policies governing animals when it may be necessary to permit persons with disabilities to utilize animals as part of the treatment for their diagnosis. Because USAO is required to allow access for individuals who use service animals, housing providers should initially follow the analysis that the Department of Justice (DOJ) has determined is used for assessing whether an animal is a service animal under the ADA. The DOJ's ADA regulations generally require state and local governments and public accommodations to permit the use of service animals by an individual with a disability. For support animals and other ESAs that may be necessary in housing, although the ADA does not provide for access, housing providers must comply with the FHA, which does provide for access.

Additionally, as USAO is subject to Section 504 of the Rehabilitation Act of 1973, the Office of Civil Rights (OCR) at the US Department of Education has indicated that such requests also should be considered through the interactive process outlined in the regulations. While Section 504 does not speak to animals - instead it addresses

discrimination – it would require consideration of a modification to policy or procedure (such as a no-pet policy), if without the modification the person was denied access. The burden of proof is on the student to prove how a no pet policy denied them access (high burden of proof to show that the person will be denied access).

Questions that will be considered regarding animals in housing:

- 1) Is the animal a service animal?
- 2) If not, how is the requested accommodation of an animal in the residence hall reasonable and necessary to afford the student to have an equal opportunity to use and enjoy student housing at USAO?

Students interested in requesting an emotional support animal on campus should follow this process:

- 1) Submit a completed ESA Accommodation Request Packet via email to **accessibilityservices@usao.edu**. The ESA Accommodation Request Packet is available on USAO's website.
- 2) Participate in an interactive in-depth intake Interview with the Accessibility Specialist or the Coordinator of Student Outreach & Services. Students can schedule an appointment with Accessibility Services.
- 3) Submit proper documentation from a Licensed Mental Health Professional (LMHP), who is allowed to diagnose and treat mental health conditions as outlined in the ESA Accommodation Request Packet. The LMHP should reference the Disability Verification Guidance for LMHP's Form. To be considered for the fall semester, the ESA Accommodation Request Packet and accompanying forms should be completed in their entirety and submitted to the Accessibility Specialist or the Coordinator of Student Outreach & Services by July 15th.
- 4) An incomplete ESA Accommodation Request Packet is **immediate grounds for denial**. Take your time and thoroughly answer all questions, fill in all information, and gather all documentation required and submit the ESA Accommodation one time.
- 5) The interactive in-depth intake interview, along with the submission of any further documentation must be completed by August 15th.
- 6) For consideration of the ESA Accommodation request for a given semester, you must adhere to the following dates:
 - a. Fall semester – request form should be submitted by July 15th and the documentation and intake interview **MUST** be completed by August 15th.

- b. Spring semester – request form should be submitted by October 1st and the documentation and intake interview **MUST** be completed by November 1st.
- 7) With regards to emotional support animals (ESA's), the accommodations must be reasonable, and HUD does not require housing providers to permit animals that:
 - a. pose a direct threat to the health and safety of others (that cannot be reduced or eliminated by another reasonable accommodation);
 - b. would cause substantial physical damage to the property of others (including campus housing);
 - c. would pose an undue financial and administrative burden on the University; or
 - d. would fundamentally alter the nature of the University's operations.
- 8) Emotional support animals can be allowed in the residence hall or campus apartment for which the individual with a disability is assigned by the USAO Housing Office. An individual with a disability may be asked to **remove an ESA** from campus housing if the animal:
 - a. is out of control and the individual does not take effective action to control it;
 - b. poses a direct threat to the health and safety of others (that cannot be reduced or eliminated by another reasonable accommodation);
 - c. causes substantial physical damage to the property of others (including University housing itself);
 - d. is not housebroken;
 - e. has violated any of the outlined responsibilities/regulations outlined in the ESA Accommodations Request packet; or
 - f. poses an undue financial and administrative burden to the University.
- 9) The Office of Student Wellness and the USAO Housing Office may place reasonable conditions or restrictions on approved animals, depending on the nature and characteristics of the animal. This will be determined on a case-by-case basis using the interactive, in-depth, multistep process involving the student and staff of the offices listed above.
- 10) If the accommodation is denied and the ESA is properly excluded when requested, the individual with a disability can use and enjoy campus housing without having the ESA on the premises.
- 11) An ESA is not required to have special training, certification or be licensed as an ESA; however, the animal shall be under the control of the individual. An ESA shall have a harness, leash, other tether, or cage unless either the individual is unable because of a disability to use a harness, leash, other tether, or cage, or the use of a harness, leash, other tether or cage would interfere

- with the animal's safe, effective performance of assistance, in which case the animal must be otherwise under the individual's control (e.g., voice control, signals or other effective means).
- 12) The University is not responsible for the care or supervision of an ESA.
 - 13) The University may ask about:
 - a. the nature or extent of a person's disability that substantially limits a major life activity;
 - b. if the ESA is necessary for the student to use or enjoy his/her residence; and
 - c. the relationship between the student's disability and the relief that the animal provides.
 - 14) The University may request veterinary verification of routine care of the animal, including vaccines.
 - 15) The University may charge individuals for all damages (including the professional treatment of parasite infestations and/or recarpeting) caused by the ESA.
 - 16) While the law requires that priority consideration be given to the specific methods requested by a student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable or other suitable methods are available.

Part I: Discerning if an animal is a Service Animal

Faculty and staff may use the previously presented process to help determine if an animal is a service animal under the ADA titled "Service Animal Procedure."

PART II: Analysis of reasonable accommodation requests for ESAs other than service animals (under FHA)

- 1) Has the individual requested reasonable accommodations — that is, asked to get or keep an animal as part of the treatment for the reduction of symptoms for a physical or mental impairment or disability? Note: The request for reasonable accommodations with respect to an ESA must be a completed ESA Accommodation Request Packet submitted via email to the disabilityservices@usao.edu.
 - 1) If yes, proceed to Part III.
 - 2) If no, USAO is not required to grant a reasonable accommodation that has not been requested.

PART III: Criteria for assessing the requested accommodation

- 2) Does the person have an observable disability or does USAO already have information giving us reason to believe that the person has a disability?

Note: Observable and Non-Observable Disabilities Under the FHA and section 504, a disability is a physical or mental impairment that substantially limits one or more major life activities. While some impairments may seem invisible, others can be readily observed. Observable impairments include blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson's disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions. Observable impairments generally tend to be obvious and would not be reasonably attributable to non-medical causes by a lay person.

Certain impairments, however, especially including impairments that may form the basis for a request for an emotional support animal, may not be observable. In those instances, USAO may request information regarding both the disability and the disability-related need for the animal.

- 1) If yes, skip to question #4 to determine if there is a connection between the person's disability and the animal.
 - 2) If no, continue to the next question.
- 3) Has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?
- 1) If yes, proceed to Part IV. USAO, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the student (tenant) under a lease or similar housing agreement to the extent that the lease or agreement requires the truth and accuracy of other material information.
 - 2) If no, USAO is not required to grant the accommodation unless this information is provided but may not deny the accommodation on the grounds that the person requesting the accommodation has not provided this information until the requester has been provided a reasonable opportunity to do so. To assist the person requesting the accommodation to understand what information USAO is seeking, USAO provides a disability verification form with questions specific to ESA accommodation.
- 3) **Per HUD - Information About Disability May Include:**
- Determination of disability from a federal, state, or local government agency.
 - Receipt of disability benefits or services (Social Security Disability Income (SSDI)), Medicare or Supplemental Security Income (SSI) for a person under age 65, veterans' disability benefits, services from a

vocational rehabilitation agency, or disability benefits or services from another federal, state, or local agency.

- Eligibility for housing assistance or a housing voucher received because of disability.
- Information confirming disability from an **appropriate health care professional**, e.g., licensed practicing counselor, psychologist, licensed mental health professionals, physician, optometrist, psychiatrist, physician's assistant, nurse practitioner, etc. **Note** that a determination that an individual does not qualify as having a disability for purposes of a benefit or other program does not necessarily mean the individual does not have a disability for purposes of the FHA, Section 504, or the ADA.

4) **Disability Determination**

- Note that under DOJ's regulations implementing the ADA Amendments Act of 2008, which HUD also considers instructive when determining whether a person has a disability under the FHA, some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability. Examples include deafness, blindness, intellectual disabilities, partially or completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia. This does not mean that other conditions are not disabilities. It simply means that in virtually all cases these conditions will be covered as disabilities.
- While staff/faculty at USAO will be unable to observe or identify some of these impairments, students sometimes voluntarily provide more details about their disability than USAO needs to make decisions on accommodation requests. When this information is provided, USAO should, and will consider it.

4) Has the person requesting the accommodation provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual's disability?

- 1) If yes, proceed to Part IV. USAO, at its discretion, may make the truth and accuracy of information provided during the process part of the representations made by the student under the housing agreement to the

extent that the agreement requires the truth and accuracy of other material information.

- 2) If no, USAO is not required to grant the accommodation unless this information is provided but may not deny the accommodation on the grounds that the person requesting the accommodation has not provided this information until the requester has been provided a reasonable opportunity to do so. To assist the person requesting the accommodation to understand what information USAO is seeking, USAO is encouraged to direct the requester to the disability verification form for request of an ESA accommodation in the ESA Accommodation Request Packet to ensure that USAO receives the disability-related information that is needed to make a reasonable accommodation decision.

i. Documentation Sources

In the USAO interactive interview and ESA application process, the student is the primary, but not the only, source of documentation. As such, the student will be a significant source of information. The following are assessed to guide the individualized assessment:

- Nature and Degree of Impairment – Does the student have a disability (an impairment that substantially limits major life activities)?
- Substantial Limitations – How is the student substantially limited? (how do symptoms of the disability substantially limit a major life activity)?
- Barriers - What barrier will/is the student experiencing that would make it difficult for them to live in the dorm and how is the barrier related to the student's disability?
- Effect of ESA on Impairment and Barriers – What has been the student's experience with pets (dog or cat, etc.) in the past? Why does the student believe the ESA is a good idea? Is there anything specific that the animal does to help the student? What symptoms does the student anticipate or knows having an ESA will help control? How will/does the presence of the ESA mitigate or address that barrier?
- Past History – Has the student lived in a communal residence such as dorm previously? If yes, how does the student describe the experience? Did they have an ESA in that setting? Why/Why not? If not, what has changed since the previous experience?
- Responsibilities – What challenges does the student anticipate having in caring for an ESA on campus and how do they plan to address them?
- Documentation from a professional – Is the documentation from a professional whose scope of practice allows them to diagnose and treat

mental health disorders. The provider is encouraged to reference the Disability Verification form for request of an ESA accommodation in the ESA Accommodation Request Packet which has been developed in order to assist providers in providing the degree of information needed. There needs to be a clear connection between references to the animal assisting with relief and the symptoms related to the disability. The provider need not use the specific form included in the ESA Accommodation Request Packet but may instead provide a letter addressing ALL the information requested in the LMHP Disability Verification portion of the ESA Accommodation Request Packet. This provider disability verification is necessary for the institution to have in order to consider the request for an ESA; the form is provided as a convenience. Generally, the institution will accept documentation from providers in the State of Oklahoma or the student's home state who have extensive personal knowledge of the student, consistent with their professional obligations.

The disability verification form includes the following:

- Nature and Degree of Impairment - The nature of the student's impairment and the degree to which the impairment impacts functioning
- Substantial Limitations - What major life activities is the student substantially limited and how they will present as difficulties in the residential life environments of the university
- Treatment - If the student required ongoing treatment as well as first and last meeting dates with the professional regarding the impairment.
- Prescription - If the animal was specifically prescribed as part of treatment (and why) or a pet that will have a beneficial effect.
- Impact of ESA - The ways in which the animal will help the student – which symptoms are mitigated by the presence of the ESA, how the ESA mitigates these symptoms, and if there is clear evidence that an ESA has helped this student with the impairments impact, currently or in past.
- Well-being and Consequences - How the ESA will contribute to the student's well-being and how important is it to have the ESA in the residence on campus including the consequences in relation to the impairment if the accommodation is not improved?
- Responsibilities - If the student shared the rules and restrictions for having an animal in university housing with the professional as well as if the professional discussed with the student the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing and **if those duties would exacerbate the symptoms.**

Please NOTE: Documentation for ESA applications from the internet are NOT ACCEPTED.

- Some websites sell certificates, registrations, and licensing documents for ESAs to anyone who answers certain questions or participates in a short interview and pays a fee. Under the Fair Housing Act, USAO may request reliable documentation and the **documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for an ESA.** Letters purchased from the internet for a set price rarely provide the information necessary to support an ESA request.
- By contrast, many legitimate, licensed mental health professionals (LMHP) deliver services remotely, including over the internet. One reliable form of documentation is a note from a person's health care professional that confirms a person's disability and/or need for an animal when the provider has personal knowledge of the individual.
- **NOTE:** The Federal Trade Commission (FTC) has been asked to **investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA.** The websites in question offer for sale documentation that **is not reliable** for purposes of determining whether an individual has a disability or disability-related need for an ESA because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations.

*An unofficial list of questionable providers is maintained by Laurel Overby at Texas Christian University and is available online at –

<https://dssbackyardfence.files.wordpress.com>

**Additional information about the ESA determination process (including the questions on which the disability verification form is based) is available from Jane Jarrow with Disability Access Information and Support –

www.daisclasses.com

Part IV: Type of Animal

- 5) Is the animal commonly kept in households?
 - 1) If yes, the reasonable accommodation should be provided under the FHA unless the general exceptions described below exist.
 - 2) If no, a reasonable accommodation need not be provided, but note the very rare circumstances described below.
 - ✓ Animals commonly kept in households.

If the animal is a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, then the reasonable accommodation should be granted because the requestor has provided information confirming that there is a disability-related need for the animal. For purposes of this assessment, reptiles (*other than turtles*), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

✓ Unique animals.

If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, then the requestor (student) has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. The individual is encouraged to submit documentation from a health care professional confirming the need for this animal. The lack of such documentation in many cases may be reasonable grounds for denying a requested ESA accommodation. If USAO enforces a “no pets” policy or a policy prohibiting the type of animal the individual seeks to have, USAO may take reasonable steps to enforce the policy if the requester obtains the animal before submitting reliable documentation from a health care provider that reasonably supports the requestor’s disability-related need for the animal.

Reasonable accommodations may be necessary when the need for a unique animal involves unique circumstances...

Examples:

- The animal is individually trained to do work or perform tasks that cannot be performed by a dog.
- Information from a health care professional confirms that:

Allergies prevent the person from using a dog; or

Without the animal, the symptoms or effects of the person’s disability will be significantly increased.

Example: A Unique Type of Support Animal--An individually trained capuchin monkey performs tasks for a person with paralysis caused by a spinal cord injury. The monkey has

been trained to retrieve a bottle of water from the refrigerator, unscrew the cap, insert a straw, and place the bottle in a holder so the individual can get a drink of water. The monkey is also trained to switch lights on and off and retrieve requested items from inside cabinets. The individual has a disability-related need for this specific type of animal because the monkey can use its hands to perform manual tasks that a service dog cannot perform.

Part V: Criteria for determining if the presence of the Emotional Support Animal is reasonable:

Once the student has submitted a completed ESA Accommodation Request packet via email to accessibilityservices@usao.edu, scheduled and met with the Accessibility Specialist or the Coordinator of Student Outreach & Services for the interactive in-depth intake interview and submitted any further appropriate documentation, an initial determination will be made regarding further consideration of the ESA. This determination will include if the student has a disability with substantial limitations for which having an ESA may be of assistance. If the request merits further consideration as determined by the Accessibility Specialist or the Coordinator of Student Outreach & Services beyond the steps listed above, the ESA Accommodation Request will be further considered by the USAO Accommodations Team and/or the Housing Accommodations Team deciding on a case-by-case basis of whether the presence of an ESA is reasonable.

A request for an ESA may be determined unreasonable, and subsequently denied, if the presence of the animal:

- imposes an undue financial and/or administrative burden;
- fundamentally alters university housing policies;
- poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, where “others” includes the university property itself; and/or
- the evidence provided, both in the ESA Accommodations Request Form, and all information gathered through the interactive in-depth intake interview has not established a clear need for an ESA to overcome an ADA protected access barrier.

USAO will consider the following factors, among others, in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with an ESA. USAO will consider whether:

- 1) Undue Financial and/or Administrative Burdens

- a. The animal's presence would interfere with another individual's use and enjoyment of housing.
 - The animal's presence otherwise violates other individuals' right to peace and quiet.
 - The animal's presence would force another individual from individual housing such as for serious allergies or intense fear.

2) Fundamental Alteration of University Housing Policies

- a. The size of the animal is too large for available assigned housing space;
- b. The animal would make physical modification of the dwelling unit necessary or require USAO Housing to provide services that are not part of its usual services to accommodate it;
- c. Poses a direct threat;
- d. The animal is not housebroken or is unable to live with others in a reasonable manner;
- e. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others;
- f. The animal causes or has caused excessive damage to a leased space beyond reasonable wear and tear.

USAO housing will assign those with approved ESA Accommodation Letters to any USAO dorm/apartment in Lawson. However, University housing is unique in several aspects including the assignment of roommates for individuals and the mandate that individuals must share a room or suite in certain residence hall types. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of university housing, USAO reserves the right to assign a single occupancy room and/or relocate an individual with an ESA as necessary.

Part VI: Approval

Approval for an ESA accommodation may only be given by the Accessibility Specialist or the Coordinator of Student Outreach & Services, though they may consult with other staff and/or the USAO Accommodations Team and/or the Housing Accommodations Team as deemed appropriate. Once the Accessibility Specialist or the Coordinator of Student Outreach & Services determines the accommodation request is reasonable and is approved, the following will occur:

- 1) The Accessibility Specialist or the Coordinator of Student Outreach & Services will notify the student the request has been approved and provide them with an ESA Accommodation Approval Letter for that year. The Accessibility Specialist or the Coordinator of Student Outreach & Services will also send this Accommodations Letter to Housing.
- 2) The USAO Housing staff will then notify the student's roommate(s) or suitemate(s) (if applicable) for their acknowledgement of the presence of an animal housed in their living environment.
- 3) USAO Housing/ Accessibility Specialist/ Coordinator of Student Outreach & Services /staff will work with the student to complete all further necessary forms, such as the Housing Accommodation Request Form.

The animal may NOT reside in campus housing until the formal ESA Accommodations Approval Letter has been provided to both the student and USAO Housing, in accordance with USAO's no pet policy. If an animal is found in housing, without approval in the form of an ESA Accommodations Approval Letter, the student to whom the animal belongs will be informed via email from any of the following parties, USAO Housing, the Accessibility Specialist, the Coordinator of Student Outreach & Services, and /or the Dean of Students. The student in violation be fined at a rate of **\$100 dollars each day that** the pet continues to stay in campus housing, which will be added to the student's bursar account until such a time as the student complies with the policy. A university hold will be applied to the account of the student in violation of the no pet policy until such fines have been **paid in full**. If a student who has submitted an ESA Accommodations Request Form and is at any stage of the ESA accommodation review/approval process, is found to **be in violation** of the universities **no pet policy**, the same fines apply until approved.

Should there be conflicting considerations between the student approved for an emotional support animal and the needs of roommate(s) or apartment mate(s) such as health/allergy conditions or fear of the animal, the University will engage with all parties involved. The Accessibility Specialist or the Coordinator of Student Outreach & Services will conduct an interactive interview process **with the student who has health/allergy conditions or fear of animals that rise to the level of a disability**. For those who do not meet this threshold, the USAO Housing Office and any administrators in the affected area will be involved. In either case, the university will come to a resolution that protects the rights of the student with a disability as well as takes into consideration the needs and rights of the other parties involved.

Options to be considered may include either the student requesting the ESA, or the non-approving roommate(s) or apartment mate(s) being moved to a different location based on space availability.

Part VII: Removal of Emotional Support Animal from Campus

University Housing 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 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 listed on the application (licensure, vaccinations, housebroken, etc.)
- 4) 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 current behavior of the animal at issue, and not on speculation or fear about the harm or damages an animal may cause in the future. Any removal of the animal will be done in consultation with the Disability/Accessibility Specialist/ADA Coordinator/Coordinator of Student Outreach & Services, along with the Office of Student Wellness and Office of Housing. The student will receive a Formal Violation Report through their university email from the Office of Housing. It is the responsibility of the student to check their email. No exceptions or extensions will be granted for those who do not read their email. Once a student has been informed via their Formal Violation Report, they will have 24 hours to contact the Housing Office via email with their formal plan to correct the issue reported in the Formal Violation Report. If there is no response, the USAO Housing Accommodations Team will decide how to move forward, informing the student via email. The owner has the right to appeal by following the disability grievance process listed below. The owner will be afforded all rights of due process and appeal as outlined in that process.

Unless exigent circumstances require otherwise, the owner will have 48-72 hours to remove the ESA Animal from the residence hall. If university housing cannot contact the owner to remove the animal, housing will contact the alternate caregiver. If the alternative caregiver is not available, USAO Housing staff and the USAO Security Staff will be notified to remove the animal off the premise and taken to the local animal control facility (Chickasha Animal Shelter). Should the ESA be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

Part VIII: Grievance Procedure (Appeals Process)

If a student is unhappy with the ESA Accommodation decision made by the Accessibility Specialist or the Coordinator of Student Outreach & Services or would like to appeal a

violation, they have the right to file for an appeal by filling out in detail and emailing the Disability Grievance Form located on the website along with any other pertinent evidence they would like to provide to accessibilityservices@usao.edu. This Grievance Form will then be reviewed by the USAO Accommodations Team. A formal response letter to a disability grievance will be sent to the student via their university email once the USAO Accommodations Team has made their decision on the appeal. The USAO Accommodations Team reserves the right to conduct its own investigation of the appeal, request more information or documentation in relation to the situation, or request in person interviews with those involved.

If a student is unhappy with the decision made by the USAO Accommodations Team, a secondary appeal may be made by the student by filling out and submitting a new Disability Grievance Form to the Dean of Students. A formal response letter to a disability grievance will be sent to the student via their university email once the Dean of Students has made their decision on the appeal. The Dean of Students also reserves the right to conduct their own investigation of the appeal, request more information or documentation in relation to the disability grievance filed, or request in person interviews with those involved. The decision of the Dean of Students review of the grievance will be the last and final decision of the university.

Further Resources:

ADA Requirements <https://www.ada.gov/resources/service-animals-2010-requirements/>