Oberlin College Policy and Procedure on Emotional Support Animals For Students with Disabilities

Oberlin College recognizes the importance of “Service Animals” as defined by the Americans with Disability Act Amendments Act (ADAAA) and the broader category of “Emotional Support Animals” (ESAs) under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. Oberlin College is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the College’s programs and activities. Oberlin College is also committed to allowing Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy College housing. Oberlin College reserves the right to amend this Policy as circumstances require. This policy applies solely to Emotional Support Animals which may be necessary in College housing. It does not apply to “Service Animals” as defined by the ADAAA.

Although it is the policy of Oberlin College that individuals are generally prohibited from having animals of any type in College housing, Oberlin College will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Emotional Support Animal that is necessary because of a disability and reasonable. However, no Emotional Support Animal may be kept in College housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

Definitions

**Pets:** A pet is any animal kept for ordinary use and companionship. Animals as defined below, are not considered pets. As described in the Oberlin College Housing and Dining Regulations, “Fish and other aquatic animals that can only survive in water are the only pets permitted by students in college housing.”

**Emotional Support Animals:** An Emotional Support Animal (or ESA) is an animal selected to play an integral part of a person's treatment process. The animal demonstrates a good temperament and reliable, predictable behavior in the context of housing. An emotional support animal is prescribed to an individual with a disability by a mental health or health care professional. This animal is not a service animal, and unlike a service animal, an emotional support animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times. Laws protecting service animals do not cover emotional support animals, and therefore emotional support
animals are not permitted in any Oberlin facility or in any residential dwellings outside of the student’s assigned housing. Based on the Fair Housing Act, for a student to have an emotional support animal in housing on campus:

1. The student must have a disability as defined by the ADA, and
2. The animal is a necessary to provide the student with a disability “an equal opportunity to use and enjoy a dwelling,” and
3. A relationship exists between the assistance the animal provides and the disability of the student.

Owner: The Owner is the individual who has requested the accommodation and received approval to bring an ESA into College housing.

Disability Services Office: The Office of Disability Services (ODS) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all College programs and activities.

Policies

An ESA may reside in college housing when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy residential housing.

- Before an ESA can move into college housing with a person with a disability, a request must be submitted to Oberlin College’s Office of Disability Services and approval must be granted.
- If the disability is not obvious, ODS may require documentation from a licensed physician or mental health provider, including without limitation a qualified psychiatrist, social worker, or other mental health professional, to provide sufficient information for the Office of Disability Services to determine:
  That the individual qualifies as a person with a disability (i.e. has a physical or mental impairment that substantially limits one or more major life activities); and
  That the animal may be necessary to afford the person with a disability an equal opportunity to use and enjoy college housing (i.e. that the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability).
- While ESA’s are generally not allowed indoors on Oberlin’s campus other than in college housing, people with disabilities may request approval from ODS to have the support animal accompany them to other campus areas. Such requests will be considered on a case-by-case basis consistent with applicable laws.
- If the request for an ESA is made fewer than 60 days before the individual intends to move into College housing, Oberlin cannot guarantee that it will be able to meet the individual’s accommodation needs during the first semester of occupancy.
- If the need for the accommodation arises when an individual already resides in College housing, he/she should contact Disability Services and complete the Request Form as soon as practically possible. Oberlin cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.
- College housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain residence halls. To ensure that the presence of an ESA is not an undue administrative burden or
fundamental alteration of College housing, Oberlin College reserves the right to assign an individual with an assistance animal to a single room without a roommate.

- Like all disability accommodations, the determination of whether or not an ESA will be permitted in Oberlin College housing is made on a case-by-case basis through an interactive process between the student, the Director, and the Committee.

**Procedures for Requesting an ESA**

1. The student turns in the Application for an Emotional Support Animal to the ODS Director or representative. Applications are available in the ODS office.
2. The student meets with the ODS Director and provides documentation.
3. The ODS Director brings the request to the Housing and Dining Accommodation Committee which determines if the request is reasonable. Absent exceptional circumstances, the Committee meets monthly to consider application requests.
4. The ODS Director communicates the decision to the student and the Office of Residential Life.
5. Yearly, the student completes the registration form (attached) in order to provide to ODS evidence of up-to-date vaccinations (where appropriate) and other details. Students must receive an emotional support animal designation with Residential Education prior to bringing their animal to campus.

**Responsibilities of Students Using Emotional Support Animals**

Oberlin College is not responsible for the care or supervision of emotional support animals. People with disabilities are responsible for the cost, care, and supervision of the animals.

1. Compliance is required with any laws pertaining to animal licensing, vaccination, and owner identification. Lorain County law requires that a dog is licensed and wears a tag at all times. <http://www.loraincounty.com/auditor/dog-licenses>
2. The care and supervision of the ESA is solely the responsibility of the owner.
3. Any vaccinations or preventative health measures are the responsibility of the student.
4. The owner must be in full control of the ESA at all times.
5. ESAs may not pose a direct threat to the health and safety of persons on the college campus, cause physical damage to property, or fundamentally alter the nature of the College operations.
6. The ESA must be maintained and kept clean and free from fleas or ticks.
7. An animal’s behavior, noise, odor and waste must not exceed reasonable standards for a well-behaved animal. These factors should not create unreasonable disruptions for other residents. If noise is excessive as judged by residence life staff, it is grounds to remove the ESA from campus. ESAs may also be excluded from the college campus if the animal behaves in an unacceptable way, and the student does not control the ESA. Uncontrolled barking, jumping on other people, or running away from the handler are some examples of unacceptable behavior for an ESA. Any
suspected or observed issues related to animal abuse or neglect will be reported to the proper investigatory authorities and may subject the owner to college disciplinary action.

8. The student is responsible for immediately cleaning up and properly disposing of the ESA’s waste and is responsible for having the equipment to do so. People who are physically unable to accomplish this task are responsible for arranging for clean up and for any costs that it incurs. The College retains the right to designate a particular area for the ESA to relieve itself and/or for the disposal of its waste.

9. ESAs are limited to the residential space (room) of the student except when exiting or entering the student’s residential building. The owner may not take the ESA into bathrooms, laundry facilities, indoor recreational rooms, lounges, hallways, computer labs, study rooms, or other areas of the residence hall. It also cannot be taken into classrooms or other buildings on campus or allowed to roam freely on campus grounds.

10. The student, not the College, is responsible for the actions of the ESA including, but not limited to, any bodily injury or property damage.

11. Students with ESAs are likely to be charged if additional cleaning or damage occurs as a result of having the animal on campus. The student is expected to pay these costs upon repair or cleaning.

12. For the safety of workers, any work orders submitted to the College must have an indication that there is an animal in the room. The work order should also indicate the type of animal.

Restrictions

Oberlin may pose some restrictions on an animal under certain circumstances. Any animal may be excluded from an area in which it was previously authorized if

- The animal is out of control and effective action is not taken to control it;
- The animal is not housebroken;
- The owner fails to maintain the cage or litter box such that the cleanliness of the room in not maintained;
- The animal poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services.

In considering whether an animal poses a direct threat to the health or safety of others, the Office of Disability Services will make an individualized assessment based on reasonable judgment. If the student is told to remove the animal from the campus and has not done so within 24 hours, the College reserves the right to remove the animal and take it to a local humane society. The student will then be reported to judicial affairs for violation of the student code of conduct.

Appeals or Grievances

Policies for Office of Disability Services Appeals or Oberlin College Grievance Policies and Procedures are available on Disability Services website at http://new.oberlin.edu/office/disability-services/policies/ or on request.
Application for an Emotional Support Animal (ESA)

Name (please print) ___________________________________

T#___________________________

Semester the request is for___________

Current address on campus ______________________

E-mail address _______________________

Telephone _______________________

Academic Year  1  2  3  4

Type of animal being requested _______________________

Please provide a typed letter on letterhead paper that provides information from a doctor, therapist or other medical professional that

• verifies that you have a physical or mental impairment that substantially limits one or more major life activities.
• describes the needed accommodation, in this case, an esa.
• shows the relationship between your disability and the need for the esa.

I have read and will abide by “Oberlin College Policy and Procedure on Emotional Support Animals for Students with Disabilities.”

__________________________________________________________  Date

Signature
Please provide the following information along with a copy of the proof of vaccinations.

Student’s Name: ____________________________________________________________

Phone:______________________________________ T# ________________________

Campus Address:__________________________________________________________

Animal’s Name: ____________________________________________________________

License #: _______________ Vaccination Record is attached: _______________

Veterinarian: ______________________________________________________________

________________________________________________________________________

________________________________________________________________________

Description of animal:

I have read and agree to abide by the Emotional Support Animals Policies and Procedures for Students with Disabilities.

Student’s Signature: ___________________________ Date:________________________