

# Service and Emotional Support Assistance Animal Policy

## Policy Information

### Issuing Office

Student Affairs

### Affected Parties

Students with disabilities who use service animals and live in the residence halls

### Policy Language

#### General.

The University will permit the use of a service animal by an individual with a disability who satisfies the requirements of the Americans with Disabilities Act. ?? The University will permit the use of an emotional support assistance animal as a reasonable accommodation by an individual with a disability who satisfies the requirements of the Fair Housing Amendments Act and Section 504 of the Rehabilitation Act.

The use of a service animal is allowed in all areas of the University where members of the public, participants in services, programs or activities, or invitees are normally allowed to go, unless it would fundamentally alter the nature of the goods, services, programs, or activities provided by the University or is prohibited by health laws (i.e., food preparation areas, swimming pools, sterile laboratories, etc.).

Other than the times when the emotional support animal is entering or exiting University property, the use of an emotional support assistance animal is only allowed in the disabled student?s assigned dormitory building and is not allowed in any other university-controlled buildings, or athletic facilities, or outside upon other University property, unless specifically designated by the Office of Residence Life as an area where animals may be walked or unless the disabled student has received specific permission from the University for any additional location ?and circumstance where the University agrees that use of the emotional support assistance animal is necessary to meet the student?s disability-related needs.

The University does not generally allow any individual to keep more than one service animal or emotional support assistance animal for a disability (or identified symptom or effect of a disability) for which the animal is needed.

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#### Registration and Inquiries.?

**Accommodation Request and Registration.** ??All requests shall be made by filling out the Liberty University Service and Emotional Support Assistance Animal Accommodation Request Form.??

## Procedural Information

### Procedures

**Deadlines.**? Students requesting a service or emotional support assistance animal within a housing assignment on University property must notify the Office of Residence Life (ORL) by submitting the forms to the Office of Disability Academic Support (ODAS) at least thirty (30) days prior to the semester that prospective housing is needed.? All documentation needs to be submitted as a packet with medical documentation, veterinarian documentation, and the animal?s clean bill of health.

**Annual Renewal.**? Approval to have an animal in residence must be updated prior to each new academic year.

**Roommate Notification and Approval.** ?The requesting student should notify and seek approval from roommates and proposed roommates via email or other form of written communication and attach said approval or indicate the lack thereof alongside the request for the service or emotional support assistance animal, including annual renewals.? Lack of roommate approval may impact housing assignments but will not change the University?s obligation to allow reasonable animal-related disability accommodations.?

**Notice of Removal or Replacement Animal.**? The student must notify ORL in writing if the approved animal is no longer to be kept by the student in the residence.? To replace an approved animal with another animal, the student must file a new accommodation request with the Office of Disability Academic Support.

**Access.**? Animals must stay in the student?s room unless they are accompanied by the student and may not be allowed to roam freely through common areas.? While service animals may accompany disabled individuals at all times and in most locations on University property, emotional support assistance animals are permitted only in the student?s residence hall, outside areas specifically designated by the University for animal walks, and the pathways for entry and exit to University property, unless the student has received specific permission from the University for each location on University property and each type of circumstance for which the student intends to use the animal.

**Care and Supervision.**? The disabled person shall be responsible for the care and supervision of his or her animal.? The disabled individual is not permitted to transfer the care and supervision of the animal to another person.? The University is not responsible for the care or supervision of a service or emotional support animal.? If the disabled individual is not in the physical presence of his or her animal, the animal must be in a closed crate no larger than necessary given the animal?s size and manufacturer?s specifications.? Any and all liability for the actions of the animal is the responsibility of its owner, including but not limited to damage involving personal or private property of the University or others.

**Service Animals.** The University does not require a disabled individual to register a service animal with the school so long as the individual confines his or her service animal to areas of the University open to the public and does not take the animal into areas with limited or restricted access (such as residence halls, employee-only areas, or classrooms). Members of the University Community may choose to register the service animal that only accesses public areas via the University's voluntary registration program. If a service animal is to have access to the residence halls for purposes other than its owner visiting a resident, it must be registered.

**Emotional Support Animals.** The University requires disabled individuals wishing to use an emotional support assistance animal to register and request a reasonable accommodation via the University's registration program.

#### Staff Inquiries.

**Service Animals.** In circumstances where it is not readily apparent what service the animal is providing, University staff may ask the handler all of the following:

- (1) Is the animal a service animal required because of a disability?
- (2) What work or task has the animal been trained to perform?

**Emotional Support Animals.** In evaluating a request for an emotional support assistance animal, University staff shall consider all of the following criteria:

- (1) Does the person seeking to use and/or live with the animal have a disability (i.e., a physical or mental impairment that substantially limits one or more major life activities)?
- (2) Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal provide emotional support that alleviates one or more of the identified symptoms or effects of an individual's disability?

If the requesting individual does not meet both of the above requirements, the request for reasonable accommodation with an emotional support animal may be denied. If the individual meets both requirements and provides sufficient documentation where required, the University will provide reasonable accommodation.

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#### Documentation.

**Control.** An animal must be under the control of the disabled person. Except when in a closed crate, the animal must have a harness, leash, or other tether in use by the disabled individual at all times, unless it is a service animal and either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the animal's safe, effective performance of work or tasks, in which case the animal must be otherwise under the disabled person's control (i.e., voice control, signals, or other effective means). The disabled individual is not permitted to transfer control of the animal to another person, which prohibition includes transferring the harness, leash or other tether to another.

**Unsupervised Time.** An animal may not be left alone in the student's room for more than a reasonable amount of time. Determination of a reasonable amount of time is left to the discretion of ORL and RD, whose decision is final.

**Training.** Before coming on University property, all service and emotional support animals must be housetrained and if the animal is to be left alone or is to remain on University property when the disabled student is sleeping, it must be crate-trained. Housetrained means the animal is able to consistently control its waste elimination. Crate-trained means the animal is able to consistently be confined to a closed crate without barking, whining, or whimpering.

**Service Animals.** The service animal must be trained to perform a specific job or task in connection with its ability to assist the disabled person and such training is the responsibility of the disabled individual. Persons with disabilities may train the service animal themselves and are not required to use a professional service animal training program.

**Emotional Support Animals.** The emotional support assistance animal does not have to be trained in connection with its ability to assist the disabled person but its presence must be necessary to alleviate one or more identified symptoms or effects of a student's disability.

**Health and Cleanliness.** All animals must be in good health and the University has the authority to temporarily or permanently exclude an animal from University property if the animal is in ill health or habitually unclean. The disabled individual must provide a clean bill of health from a licensed veterinarian initially to ODAS and thereafter annually to the Office of Residence Life for an animal to be approved. If concern is brought to the Office of Residence Life from Student Leadership regarding the animal's health, the student must provide a current clean bill of health from a veterinary professional.

**Sterilization.** All service and emotional support assistance animals kept in residence halls must be sterilized (spayed, neutered, or other method of sterilization). The student must provide ODAS with veterinarian verification that the animal has been sterilized.

**Service Animals.** The University will not require medical documentation pertaining to the handler's disability, a special identification card, or training documentation for the service animal, or ask that the animal demonstrate its ability to perform the work or task so long as access with the service animal is confined to areas of the University open to the public. However, a service dog is required by University policy and Virginia law to wear an appropriate harness, backpack, or vest identifying it as a trained service dog.<sup>1</sup> If the handler takes (or desires to take) a service animal into areas of the University with limited or restricted access (such as residence halls, employee-only areas, or classrooms), University staff may request medical documentation of an existing disability, one or more identified symptoms of which are alleviated by the service animal.

**Emotional Support Animals.** The University may ask individuals with disabilities that are not readily apparent or already known to submit reliable documentation of a disability and their disability-related need for an assistance animal. Persons requesting reasonable accommodation for an emotional support animal will be required to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of a disability.

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[1] Please note that VA Code ?51.5-44.1 states: ?Any person who knowingly and willfully fits a dog with a harness, collar, vest, or sign, or uses an identification card commonly used by a person with a disability, in order to represent that the dog is a service dog or hearing dog to fraudulently gain public access for such dog pursuant to provisions in ? 51.5-44 is guilty of a Class 4 misdemeanor.?

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## Policy Rationale

The University and the Office of Student Housing recognizes that students with disabilities may require the assistance of a service animal. These guidelines were established in order to regulate service animals used by students with disabilities living in the residence halls.

## Definition of Glossary Terms

**Vaccination, Leash Laws, and Other Animal Health Laws.** Persons with disabilities must comply with all applicable laws and regulations, including vaccination, licensure, animal health, and leash laws. The disabled person must ensure that the animal has been immunized against diseases and treated for pests, such as fleas and ticks, common to that type of animal. Animals must have current vaccination against rabies, wear a valid rabies vaccination tag, and be properly licensed. The student must provide ODAS with appropriate documentation confirming vaccinations, licenses, and pest treatments for an animal to be approved.

**Waste Disposal.** Animals may be walked for purposes of waste elimination only in areas designated and approved for such use by the Office of Residence Life or ODAS. Students are responsible for ensuring the immediate clean-up and proper disposal of all animal waste. Animal waste is not to be disposed of indoors.????

**Health and Safety.** The animal must not pose a threat to the health or safety of students, faculty, visitors, or any other persons on University property.

**One-Bite Policy.** The University has the authority to temporarily or permanently exclude an animal from University property if the animal's behavior is unruly or disruptive. The University has adopted a ?one-bite? policy that requires an animal to be removed from University property after a single occurrence of unprovoked biting or other aggressive behavior. The decision to exclude an animal from the University will be made by the approved personnel or by the Office of Residence Life if the animal is deemed a direct threat to the health and safety of others after hearing information from all parties involved, except where the situation is an emergency and the removal is temporary until such information can be considered.

**Equipment.** The equipment necessary for the safe-keeping of the animal must not pose a threat to the safety of others and may not block evacuation routes or egress in case of an emergency.

**Quiet Use and Enjoyment.** Animals must not make excessive noise or display behavior that will disrupt other community members' quiet use and enjoyment of University property.

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**Disruptive Behavior.** The disabled individual must ensure that the animal does not:

- Attack, harass, jump on/at or disrupt others or their personal belongings;
- Display any repeated behavior or make noise that is disruptive to others;
- Block evacuation routes or egress in case of an emergency;
- Bring its nose, mouth or snout near food intended for human consumption; and
- Leave the student's room except when accompanied and handled by the student.

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**Grooming and Upkeep.** Grooming and upkeep of the animal cannot take place within the residence halls or anywhere on University property.

**Service Animal:** A dog or miniature horse that is individually trained to do work or perform tasks for the benefit of someone with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The animal must be trained to take a specific action when needed to assist the person with a disability. Examples include but are not limited to alerting persons with hearing impairments to sounds, guiding persons that are blind or have low vision, pulling wheelchairs or carrying and picking things up for persons in wheelchairs, and helping people who have mobility impairments with balance. Animals whose sole function is to provide comfort, emotional support, companionship, or improve the well-being of the student do not qualify as service animals under the Americans with Disabilities Act (ADA) and thus do not meet the definition of Service Animal under this policy.

**Emotional Support Assistance Animal:** An assistance animal that is not a service animal but provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Unlike service animals, emotional support animals provide relief through mere presence and need not be individually trained to provide the emotional support needed to alleviate the symptoms of the disability. Emotional support animals are not pets however; the student must have a disability-related need for the animal and the University may require documentation from a physician, psychiatrist, social worker, or other mental health professional demonstrating that the animal provides emotional support to alleviate symptoms of the disability in considering the request for reasonable accommodation.

**Damage to Property:** The University shall not charge persons with service or emotional support animals a surcharge. However, the University may charge such persons for damages caused by the service or emotional support animal.

**Emergencies:** The University is not responsible for an animal during a fire alarm, fire drill, natural disaster, or other emergency situation.

## Sanctions

Students who violate the policy will either temporarily or permanently lose the right to house a service animal in the residence halls.

### Appeals and Grievances.

Any individual dissatisfied by a decision concerning a service or emotional support animal may appeal to the Vice President of Equity and Inclusion. The appeal needs to be emailed to [odas@liberty.edu](mailto:odas@liberty.edu).

## Exceptions

The University may exclude an animal from University property if:

1. the specific animal is out of control and the student does not take effective action to control it (i.e. barks repeatedly in a lecture hall, residence hall, theater, library, or other quiet place so as to disturb the quiet enjoyment of a residence hall by student residents; repeatedly places its snout or mouth in or around food set out for customers in the campus dining facilities);
2. the specific animal would impose an undue financial and administrative burden or would fundamentally alter the nature of the services, programs, or activities provided by the University or is prohibited by health laws (i.e., food preparation areas, swimming pools, sterile laboratories, etc.);
3. the specific animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures (i.e. the specific animal is not housebroken or trained so that, absent illness or accident, the animal consistently controls its waste elimination; the specific animal repeatedly places its snout or mouth in or around food set out for customers in the campus dining facilities); or
4. the specific animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

To determine whether there is cause for exclusion, the University will conduct an individualized assessment of the specific animal's actual conduct, giving consideration to the facts and circumstances of each case.

If the University excludes an animal, it shall give the individual with the disability the opportunity to participate in the service, program, or activity without having the animal on University property and the opportunity to participate with another animal.