



## **Service and Emotional Support Animals Policy Fresno Pacific University**

### **Policy Statement**

It is the policy of Fresno Pacific University (FPU) to comply with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act as amended (ADA), the Fair Housing Act, and other applicable federal and state regulations that prohibit discrimination on the basis of disability.

Fresno Pacific University is aware of its responsibility to provide safe and healthy environment for all members of the university; thus, this policy applies to all employees, students, and guests in on-campus housing.

In addition, Fresno Pacific University is aware of its responsibility to provide safe, healthy housing to all students living in university residence halls and safe working environments for its employees. FPU is committed to providing equal access to university housing to all students with qualifying and documented disabilities. In keeping with this obligation, it is the policy of Fresno Pacific University that service and emotional support animals are permitted in all housing facilities in accordance with university procedures and policies. This policy includes the procedures for registering a service animal/requesting an emotional support animal and the responsibilities of the owners who have animals in university residence halls.

### **Definitions**

**Service Animal (SA).** Service animals are defined as adult dogs that are individually trained to do work or perform tasks for benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. In some cases, a miniature horse may be permitted as a service animal. All other types of animals do not qualify as service animals.

**Emotional Support Animal (ESA).** An adult animal providing emotional or other support to ameliorate one or more identified symptoms or effects of a documented disability.

**Approved ESA (Housing Only).** An approved ESA is an animal that has been permitted in designated areas of residential communities as a reasonable accommodation under this policy.

**Pet.** A pet is an animal kept for ordinary use and companionship and is unrelated to a documented disability. A pet is not considered an Emotional Support Animal or a Service Animal and is not covered by this policy. Individuals are not permitted to keep or bring pets into university buildings, including housing.

**University Housing.** Any facility owned or operated by the university for the purpose of housing residential students, whether leased or owned by the university and regardless of location.

**Owner.** An individual with a disability who owns/handles/manages a Service or Emotional Support Animal. This person may also be referred to as a **handler**.

**Emergency Contact.** An individual who will take responsibility for an approved animal in the event that the owner cannot be reached during an emergency. The owner will include the identity and contact information of the emergency contact on the “Service Animal and/or Emotional Support Animal Request Form”.

### **Conflicting Disabilities, Health Conditions, and Aversions**

Some people may have allergic reactions to animals that are substantial enough to qualify as a disability. Individuals with a medical condition or aversion who are affected by animals (e.g. allergies, asthma, respiratory conditions, zoophobia, etc.) because of proximity to SAs or ESAs should contact Disability Access and Education. FPU will consider the needs of both the owner and the affected individual in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible.

### **Emergency Response**

In the event of an emergency, the emergency response team (ERT) should be trained to recognize service animals and be aware that the animal may be trying to communicate the need for help. The animal may become disoriented from the smell of smoke in a fire, from loud noises such as sirens, or from shaking and moving ground. The owner or animal may be confused from the stressful situation. The ERT should be aware that the animal is trying to be protective and, in its confusion, is not automatically to be considered harmful. The ERT should make every effort to keep the animal with its owner. However, the ERT’s first effort should be towards the owner which may necessitate leaving the animal behind in certain emergency evacuation situations.

In the event of a fire alarm or any other type of evacuation, ESA owners are solely responsible for the evacuation of their animals. An ESA must be secured by leash or animal carrier (for cats and other small animals) in order to be included in evacuation and/or reunification procedures. It is recommended that ESA owners practice evacuating their animals during routine fire drills. If emergency housing is necessary for the FPU community, ESAs may need to be temporarily housed with an emergency animal shelter provider.

### **Service Animal (SA)**

**Policy:** In compliance with applicable law, FPU allows service animals in its buildings in public spaces such as offices, classrooms, residence halls, dining areas, and recreational facilities when the animal is accompanied by an individual with a disability

who indicates the service animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. Some areas of campus are not appropriate for service animals such as, but not limited to, food preparation areas, boiler rooms, construction areas, etc.

The service, work or task a dog has been trained to provide must be directly related to the person's disability. Examples of such work tasks include but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Service animals are working animals, not pets. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA but may qualify as an emotional support animal (see below). (ADA.gov Bulletin July, 2011)

**Responsibility of SA Owner:** Owners are responsible for any damage or injuries caused by their animal and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the owner at all times.

Service Animal Control Requirements:

1. The animal must be on a leash unless the animal's specific task requires freedom of movement.
2. The animal must respond to voice or hand commands and the owner must be in full control of the animal at all times.
3. To the extent possible, the animal should be unobtrusive to other individuals and the learning, living, and working environment.
4. Animal Etiquette – to the extent possible the owner should ensure that the animal does not:
  - a) Sniff people or the personal belongings of others.
  - b) Display any behaviors or noises that are disruptive to others, unless part of the service being provided to the owner.
  - c) Block an aisle or passageway for fire egress.
6. Waste Cleanup
  - a) Cleaning up after the animal is the sole responsibility of the owner. In the event that the owner is not physically able to clean up after the animal, it is then the responsibility of the owner to hire someone capable of cleaning up after the

animal. The person cleaning up after the animal should abide by the following guidelines:

- i) Always carry equipment sufficient to clean up the animal's feces whenever the animal is on FPU property.
- ii) Properly dispose of waste in an outdoor waste container.
- iii) Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the owner.

7. Housing specific: See "Housing Rules and Responsibilities of SA & ESA Owner" listed below for housing specific responsibilities.

**Service Dogs in Training:** A dog being trained has the same rights as a fully trained dog when accompanied by a trainer and identified as such in any place of public accommodation (as defined in ORS 659A.400). Owners of service dogs in training must also adhere to the policy and requirements for service animals and are subject to the removal policies as outlined in this policy.

### **Emotional Support Animals (ESA)**

**Policy:** The university will allow an emotional support animal in housing only providing certain conditions are met. Residential students who desire to have an ESA must follow and complete all application processes. ESAs may not be brought into residential communities without prior approval from Disability Access and Education and Residence Life. Each request will be evaluated on a case-by-case basis.

ESAs must be requested before the beginning of a semester. If a student requests an ESA for Spring semester when most housing assignments are already-established, any roommates, housemates, or apartment-mates must agree to the introduction of an ESA into their living area; otherwise, the person requesting the ESA may be reassigned if housing is available or the request for the ESA will be denied until a housing reassignment is possible.

Emotional Support Animals are not required to be trained to perform work or tasks and can be species other than dogs or miniature horses. However, the animal must be necessary for the resident with a documented disability to have equal access to housing.

FPU may consider the following factors, among others, in determining whether the presence of the animal is a reasonable accommodation:

1. Has the animal been approved through the comprehensive application and verification process with Disability Access and Education and with Residence Life?
2. Does the animal pose a direct threat to the health or safety of others as determined by the Assistant Dean of Student Development & Residence Life or his/her appointee?
3. Would the animal cause substantial physical damage to the property of the university and other residents?

4. Would the presence of the animal pose an undue financial and administrative burden to the university?
5. Would the presence of the animal fundamentally alter the nature of the university's housing operations?
6. Is the size of the animal too large for available assigned housing space?
7. Would the animal's presence force another individual to move out of university housing (e.g. serious allergies)?
8. Does the animal's presence otherwise violate individuals' right to peace and quiet enjoyment?
9. Is the animal housebroken and generally able to live with others in a reasonable manner?

### **Instructions for Registering a Service Animal or Requesting an Emotional Support Animal**

#### **Registering an SA:**

1. The owner must register with Disability Access and Education by filling out a "Service Animal Registration/Emotional Support Animal Request & Housing Accommodation form."
2. The owner of an SA whose disability is obvious and overt will not be required to provide documentation regarding their disability. However, to be able to obtain the best services possible, the owner of an SA should register their SA with Disability Access and Education.
3. The owner of an SA may utilize all university services while in the process of registering with Disability Access and Education.

#### **SA/ESA Registration and/or Request for Housing Accommodation:**

The SA or ESA owner must provide all the required documentation to the Disability Access and Education office.

1. Complete and submit an "Application/Registration for Services/Accommodations."
2. An ESA owner must have a licensed medical doctor or mental health care practitioner complete a "Verification of Disability" form and turn it in to the Disability Access and Education office.
  - a) The health care practitioner providing the verification must be appropriately licensed to recommend or prescribe a treatment plan that includes an ESA and must be someone with whom the student has an established therapeutic relationship.
  - b) The documentation will verify:
    - i) That the student has a diagnosed and documented disability.
    - ii) What symptom(s) or effect(s), of the existing disability, the emotional support animal should alleviate.
    - iii) The health care provider has seen evidence that an ongoing relationship with the animal does indeed reduce disability symptoms which would otherwise

pose a barrier to the student's ability to live on campus and/or be successful in academic work.

3. Complete and submit a "Service Animal Registration/Emotional Support Animal Application & Housing Accommodation Form".
  - a) An SA Owner will be asked to provide the following information:
    - i) Is this service animal required because of a disability?
    - ii) What type of service, work or task has the animal been trained to perform?
4. The owner must provide Disability Access and Education with SA and ESA health documentation from a professional veterinarian every year which includes:
  - a) That the animal is in good health.
  - b) All vaccinations/immunizations, including rabies, (or applicable documentation for that species) are current.
  - c) Spay or neuter records for dogs and cats.

\*Applicable animals must wear a current rabies vaccination tag.
5. The Owner must provide a copy of the City of Fresno animal license (if applicable). The SA or ESA must be licensed according to the city of Fresno's requirements.

#### [City of Fresno Dog License Application](#)

**Approval (Housing).** Once the required documentation has been submitted and reviewed by Disability Access and Education, they will contact Residence Life. Residence Life will then contact the owner to set up a meeting with a member of the Residence Life staff to review the additional housing rules and responsibilities listed below. Once that meeting has taken place, Residence Life will notify Disability Access and Education who will contact the Owner to communicate that the approval process is complete. At this point only can the owner move the animal into housing. Failure to comply with the steps of this process may result in the ESA being denied and/or requiring immediate removal of the animal from campus.

#### **Grounds for Removal of an SA or ESA**

An SA or ESA may be ordered to be removed by Disability Access and Education, the VP of Student Life, the Assistant Dean of Student Development & Residence Life, or a Campus Safety Officer for the following reasons:

**Disruptive animal:** An owner may be directed to remove an animal, within 24 hours, if it is determined to be a nuisance to staff or residents. Some examples include but are not limited to excessive barking, whining, growling, yowling, howling, and grooming (licking or chewing). The animal may also be removed if it causes excessive damage.

**Non-housebroken animal:** An owner may be directed to remove an animal, within 24 hours, that is not housebroken.

**Non-compliance:** An owner may be directed to remove an animal, within 24 hours, if they have violated the Rules and Responsibilities of an SA or ESA Owner.

**Out of control animal:** An owner may be directed to immediately remove an animal that is out of control if the owner does not take immediate effective action to control it. If it happens repeatedly, the owner may be prohibited from bringing the animal onto FPU property or into any university facility until the owner can demonstrate that s/he has taken significant steps to mitigate the behavior. Obedience and training programs are highly recommended.

**Direct threat:** An owner may be directed to immediately remove an animal that FPU determines to be a substantial and direct threat to the health and safety of individuals.

If the animal poses an immediate threat and the Owner is not able to remove the animal, Animal Control may be summoned to remove the animal.

**Behavior modification plans:** If the behavior of the animal can be addressed by the owner and the owner can change the behavior of an animal so that the animal does not have to be removed, a written action plan must be submitted to the Assistant Dean of Student Development & Residence Life. The action plan must outline the action that will take place to change the behavior and provide a date by which the plan will be complete and behavior changed. Any action plan must meet the approval of the Assistant Dean of Student Development & Residence Life. During the time the action plan is submitted and awaiting decision, the animal must be removed from university property. The day after the deadline for the animal to be removed from housing, Residence Life staff will inspect the room for damages and infestations. Any owner found not adhering to the removal directive will be subject to the Restorative Discipline process.

When an SA or ESA is properly removed pursuant to this policy, FPU will work with the owner to determine reasonable alternative opportunities to participate in the service, program or activity without having the service animal on the premises.



### **Additional Housing Rules and Responsibilities of an SA & ESA Owner**

Upon receipt of SA registration or approval of an ESA, residential staff, Campus Safety and other pertinent university officials will be notified as appropriate. The student's roommate(s) will be notified to obtain their acknowledgement of the approval.

Once the animal has been approved, the Owner must abide by the following rules and responsibilities. Failure to comply may lead to sanctions including removal of the animal from university housing. The owner should initial each item as it is reviewed with a staff member to Residence Life to indicate that it has been understood.

\_\_\_\_\_ 1. The Owner must be in full control of the SA or ESA at all times (i.e. leash, harness, or crate). The SA or ESA must wear collar and tags at all times. Dogs or cats must be kept on a leash at all times when not in the resident's bedroom.

\_\_\_\_\_ 2. The owner is solely responsible for the animal's well-being, care and cleaning, including but not limited to regular feeding, bathing, grooming, daily care and veterinary services. The animal must not be bathed in an on-campus facility. FPU requires humane treatment of any animal.

\_\_\_\_\_ 3. The ESA will remain in the owner's university assigned room and is not permitted in other student's rooms or the common areas of the residential facilities, and other areas of the University such as classrooms, academic buildings, administrative buildings, restrooms, libraries, dining service areas, fitness center, pool, etc.

\_\_\_\_\_ 4. When SAs or ESAs are left unattended in a student's room, they are required to be contained in a Residence Life-approved crate, carrier, or kennel. This containment will allow FPU officials to routinely gain access to the residential facilities for maintenance and other routine tasks without posing risk to the animal or employees.

\_\_\_\_\_ 5. The SA or ESA may not be left unattended overnight in the residential facilities and they may not be cared for by another student. SAs or ESAs must be taken off-campus with the owner if they leave campus for a prolonged period of time or if they are gone overnight.

\_\_\_\_\_ 6. ESAs must be taken out of the building by the shortest and most direct path and must be maintained under standard restraints such as a carrier and/or leash when outdoors or in transit and must be confined to the owner's room when not in transit.

\_\_\_\_\_ 7. Dogs must be "house broken" and cats must be litter box trained. Other smaller animals (i.e. hamsters, rabbits, birds, reptiles etc.) must be caged and may not be left loose in the student's room.

\_\_\_\_\_ 8. Fecal matter deposited on University grounds or within the facilities need to be removed immediately, secured in a plastic bag (preferably one that can zip



closed) and disposed of in outdoor waste containers. Animal feces may not be disposed of in any indoor trash receptacle or through the sewer system. The owner is to arrange for immediate removal of fecal matter if unable to perform the task personally.

\_\_\_\_\_9. Residents with cats must properly maintain litter boxes. In consideration of the health of the cat and occupants of the residence hall room, cat litter box contents must be cleaned and disposed of daily. The litter box must be changed with new cat litter regularly as outlined by the manufacturer.

\_\_\_\_\_10. Animal urine, feces, or other bodily fluids within the residence hall room must be immediately cleaned up using appropriate cleaning products provided by the owner.

\_\_\_\_\_11. Regular and routine cleaning of floors, kennels and cages must occur. The owner has an obligation to ensure that the room is as clean as the original standard. The owner will be responsible for replacement or repair of damaged items caused by the animal or any extraordinary cleaning. The odor of an animal emanating from the residence hall room or apartment is not acceptable and is grounds for removal.

\_\_\_\_\_12. In addition to regular Residence Life room checks, the SA or ESA owner's residence may be inspected for fleas, ticks, pests, and/or damage to the residential facilities once a semester or as needed. The Office of Student Life will schedule the inspection and notify the resident in advance of the scheduled inspection. If fleas, ticks, or other pests are detected through inspection, the residence hall will be treated using approved fumigation methods by a university-approved pest control service. Animal owners should take precautionary measures such as flea medications prescribed by a veterinarian, flea and tick collars, or flea and tick baths. Because not all of the precautions listed here can prevent flea and tick infestations, the owner is responsible for extermination costs when needed. Any flea infestation must be attended to promptly by a professional extermination company at the owner's expense. Owners are expected to promptly notify FPU residential staff, who will then arrange for any necessary cleaning and/or extermination services. FPU will then bill the owner for the expense of the cleaning and/or extermination. Because of the possible sensitivity of others, owners are not permitted to use chemical agents and insecticides to treat infestations on their own.

\_\_\_\_\_13. The owner will notify Residence Life immediately if the animal has escaped its confines and is unable to be located.

\_\_\_\_\_14. The owner will hold the university blameless in the event the SA or ESA goes missing. University staff are not responsible for the retrieval of the animal in the event the animal escapes or becomes lost.

\_\_\_\_\_15. The owner will take all reasonable precautions to protect employees, residents, and guests as well as the property of the university and residents. It is recommended that SA and ESA owners wash their hands after touching their animal and before entering public spaces. Clothing should be cleaned as much as possible or changed before entering public spaces.

- \_\_\_\_\_ 16. The owner will be financially responsible for expenses incurred for damages, losses, liability, claims, and harm to others caused by the SA or ESA. The university strongly encourages the owner to acquire renter's or home owner's liability insurance to cover any damage caused by the SA or ESA.
- \_\_\_\_\_ 17. Upon check-out the owner must take the animal with him/her.
- \_\_\_\_\_ 18. The owner must notify Disability Access and Education in writing if the SA or ESA is no longer needed or is no longer living in university housing.
- \_\_\_\_\_ 19. To replace a previously approved ESA, the owner must complete a new "Service Animal and/or Emotional Support Animal Request Form" and any other related forms to the Disability Access and Education.

Violations concerning any of the aforementioned may result in the resident finding alternative off-campus housing (within 24 hours) for the animal and, as warranted, may also result in disciplinary action which could include loss of on-campus housing.

By signing below in the presence of a staff member of Residence Life, I affirm that I have read and understood the requirements for having a Service Animal or Emotional Support Animal in on-campus housing at Fresno Pacific University:

\_\_\_\_\_  
Student name (printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Witnessed:

\_\_\_\_\_  
Residence Life Staff name (printed)

\_\_\_\_\_  
Residence Life Staff (signature)

\_\_\_\_\_  
Date