



AMERICAN UNIVERSITY

WASHINGTON, D.C.

Academic Support and Access Center

Procedures for Emotional Support Animal Requests

Applicable laws: ADA

§ 504 of the Rehabilitation Act of 1973

Fair Housing Act

American University (AU) has an Animals On Campus Policy, which address the permissibility of animals on campus. AU's Animals On Campus Policy recognizes the importance of "Service Animals" as defined by the American with Disabilities Act Amendments Act (ADAAA), and of Emotional Support Animals (ESAs), supported by the Fair Housing Act. The university 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 University's programs and activities. AU is also committed to allowing ESAs, necessary to provide individuals with mental health disabilities an equal opportunity to use and enjoy University housing. Service animals and ESAs are permitted exceptions under AU's [Animals On Campus Policy](#).

The Academic Support and Access Center (ASAC) has implemented this Procedures to explain the specific requirements applicable to an individual's use of an ESA in University housing. ASAC reserves the right to amend this Procedure as circumstances require. This Procedures applies solely to ESAs that may be necessary in University housing for disability-related reasons. It does not apply to "Service Animals" as defined by the ADAAA, and whose presence on campus is explained in the [AU Animals on Campus policy](#).

Although it is the policy of AU that students are generally prohibited from having animals of any type in University housing, AU will consider a request by a student with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a mental health disability. However, no ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy. Any requests for animals in residence for students with disabilities that are neither service animals nor ESAs should be directed to the Academic Support and Access Center (ASAC).

Definition:

Emotional Support Animal (ESA)

An Emotional Support Animal (ESA) is an animal that provides physical assistance, emotional support, calming, stability, and other kinds of support. The presence of the animal must be necessary in order to provide the resident with a disability the use and enjoyment of the dwelling. There must be an identifiable relationship or nexus between the disability and the assistance or support the animal provides. Unlike Service Animals that are trained to perform specific tasks related to supporting an individual with a disability, ESAs are generally not trained to perform disability-specific tasks. ESAs are not pets, but they typically are animals commonly kept in household as pets. An ESA may be a dog or cat (most common), small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure. Under guidelines from

HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals; exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis. No exceptions will be made for animals prohibited by the District of Columbia.

Procedure for Requesting ESA

A request for an emotional support animal must be initiated by the student registering for disability accommodations with the ASAC. Directions for making a request can be found at:

<https://www.american.edu/provost/academic-access/documentation-and-eligibility.cfm>. All students must go through the Three-Step process.

An ESA is a Housing accommodation and thus should follow all Housing Accommodation deadlines. ESA requests made outside of the Housing accommodation process will be reviewed on a rolling basis, but implementation of any approved accommodation cannot be guaranteed until the beginning of the subsequent semester. Because of the complexity of ESA requests, students are encouraged to start the process well in advance of deadlines.

Access to University Facilities by ESAs

No ESA may be in a residence hall without it having been fully approved as an accommodation for the resident by the ASAC.

The question in determining if an ESA will be allowed in University housing is whether or not the ESA is necessary because of the individual's disability to afford that individual an equal opportunity to fully participate in University housing and its presence in University housing is reasonable (See "Criteria for Determining if Presence of the ESA is Reasonable" below for further explanation). However, even if the individual with a disability establishes necessity for an ESA and it is permitted in University housing, the ESA is required to be contained within the student's privately assigned individual living space, except to the extent the student is taking the animal out for natural relief. ESAs are not permitted in common areas, dining facilities, libraries, academic buildings, classrooms, labs, etc. The need for a student to have an animal that is not a Service Animal in other areas of the University must be established under the rules of governing requests for accommodation under Section 504 and/or the ADA through the ASAC.

Criteria for Determining if Presence of the ESA is Reasonable

- A. University 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 the presence of an ESA is not an undue administrative burden or fundamental alteration of University housing, AU reserves the right, in rare cases, to assign an individual with an ESA to a single room without a roommate. Additionally, if roommates/suitemates have competing disability-related needs with sharing a space with the ESA, alternative living arrangements may be necessary. Such decisions will be made on a case-by-case basis at the ASAC's discretion.
- B. The ASAC may consult with Housing and Residence Life when making a determination, on a case-by-case basis, of whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing policies; (3) poses a direct threat to the health and safety of others; and/or (3) would cause substantial property damage to the property of others, including University property.

- C. AU may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable and/or in the making of housing assignments for individuals with ESAs, including, but not limited to:
- a. The space needed for the carrier/crate in which the animal will be housed is too large for available assigned housing space;
 - b. The animal's presence would force another individual from individual housing (e.g., serious allergies);
 - c. The animal's presence otherwise violates individuals' right to peaceful and quiet enjoyment;
 - d. The animal is not housebroken or is unable to live with others in a reasonable manner;
 - e. The animal does not meet city, county, and/or state ordinances (e.g., dogs and cats must have up-to-date vaccinations and dogs must be licensed in the District of Columbia);
 - f. The animal poses or has posed in the past a direct threat to the safety or health of an individual or others, such as aggressive behavior towards or injuring an individual or others; or potential transmission of zoonotic diseases exist that cannot be effectively mitigated;
 - g. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
 - h. The University believes that University housing is not an appropriate setting to raise a young puppy/kitten. Generally, dogs and cats must be at least one year of age and be spayed/neutered, before being allowed to live in-residence;
 - i. Generally, only one ESA is allowed per residence unit and only one ESA will be approved for a student, in order to fulfill the intent of the FHA requirement.

Responsibility of Person with an Emotional Support Animal

1. The care or supervision of an ESA animal is solely the responsibility of its handler and/or owner. The animal must be housebroken and remain under the control of their handler at all times.
2. The animal will not be present in any public spaces (lounges, restrooms, etc.) except as necessary when exiting the building. The animal is not permitted to be bathed in on-campus facilities. When exiting the building, the animal must be under the control of the handler. This means the animal must be on a leash or in a carrier/crate. The owner is liable for all actions of the animal and should be always in total control and restraint of the animal.
3. Student should have ESA Animal AUID with them anytime they are entering or exiting their building with the animal.
4. The owner must clean up all messes immediately. Any waste material, including litter, should be placed in a plastic bag and disposed of in an outside trash receptacle. Indoor trashcans should not be used for this purpose.
5. The animal must be properly cared for and nourished.
6. The animal must not be unduly disruptive or pose an immediate threat to others. The University reserves the right to exclude an exempt animal whose behavior is disruptive or poses a threat to the health or safety of others. The Director of Residence Life, or their designee, shall be responsible for

making such determinations about an animal's conduct within the Residence Halls. The Assistant Vice President for Risk, Safety & Transportation Programs, or their designee, shall be responsible for making such determinations about an animal's conduct on all other University Property. If a decision is made that an animal has been unduly disruptive or poses an immediate threat to others, the animal must be removed immediately. The owner may appeal the decision to whichever unit made the decision to remove the animal. The appeal shall be in writing and delivered, as appropriate, to either the Director of Residence Life or the Assistant Vice President for Risk, Safety & Transportation Programs. A decision on the appeal will be made within three business days of receipt of the appeal and will be final.

7. In the event that the Director of Residence Life or the Assistant Vice President for Risk, Safety & Transportation Programs, or their designee, determines that an animal should be removed from campus, including a residence hall, for disruptive behavior, provided the decision is not based on the animal posing an immediate threat or being unduly disruptive (see "6" above), the owner shall be given written electronic notice to remove the animal within 48-hours. The owner will have 24-hours to respond. The response, if any, will be reviewed as a final decision made within the same 48-hour period. The decision of the Director of Residence Life or the Assistant Vice President for Risk, Safety & Transportation Programs, or their designee, shall be final.
8. All liability for the actions of the animal (bites, scratches, running away, etc.) are the responsibility of the owner. The University encourages owners to consider appropriate liability insurance.
9. The owner is responsible for taking all reasonable precautions to protect the property of the University and its residents.
10. If the owner takes vacation or has extended leave (more than 24-hours), the animal must be removed from the residence hall.
11. If the animal escapes, the owner will notify the Community Director immediately.
12. Necessary precautions should be made for Facilities Management and other University personnel to enter the residence hall room when the owner is not present. The animal must be caged or crated, or removed from the room, during the time that University personnel are in the room. The University is not liable if the animal escapes during one of these visits.
13. The owner of an Emotional Support Animal in a residence hall will provide the ASAC with emergency contact information of an individual who will be on call to care the animal in the event the owner is unable to care for the animal. The individual should be local (live within one hour drive) to American University, live off-campus and must sign the ESA Emergency Contact Agreement form. Should a student not have a local Emergency Contact, they should secure a relationship with a local boarder to act as their Emergency Contact.
14. Owners of ESAs are solely responsible for any damage to University property caused by the animal. This shall include, after the owner vacates the premises, any cleaning outside that routinely done for any room. Cleaning services outside those routinely performed may include, but are not limited to, steam cleaning of all carpets and drapes, and abatement for fleas or other pests and odor. If furniture

requires replacing, that also shall be the responsibility of the owner. Any such fees will be posted to the owner's individual student account.