

Oberlin College and Conservatory

Policy and Procedures on

Emotional Support Animals

for Students with Disabilities

Oberlin College recognizes the importance “Emotional Support Animals” (ESAs) under the Fair Housing Act that provide emotional support to individuals with disabilities. Oberlin College is committed to allowing ESAs necessary to provide individuals with disabilities 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 ESAs which may be necessary in College housing. It does not apply to “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (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 (ESA) that is necessary because of a disability and reasonable. However, no ESA may be kept in College housing at any time prior to the individual receiving approval 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 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, and is an acceptable size in the context of housing. An ESA 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 ESA does not assist a person 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 ESA in housing on campus:

- The student must have a disability as defined by the ADA, and
- The animal is a necessary to provide the student with a disability “an equal opportunity to use and enjoy a dwelling,” and
- 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. The owner is completely liable for any damages or harm their ESA causes.

Disability Resources: The Disability Resources (DR) 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 is 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 Disability Resources and approval must be granted.
- DR requires 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 Disability Resources 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).
- If the request for an ESA is made fewer than 60 days before the individual intends to move into College housing, Oberlin will attempt to, but 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, the student should contact Disability Resources and complete all forms and provide expected documentation. Oberlin will make all reasonable effort, but 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 a 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, or his designee. Students are expected to read the expected documentation guidelines located here: [Elements of Expected Documentation - Criteria for Your Doctor to Provide Supporting Documentation](#) .

Procedures for Requesting an ESA

1. The student signs into [Disability Resources Student Portal - AIM](#) and submits a request for an ESA. Step-by-step instructions are available on the website at [Disability Resources Web Page](#) . Once on the web page, click “More in This Section,” then “Current Students.” If this is your first time registering with Disability Resources, click “Register as a Student with a Disability” and follow the steps. If you have previously registered with Disability Resources, click “ACCOMMODATIONS – Change Existing or Request Additional” and follow those steps.

You will also need to upload supporting documentation from a diagnostician in order for the request to be reviewed; otherwise, it sits in a “hold” status until documentation is uploaded. A sheet you may give your doctor which lists the criteria for a sufficient letter may be found at this link: [Elements of Expected Documentation - Criteria for Your Doctor to Provide Supporting Documentation](#) . This request should be submitted at least 60 days prior to your desired date to move an ESA into campus housing (reference the “Policies” section of this document).

2. **Disability Resources reviews the request and documentation. The decision is** communicated to the student; usually via email. If the accommodation is granted, two emails will be sent. One email is simply a for your information (FYI) type of accommodation eligibility letter. The second email will provide ESA paperwork (forms and details) for the student to complete and upload to the Disability Resources Student Portal – AIM in order to receive clearance to actually move the ESA into campus housing. The ESA paperwork includes things such as an ESA Registration Form, request for up-to-date veterinarian records (needed for ALL animal types including pocket pets, reptiles, etc.), Roommate Agreements, proof of ESA liability insurance (often included in an existing home owners or renters insurance policy), and proof of Lorain County, OH dog license (dogs only).
3. When it is confirmed that all necessary information has been received and approved, Disability Resources will email the student a clearance to bring the animal to live on campus for the approved academic year. A copy of that email is also sent to the main office of Residential Education (ResEd). When moving the ESA into campus housing, the student needs to show the clearance email to the ResEd staff member who is over their assigned residence. Steps in **Item 3 of this section will be repeated each academic year** the student returns to campus with the ESA.

4. **Moving an ESA into a campus housing space prior to receiving the clearance email will result in the animal being removed from campus and the student being reported to the Office of Student Conduct and Community Standards for violation of the Oberlin College Code of Conduct. This Item 4 will apply each academic year the student returns to campus with the ESA.**
5. Unless you have been otherwise notified, once approved to have an ESA live on campus, the accommodation is in place the remainder of your time at Oberlin College and Conservatory. There is no need to submit a request such as in Section 1 of this section.
6. **Each following academic year**, prior to returning to campus, the student must submit updated ESA paperwork by August 1. This provides evidence of an annual wellness check-up (required of all animals; even pocket pets, reptiles, etc.), up-to-date vaccinations (where appropriate), renewed/current dog license (dogs only), and other details as mentioned in Item 2 of this section. The student uploads the paperwork to the Disability Resources Student Portal – AIM for review and approval.
7. **Also each following academic year**, once it is confirmed that all updated paperwork has been received and approved, Disability Resources will email the student a clearance to bring the animal to live on campus for the approved academic year. A copy of that email is also sent to the main office of ResEd. When moving the ESA into campus housing, the student needs to show the clearance email to the ResEd staff member who is over their assigned residence. As mentioned above, this is the annual repeat of Item 3 of this section.

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 by the county and wears a tag at all times [Lorain County Auditor Website for 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. *All animals must be caged or in an enclosure when the student is not present in the room.*

6. ESAs may not pose a direct threat to the health and safety of persons on the College campus, cause physical damage to property, fundamentally alter the nature of the College operations, and may not be of a species or breed that is banned by the State of Ohio.
7. The ESA must be maintained and kept clean and free from fleas or ticks.
8. 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 both legal action as well as college disciplinary action.
9. 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 cleanup 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.
10. 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.
11. The student, not the College, is responsible for the actions of the ESA including, but not limited to, any bodily injury or property damage.
12. Students with ESAs will 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.
13. For the safety of Staff and other students, by signing this document you grant permission for Residential Education or Disability Resources to share the location of the animal on a need to know basis (e.g. housing staff, Campus Safety, Facilities Operations). **At the student's request, Disability Resources can provide them an optional sign which can be placed near the student's door indicating the presence of a live animal. This can greatly increase animal**

safety in the event of a building emergency.

14. Animals may not be left unattended for more than 12 hours.

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 is 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, Disability Resources, in cooperation with other units on campus such as Environmental Health and Safety, will make an individualized assessment based on reasonable judgment. If the student is told to remove the animal from 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 the Office of Student Conduct and Community Standards for violation of the Oberlin College Code of Conduct.

Grievances

The Disability Resources grievance policy is available on the Oberlin College and Conservatory website at [Disability Resources - Policies - Grievance Process](#) or upon request.