



Emotional Support Animal (ESA) Policy

Policy Overview

Northwestern Oklahoma State University is committed to compliance with state and federal laws regarding individuals with disabilities. All requests for Assistance Animals (Service and Emotional Support) should be directed to the Dean of Student Affairs.

The University will determine, on a case by case basis, in accordance with applicable laws (including but not limited to the Americans with Disabilities Act and the Fair Housing Act) and regulations, whether the animal is a reasonable accommodation on campus. In doing so, the University must balance the needs of the individual with the impact of animals on the campus community.

Definition of an Emotional Support Animal

While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Even though some states have laws defining therapy animals, these animals are not limited to working with people with disabilities and therefore are not covered by federal laws protecting the use of service animals. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning.

Criteria for determining if an ESA is reasonable

Northwestern may refer to the following factors, among others, to determine if the presence of an animal is reasonable and in determining housing assignments for individuals with an ESA.

1. The space available is sufficient to house the animal and the necessary cage or crate to hold the animal.
2. The effect of the animal on other individuals (including those with serious allergies).
3. The animal's presence otherwise violates an individual's right to peace and quiet enjoyment.
4. The animal is not housebroken or is unable to live with others in a reasonable manner.
5. If the ESA is a dog, the dog must be at a minimum age of 10 months (age of maturity) or older.
6. The animal does not meet city, county, and/or state ordinances or laws.
7. The animal poses or has posed in the past a direct threat to the safety or health of an individual or others. This includes but is not limited to aggressive behavior towards an individual, injuring another individual, and/or the transmission of zoonotic diseases exist that cannot be effectively mediated.
8. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
9. Generally, only one ESA is allowed per residence unit and one ESA will be approved for a student.

Guidelines for ESA owners

A. Living Space

An ESA must be contained within the Owner's assigned living space (dorm room) except to the extent the individual is taking the animal out for natural relief. When an ESA is outside the owner's room it must be under the owners control (Example: in an animal carrier or controlled by a leash or harness).

B. Dominion and Control

Notwithstanding the restrictions set forth herein, the ESA must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. NO OWNER shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University Housing.

C. Owner's Responsibilities

If the University approves an owner's request to live with an ESA, the owner is solely responsible for the custody and care of the ESA and must meet the following requirements.

1. The owner must abide by current city, county, and state ordinances, laws, and regulations pertaining to licensing, vaccination, and other requirements for animals. It is the owner's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations which may include a vaccination certificate.
2. The owner is responsible for cleaning up the animal's waste and fluids and disposing of such in outside trash containers only. Waste disposal via University plumbing is prohibited. The owner should always have the appropriate equipment sufficient to clean-up and properly dispose of the animal's waste and fluids. Owners who are not physically able to pick up and dispose of the animal's waste and fluids are responsible for making all necessary arrangements for assistance. The University is not responsible for these services. Additionally, the animal is not to be bathed, have its crate/cage cleaned, or bedding cleaned using University Housing facilities.
3. The owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and/or discipline for the responsible individual.
4. The Owner may be charged for any damage caused by the ESA beyond reasonable wear and tear to the same extent it charges other individuals for damages beyond reasonable wear and tear. The Owners living accommodations may also be inspected for fleas, ticks, or other pests as necessary. If fleas, ticks, or other pests are detected through inspection or by notification of the resident the residence will be treated using approved fumigation methods by a University approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in University Housing. The University shall have the right to bill the Owners University Billing account for unmet obligations under this provision.
5. The Owner must fully cooperate with University personnel with regard to meeting the terms of this policy and procedures related to the care to the animal (e.g., cleaning, the animal, feeding/watering the animal, designating an outdoor relief area, disposing of waste/fluids, etc.).

6. ESAs may not be left overnight in University Housing to be cared for by any individual other than the Owner. If the Owner is to be absent overnight or longer, the animal must accompany the Owner or other off-campus arrangements must be made. The Owner is responsible for ensuring the ESA is contained (caged or crated), as appropriate, when the Owner is not present while attending classes or other activities. The University reserves the right to inspect the enclosure used in containing the animal.
7. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
8. The ESA is allowed in University Housing only as long as it is necessary because of the Owner's approved accommodation.
9. To replace an approved ESA, a new ESA must be approved through the Dean of Student Affairs/ADA Coordinator.
10. NWOSU personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
11. The Owner must provide the name and contact information for someone who does not reside in University Housing and who can take responsibility for the animal within 6 hours should the Owner be unable or unavailable to care for it.
12. The individual acknowledges information may be shared to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life personal and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.
13. The Owner is responsible for instructing others on appropriate interactions with the animal and setting clear expectations.
14. The Owner will be required to have an ID for the animal. If the Owner has the animal outside of their assigned dorm room/suite, the Owner must have the animal's ID on them or on the collar, leash, or tether of the animal. The ID's will be issued by the Student Services Department located in Ryerson Hall 126. Any Owner found in violation of this policy may receive a fine from Student Conduct and/or Housing.
15. Any violations of the above policy will be subject to a fine of up to \$100 per violation per day

Exclusions

The University may require the Owner to remove the animal from University Housing in the timeframe determined by University Personnel if:

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in a fundamental alteration of a University program;
3. the Owner does not comply with the Owner's responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the University community.
5. If student has been fined for 2 or more ESA Policy violations the accommodation can be revoked.