

# BREVARD COLLEGE

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## BREVARD, NORTH CAROLINA

### **Guidelines for Emotional Support Animals in College Housing**

Brevard College (BC) is committed to providing equitable access to program participation and residential living for students with disabilities and therefore recognizes the importance of the broad category of “Assistance Animals” as defined under the Fair Housing Act (FHA) as well as trained “Service Dogs” that provide physical and/or other therapeutic support to qualifying individuals as defined by the Americans with Disabilities Act Amendments Act (ADAAA). It is BC’s general policy that student residents are prohibited from having pets (with the exception of fish in tanks) of any type in College Housing. However, in accordance with FHA, BC will consider a request by an individual for reasonable accommodation from this prohibition to allow an Emotional Support Animal in residence that is deemed necessary because of a significant mental health disability-related need. No ESA may be kept in College 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 individuals with disabilities that are neither service animals nor ESAs should be directed to the Office of Student Accessibility & Disability Services.

These Guidelines specifically address residents who request the use of **Emotional Support Animals** as a reasonable accommodation in College Housing to ensure that qualified individuals will be able to receive the benefit of the therapeutic support such animals provide. These guidelines do not apply to “service animals” as defined by the ADAAA and whose presence is explained in the [General Policy for Service Dogs and Animals on Campus](#). Students may qualify for an ESA housing accommodation if:

1. The student has a documented disability that substantially limits one or more major life activities.
2. There is an identifiable and documented nexus between the mental health disability and the assistance that the animal provides, determined by a reliable health care professional (**See the [Professional Supporting Documentation for ESA Request Form](#)**).

College residence halls are generally not an animal-friendly environment. The communal living nature of the residence hall requires the institution to consider the comfort and concerns of all students in residence. Below are set forth the specific procedures, responsibilities, and guidelines applicable to an individual's use of an Emotional Support Animal in College Housing. Students who have need of their trained Service Dog to live in College Housing are advised to review the [General Policy for Service Dogs and Animals on Campus](#) and must contact the Office of Student Accessibility and Disability Services for discussion per the provisions set by the ADAAA. BC reserves the right to amend these Guidelines as circumstances require.

***No animal may be kept in College Housing at any time prior to the individual receiving approval through both the Office of Student Accessibility and Disability Services and the Office of Housing and Residence Life pursuant to this Policy. Students found with unauthorized animals in the residence hall will be subject to sanctions under the Student Code of Conduct.***

## **Section I: Definitions**

### **A. Emotional Support Animal**

In the context of College housing, the terms “Emotional Support Animal” or ESAs are terms commonly used to describe an animal that is not considered to be a trained Service Animal (dog) under the ADAAA, but can provide some professionally documented therapeutic benefit to lessen or improve symptoms that stem from an emotional or psychological disability. Unlike service animals that are trained to perform specific tasks that are important to the independence or safety of their disabled handler, ESAs are generally not trained to perform disability-specific tasks. Their therapeutic support is a function of their presence and interaction with the person with a disability. ESAs are not pets, but they typically are animals commonly kept in households as pets. An ESA may be a dog, cat, 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.

To evaluate a student's request for a Emotional Support Animal (ESA) in the residence hall, the college requires information from a licensed clinical professional or mental health provider who is familiar with and can verify the patient history of disability and is responsible for the treatment of the student's disability including the intentional use of an ESA to address or alleviate the effects of specific functional limitations. Emotional Support Animals are allowed only in the student's specific residence and common spaces (hallways, stairwells, etc.) located within as required for egress. Animals can be walked under the Owner's direct control on sidewalks and green spaces within campus grounds. ESAs are not allowed in other areas of the College (e.g., dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, individual centers, on school-sponsored field trips, etc.) except in situations where the animal has been approved as a reasonable accommodation for a disability in accord with standard procedures for requesting such accommodations.

Before considering making a request for an ESA, students should know that Brevard College offers many unique experiential programs and opportunities. Division III athletics, wilderness expeditions, and many of BC's academic programs often require multiple extended periods of time away from a student's residence and campus within a semester including overnight trips. Students should research and evaluate the amount of time and travel required for their intended activities and programs to carefully consider whether their schedule will feasibly allow time for the appropriate humane care and benefit of having an Emotional Support Animal. Students should keep in mind that an animal cannot be left in the care of another campus resident and therefore reliable off-campus animal care for ESAs during overnight and extended periods of separation must be arranged.

### **C. Owner**

The "Owner" is the individual who has requested the accommodation and has received approval to bring an Assistance Animal into University Housing. A "Handler" is a person designated to perform the tasks of the Owner if the Owner's disability prevents him or her from doing so.

### **D. Disability**

A disability is a physical or mental impairment that substantially limits one or more major life activities.

## **E. Office of Student Accessibility and Disability Services**

The **Office of Student Accessibility and Disability Services (OSADS)** collaborates and works with individuals, faculty, and staff to ensure that individuals with disabilities have fair and equitable access to Brevard College programs and activities.

## **F. Office of Housing and Residence Life**

The **Office of Housing and Residence Life (OHRL)** provides staff support working with students in residential facilities including making decisions regarding student housing placement and specific ESA approval.

## **Section II. Requesting Emotional Support Animal (ESA) as a Reasonable Housing Accommodation in College Housing**

The procedure for requesting Emotional Support Animals follows the general procedures set forth in [Guidelines for Requesting Accessible Housing Accommodations](#) and the requirements set forth. However, individuals with a disability who reside or intend to reside in College Housing and who wish to request the accommodation of having an Emotional Assistance Animal in their residence should contact the **Office of Student Accessibility and Disability Services** and follow procedures set forth in the these **BC Guidelines for Requesting an Emotional Support Animal in College Housing**:

1. Read and review the **Guidelines for Emotional Support Animals in College Housing**.
2. Complete the student portion of [Request for Emotional Support Animal in College Housing](#) form and return it to the Director of Student Accessibility and Disability Services.
3. The **Supporting Documentation for Emotional Support Animal Request Form** (or a letter that addresses the same information requested on this form) must be sent directly from the practitioner's office to the Office of Student Accessibility and Disability Services. In order to best evaluate a student's request for an Emotional Support Animal (ESA) in the residence hall, the college requires information from a licensed clinical professional or healthcare provider who is familiar with the student's clinical history and is responsible for the treatment of the student's disability, including the intentional use of an ESA to address or alleviate the effects of specific functional limitations. Documentation should be current from a student's qualified mental health

provider (who is not a relative of the student) practicing in the State of North Carolina or from the student's home state. Letters and certificates based upon (for example) answers to an online survey purchased for a set price via commercial internet sites are not viewed as a reliable source of information. Websites that offer documentation for a price but were not established for the purpose of treating persons for a disability-related condition rarely contain sufficient and reliable verification of disability.

4. As is the procedure for other housing accommodation requests, new students should review and submit a completed [Guidelines and Request for Emotional Support Animal in College Housing](#) form to OSADS and arrange for submission of a completed [Supporting Professional Documentation for Emotional Support Animal Request](#) (or alternative similar letter) form by **June 1** for the start of Fall Semester or by **October 1** for the start of Spring Semester. (Note-Returning students should submit their request to continue a previously approved ESA accommodation or a new housing accommodation request by **April 1** for the Fall Semester.) Students may submit a request and supporting documentation to the Director of Accessibility and Disability Services for an ESA for consideration at any time; however, OSADS and the Housing Office are not able to process new requests for an ESA in housing **between August 1-September 15 nor during Fall, Spring, or Winter Breaks**. The Housing Office requires sufficient time, **up to 60 days following notice of a student's approval**, to determine appropriate placement for the approved owner/ESA and to avoid concerns or competing disability-related issues within the housing community.
5. **If the request for accommodation is made fewer than 60 days** before the individual intends to move into college housing, BC cannot guarantee that it will be able to meet an approved individual's accommodation needs during the first semester of occupancy. Therefore, approved students with late requests may be required to wait until the following semester to be approved for entry to allow time for housing assignments to be adjusted.
6. Once both the request form and supporting professional documentation are received, The Director of Student Accessibility and Disability Services will notify the student via campus email within **seven days** of receipt regarding the status of the completed request.
7. If the third party returns the Verification Form or other documentation without sufficient information for **OSADS** to determine whether an accommodation is necessary, the Director will inform the individual in writing of the insufficiency of the verification and may request additional information, including speaking directly with the individual supplying the third-party verification. The individual making the request for accommodation must cooperate with **OSADS** in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

8. **Choice of ESA:** Emotional Support Animals are not limited to dogs, but the College reserves the right to limit approval of proposed ESAs to domestic animals that pose only mitigable health or safety concerns and do not significantly disrupt the residence hall living environment for others. Other factors that may be considered in determining whether the presence of an animal is reasonable include the following:
- a. Dogs must be a minimum of 6 months in age, housebroken, spayed or neutered, and have received their first rabies vaccination before they can be approved. The College has determined that the residence hall setting is not an appropriate environment in which to raise a young puppy.
  - b. Animals known to carry zoonotic diseases that cannot be reasonably controlled are not permitted.
  - c. Heating devices are not permitted.
  - d. The size of the animal and its crate must be reasonable for the space allowed.
  - e. Past history of aggression or having history of excessive damage to housing beyond reasonable wear and tear will result in an animal needing to be removed.
9. A student who is found to be eligible for an ESA housing accommodation must complete and submit registration requirements before being permitted to bring any animal on campus.
10. Upon completion of all ESA Registration Requirements, the student must contact the **Office of Housing and Residence Life** to request review the animal registration documents and to verify approval of a particular animal within an assigned housing placement.

### **Section III. Decision Appeals**

Any student whose request for an Emotional Support Animal in College housing is not granted will be given a written rationale for the decision. A student may choose to appeal such decisions to the Vice President and Dean for Students. The student must write a letter that specifically addresses the reason for the appeal. The written appeal will be reviewed, and the student will be notified in writing on the status of the case.

### **Section IV. Procedures for Emotional Support Animal Registration and Housing Placement**

After the Director of **OSADS** has evaluated the documentation and verified that the individual making the request qualifies as a person who has a disability-related need for either a Trained Service Dog or Emotional Support Animal, the student will be provided with the **BC ESA or Service Dog in Housing Registration Form**. This

form contains instructions regarding additional animal health and document requirements that **must be completed and uploaded in a shared file before bringing an animal to campus**. Once the student has completed all required registration documents referenced on the form and uploaded a shared folder containing the **BC Assistance Animal Registration Form**, the student may then request a consultation with the **Office of Housing and Residence Life**. The **OHRL** Staff will take the following actions:

- A. The **OHRL** Staff will review the **BC ESA or Service Dog in Housing Registration Form** along with the requested health care documents to determine if registration requirements have been met and if the [Disability Support Animal in College Housing Contract](#) has been reviewed and signed.
- B. A student may be approved to be eligible for an ESA but not for a specific animal if the specific animal is deemed inappropriate for College housing. The **Office of Housing and Residence Life** will determine if the proposed ESA is of reasonable size/species to live in College housing. Staff reserves the right to inspect the type of carrier/cage used to house the animal in consideration.
- C. The Office of Housing and Residence Life Staff will evaluate the available housing options including contacting potential roommates and suitemates to verify consent. Staff will consult with OSADS as necessary to avoid having conflicting disability-related issues (such as allergies, etc.) among residents and will strive to achieve fair and amicable living arrangements. The student will be notified through the Staff of the residence assignment.
- D. Current students with roommates/suitemates are asked to verify consent of the introduction of an assistance animal with the **ESA or Service Dog Roommate Agreement Form**. The form should be submitted to the **OHRL**. If it is not possible to obtain the necessary signatures, staff will work with the student to determine an alternative housing solution. Generally, the student introducing the new accommodation into an existing housing situation will be the resident required to move in the event of a conflict.
- E. The approval of an ESA is not the same as nor guarantees approval of a single room housing accommodation. Housing accommodations, such as a disability-related need for a single room, require different accommodation legal standards and must be requested separately through **OSADS**.
- F. Through the accommodation request process, the applicant provides written consent for the **OSADS** and the **Office of Housing and Residence Life** personnel to disclose information regarding the request for and presence of the Assistance Animal to those individuals who may be impacted by the presence of the animal

including. Such persons include, but are not limited to, **OHRL** student personnel, Maintenance, Security, and potential and 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. Students who are requesting the introduction of a new accommodation (i.e., assistance animal) into an already existing housing arrangement may be required to change residences before the accommodation can be approved. Owners should be aware that the presence of the Service Dog or Emotional Support Animal may be noticed by others visiting or residing in campus housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances Service or Support Animals are permitted for persons with disabilities.

G. Generally, only one Emotional Assistance Animal can be approved per qualifying student in order to fulfill the intent of the FHA requirements in providing support to the student with an emotional disability.

H. Generally, no more than one Animal can be approved for a given housing unit.

I. Students must notify the Office of Housing and Residence Life Staff when there is a change of status with their animal. A previously approved student who wishes to request a different animal must notify the **OHRL** and submit a new completed **BC Assistance Animal Registration Form** along with the necessary documents for review before bringing the animal to campus. The OHRL will determine approval.

J. Office of Housing and Residence Life Staff will notify residential building professional and student staff who need to be aware of the presence of an approved Emotional Support Animal.

## **Section V. Guidelines and Responsibilities for Owners of Approved Assistance Animals (Service & ESA)**

### **A. Guidelines for Maintaining an Assistance Animal on Campus**

The following guidelines apply to all approved animals and their owners. If the nature of the owner's disability prevents adherence to these guidelines, the owner must have a responsible designee or caregiver.

1. **Care and Supervision.** Care, supervision, and control of the animal are the responsibility of the Owner. All animals on College grounds must be under the control of the Owner at all times and must be restrained by a leash or other appropriate device. If the handler is unable because of disability to use a



harness or leash, the animal must otherwise be under the handler's control (e.g., voice control, signals, or other effective means).

2. **Waste Management.** The Owner is required to ensure the cleanup of the animal's waste and, when appropriate, must use relief areas designated by the College. Solid waste deposited whether on college grounds or within a building or other facility must be removed immediately, sealed, and disposed of in an outside trash receptacle. Indoor animal waste, such as cat litter, must be sealed/tied in a plastic bag before being disposed of in an outside trash container. Inside litter boxes should be situated or contained so that waste does not become tracked onto carpeted areas.

3. **Animal Health and Wellbeing.** All animals must be certified to be in good health before being approved to be on campus. Owners must be able to access veterinary care for their animal when necessary. The College reserves the right to direct that the approved animal receive veterinary attention.

- a. **Immunizations.** Per local/state ordinances and regulations, the animal must be immunized against diseases common to that type of animal. Dogs must maintain current documentation of compliance with such ordinances, laws, and regulations, which may include a current vaccination certificate and wearing a rabies vaccination tag. Dogs must also receive routine tick/flea/parasite prevention treatment.K.
- b. **Dog/Cat Requirements.** Students in Brevard College residence halls share common spaces within close quarters with community entrances/exits. Students often have to travel some distance along shared hallways and flights of stairs. Dogs and cats must be a minimum of 6 months in age and be spayed/neutered to minimize the potential for disruptions, disturbances, and issues with animal waste control within the residential community.
- c. Animals may not be bathed nor animal equipment (litter boxes, bedding, etc.) cleaned in College restroom, laundry, or kitchen facilities. Students may request directions to outdoor or off-campus facilities.

4. **Removal of Approved Animal.** The College may remove or require the removal of an animal when any of the following circumstances occurs and cannot be reasonably rectified. Generally, the Owner must make alternate arrangements for the animal to be removed from campus within 48 hours. Failure to comply will result in disciplinary action and/or the forced removal of the animal to the Transylvania County Animal Control. Removal will be required when:

- a. the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by reasonable modification to other policies, practices, auxiliary aids, or procedures;
- b. the animal exhibits aggressive behavior. Animals that exhibit aggressiveness are not appropriate for college residences, regardless of whether they have “actually” injured someone. In other words, the College does not have to wait until someone is harmed; aggressive behavior is disqualifying.
- c. the animal disrupts the uses for which campus grounds or facilities are intended; or if
- d. the Owner does not comply with the other College guidelines and responsibilities for maintaining an Assistance Animal on campus.

5. **Emergency Evacuation.** In the event of an emergency evacuation, emergency personnel will determine whether to remove the animal if the Owner is not present. The College may not be held responsible for the care, damage to, or loss of the animal.

#### **B. Owner Responsibilities in Campus Housing.**

1. The Owner is responsible for assuring that the Approved Animal does not unduly disturb or interfere with the routine activities of the residence hall community or for its residents. Students should be aware that access will be denied or revoked to any Assistance Animal when:
  - a. The animal is out of control and its handler does not take effective action to control it;
  - b. A Service or Emotional Support Dog is not housebroken;
  - c. The animal’s waste is not managed in a sanitary manner;
  - d. The animal poses a direct threat to the health or safety of others;
  - e. The Owner does not provide appropriate supervision, care, or treatment of the animal.
2. The Owner is responsible for ensuring the cleanup of the animal’s waste in a safe, sanitary, and timely manner. Dogs must be housebroken. Use of training pads as a routine means of controlling dog waste is not acceptable. Indoor animal waste, such as cat litter, and solid waste deposited outside must be secured in a plastic bag and disposed of in outside trash receptacles.
3. The Owner is responsible for routine removal of shed animal fur or hair from the floors and other surfaces within their dwelling spaces. It is strongly recommended that owners of shedding animals have a vacuum cleaner to be used for this purpose. Animals/animal equipment should not be washed in any indoor facilities (sinks, showers, etc.) used by residents.
4. Care and supervision of the animal are the responsibility of the Owner who benefits from the Approved Animal’s use. The Owner is required to maintain control of the animal at all times. The Owner

may not leave the animal on campus alone overnight and is not allowed to leave the animal in the care of another student in residence. The time that an animal is contained alone in residence should not exceed the needs of the animal for humane treatment including relief, interaction, and exercise. The Owner should make arrangements to either take the animal (if not a school-sponsored event) or must obtain reliable off-campus care if the Owner must leave the campus for a prolonged period. The Owner is responsible for ensuring that the Assistance Animal is contained as appropriate when leaving the animal alone in residence.

5. Any report of neglect or inhumane treatment of the Assistance Animal will be investigated and if confirmed may result in one or more of the following actions: a) immediate removal of the Assistance Animal; b) referral to the Dean for Students for appropriate review of conduct and/or; c) referral to Transylvania County Local Animal Ordinance Control enforcement officials.

6. The Owner must notify the Office of Housing and Residence Life and the Office of Student Accessibility and Disability Services in writing if the Approved Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the student will need to follow the procedures outlined by the Office of Student Accessibility and Disability Services and the Office of Campus Life to request and register a different animal.

7. The Owner is financially responsible for the actions of the Approved Animal including bodily injury or property damage. Brevard College will not require an individual with a disability to pay a preliminary deposit or surcharge for an approved Assistance Animal. However, an individual with a disability will be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's responsibility covers but is not limited to replacement of furniture, carpet, windows, wall covering, etc. The owner is expected to cover these costs including any cleaning beyond what is routinely required at the time of repair and move-out. Costs incurred for cleaning or pest control beyond a reasonable standard as a result of the animal's presence will also be the Owner's responsibility who will be expected to cover these costs at the time of repair or when vacating the residence. The College shall have the right to bill the Student's account for unmet financial obligations.

8. The Owner will be charged for the expense of any pest control treatment above and beyond standard pest management in the residence halls. The Owner's residence may be routinely inspected as necessary to ensure health and safety standards are maintained. If the presence of fleas, ticks or other pests is detected through inspection, the residence will be treated using approved fumigation methods by a college-approved pest control service. The College shall have the right to bill the Owner's account for unmet obligations under this provision.

9. The ESA Owner is responsible for containing (caging or crating) an ESA within the student's assigned room or suite when absent during the day while attending classes or other activities. When leaving the student's residence, the animal should be controlled by leash or harness or contained in an animal carrier.
10. Owners may not bring ESAs into other campus buildings (including residence halls not occupied by the owner) or campus venues such as athletic facilities, the library, or campus dining except when approved as a reasonable accommodation for a disability in accord with standard procedures for requesting such accommodations.
11. If the Owner becomes incapacitated or is unable to care for the Assistance Animal, the Emergency Contact on file as part of the Assistance Animal Registration will be contacted to assume care and remove the animal from campus.
12. Any violation of the above responsibilities and guidelines can result in immediate removal of the animal from the College and may be reviewed through the College Student Conduct Review Process. The Owner will be afforded all rights of the Student Conduct process as outlined in that process. Should the Approved Animal be removed from the premises, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract. Any student wishing to file an appeal to terminate his/her contract must contact the **Director of Housing and Residence Life in Campus Life**. Any removal of an approved Assistance Animal will be done in consultation with the **Office of Student Accessibility and Disability Services**. Decisions may be appealed to the **Vice President and Dean for Students** in writing. The Owner will be afforded all rights of due process and appeal as outlined in that process.
13. The **BC Assistance Animal Registration Form** along with emergency contact information and state/local required vaccinations for the animal must be updated annually and whenever there is a change in the required information.