

# Christopher Newport University

## **Policy: Emotional Support Animal Policy** **Policy Number: 9040**

Executive Oversight: Vice President of Student Affairs  
Contact office: Student Affairs  
Frequency of Review: Biennial  
Date of Last Review: Spring 2022

### **A. PURPOSE**

Students seeking permission to have an Emotional Support Animal (ESA) must receive approval prior to bringing an animal into the residence halls. This policy sets out the conditions upon which approval may be granted.

### **B. POLICY STATEMENT**

Christopher Newport University prohibits animals – other than service animals – in public facilities and University residence halls. However, the University shall consider requests for permission to keep an Emotional Support Animal as an accommodation of a disability.

### **C. DEFINITIONS**

Emotional Support Animal (ESA): An animal that mitigates or alleviates one or more identified symptoms of a person's documented disability. An ESA must be recommended to an individual with a disability by a treating mental health provider familiar with the requesting individual's disability and course of treatment. An ESA is not trained to perform a specific task. As such, ESAs do not assist a person with activities of daily living, nor do they accompany a person with a disability at all times. An ESA is not a service animal. Students requesting a service animal should reference the Service Animal policy. Other commonly used terms for emotional support animals include therapy pets, comfort animals, support animals, therapy animals, or companion animal.

### **D. PROCEDURES**

#### **1. Approval Process**

Students seeking approval to keep an ESA must follow the *request for services and accommodations* process outlined in the Disability Support Services section of the *Student Handbook*.

Requests for an ESA as an accommodation of a disability, with sufficient supporting documentation, should be submitted at least one month prior to the room assignment process. Generally, room assignment dates are early February for returning students and mid-June for new students. Requests submitted later will be reviewed on a case-by-case basis with the understanding that housing options may be limited. Requests for an ESA reviewed after the beginning of the academic year may not be possible to approve.

Approval of an ESA:

- Is generally limited to one animal;
- Does not guarantee a student housing on campus;
- Does not guarantee approval of an ESA for subsequent years; and
- Must be requested annually.

Requests for an ESA will not be granted if the presence of the animal:

- Imposes an undue financial and/or administrative burden on the University;
- Fundamentally alters a University program; and/or
- Poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property.

Determinations shall be made on a case-by-case basis, upon consideration of specific facts concerning the animal in question, not upon generalizations about types of animals or experience with similar animals in the past.

## **2. Housing and University Facilities**

- a. Some limitations on available University housing placements and room assignments apply for individuals with an ESA. These limitations are based on structural parameters, weight guidelines, size of dwelling units, and the ability to conduct necessary facility cleaning and maintenance. If an ESA is approved, assignment of residential space may be determined by the application of these factors.
- b. ESAs are approved for University housing only and are not permitted in any other University building.
- c. ESAs may not be in public areas of the residence halls, except for transporting the animal in and out of housing.
- d. ESAs are permitted in designated outdoor spaces, primarily for natural relief and exercise.

- e. The ESA must be at least 6 months in age and housebroken prior to being approved for University Housing; pads are not permitted for toileting. See the section *Other Provisions* for additional details.
- f. The ESA must be properly housed/crated and restrained or otherwise under the dominion and control of the student at all times. No student 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, confinement, and immediate removal from University Housing.
- g. An individual with an ESA may be charged for any damage caused by his or her animal beyond reasonable wear and tear.

### **3. Students' Responsibilities for ESA**

The University is not responsible for the supervision, cost, or care of an ESA. Students with an ESA must follow all residential policies outlined in the *Residence Life Handbook*. If the University approves a student for an ESA, the student is solely responsible for the following:

- Care and supervision;
- Waste management and cleaning;
- Health and well-being of the animal

Students approved for an ESA shall receive a more detailed list of additional *Student Responsibilities* they must review and initial prior to bringing the animal to campus.

#### **Other Provisions**

- a. Vaccinations: All animals must have required vaccinations in accordance with applicable local, state, and federal law.
- b. Health: Documentation from a certified veterinarian attesting to the health of the animal and its ability to reside in University Housing without restriction or any risk to the animal or others is required prior to the animal being approved for University Housing. Annual documentation, to include a vaccination certificate as appropriate, is required. The University may require that the animal receive veterinary care or be removed from campus.
- c. Licensing: Local licensing requirements must be followed; documentation must be provided to the University prior to the animal being approved for University Housing and on an annual basis.

#### 4. Removal of an ESA

The University may require an individual who received a reasonable accommodation to remove their animal from University housing if:

- The animal poses a threat to the health and safety of others;
- The animal causes severe property damage to University property or the property of others;
- The animal's presence fundamentally alters a University program;
- The student does not comply with the *Student Responsibilities*; and/or
- The animal creates an unmanageable disturbance or interference with the University community.

If a decision is made by a University official that an animal poses an immediate threat to others, the animal will be removed immediately. Should the student wish to appeal this decision, he/she may do so but the animal must be removed during the appeals process. Under other circumstances, the student will be given notice to remove the animal within 48 hours.

The student may appeal the decision to the Assistant Dean of Students, in writing, within 24 hours of notification of removal as to why the ESA should not be removed. A decision on the appeal shall be made within three business days of receipt of the appeal and is final. In the interim period the animal must remain off campus unless permission is otherwise granted by the Assistant Dean.

Should the ESA be removed from housing for any reason, the student remains contractually obligated to fulfill his/her housing obligations for the remainder of the housing contract.

Any individual who feels that he or she has been unfairly denied the ability to have an emotional support animal in University Housing may file a complaint under *Policy 1005: Discrimination, Harassment and Sexual Misconduct Policy*.

#### E. APPROVAL AND REVISIONS

**Approved By:** Policy Committee, December 14, 2016

**Revision 1:** Policy Committee, May 10, 2017

**Revision 2:** Policy Committee, May 1, 2019

**Revision 3:** Policy Committee, March 9 2022

#### F. NEXT REVIEW DATE: Summer 2024