



## Introduction

Oklahoma Panhandle State University (“OPSU” and/or “University,”) recognizes the importance of Emotional Support Animals (“ESAs”) and the broader category of “Support Animals” as addressed in the Fair Housing Act, which provide physical and/or emotional support to individuals with disabilities. OPSU is committed to allowing the use of ESAs necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing.

All residents seeking to keep an ESA in University housing must first receive approval for the accommodation from OPSU Housing and Residential Life (“HRL”). Bringing an ESA to campus without *prior* authorization is prohibited, and any student who does so shall be subject to a \$200 fine. All ESAs must have current vaccination records on file with OPSU Counseling and Disability Services, if the animal is to be housed on campus. Only one (1) ESA will be approved per resident.

## Definitions

- “Emotional Support Animals” (“ESAs”) are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Service Animals under the Americans with Disabilities Act (“ADA”). To be deemed an ESA, an animal must be necessary to afford the disabled individual an equal opportunity to use and enjoy University housing. Additionally, the animal’s presence in University housing must be reasonable. However, even if the necessity for an ESA is established and the animal is allowed in University housing, ESAs are not permitted in other areas of the University (e.g., dining facilities, library, academic buildings, athletic building and facilities, classrooms, labs, individual centers, community spaces, other residences, etc.).
- “Owner” is the resident who has requested the accommodation and has received approval to bring an ESA into University housing.
- “Counseling and Disability Services” is the office on the OPSU campus that collaborates with individuals, faculty, and staff to ensure individuals with disabilities have equal access to all OPSU programs and activities.

## Procedures for Requesting ESAs in University Housing

All students must apply to house their ESAs on campus *annually*. The procedures for requesting to keep an ESA in University housing are outlined below:

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 in certain residence halls. To ensure the presence of an ESA is an equitable situation for all students living in University housing, OPSU reserves the right to assign or reassign an individual with an ESA to a single room without a roommate.



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A student seeking to keep an ESA in University housing must complete the registration process with Counseling and Disability Services. After successfully completing registration, Owner must submit the “Emotional Support Animal Agreement for University Housing” to HRL.

Registering an ESA with Counseling and Disability Services requires documentation of a disability and should include the following current—*within the last six (6) months*— information: verification of Owner’s diagnosis from a physician, psychologist or other licensed professional who is familiar with Owner’s disability; and a statement of how the ESA is necessary to ensure Owner’s equal opportunity to use and enjoy University housing.

For all ESA requests, the HRL reserves the right to determine on a case-by-case basis if the presence of an ESA is unreasonable. The factors to be considered in determining whether a particular ESA or ESA request is reasonable include, but are not limited to the following:

- the ESA imposes an undue financial and/or administrative burden; (i.e., size/weight of the animal vs. adequate/safe living arrangements for students);
- the ESA fundamentally alters University housing policies; and/or
- the ESA’s vaccinations are not current;
- the ESA is not housebroken or is unable to live with others in a reasonable manner (dogs must be trained to only urinate or defecate outside the home; cats must be trained to only urinate or defecate in an acceptable area of the home, e.g., litter boxes);
- the ESA poses or has previously posed a direct threat such as aggressive behavior; or
- the ESA causes or has caused excessive damage to University housing beyond reasonable wear and tear.

Additionally, OPSU may consider the following factors, among others, as evidence in making University housing assignments for individuals with ESAs:

- the animal's presence would require another student to relocate causing an inequitable situation for that student (i.e., serious allergies/asthma);
  - *Students with medical condition(s) impacted by the presence or proximity of animals (e.g., respiratory diseases, asthma, severe allergies) should contact HRL should they have a health or safety related concern about exposure to an ESA.*
- the presence of the ESA violates individuals' right to a peaceful and/or quiet environment; and/or
- the ESA is disruptive, and Owner is unable or unwilling to correct the behavior.

A complete application for an ESA will include the following: a completed housing agreement; Housing and Residential Life Emotional Support Animal Agreement; Counseling and Disability Services Verified Letter; a clear photograph of both the animal and Owner; recent Health Certificate showing proof of rabies vaccination; Spay or Neuter Certificate.

Send documentation and agreement to [panhandlehousing@opsu.edu](mailto:panhandlehousing@opsu.edu) or bring the paperwork to the HRL office. If paperwork is submitted via email, include “ESA Agreement” in the subject line and include the student’s first and last name and ID number in the body of the email, otherwise a request may take additional time to review. Residents who bring animals to campus prior to their verification from Counseling and Disability Services and approval from housing will be subject to a \$200 fine.

### **Access to University Facilities by an ESA**



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Whenever Owner is not present within the room, their ESA must be contained within a crate located inside Owner's assigned living space (e.g., room, Annex). When an ESA is outside Owner's assigned living space, it must be in an animal carrier or controlled by a leash or harness. ESAs may not be chained or tethered outside of the residence when Owner is not physically present outside with the animal. ESAs are not allowed in any University facilities other than Owner's assigned living space. Notwithstanding the restrictions set forth herein, ESAs must be properly housed and restrained or otherwise under the dominion and control of Owner at all times.

No Owner shall permit their animal to go loose or run at large. If found running at large, the ESA is subject to capture, confinement and immediate removal from University housing. OPSU personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the ESA during emergency evacuation for events such as a fire alarm or natural disaster. Emergency personnel will determine whether to remove the ESA and may not be held responsible for the care of, injuries to, or loss of the ESA.

### **Owners' Responsibilities for ESAs**

If the University approves an ESA, Owner is solely responsible for the custody and care of the ESA and must meet the following requirements:

- Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, humane treatment, and other requirements for animals. It is 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.
- The University requires all students with ESAs provide HRL a current photo of both Owner and the ESA for identification purposes in case of emergency separation (i.e., fire, tornado, etc.).
- Owner is required to immediately clean up after and properly dispose of the ESA's waste in a safe and sanitary manner.
- Owner is required to ensure the ESA is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and/or a referral for discipline for Owner.
- Owner will be charged for any damage caused by their ESA beyond reasonable wear and tear to the same extent all residents are charged for damages beyond reasonable wear and tear.
- Owner's assigned living space may also be inspected for fleas, ticks, or other pests, if necessary, as part of the University's standard or routine inspections. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. 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 Owner's account for unmet obligations under this provision.
- Owner must fully cooperate with University staff to ensure they comply with the terms of this Agreement and in order to develop procedures for care of their ESA (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
- ESAs may not be left overnight in University housing to be cared for by any individual other than Owner. If Owner is to be absent from their residence overnight or longer, the ESA may not remain in the residence during that timeframe.



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- Owner is responsible for ensuring the ESA is contained, as appropriate, when Owner is not present during the day while attending classes or other activities.
  - Owners must keep their dogs properly crated while they are away from the room. Should Owner leave the residence, it is their responsibility to crate the dog, regardless of other roommates that may stay in the residence.
  - Cats are not required to be crated at this time; however, should Owner leave the residence, the cat must be restricted to Owner's room while Owner is away from the residence.
- Owner agrees to abide by all applicable University housing policies unrelated to the individual's disability such as ensuring the ESA does not create an unequitable situation for others sharing the living space by misbehaving, acting unruly, etc.
- Owner must notify housing in writing if the ESA is no longer needed or no longer housed in the residence. To replace one ESA with another, Owner must follow the procedures in this Agreement when requesting a different animal.
- In addition to regular Health and Safety inspections, Owners will be subject to random animal wellness inspections throughout the year. These are used to ensure Owner is maintaining healthy and appropriate animal care. Failure to maintain upkeep of an animal or living space may result in removal of animal from campus and/or the assessment of room cleaning charges.

### ESA and Owner Violations

Owners, in most cases, will be issued a verbal warning for a first-time violation, which will result in probation. Further violations will result in the ESA being removed from campus.

Written notification of animal probation will be issued for, but not limited to, the following:

- Owner brings an animal to campus without first completing an ESA agreement, submitting documentation, and/or receiving approval;
- Owner or ESA does not comply with the policies and guidelines set by HRL;
- The ESA causes excessive damage to the space (In addition, Owner will be charged for the damage as assessed by the OPSU Facilities office).

Animal cruelty will not be tolerated and is a criminal offense in the town of Goodwell. OPSU reserves the right to contact local authorities if cruelty or neglect is suspected.

### Immediate Removal of ESA

OPSU may require Owners to remove ESAs from University housing if:

- The ESA poses a direct threat to the health or safety of others;
- The ESA causes substantial property damage, as assessed by OPSU Facilities and/or the property of others;
- Owner does not comply with the Owner's Responsibilities set forth above; or
- The ESA or its presence creates an unmanageable disturbance or interference with the University community.

The University will base such determinations upon the consideration of the behavior of the particular ESA at issue and not on speculation or fear about the harm or damage an animal may cause. Any



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removal of the ESA will be communicated via written documentation to the Dean of Student Affairs and will be conducted with support from Counseling and Disability Services. Removals of ESAs may be appealed to the Dean of Student Affairs. Should the ESA be removed from the premises, the Owner is expected to fulfill their housing obligations for the remainder of the housing agreement.

### **Animal Waste**

It is Owner's responsibility to clean up after their ESA, both inside and outside. Owners must exercise proper care and control of their ESA, which includes cleaning up their ESA's waste material and disposing of it properly. Owners must keep and have animal waste or plastic bags with them to dispose of waste in any outside dumpster. Failure to properly clean up pet waste will result in fines and/or fees charged to Owner's Bursar account. It is an expectation that animals that utilize outdoor methods for relief are not allowed to urinate on any electrical boxes or HVAC equipment and must utilize a grassy area (no flower beds, mulched landscapes, sidewalks, or breezeway areas). Litterboxes must be cleaned regularly and maintained to ensure reduced odors. Owners are required to dispose of old litter in a sealed bag, pet waste bag, or container in the exterior dumpsters immediately. Litter boxes should be placed on mats so that feces and urine are not tracked onto surfaces. Owners are responsible for disposing of all disposable cage or crate bedding in the exterior dumpsters. It is Owner's responsibility to provide the appropriate upkeep for their animal.

### **Non-retaliation Provision**

OPSU will not retaliate against any person because they requested or received reasonable accommodation in University housing, including a request for an ESA.

### **Agreement, Risk Acknowledgement and Liability Waiver Form**

By signing this agreement, I certify that I have read, fully understand, and agree to abide by the stated terms herein, and those of the Housing Agreement and the Oklahoma Panhandle State University Emotional Support Animal Policy and Agreement.

I agree to make myself aware of and practice appropriate animal care and understand the penalties for not following proper procedures and policy. I understand if I fail to meet the requirements set forth in the Agreement, OPSU has the right to remove the ESA, and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing agreement. Any violations of this agreement will be addressed through the conduct process. I agree and understand that I will not bring the animal to campus prior to my approval from Housing and Residential Life. I understand, if the animal appears in residential halls or Annexes prior to OPSU HRL approval, I will be subject to an immediate fine, I must remove the animal immediately, and I will not petition the amount charged.

### **Risk Acknowledgement and Assumption of Liability**

I understand and accept the risks associated with living in quarters with various types of animals that, despite policy and efforts of University staff, could involve occasional disturbances or incompatibility between animals, such as but not limited to: noise, odor, respiratory issues, infestation of fleas or ticks, animal related infections, etc. as well as the possibility of injury to me or my own animal, and/or damages to my personal property. I acknowledge that said risks extend to the campus grounds where my animal will be leashed. I acknowledge that all students are encouraged to have health insurance while attending



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the University. I understand that should I become injured by my animal or the animal of another student, or should my animal cause injury to another person, I will be responsible for any associated medical costs. I understand that it is recommended by the University that I obtain animal liability insurance, or if applicable, check my homeowner's policy to see if this is included for my animal while living in a university residence hall or Annex. As an animal owner in a campus residential building, I accept full responsibility and liability for any damages or injuries that I or my animal may cause to any persons or property while residing within university buildings and while utilizing the campus grounds.

### **Liability Release & Indemnification**

I understand that I must register my ESA with Counseling and Disability Services on an annual basis. I understand that HRL may need to share information about the presence of the ESA with the intent of preparing for and/or resolving any potential issues associated with the presence of the ESA. I further recognize that the presence of the ESA may be noticed by others visiting or residing in University housing and agree that Housing staff may acknowledge the presence of the ESA and explain that under certain circumstances ESAs are permitted for persons with disabilities. I hereby release and hold harmless the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, Oklahoma Panhandle State University, Housing, and its faculty, staff, officers, trustees, representatives, chaperones, employees, volunteers, and agents from all manner of action and actions, cause and causes of action, suits, claims, or demands of a nature including personal injuries, damages, or property loss resulting from my ESA.

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Signature of Resident

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Date