

Liberty University
Service & Emotional Support Animal
Policies and Procedures

Definitions

Service Animal (SA) A dog that is individually trained to do specific work or perform specific tasks for the benefit of someone with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The animal must be trained to take a specific action when needed to assist the person with a disability. Examples include but are not limited to alerting persons with hearing impairments to sounds, guiding persons that are blind or have low vision, pulling wheelchairs or carrying and picking things up for persons in wheelchairs, and helping people who have mobility impairments with balance. -Dogs whose sole function is to provide comfort, emotional support, companionship, or improve the well-being of the disabled student are not service animals.

Emotional Support Animal (ESA) An assistance animal that is not a SA but provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Unlike service animals, ESAs provide relief through mere presence and need not be individually trained to provide the emotional support needed to alleviate the symptoms of the disability. ESAs are not pets. The student must have a disability-related need for the animal.

General

The University does not generally allow a disabled student to keep more than one SA or ESA.

Disabled students must comply with all applicable laws and regulations, including vaccination, licensure, animal health, and leash laws.

Service Animals

The use of a SA is allowed in University housing that has been assigned to the disabled student and in other areas of the University where the SA is necessary for the disabled student to enjoy equal access to University programs, services, and activities. The use of a SA is not permitted in University housing when such use would be an undue administrative and financial burden on the University or when the SA would fundamentally alter University housing. Similarly, the use of a SA is not permitted in other areas of the University when such use poses an undue administrative or financial burden or would fundamentally alter an University service, program or activity. Neither are SAs allowed where their presence is prohibited by federal, state, or local health laws. (i.e., food preparation areas, swimming pools, sterile laboratories, etc.).

Service Animal Training

The SA must be trained to perform a specific job or task in connection with its ability to assist the disabled person. Training is the responsibility of the disabled student but the student is not required to use a professional service animal training program.

Before a SA is approved to come onto University property, it must be housetrained. Housetrained means the animal is able to consistently control its waste elimination. If the SA is to be left alone or is to remain on University property when the disabled student is sleeping, it must be crate-trained. Crate-trained means the animal is able to consistently be confined to a closed crate without barking, whining, or whimpering.

Service Animal Identification Gear

A service dog is required under this Policy and Virginia law to wear an appropriate harness, backpack, or vest identifying it as a trained service dog.¹

ESAs

The University will permit the use of an ESA in University housing that has been assigned to the disabled student in accord with the applicable portions of the Fair Housing Amendments Act. The use of an ESA is not permitted in University housing when such use would be an undue administrative and financial burden on the University or when the ESA would fundamentally alter University housing. Other than the times when the ESA is entering or exiting University property, the ESA is only allowed in the disabled student's assigned dormitory building. Exceptions are areas specifically designated by Residence Life (RL) as areas where animals may be walked.

ESA Training

An ESA need not be trained to perform a specific task or work but its presence must be necessary to alleviate identified symptoms or effects of the disability.

Before an ESA is approved to come onto University property, it must be housetrained. Housetrained means the animal is able to consistently control its waste elimination. If the ESA is to be left alone or is to remain on University property when the disabled student is sleeping, it must be crate-trained. Crate-trained means the animal is able to consistently be confined to a closed crate without barking, whining, or whimpering.

SA or ESA Accommodation Request Procedures

Students shall submit Service Animal and Emotional Support Animal Accommodation Requests through [LU Accommodate](#).

Required documentation for Service Animals and Emotional Support Animals – to be submitted with initial and any subsequent LU Accommodate requests

An annual clean bill of health from a licensed veterinarian. In addition, any concern raised by hall leadership to RL may require the disabled student to provide to ODAS an updated clean bill of health from a licensed veterinarian.

Sterilization. Veterinarian verification that the animal has been sterilized.

Current vaccinations immunizations and pest control treatments. Documentation of current vaccination against rabies and other immunizations against diseases common to the animal type. Documentation that the animal has been treated for pests, such as fleas and ticks, common to the animal type. The disabled student must ensure that the animal has been

¹ Please note that VA Code §51.5-44.1 states: "Any person who knowingly and willfully fits a dog with a harness, collar, vest, or sign, or uses an identification card commonly used by a person with a disability, in order to represent that the dog is a service dog or hearing dog to fraudulently gain public access for such dog pursuant to provisions in § 51.5-44 is guilty of a Class 4 misdemeanor."

immunized against diseases and treated for pests, such as fleas and ticks, common to that type of animal. Animals must wear a valid rabies vaccination tag and be properly licensed (if applicable to the animal type). The student must provide ODAS with appropriate

documentation confirming vaccinations, licenses, and pest treatments before an animal can be approved.

General Requirements and Responsibilities

Access. In student housing, animals must stay in the disabled student's room unless they are accompanied by the student. The student may not allow the ESA or the SA to roam freely through common areas of the residence hall.

Care and Supervision. The disabled student is responsible for the care and supervision of their animal. The disabled student is not permitted to transfer the care and supervision of the animal to another person. The University is not responsible for the care or supervision of any animal. If the disabled person is not in the physical presence of their animal, the animal must be in a closed crate no larger than necessary given the animal's size and manufacturer's specifications. Any and all liability for the actions of the animal is the responsibility of the disabled student- the presumed owner of the animal. This includes, but is not limited to, damage involving University property or the personal property of others.

Control. An animal must be under the control of the disabled student. Except when in a closed crate, the animal must have a harness, leash, or other tether in use by the disabled student at all times, unless it is a SA and either the student's disability does not allow the student to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the animal's safe, effective performance of work or tasks. In those instances, the SA must be otherwise under the disabled student's control (i.e., voice control, signals, or other effective means). The disabled student is not permitted to transfer control, including transfer of the harness, leash, or other tether, of their animal to another person.

Health and Cleanliness. All animals must be in good health. The University has the authority to temporarily or permanently exclude an animal from University property if the animal is in ill health or habitually unclean.

Unsupervised Time. An animal may not be left alone in the student's room for more than a reasonable amount of time. Determination of a reasonable amount of time is left to the discretion of Residence Life whose decision is final.

Waste Disposal. Animals may be walked for purposes of waste elimination only in areas designated and approved for such use by RL. The disabled student is responsible for ensuring the immediate clean-up and proper disposal of all animal waste. Animal waste is not to be disposed of indoors.

Health and Safety. The animal must not pose a threat to the health or safety of students, faculty, visitors, or any other persons on University property.

Equipment. The equipment necessary for the safe-keeping of the animal must not pose a threat to the safety of others and may not block evacuation routes or egress in case of an emergency.

Quiet Use and Enjoyment. Animals must not make excessive noise or display behavior that will disrupt other community members' quiet use and enjoyment of University property.

Disruptive Behavior. The disabled student must ensure that the animal does not:
Attack, harass, jump on/at or disrupt others or their personal belongings;
Display any repeated disruptive behavior or make noise that is disruptive to others;
Block evacuation routes or egress in case of an emergency;
Bring its nose, mouth or snout near food intended for human consumption; and
Leave the student's room except when accompanied and in the control of the disabled student

Grooming and Upkeep. Grooming and upkeep of the animal cannot take place within the residence halls or anywhere on University property.

Damage to Property. The University may charge the student for damages caused by their service or emotional support animal.

Emergencies. The University is not responsible for an animal during a fire alarm, fire drill, natural disaster, or other emergency situation. Furthermore, disabled students must provide an emergency contact on their LU Accommodate request form to indicate who is to be contacted in case of an emergency where the disabled student is unable to care for the animal. If no emergency contact is designated, or the emergency contact is unreachable, RL will attempt to contact the student's emergency contact listed in their student profile.

Notice of Removal or Replacement Animal. The student must notify RL in writing if the approved animal is no longer to be kept by the student in the residence. To replace an approved animal with another animal, the student must file a new LU Accommodate request through ODAS.

Deadlines

Disabled students should submit their LU Accommodate requests for a SA in their on-campus housing and elsewhere on University property, or a request for an ESA **in their on-campus housing** to ODAS as soon as possible. Submitting requests with required documentation at least thirty (30) days prior to the start date of the semester that housing is needed increases the likelihood that the request can be successfully processed prior to the semester start date. All required documentation should be submitted with the request as a packet with medical documentation, veterinarian documentation, and the animal's clean bill of health. **No animal may live in the residence halls until permission is granted by RL in concert with ODAS.**

Annual Renewal. Approval to have an animal in University housing must be updated prior to each new academic year.

Roommate Notification and Processing Housing Assignments

By submitting a request for a Service or Emotional Support Animal, the student gives permission to ODAS and RL to disclose to others (i.e. potential and/or actual roommates(s) or apartment mates) that they will be living with an animal in the residence hall. This notification is for the purpose of preparing for the presence of the animal and resolving any potential issues associated with the presence of the animal.

Residence Life processes housing assignments on a “first come, first served” basis. Therefore, if disagreement arises between roommates/apartment mates on the presence of an animal, the student who was assigned to the room first (prior to the start of the semester) or moved into the room first will be the student who remains in the room.

Exclusions or Removals of Animals from University Property

Biting or other Aggressive Behavior

The University may temporarily or permanently exclude an animal from University property if the animal is aggressive, unruly, or disruptive. The University requires that an animal be removed from University property after a single occurrence of biting or other unprovoked aggressive behavior. Such animals are a direct threat to the health and safety of others. The University will consider information received from all parties involved in such incidences prior to deciding if the bite or other aggressive behavior was unprovoked except in emergency situations where the animal must be temporarily removed. In these instances, a decision on permanent exclusion of the animal from University property will be made as soon as reasonably possible after emergency removal of the animal. Residence Life or other personnel who have been approved by RL have sole authority in determining whether an animal will be temporarily or permanently removed from University property.

Other Exclusions

The University may exclude an animal from University property when:

1. the animal is out of control and the disabled student does not take effective action to control it (e.g., barks repeatedly in a lecture hall, residence hall, theater, library, or other quiet place; or repeatedly places its snout or mouth in or around food set out for customers in the campus dining facilities);
2. the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures (e.g., the animal repeatedly places its snout or mouth in or around food set out for customers in the campus dining facilities); or
3. the animal would cause or has caused substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

To determine whether there is cause for exclusion, the University will conduct an individualized assessment of the specific animal’s actual conduct, giving consideration to the facts and circumstances of each case.

If the disabled student obtains a replacement SA or ESA, the student should submit a new LU Accommodate request for that animal with any required documentation.

Appeals and Grievances

If a disabled student has requested and been denied use of an ESA in their University housing or their ESA has been removed pursuant to this policy, they may appeal that decision by following the applicable grievance process in Liberty University's Student Disability Grievance Policy and Procedures (accessible from the Liberty University ODAS homepage). Disabled students who have requested and been denied use of a SA in either University housing or other areas of the University or their SA has been removed pursuant to this policy, the student may appeal that decision by following the applicable grievance process in the Liberty University's Student Disability Grievance Policy and Procedures (accessible from the Liberty University ODAS homepage). Students may file complaints of retaliation or disability discrimination with Liberty University's Office of Equity and Compliance at (434) 592-4999 or equityandcompliance@liberty.edu.

Liberty University reserves the right to change this policy at any time, for any reason or no reason, and without notice.