

# GEORGE MASON UNIVERSITY PROCEDURE FOR REQUESTING EMOTIONAL SUPPORT ANIMAL IN UNIVERSITY HOUSING AND REGULATIONS GOVERNING EMOTIONAL SUPPORT ANIMALS

## Introduction

George Mason University Policy 1402: *Animal Control* states that animals may not be brought into any campus building or controlled facilities. That policy also allows exceptions for service animals as defined by federal and state statutes and regulations, and for circumstances such as reasonable accommodations for a disability<sup>1</sup>. The use of an emotional support animal in university housing may be such an accommodation.

This procedure applies solely to “Emotional Support Animals (ESA)” which may be necessary as an accommodation for a disability in university housing. It does not apply to “service animals” as defined by the Americans with Disabilities Act, as amended. George Mason University (“George Mason” or “University”) recognizes that the definition of “assistance animals” under the Fair Housing Act includes emotional support animals (ESA) and is committed to considering emotional support animals as an accommodation when necessary to provide individuals with disabilities an equal opportunity to use and enjoy university housing. This procedure explains the specific requirements applicable to an individual’s use of an ESA in university housing. The University reserves the right to amend this procedure at any time as circumstances require.

No ESA may be kept in university housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this procedure and policy 1402. Bringing an un-approved animal to campus may result in a student conduct referral.

## I. Definitions

### A. Emotional Support Animal (ESA)

An “ESA” is an animal that provides comfort to a person with a disability upon the recommendation of a healthcare or mental health professional. The comfort from an ESA serves to alleviate one or more identified symptoms or effects of a resident’s documented disability. Unlike a service animal, an ESA does not assist a resident with a disability with activities of daily living, nor does it accompany the resident at all times. ESAs may be considered for access to university housing; however, if approved for access to university housing, ESAs are not permitted in other areas of the university, (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, student centers, etc.).

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<sup>1</sup> University Policy 1402, Section IV and Section VII

## B. Owner

The “Owner” is the individual who has requested the accommodation and has received approval to bring an ESA into university Housing.

## C. Disability Services Office

The Disability Services Office (DS) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all George Mason programs and activities.

## II. Process for requesting an emotional support animal in university housing

The procedure for requesting an ESA is located on the Disability Services website (<https://ds.gmu.edu>) and follows *University Policy 1203: Non-Discrimination and Reasonable Accommodation on the Basis of Disability* and general Disability Services accommodation procedures.<sup>2</sup> Students should contact Disability Services for information about necessary documentation of disability and need for accommodations.

## III. Criteria for determining if the presence of the emotional support animal is reasonable

- A. ESAs that are poisonous and/or exotic are not permitted. ESAs that do not have up-to-date vaccinations (to the extent the type of animal can be vaccinated) are also not permitted. Additionally, while George Mason is considered a state agency and is not subject to the Zoning Ordinance regulations within the county where on-campus residence halls are located, George Mason will abide by Fairfax County’s definition of “commonly accepted pets” when evaluating an ESA request for students living on the Fairfax campus.<sup>3</sup> Only ESA requests including animals deemed “commonly accepted pets” in Fairfax County will be allowed for students living on the Fairfax campus.<sup>4</sup>
- B. Disability Services will consult with the Special Housing Committee that consists of Student Health Services, Counseling and Psychological Services, and Housing and Residence Life in making a determination on a case-by-case basis of whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters university housing policies; and/or (3) poses a direct threat to the health and safety of others or; (4)

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<sup>2</sup> <http://universitypolicy.gmu.edu/policies/non-discrimination-and-reasonable-accommodation-on-the-basis-of-disability/>

<sup>3</sup> <https://www.fairfaxcounty.gov/code/animals-and-pets>

<sup>4</sup> The counties where other George Mason campuses are located have not adopted similar zoning ordinances or other policies on acceptable pets.

would cause substantial property damage to the property of others, including university property.

- C. George Mason will consider the following factors, among others, in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with an ESA. George Mason will consider whether:
1. The size of the animal is too large for available assigned housing space;
  2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
  3. The animal's presence would require alterations to University policies or facilities;
  4. The animal's presence imposes financial costs on the University or members of the University community;
  5. The animal's presence otherwise violates individuals' right to peace and quiet;
  6. The animal is not housebroken or is unable to live with others in a reasonable manner;
  7. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or
  8. The animal causes or has caused excessive damage to a leased space beyond reasonable wear and tear.
- D. George Mason University will not limit room assignments for individuals with ESA to any particular building or buildings. However, University housing is unique in several aspects including but limited to the assignment of roommates for individuals and the mandate that individuals must share a room or suite in certain residence hall types. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of University housing, George Mason reserves the right to relocate an individual with an ESA as necessary.

## **REGULATIONS GOVERNING APPROVED EMOTIONAL SUPPORT ANIMALS**

### **A. Owner's Responsibilities for Emotional Support Animal**

If the university grants 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. An ESA must be contained within the owner's privately assigned individual living accommodations (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESA are not allowed in any university facilities other than university housing (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned.
2. The approved ESA must be properly housed and restrained or otherwise under the 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.
3. The owner must abide by current city, county (Fairfax<sup>5</sup>, Warren<sup>6</sup> and Prince William<sup>7</sup>), state and federal ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals prior to the arrival of the animal on campus. 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. The university reserves the right to request an updated verification at any time during the animal's residency.
4. The owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. For dogs and other animals requiring exercise and outside toileting, the animal may be walked on university grounds excluding athletic and intramural fields. All other ESA's shall be kept in the residence. ESA shall be confined when alone in the residence.
5. 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 discipline for the owner or responsible individual.
6. George Mason will not ask for or require an individual with a disability to pay a deposit for an approved ESA.
7. An individual with a disability may be charged for any damage caused by their ESA beyond reasonable wear and tear to the same extent that other individuals are charged for damages beyond reasonable wear and tear. The owner's residence may be inspected for fleas, ticks or other pests once per semester or

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<sup>5</sup> <https://www.fairfaxcounty.gov/code/animals-and-pets>

<sup>6</sup> <https://www.warrencountyva.net/dog-tags>

<sup>7</sup> <http://www.pwcgov.org/government/dept/finance/pages/pet-owner-license-information.aspx>

as needed. The University Life Safety and Emergency staff will conduct health and safety inspections. If fleas, ticks or other pests are detected through inspection or preventative maintenance, the residence will be treated using approved fumigation methods by a university-approved pest control vendor. The owner will be billed for the expense of any pest treatment above and beyond normally required pest management. The university shall have the right to bill the owner's account for unmet obligations under this provision.

8. The owner must fully cooperate with university personnel with regard to meeting the terms of these procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, outdoor grass relief area, disposing of feces, etc.).
9. ESA 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 from his/her residence hall overnight or longer, the animal must accompany the owner. The owner is responsible for ensuring that the ESA is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.
10. The owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the university or cause difficulties for individuals who reside there.
11. The animal is allowed in university housing only as long as it is necessary because of the owner's disability. The owner must notify the Disability Services office in writing if the ESA is no longer needed or is no longer in residence. To replace an ESA, the new animal must be necessary because of the owner's disability and the owner must follow these procedures and the *Reasonable Accommodation Procedures* when requesting a different animal.
12. George Mason 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.
13. The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life personnel, Safety, First Responders, 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.

## **B. Removal of Emotional Support Animal**

The university may require the individual to remove the animal from university housing if:

1. the animal poses a direct threat to the health or safety of others or causes 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.

The university will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Disability Services office. The owner has the right to appeal by following the Disability Services grievance process <http://ds.gmu.edu/grievances/> . The owner will be afforded all rights of due process and appeal as outlined in that process.

Unless exigent circumstances require otherwise, the owner will have 48-72 hours to remove the animal from the residence hall. If university housing cannot contact the owner to remove the animal, housing will contact the alternative caregiver listed on the *Emotional Support Animal Registration Form*. If the alternative caregiver is not available, Physical Plant and the George Mason Police Department will be notified to remove the animal off the premise and taken to the local animal control facility.

Should the ESA be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

## Acknowledgement and Release of Information Consent Form

By my signature below, I verify that I have read, understand and will abide by the requirements outlined here and I agree to provide the additional information required to complete my *Request for a Reasonable Accommodation*<sup>8</sup>.

I have read and understand the *George Mason University Procedure for Requesting Emotional Support Animal in University Housing and Regulations Governing Emotional Support Animals* and I agree to abide by the requirements applicable to ESA. I understand that if I fail to meet the requirements set forth in the procedure, George Mason 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 contract.

I give permission to the Disability Services office to disclose to others impacted by the presence of my ESA (e.g. Residence Life personnel, Safety, First Responders, and potential and/or actual roommate(s)/neighbor(s)) that I will be living with an animal as an accommodation and the type of animal. I understand that this information will be shared with the intent of preparing for the presence of the ESA 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 staff may acknowledge the presence of the animal, and explain that under certain circumstances ESA's are permitted for persons with disabilities.

\_\_\_\_\_  
Resident Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
University Housing Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
University Housing Residential Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Disability Services

\_\_\_\_\_  
Date

<sup>8</sup> <http://universitypolicy.gmu.edu/policies/non-discrimination-and-reasonable-accommodation-on-the-basis-of-disability/>

# Emotional Support Animal Registration Form

## Owner and Animal Information:

Owner's Name: \_\_\_\_\_

Owner's Campus Address and Residence Hall: \_\_\_\_\_

\_\_\_\_\_

Owner's Home Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Animal's Name: \_\_\_\_\_

Type of Animal (including breed): \_\_\_\_\_

Animal's Date of Birth \_\_\_\_\_

Physical Description of Animal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please attach picture of approved ESA.

## Veterinarian Information:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Please attach the Veterinarian's Verification that the animal has all Veterinary recommended vaccinations to maintain the animal's health and prevent contagious disease.

## Alternate Caregiver for Animal If Owner is Unavailable:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_