

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED AMENDED REGULATION

DATE: February 22, 2023

REGULATION CHAPTER NO.: Chapter 2

REGULATION CHAPTER TITLE: Student Affairs

REGULATION TITLE AND NUMBER: Housing (2.001)

SUMMARY OF REGULATION: This amended regulation includes the newly named “Rattler Pointe” residential apartments, removes residence halls that are no longer in use and updates the University’s process regarding emotional support animals in the residence halls.

AUTHORITY FOR REGULATION: Section 7, Article IX, Florida Constitution and Board of Governors Regulations 1.001.

RESPONSIBLE VICE PRESIDENT/UNIVERSITY OFFICIAL INITIATING THIS REGULATION: William E. Hudson, Jr., Ph.D., Vice President for Student Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: William E. Hudson, Jr., Ph.D., Vice President for Student Affairs, 1735 Wahnish Way, Suite 303, Tallahassee, Florida 32307-3100, (850) 599-3183 (Telephone), (850) 599-2674 (Fax), william.hudsonjr@famuedu OR Antoneia Roe, Esq., Associate Vice President for Student Affairs, 1735 Wahnish Way, Suite 307, Tallahassee, Florida 32307-3100, (850) 599-3541 (Telephone), (850) 561-2169 (Fax), antoneia.roe@famuedu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of this amended regulation follows:

Florida A&M University Regulations



2.001 Housing

(1) Eligibility for Residency in University Housing

- (a) Single student facilities: Applicants must meet University admission requirements and be enrolled during the period of occupancy. Applicants ~~are issued~~must complete ~~at the~~ FAMU Student Housing Agreement and Student Housing Agreement Confirmation Form that details the terms and conditions of occupancy. Applicants may complete and submit the FAMU Student Housing Agreement online to expedite the room assignment process.
- (b) Other (non-FAMU) students: Applicant must be enrolled in programs sanctioned or approved by the University. Non-FAMU students are considered for room assignments on a space ~~availabl~~availability basis for limited periods of time.
- (c) Non-student University-related groups participating in special programs (seminars, workshops, camps, etc.) may reside in University residential facilities on a space ~~availabl~~availability basis for limited periods of time.

(2) On-Campus Residency Requirement

- (a) All First Time In College (FTIC) students shall reside in a University owned or leased residential facility, **based on space availability**, for the first academic year of enrollment unless approved for an exception.
 - i. A FTIC student is defined as a student under the age of twenty-one (21) prior to the first day of classes with fewer than thirty (30) semester hours recognized by Florida A&M University and has resided in University residential facilities for less than two (2) semesters.
 - ii. College credits earned during high school completion through accelerated mechanisms such as Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment courses, career academy courses, national industry certification courses, as well as course offerings through virtual instruction, will not be counted towards an exemption from the On-Campus Residency Requirement.

- (b) All student athletes shall reside on campus during the first two (2) academic years of enrollment.
- (c) All full University scholarship recipients shall reside on campus during the first two (2) academic years of enrollment. Full University scholarship recipients are students who receive the Life Gets Better Scholarship, Distinguished Scholars Award, and Adopted High School Scholarship.
- (d) Access Summer Bridge Program and CeDAR ART Program participants shall live in University residential facilities for the first two (2) academic years of enrollment.
- (e) For purposes of this section, the following are University residential facilities: Polkinghorne Village, FAMU Towers, ~~Gibbs Hall, Palmetto North Apartments,~~ Rattler Pointe, Palmetto South Apartments, Phase III Apartments, Sampson Hall, and Young Hall.

(3) Exemptions from the On-Campus Residency Requirement

An exemption from the On-Campus Residency Requirement may be granted for:

- (a) Students who graduated from a high school within thirty-five (35) miles of the University's Tallahassee campus;
- (b) Married students;
- (c) Students with a dependent child or children;
- (d) Students twenty-one (21) years of age or older prior to the first day of classes;
- (e) Students who are military veterans that served on active duty for at least twelve (12) months or students currently serving on active military duty;
- (f) Students, on a case-by-case basis, exempted by the President or President's designee provided there is good cause shown by the student.

~~(g)~~—To request an exemption, students must complete and submit an exemption request form available on the Housing website or located in the Housing main office.

(4) Assistance Animals in Residential Facilities

- (a) Florida A&M University recognizes the need for assistance animals in facilitating the independence of some individuals with certain disabilities. This subsection outlines how a request for assistance animals as a reasonable accommodation from the no-animal policy applicable to University residential facilities is submitted and the expectations thereof.

~~i.~~—~~This process does not apply to “service animals” as defined by Title II of~~

~~the American Disabilities Act (ADA) which are allowed in other non-residential facilities. Requests for accommodations for “service animals” should be directed to the Center for Disability Access Resources (CeDAR).~~

(b) ~~Assistance~~ Service Animals

- i. In accordance with the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA),³⁷ an assistance animal is defined as any animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability.
- ii. Assistance animals perform many disability-related functions including, but not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or providing emotional support to persons with disabilities who have a disability-related need for such support.
- iii. This process does not apply to service animals as defined by Title II of the American Disabilities Act (ADA), which are allowed in other non-residential facilities. Notification of a service animal should be provided to the Center for Disability Access Resources (CeDAR).

(c~~d~~) ~~Request for Assistance~~ Emotional Support Animals

- i. An Emotional Support Animal (ESA) is viewed as a reasonable accommodation in a housing unit that has a no pet policy for its residents under the Fair Housing Act (FHA). Residence halls are considered as part of the FHA. ESAs provide a measure of support and comfort to individuals with qualifying disabilities and are a prescribed part of therapy for emotional and psychological disabilities and serve to alleviate symptoms of the disability.
- ii. ESAs are often mistaken for Service Animals. ESAs are not considered service animals under the Americans with Disabilities Act. ESAs provide companionship, relieve loneliness, and can help to reduce symptoms of psychiatric disabilities and mental impairments, such as depression, anxiety, and certain phobias; however, unlike service animals, ESAs do

not have special training to perform specific tasks that assist people with disabilities. Therefore, ESAs are allowed in residence halls but are restricted to a student's assigned room and can only leave for nature breaks. ESAs are not allowed in classrooms, campus buildings, common rooms or other areas in the residence halls, or campus events. ESAs must be under the full control of their owner at all times, cannot be left alone overnight, and cannot be cared for by another student.

iii. All requests for an emotional support assistance animal must be submitted in writing to the Center for Disability Access Resources (CeDAR) located at -640 Gamble Street 1735 Wahnish Way, Suite 102, Tallahassee, FL 32307, telephone number (850) 599-3180, to register as a student with a documented disability. All supporting documentation must be submitted to CeDAR before a reasonable accommodation request is reviewed in accordance with the below schedule.

1. Fall ~~s~~Semester – February 1 - Returning Students; June 1 - New students July 15
2. Spring Semester – November 15–December 1 - New students applying to Housing for the first time
3. Summer Semester A/C – April 15
4. Summer Semester B - May 1

iv. CeDAR will review each request to determine if an ~~assistance~~emotional support animal is reasonable. This determination is made on an individualized basis considering whether:

1. The person has a documented disability; and
2. The person making the request has a disability related need for an ~~assistance~~emotional support animal.

v. A basis for denial is:

1. The person does not have a documented disability;
2. The person making the request does not have a disability related need for an ~~ESA assistance animal~~;
3. The specific ~~ESA assistance animal~~ in question poses a direct threat to the health or safety of others that cannot be eliminated or reduced by another reasonable accommodation; or

4. The specific ~~ESA assistance animal~~ would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

~~iv.~~ CeDAR will inform the student and the Office of University Housing of its determination in writing to the student's University issued email address or permanent address as listed in iRattler.

1. If the student's request is denied, the decision may be appealed using the Non-Discrimination Policy and Complaint Procedure found in University Regulation 10.103.

2. If the student's request is granted, the Office of University Housing and CeDAR will jointly determine how to provide accommodations in accordance thereof. The student is required to sign the Emotional Support Animal Agreement ~~to Possess an Assistance Animal in University residential facilities~~ prior to moving into the facility.

(de) Expectations of Emotional Support Assistance Animals

Students with ~~assistance~~ ESA animals are fully responsible for their animal at all times. Failure to abide by these expectations may result in the removal of the ~~assistance~~ animal. Expectations include, but are not limited to:

i. The student must be in full control of the ESA assistance animal. ~~Assistance animals~~ ESAs must be harnessed, leashed, ~~crated, caged~~ or tethered, unless ~~these devices interfere with the service animal's work or~~ the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls;

ii. ~~Assistance animals~~ ESAs must be ~~licensed and~~ vaccinated in accordance with local and state authority and, if appropriate, wear a valid vaccination tag;

iii. The student must ensure the ~~assistance animal~~ ESA is clean and housebroken, and ensure the sanitary disposal of animal wastes;

iv. The student is responsible for any property damage caused by the ~~assistance animal~~ ESA; and

v. The student is responsible for the appropriate management of the ~~assistance~~ emotional support animal in all University facilities. Disruptive and/or

aggressive behavior on the part of the animal may result in removal of the animal from the University residential facility.

(5) Rent Collections

All rent for housing facilities is due and payable in accordance with University Regulation 3.009 Payment of Fees.

(6) Residence Life Rules

Residence Life rules are listed in the Office of University Housing Handbook. The Handbook and rules peculiar to specific areas are issued to residents upon occupancy and may be obtained from the Housing Website. Residents may assist in the development of other rules as necessary.

(7) Guests and Visitation

Visitation is permitted in University residential facilities in specific areas and in accordance with the restrictions below.

- (a) Residents and guests shall abide by all Housing and University regulations and rules and city, county, state and federal laws. Residents are to immediately notify the Housing Staff and/or Department of Campus Safety and Security in the event of violations of Housing and University regulations and rules and/or city, county, state, or federal laws.
- (b) All residents in the University residential facilities are responsible for and may be held accountable for the behavior of their guest(s). It is the resident's responsibility to inform their guest(s) of the applicable Housing and University regulations and rules.
- (c) Overnight guests and co-habitation are strictly prohibited.
- (d) The privilege of visitation may be revoked for individuals or residence units where housing regulations and/or rules are violated.
- (e) The disposition and sanctions arising from violations of this regulation shall be governed by the applicable provisions set forth in University Regulation 2.012 Student Code of Conduct and the Office of University Housing Handbook.

- (8) The FAMU Student Housing Agreement, Student Housing Agreement Confirmation Form, and Office of University Housing Handbook are incorporated herein by this reference. A copy of these materials may be obtained from the Office of University Housing and the Housing website.

- (9) ___ Any deviations from the procedures as noted in the above sections must be approved by the Vice President for Student Affairs.
- (10) ___ The President or President's designee may appoint a committee to review and recommend revisions to the Residence Life rules as necessary.
- (11) ___ The Director of Housing may institute additional guidelines and/or procedures governing the operations of University Housing provided the guidelines and/or procedures are in writing and have been approved by the Vice President for Student Affairs or his/her designee. All students must be properly notified in writing prior to the implementation of any new procedures and/or guidelines. Publications shall be made through the Office of University Housing Handbook, which shall be updated on an annual basis by a committee appointed by the Vice President for Student Affairs or his/her designee.

Specific Authority: Article IX, Section 7(c), Florida Constitution, BOG Regulation 1.001. History: New June 29, 2006; Amended May 12, 2011; Amended May 13, 2013; Amended March 6, 2014; Amended October 28, 2014, Amended July 30, 2020, 2023.