

MOUNT ST. JOSEPH UNIVERSITY

EMOTIONAL SUPPORT ANIMAL POLICY FOR UNIVERSITY HOUSING

Mount St. Joseph University (“MSJU” or “University”) recognizes the importance of “Emotional Support Animals” (ESA) under the Fair Housing Act that provide physical and /or emotional support to individuals with disabilities. MSJU is committed to allowing Emotional Support Animals necessary to provide individuals with mental health disabilities full benefit and enjoyment of University housing.

This policy explains the specific requirements applicable to an individual’s use of an Emotional Support Animal in University housing. MSJU reserves the right to amend this policy as circumstances require. This policy applies solely to “Emotional Support Animals” which may be necessary in University housing. After a student has qualified for an ESA, this policy provides the rules under which the ESA may be enjoyed at the University. It does not apply to “service animals” as defined by ADA. The Mount’s service animal policy can be found on myMount at https://mymount.msje.edu/ICS/Mount_Community/Mount_Groups/Learning_Center/Disability_Services.jnz?portlet=Handouts

Although it is the policy of MSJU that individuals are generally prohibited from having animals of any type in University housing, MSJU will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Emotional Support Animal that is necessary because of a mental health disability and reasonable. However, no Emotional Support Animal may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy.

Definitions

A. Emotional Support Animal

“Emotional Support Animals” are a category of animals which 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 ADA. Some Emotional Support Animals are professionally trained, but in other cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification.

The question in determining if an ESA will be allowed in University housing is whether or not the ESA is necessary because of the individual’s mental health disability to afford the individual full benefit and enjoyment of University housing and its presence in University housing is reasonable. However, even if the individual with a mental health disability establishes necessity for an Emotional Support Animal and it is allowed in University housing, an ESA must be confined to the Owner’s living quarters and is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, common areas of the residence hall, etc.)

B. Owner

The “Owner” is the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into University housing.

C. Disability Services Office

The Disabilities Services Offices is located in The Learning Center at MSJU, and collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all MSJU programs and activities.

Procedures for Requesting Emotional Support Animals in University Housing

The procedure for requesting Emotional Support Animals follows the general procedures set forth in the Reasonable Accommodation Policy for University Housing (“Reasonable Accommodation Policy”) and the requirements set forth below. However, to the extent the requirements and procedures in this policy conflict with the Reasonable Accommodation Policy, this Policy shall control.

Criteria for Determining If Presence of the Emotional Support Animal is Reasonable

- A. 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 or suite in certain areas of the Residence Hall. To ensure that the presence of Emotional Support Animals is not an undue administrative burden or fundamental alteration of University housing, MSJU reserves the right to assign an individual with an ESA to a single room without a roommate.
- B. However, for all requests for ESAs, Disabilities Services shall nonetheless consult with Residence Life in making a determination on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. An accommodation is unreasonable if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters university housing policies; (3) 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; and/or (4) otherwise is unreasonable to the operation of the University.
- C. MSJU may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with ESAs.
 - a. The animal’s presence would force another individual from individual housing (e.g. serious allergies);
 - b. The size of the animal will not allow adequate living space for student(s).
 - c. The animal’s presence otherwise violates individuals’ right to peace and quiet enjoyment;
 - d. The animal is not housebroken or is unable to live with others in a reasonable manner;
 - e. The animal’s vaccinations are not up to date;
 - f. 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
 - g. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

MSJU will not limit room assignments for individuals with Emotional Support Animals to any particular wing or building because the individual needs an ESA because of a disability.

Access to University Facilities By Emotional Support Animals

A. Emotional Support Animals

An Emotional Support Animal must be contained within the University housing area except to the extent the individual is taking the animal out for natural relief. When an ESA is outside the University housing area, it must be under the control of the Owner. ESAs are not allowed in any University facilities other than the University residence halls.

B. Dominion and Control

Notwithstanding the restrictions set forth herein, the ESA must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. The animal must be crated when the Owner is not present. 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.

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 animal and must meet the following requirements:

A. General Responsibilities

- a. The Owner must abide by current city, county, and state ordinances, laws, and/or other regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Owner's responsibility to know and understand these ordinances, laws, and /or regulations, which may include a vaccination certificate. The university reserves the right to request documentation showing that the animal has been licensed and vaccinated.
- b. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by MSJU.
- c. 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/or discipline for the responsible individual.
- d. The Owner must provide a local emergency contact for the ESA. Contact information must include a telephone number and address. The emergency contact must be someone not currently residing in University housing.
- e. MSJU will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
- f. An individual with a disability may be charged for any damage caused by the ESA beyond reasonable wear and tear to the same extent it charges other individuals for damages beyond reasonable wear and tear. This includes, but is not limited to, carpeting. The Owner's living accommodations 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. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall have the right to bill the Owner's account for unmet obligations under this provision.

- g. The Owner must fully cooperate with university personnel with regard to meeting the terms of this Policy and developing procedures for the care of the animal (e.g. cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.)
- h. Emotional Support Animals may not be left overnight in University Housing to be cared for by an individual other than the Owner. If the Owner is to be absent from the 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.
- i. 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 residence or cause difficulties for individuals who reside there.
- j. The animal is allowed in University Housing only as long as it is necessary because of the individual's mental health disability. The Owner must notify Disabilities Services Office in writing if the ESA is no longer needed or 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 the procedures in this Policy and the Reasonable Accommodation Policy when requesting a different animal.
- k. MSJU personnel shall not be required to provide care or food for any Emotional Support Animal including, but not limited to, removing the animal during emergency evacuations for events such as a fire alarm. Emergency personnel will determine whether to remove an animal and may not be held responsible for the care, damage to, or loss of the animal.
- l. The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the Emotional Support Animal to those individuals who may be impacted by the presence of an animal including, but not limited to, Residence Life personnel and potential and/or actual roommates and neighbors. Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

Removal of an 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 substantial 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 that the animal may cause. Any removal of the animal will be done in consultation with the Disability Services Coordinator and may be appealed to the University's Chief Compliance Officer following the procedure set forth in the Disability-Related Grievance Procedure. The Owner will be afforded all rights of due process and appeal as outlined in that process.

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

If the determination has been made that an ESA must be removed from housing, the animal must be removed within 72 hours of the student being notified that removal is necessary. If the animal is not removed in 72 hours the University will remove the animal and turn it over to an appropriate shelter.

Non-retaliation Provision

MSJU will not retaliate against any individual because that individual has requested or received a reasonable accommodation in University housing, including a request for an Emotional Support Animal.

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 under the University’s Emotional Support Animal (ESA) Policy for University Housing.

I have read and understand the Emotional Support Animal Policy and Agreement and I agree to abide by the requirements applicable to ESAs. I understand that if I fail to meet the requirements set forth in the Policy, MSJU has the right to remove the ESA and I will nonetheless be required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to the Disability Services Office to disclose to others impacted by my Emotional Support Animal (e.g. Residence Life staff, potential and/or actual roommate(s)/neighbor(s)) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of an ESA and/or resolving any potential issues associated with the presence of the ESA.

I further recognize that the presence of an Emotional Support Animal 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 ESAs are permitted for persons with disabilities.

Owner’s Signature

Date

Disability Services Representative

Date

Residence Life Representative

Date