

# Emotional Support Animals

Utah State University is committed to allowing Emotional Support Animals (ESAs) when necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing. This guideline explains the specific requirements applicable to an individual's use of an ESA in University housing. USU reserves the right to amend this guideline as circumstances require. This guideline applies solely to ESAs which may be necessary in University housing. It does not apply to Service Animals as defined by the ADA.

Animals are prohibited in University Housing or adjacent grounds, however, USU will consider a request by an individual with a disability for accommodation from this prohibition to allow an ESA that is necessary because of a disability and reasonable. However, no ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this guideline.

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 ADA.

## Requesting an ESA

The procedure for requesting an ESA follows the general procedures set forth in the Disability Accommodation guideline for University Housing and the requirements set forth below. However, to the extent the requirements and procedures in this Guideline conflict with the Reasonable Accommodation Guideline, this Guideline shall control. As stated in the Reasonable Accommodation Guideline, the DRC will consider requests for accommodation in housing at any time; however, if the request is made fewer than 60 days before the individual intends to move into University housing, USU cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester of occupancy.

## ESA Determinations

The question in determining if an ESA will be allowed in University housing is two part. First, is the ESA necessary to afford the individual an equal opportunity to use and enjoy University housing (It is a violation of Utah State Law to knowingly and intentionally misrepresent to another person that an animal is an ESA). Determinations regarding an individual's eligibility for an ESA accommodation will be made in accordance with Housing's Disability Accommodation Guideline

Second, if the particular animal requested as an ESA in University housing is reasonable. The reasonableness of ESA requests will be determined on a case-by-case basis through consultation between the DRC, Housing, and Residence Life. USU 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:

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 otherwise violates individuals' right to peace and quiet;
4. The animal is not housebroken or is unable to live with others in a reasonable manner;
5. The dog is too young. The University has determined that University residences, in most cases, are not an appropriate environment in which to raise a young puppy. Generally, dogs must be at least 10 months of age, be spayed or neutered, and have received their first rabies vaccination before they can live in-residence in University Housing.
6. The animal's vaccinations are not up-to-date;
7. The animal poses or has posed in the past a direct threat to the <sup>[[ ]]</sup><sub>SEP</sub> individual or others such as aggressive behavior towards or injuring <sup>[[ ]]</sup><sub>SEP</sub> the individual or others; or
8. The animal causes or has caused excessive damage to housing <sup>[[ ]]</sup><sub>SEP</sub> beyond reasonable wear and tear.

Determinations of reasonableness depend in part on information specific to an individual's individually assigned Housing unit. As such, any time a student moves housing units a redetermination of reasonableness will be made. USU will not limit room assignments for individuals with ESAs to any particular building or buildings because the individual needs an ESA due to a disability. Generally, the presence of only one ESA will be approved for a student.

## **ESA Owner Responsibilities**

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. ESA's must be fully housebroken before entering USU Housing.
2. 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. Residents in a shared apartment or suite who do not share the individual room with the ESA owner may prevent the ESA from entering their individual room by closing their door, but the animal is permitted to accompany the owner into all other areas of their individually assigned residence.
3. An ESA is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.) beyond the owners individually assigned residence.
4. The Owner is responsible for ensuring that the ESA is contained (caged or crated) as appropriate, when the Owner is not present during the day while attending classes or

other activities. The university reserves the right to inspect the enclosure to be used in containing the animal.

5. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. 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.
6. The Owner is required to immediately clean up after and properly dispose of the animal's waste in a safe and sanitary manner.
7. Noise and barking must be kept to a minimum. ESA's may not create an unmanageable disturbance in USU Housing.
8. The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. 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 documentation showing that the animal has been licensed.
9. 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.
10. ESAs and their crates, cages, bedding, and other animal related equipment may not be washed using communal Housing facilities or equipment (i.e. showers, bathtubs, washing machines, etc.)
11. An individual with a disability may be charged for any damage caused by his or her ESA beyond reasonable wear and tear to the same extent that Housing charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks or other pests. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence. The University shall have the right to bill the Owner's account for unmet obligations under this provision.
12. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Guideline and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
13. ESAs 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 University residence overnight or longer, the animal must accompany the Owner or be boarded off campus.
14. 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.

15. 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 Resource Center 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 the procedures in this Guideline and the Reasonable Accommodation Guideline when requesting a different animal.
16. USU 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. The Owner must provide the University with the name and contact information for someone who does not reside in University Housing and who can take responsibility for the animal within 12 hours should the Owner be unable or unavailable to care for it.
17. The individual must provide written consent for the Disability Resource Center 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 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*.

## **Disciplinary Action and Removal of ESA**

Failure to comply with the Support Animal Owner Responsibilities listed above will be documented by Housing or Residence Life staff in incident reports. In keeping with the disciplinary process used in Housing, the standard response to violations will be:

- 1st Violation: Meeting with Area ProStaff, Written Warning and \$100 Non-Compliance Fine
- 2nd Violation: Removal of the Approved Animal from University Housing

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 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 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 DRC and may be appealed to

the Directors of Housing and Residence Life. Residents will be notified in writing that they need to remove their animal by Housing or Residence Life staff.

Once notified that an ESA must be removed, the Owner will have 48 hours to remove the animal. After 48 hours, Housing reserves the right to inspect the residence to ensure that the ESA has been removed. If the animal has not been removed after 48 hours, the University may have the animal removed to the nearest, appropriate animal shelter. Additionally, failure to comply with the order for removal will result in a referral to Student Conduct for consideration of sanctions.