

Minot State University

Emotional Support Animal (ESA) Policy

July 25, 2017

Introduction

Minot State University (MSU) follows the most recent guidance from the Department of Justice (DOJ) and the Fair Housing Amendments Act (FHAA) regarding Emotional Support Animals (ESA). In accordance with FHAA and DOJ, MSU policy explains the specific requirement applicable to an individual's use of an ESA in University housing. MSU reserves the right to amend this policy as circumstances require. This policy applies solely to ESAs which may be necessary in University housing. It does not apply to "service animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA) on campus.

Minot State University (MSU) is committed to making reasonable accommodations to qualified students with disabilities. Students with disabilities who require the use of ESA animals as a reasonable accommodation may be permitted to bring such animals on campus provided they comply with Minot State University's policies and procedures regarding such animals. Students who are seeking to bring an Emotional Support Animal to campus must first contact the Access Services Coordinator. The student will be asked to provide specific documentation pertaining to the request before the final decision is made. The Access Services Coordinator, in collaboration with the Accommodations Committee, will review each request on a case by case basis.

When living in, or applying to live in university housing, students should submit their ESA request to the Access Services Coordinator, at the same time complete their residential housing application to MSU Housing. The animal MUST NOT be in residence prior to approval per this policy. The approval of a request is specific to each animal, and is not transferable to another animal.

Students who are requesting an accommodation of an Emotional Support Animal must reapply with the Access Services Coordinator each academic year.

Definitions

Emotional Support Animal:

Under the FHAA, an "emotional support animal" is defined as an animal that alleviates one or more identified symptoms or effects of a person's disability. It allows the student with a disability to receive full benefits or enjoyment of the residence facility.

"Emotional Support Animals" (ESA) 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. In most cases, ESAs provide the necessary support to individuals with a disability without any formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA. Emotional Support Animals are prescribed to an individual with a disability by a healthcare professional or mental health professional. Emotional Support Animals are an integral part of a person's treatment process to assist in alleviating the symptoms of an individual's disability. There must be a relationship, or nexus, between the individual's disability and the

assistance the animal provides. Species other than dogs or domestic cats will be considered on a case by case basis.

Emotional Support Animals are only to be permitted in the individual's privately assigned individual living accommodations (e.g., room, suite, and apartment) except to the extent the individual is taking the animal out for natural relief. These animals are not allowed in any other campus buildings. Students living off campus should note that Emotional Support Animals ARE NOT allowed in campus buildings.

Owner:

The "Owner" is the individual who has requested the accommodation and has received approval to bring an ESA into University Housing.

Pet:

A "Pet" is defined as an animal that is kept for ordinary use and companionship. A pet is not considered a Service or Emotional Support Animal. Animals defined strictly as "pets" are not allowed to live on campus in the residence halls or apartment buildings that are controlled by Minot State University.

Emotional Support Animal Policies and Procedures

A student who is living in on-campus housing (residence halls or apartments) must make a formal request to the Access Services Coordinator for an accommodation. To make this formal request, the student must submit a completed "Request for Disability Accommodation or Adjustment Due to Medical Condition" form. If a student is currently not living on campus, the student should submit their ESA request to the Access Services Coordinator, at the same time complete their resident life application to MSU Residence Life and Housing Office.

The review process may take up to 60 days or more. Students should submit their request to the Access Services Coordinator at least 60 days prior to the date the student would like to bring the animal into on-campus housing. This timeframe will allow for the Residence Life and Housing Office, in collaboration with the Access Services Coordinator, to make the appropriate accommodations for the requesting student.

The Accommodations Committee may decline to approve a request for an Emotional Support Animal; (1) if the application is not completed, and/or (2) if a requested accommodation is unreasonable. A requested accommodation is unreasonable if it presents an undue financial or administrative burden on the University, poses a substantial and direct threat to personal or public safety or to the property of others, or constitutes a fundamental alteration of the nature of the service or program.

Prior to approval, the Accommodations Committee will help to ensure the appropriate accommodations for the Emotional Support Animal are available. The Accommodations Committee may also review the student's Minot State University judicial records to determine if there are any conduct issues that may affect the student's ability to effectively control and provide a safe environment for the Emotional Support Animal. When the committee has finished its review, the decision will be sent to the student in writing.

If a requesting student is denied their request for an Emotional Support animal, the student may appeal the decision, by submitting a typed letter, to the Vice President for Student Affairs, within 5 business days. The decision of the VPSA is final.

If the request for an Emotional Support Animal is approved, the requesting student will be required to sign an Emotional Support Animal Agreement with the Residence Life and Housing Office. The Emotional Support Animal Agreement form includes provisions to the above policy that the student must adhere to in order to maintain the approval.

If an Emotional Support Animal request is granted, the Residence Life and Housing staff will make a reasonable effort to notify the other residents of the building where the Emotional Support Animal will be located. This notice will be limited only to information regarding the presence in the building as an accommodation to a student with a disability. There will be no disclosure of the student's disability. Students who are adversely affected by animals (i.e. respiratory diseases, asthma, severe allergies) are asked to contact Access Services and/or the Residence Life and Housing office if they are concerned about exposure to an Emotional Support Animal. Affected students may be eligible for an accommodation when living in proximity to an Emotional Support Animal.

The Access Services Coordinator and the Residence Life Director will collaborate, as needed, to help resolve any conflicts related to an Emotional Support Animal. All staff members will consider the needs and/or the appropriate accommodations of all residents involved.

All roommates and/or suitemates of the Owner must sign an agreement acknowledging that the Emotional Support Animal will be living in the residence with them. If one or more roommate or suitemate does not approve of the Emotional Support Animal, then either the Owner of the Emotional Support Animal, or the non-approving roommate(s) or suitemate(s), may be moved to another location, as determined by the Residence Life Staff.

If an Emotional Support Animal Owner is found to be in violation of the Emotional Support Animal Agreement, then the Emotional Support Animal and/or the Owner may be removed from University Housing.

Owner Responsibilities

The Owner of the Emotional Support Animal is expected to accept the following responsibilities:

- The individual must provide written consent for Access 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 and potential and/or actual roommate(s)/neighbors(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.
- Comply with applicable Local, State, and Federal Laws concerning the ownership of an animal.
- 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 their 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. *The minute the Owner leaves the ESA in care of someone else in the residential hall, it*

is no longer an ESA – it is a pet, and the student caring for it is breaking institutional rules by having a pet in residence.

- Animals must be kept clean, healthy and under the control of the Owner at all times.
 - ESA will not be bathed using residence hall facilities.
 - All required immunizations must be up to date, and a copy of the immunizations must be on file with the Residence Life Office.
 - If an animal is to be licensed, then a copy of the license must be on file with the Residence Life Office.
 - Dogs and cats must be spayed or neutered prior to being brought to campus. A record of the procedure must be on file with the Residence Life Office.
 - Dogs or cats must wear a collar with appropriate tags (i.e. vaccinations, contact information) at all times.
 - Animals must be fed on a regular and healthy feeding schedule.
- Animals must possess friendly and sociable characteristics. Specific animals can be restricted from the premises by the Director of Residence Life based on any negative behavior.
- Animals and their accoutrements (i.e. heat lamp) must not pose a direct threat to the safety of others.
- The Owner is responsible for prompt clean up and disposal of the animal's waste.
 - The animals waste must be bagged and taken to an appropriate residence hall or apartment dumpster.
 - Owners with cats must properly maintain litter boxes. In consideration of the health of the cat and the occupants of the apartment or residence hall room, cat litter box contents must be changed with new litter regularly in accordance with manufacturer recommendations.
 - No waste is to be disposed of in any trash receptacle inside any building, or through any sewer system inside each building (sinks and toilets). Outside dumpsters should be used.
- Animals must sleep in the owner's room or apartment. MSU can inspect the residence on a regular basis to determine if there is infestation or other damage to the property.
- Animals must not be disruptive to other students including:
 - Excessive Noise.
 - Other behaviors that may be disruptive.
- Minot State University is not responsible for an animal during a fire alarm, fire drill, or natural disaster/building emergency.
- The Owner will name someone (not a student in residence) as the emergency contact should someone else need to care for the ESA unexpectedly.
- The Owner is responsible for any bodily injury or damage caused by the animal to any individual, and is also responsible for the subsequent charges.
- The Owner must notify the Residence Life Office and the Access Services Coordinator, in writing, when the animal is no longer needed in the residence.
 - If the owner is seeking to replace an Emotional Support Animal with another, the student must file a new registration form and file a new request with the Access Services Coordinator.
- Approvals are only good for the academic year in which the approval is made. A new request must be filed at the beginning of each subsequent academic year.
- Animals must be under the Owner's control at all times. This means:
 - All animals are to be on a leash, harness, or within a carrier device at all times when outside of the designated living quarters.

- Emotional Support Animals are only allowed to be in the privately assigned residence room except to the extent the individual is taking the animal out for natural relief.
- It is the Owner’s responsibility to keep a dog or cat on flea and tick control.
 - The Owner will be responsible for the cost of eliminating any pest infestation as a result of the animal.
 - The University will contract an appropriate pest control company and bill the student directly if there is a problem.
- When the Owner and/or animal vacates the apartment at the end of their contract period, the University will inspect and clean the unit. The owner will be billed for appropriate cleaning charges.
- Failure to comply with any of the above policies may result in the removal of the animal and the Owner of the animal. The Owner will have 72 hours to remove the animal, or the Owner may be asked to immediately remove the animal based on the circumstances. If the Owner does not remove the animal, both the Owner and animal will be removed.
- 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 I agree to provide the additional information required to complete my Request for a Reasonable Accommodation under the University’s Emotional Support Animal Policy for University Housing.

I have read and understand the ESA Policy and Agreement, 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 Policy, MSU 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 furthermore give permission to the Access Services Office to disclose to others impacted by the presence of my ESA (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 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 ESAs are permitted for persons with disabilities.

_____ Owner’s Signature/Date

_____ Access Services Coordinator/Date

_____ Residence Life Director/Date

_____ Date

**Disability Support Services
Request for Accommodation
Re: Emotional Support Animal**

Minot State University is dedicated to providing reasonable accommodations to students and on-campus residents who have a verifiable need for the accommodation. The purpose of an accommodation is to either lessen or eliminate the adverse effects of the disability. A reasonable accommodation does not put an undue burden on either party.

For students currently living on campus or applying to live on campus, Minot State University may not provide adjustments to housing policies due to a medical condition that does not rise to the level of disability but does cause daily discomfort.

Verification of the need for the accommodation or adjustment due to medical condition requires clinical support provided by an appropriate professional.

Section 1: To Be Completed By Applicant

Name: _____ MSU ID: _____

Current Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____

Do You Currently Live on Campus? YES NO

Campus Address (If different than above)? _____

Do You Intend to Live on Campus? YES NO

Have You Submitted a Housing or Apartment Application? YES NO

Check all that apply: I have a medical condition _____ I have a disability _____

Part I
To be completed by applicant

A. State Your Request:

B. Please explain how your request lessens or eliminates the adverse effects of your disability or medical condition (Attach a separate typed sheet if applicable):

Signature of Applicant: _____ **Date:** _____

This signature authorizes the verifier to provide answers to the questions in Part II

Part II
To be completed by Verifier
REQUEST FOR INFORMATION Re: Emotional Support Animal

Student's Name: _____

Re: Proposed ESA:

Name: _____

Type of animal: _____

Age of animal: _____

The above-named student has indicated that you are the (physician, psychiatrist, mental health worker) who has suggested that having an Emotional Support Animal (ESA) in the residence hall will be helpful in alleviating one or more of the identified symptoms or effects of the student's disability. We will accept documentation from providers in the state of North Dakota or the students' home state. So that we may better evaluate the request for this accommodation, please answer the following questions:

Information about the Student's Disability

(A person with a disability is defined as someone who has "a physical or mental impairment that substantially limits one or more major life activities.")

What is the nature of the student's mental health impairment (that is, how is the student substantially limited?)

Does the student require ongoing treatment?

How long have you been working with the student regarding this mental health diagnosis?

Information about the Proposed ESA

Is this an animal that you specifically prescribed as part of treatment for the student, or is it a pet that you believe will have a beneficial effect for the student while in residence on campus?

What symptoms will be reduced by having the ESA?

Is there evidence that an ESA has helped this student in the past or currently?

Continue Part II

Importance of ESA to Student's Well-Being

In your opinion, how important is it for the student's well-being that the ESA be in residence on campus? What consequences, in terms of disability symptomology, may result if the accommodation is not approved?

Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing? Do you believe those responsibilities might exacerbate the student's symptoms in any way? (If you have not had this conversation with the student, we will discuss with the student at a later date.)

Clinical evidence to support the request must be provided by a Licensed Professional with expertise in the identified disability or medical condition.

Considering the federal definition of disability, including the Fair Housing Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, does this student/resident have a disability?

YES _____ NO _____

The legal definition of a reasonable accommodation is: an alteration to the physical structure of the facility or an exception to the rules or policies governing the facilities. The purpose of the accommodation is to either lessen or eliminate the adverse effects of the disability. A reasonable accommodation does not put an undue burden on either party.

In your opinion, is the request described in Part I of this form necessary for this student/resident to live on campus while attending Minot State University?

YES _____ NO _____

Describe how this accommodation or adjustment will lessen or eliminate the adverse effects of the disability or medical condition. (If attaching a statement, it should be on letterhead or professional stationery).

Please provide contact information, sign and date this questionnaire (below), and return it to:

MSU Access Services
Student Health & Development Center – Lura Manor
500 University Avenue West
Minot, ND 58707
701-858-3371
701-858-4341 (fax)

Verifier

Name (Please Print): _____ **Position/Title:** _____

Professional Address:

Phone: _____

Signature of Verifier: _____ **Date:** _____

Emotional Support Animal Registration and Agreement

All Emotional Support Animals that will enter any building controlled by Minot State University needs to be registered with the Access Services Coordinator. Registration is valid for the Academic Year, and must be updated with current animal information at the beginning of each contract term. Proper Registration requires verification of licensing (if applicable) and vaccination for the Emotional Support Animal. Proper Identification is also required.

Please Print:

Owner Name: _____ MSU ID: _____

Campus Address: _____

Emotional Support Animal Information:

Name: _____

Type of Animal: _____ Breed: _____

Colors/Markings: _____

License Tag Number (If Applicable): _____ Year: _____

Spayed or Neutered (Please provide appropriate documentation): [e.g., dog or cat] _____

For Service Animals only:

What disability-related service is the Service Animal trained to do?

Emotional Support Animal Agreement

Any student who is currently living on campus or intends to live on campus must agree to abide by the policies regarding Emotional Support Animals.

All applicants must attach a current veterinarian's verification that the Emotional Support Animal has all veterinary-recommended vaccinations to maintain the animal's health and prevent contagious disease. Also include a copy of applicable registration.

By signing below, the applicant verifies that they have read the "Owner's Responsibilities" of the Emotional Support Animal, and is aware of the potential consequences of violating those responsibilities. The applicant also agrees to abide by the above responsibilities.

Applicant/Owner Signature

Date