

<b>Policy Number</b>	608.001
<b>Policy Title</b>	EMOTIONAL SUPPORT ANIMALS IN UNIVERSITY HOUSING
<b>Responsible Officers</b>	Academic Success Center director
<b>Responsible Offices</b>	Academic Success Center
<b>Summary</b>	Emotional support animals (ESAs) may reside with the individual on campus if the animal is necessary for the individual to have the full benefit, enjoyment, and use of the residential facility.
<b>Definitions</b>	<ul style="list-style-type: none"> <li>Emotional Support Animal (ESA): ESAs are those animals that provide emotional support that alleviates one or more identified symptoms or effects of an individual's disability.</li> <li>Approved ESA: Approved ESAs are animals that have approval to live within the owner's privately assigned individual living accommodations (e.g., room, apartment).</li> <li>Owner: The owner is the resident individual who has an approved ESA in university housing under this policy.</li> <li>University Housing: Any housing facility owned or operated by the university, whether leased or owned.</li> </ul>
<b>Approving Body</b>	Academic Council, Administrative Council
<b>Approval Date</b>	08.04.2016 608.001 – Aca C & Admin C by E-vote (02.23.2018) 608.002 – Aca C (08.10.2018); Admin C (08.17.2018)
<b>Last Revision</b>	02,08.2018; 05.08.2018; 08.2018
<b>Re-evaluation Date</b>	February 2021
<b>Departmental Impact</b>	Residence Life, Security, Physical Plant, Pine View Apartments

*Failure to follow the following policy may result in disciplinary action, including termination of employment.*

### Policy Statement

**Animals are not allowed on campus or in campus buildings at any time.** CIU 2018-19 Student Handbook

Exceptions:

- Service Animals
- Turtles (Residence Hall rooms)
- Fish (Pine View Apartments, Hatten Road, Chalet, and Residence Hall rooms)
- Approved Emotional Support Animals (all university housing)

### Rationale

CIU recognizes the importance of Emotional Support Animals (ESAs) to certain individuals with disabilities. Individuals with disabilities may apply to have an approved ESA in residence with them if the animal is necessary for the individual to have the full benefit, enjoyment, and use of the residential facility. The ESA will be permitted to live only in an individual's personal residence provided it complies with university's policies regarding such animals. ESAs are not permitted in any other campus buildings/facilities.

The university has a separate policy regarding the presence of service animals on campus since ESAs are not service animals.

According to recent court cases, a university residence hall is considered a student's residence, and issues pertaining to ESAs for individuals with disabilities are governed by FHA (Fair Housing Act) rules.

Relevant cases:

1. University of Nebraska at Kearney (UNK) (<http://www.justice.gov/opa/file/767276/download>, September 2015)
2. Kent State University (<http://www.justice.gov/opa/file/809811/download>, January 2016).

## Policy Procedures

### Section I. Approved ESA Application and Approval Process

Residents requesting permission to keep an approved ESA in university housing will need to complete these steps:

- A. The approved ESA request is due by:
  1. May 1 for fall semester
  2. October 1 for spring semester
  3. February 1 for summer term
  4. While applications submitted after these dates may be considered, CIU cannot guarantee that it will be able to meet late applicants' needs, including any needs that develop during the term of occupancy.
- B. Requests will be made in writing to:
  1. *Residence Hall students will send written notification to Residence Life of the need for an ESA after acceptance and submission of room deposit.*
  2. Other university housing residents will send written notification to Pine View Properties (PV) management of the need for an ESA.
- C. Necessary documentation:
  1. *Students: will contact the Academic Success Center (ASC) ([academicsuccess@ciu.edu](mailto:academicsuccess@ciu.edu)) to discuss the necessary documentation and review the policy.*
  2. Other residents: will contact PV management to discuss the necessary documentation and review the policy.
- D. There must be an identifiable and clearly established relationship between the individual's disability and the assistance provided by this animal. Documentation of the need for an approved ESA should generally include the following information (dated within the last 12 months):
  1. Verification of the individual's disability from a physician, psychiatrist, psychologist, mental health worker, or other qualified licensed professional, who is the primary treating provider, which includes:
    - a. Diagnosis of the person's condition.
    - b. Professional opinion that the condition qualifies as a disability (a physical or mental impairment that substantially limits one or more major life activities).
    - c. Professional opinion that an ESA is necessary to help alleviate symptoms associated with the condition.
    - d. Statement on how the need for this particular ESA relates to the ability of the individual to have the full benefit, enjoyment, and use of the residential facility.
    - e. Any additional rationale or statement required by CIU to understand the basis for the professional opinion.

*Note: Documentation provided by a Ph.D. or M.D. is preferred.*
  2. If the Verification Form is returned without sufficient information for the ASC to determine whether this accommodation is necessary, the ASC will inform the individual in writing of the verification's insufficiency and may request additional documentation, including speaking directly with the individual supplying the third-party verification.
- E. Review of documentation:
  1. *Students: the ASC will review the documentation and consult with the ASC Resource Team to consider the request.*
  2. Other residents: the PV management will review the documentation and consult with the ASC Resource Team to consider the request.
- F. If approved:
  1. *Students: the ASC will notify the student, Residence Life, Security, and Physical Plant.*
  2. Other residents: PV management will notify the individual, Security, and Physical Plant.
- G. If a request for an ESA is denied, and the Owner wishes to appeal the decision:
  1. *Students may follow the CIU appeals process (see Student Handbook).*
  2. Other residents may appeal to CFO (Chief Financial Officer).

## **Section II: Community Living**

Upon approval of an approved ESA, Residence Life, or PV management will notify the resident's roommates, hall mates, and/or suite mates (as appropriate) that an ESA will be residing in shared assigned living spaces.

- A. If there are individuals with accommodations for allergies or other disabilities that may be affected by the presence of an animal, either the ESA and its owner or the other parties, as determined by Residence Life or PV management, may be moved to a different location.
- B. CIU will attempt to resolve any conflict in a timely manner. Conflicting needs and/or accommodations of all persons involved will be considered on a case-by-case basis.

## **Section III. Owner's Responsibilities for Approved ESAs in University Housing**

- A. The owner is responsible for assuring that the approved ESA does not unduly interfere with the routine activities of the housing area or cause difficulties for individuals who reside there.
- B. The owner is financially responsible for the actions of the approved ESA including bodily injury or property damage. The owner's responsibility covers but is not limited to replacement of furniture, carpet, window, wall covering, and the like. The owner is expected to cover these costs at the time of repair and/or at the time of move-out.
- C. The owner is responsible for any expenses incurred for cleaning beyond a standard cleaning or for repairs to CIU premises that are assessed after the owner and/or the approved ESA vacate the residence. CIU shall have the right to bill the individual account of the owner for unmet obligations.
- D. The owner must notify both the ASC and Residence Life or PV management in writing if the approved ESA is no longer needed or is no longer in residence. An ESA may not be replaced without approval.
- E. The owner's residence may be inspected for pests as needed. Residence Life or PV management will schedule the inspection. If pests are detected, the residence will be treated using approved methods by a CIU-approved pest control service. The owner will be billed for the expense of any pest treatment beyond standard pest management in university housing.
- F. Approved ESAs must remain in the owner's room at all times (except for outdoor exercise and to toilet the animal **see IV, A below**). The ESA may not be in the hallway or in another student's room.
- G. Approved 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 overnight or longer, the animal must accompany the owner. The owner is responsible for ensuring that the approved ESA is contained in the individual's privately assigned residential area when the owner is not present during the day.
- H. The owner agrees to continue to abide by all other residential policies. Reasonable accommodation that may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy.
- I. Any violation of the above rules will be reviewed by the Residence Life director or PV management and may result in the removal of the approved ESA from CIU. If the violation is not resolved, residence hall students may be referred to the Student Review Committee through Student Life and other university housing residents may be evicted for violation of their lease agreement.
- J. Should the approved ESA be removed from the premises for any reason, owners are expected to fulfill their housing obligations.
- K. The owner is responsible to comply with animal health and well-being requirements described in this policy.

## **Section IV. Guidelines for Maintaining Approved ESAs at CIU**

The following guidelines apply to all approved ESAs and their owners, unless the nature of the documented disability of the owner precludes adherence to these guidelines and permission for a variance from the guidelines has been granted.

### **A. Care and Supervision**

Care and supervision of the animal are the responsibility of the individual who benefits from the approved ESA's use. The person is required to maintain control of the animal at all times. The approved ESA must be housebroken and the owner is responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated by CIU consistent with the reasonable capacity of the owner. Outdoor animal waste must be immediately retrieved by the owner, placed in a plastic bag, and securely tied before disposal in outside trash containers. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied before disposal in outside trash containers. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces.

B. Animal Health and Well-being

The owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals.

1. Health: The ESA must be maintained in good health and hold all appropriate licenses and health certifications.
2. Verification: CIU may request updated verification of the approved ESA's health and licensing at any time during the ESA's residency.
3. Control: The owner must be in full control of the approved ESA at all times. The approved ESA must remain in the owner's residence at all times and be on a leash, harness, or other tether, or in an appropriate container when being transported to and from the residence.
4. Other conditions: The ASC, Residence Life, or PV management may place other reasonable conditions or restrictions on an animal depending on the nature and characteristics of the animal.

C. Removal of Approved ESA

CIU may exclude an approved ESA when (1) the animal poses a direct threat to the health or safety of others; (2) the animal's presence results in a fundamental alteration of CIU's programs or operations; (3) the owner does not comply with owner's responsibilities; or (4) the animal or its presence imposes an undue burden on CIU.

1. Behavior: should an animal cause disruption in university housing, this may also be cause for removal.
2. Removal of animal: if removal of the animal becomes necessary, CIU will allow 24 hours for the owner to take action, or CIU will intervene. In the case of imminent danger to someone, removal will take place immediately.

D. Damage

Owners of approved ESAs are solely responsible for any damage to persons or CIU property caused by their animals.

E. Emergency contact

Owners must provide emergency contact information. This person may not be a resident in CIU-owned housing and must be able to pick up the ESA immediately in the case of an emergency involving the ESA's owner.

F. Cages

When the owner is unable to be present in the room with the ESA (class, employment, etc.), the ESA must be secured in an appropriate crate or cage.