

Southwestern University – Center for Academic Success Assistance (Emotional Support) Animal Policy for University Housing

Southwestern University is committed to providing an inclusive and supportive environment for students with disabilities as well as to complying with all applicable provisions of federal, state, and local laws, including, but not limited to, the Americans with Disabilities Act Amendments Act (ADMA), Section 504 of the Rehabilitation Act, and the Fair Housing Act (FHA).

Although it is Southwestern's policy that students are generally prohibited from having animals in University housing (with the exception of fish in one aquarium, up to 10 gallons in size), under the FHA and Section 504, students with a disability may be entitled to an assistance animal as a reasonable accommodation in housing facilities that otherwise impose restrictions or prohibitions on animals. In order to qualify for such an accommodation, the assistance animal must be necessary to afford the student an equal opportunity to use and enjoy a dwelling or to participate in the housing service or program. Further, there must be a relationship, or nexus, between the student's disability and the assistance the animal provides.

Since service animals, as defined by the Department of Justice and protected under the ADAAA, may accompany an individual with a disability anywhere students, members of the public, and other participants in services, programs and activities are allowed, including University housing, they are covered under a separate University policy (Service Animal Policy). The policy below pertains solely to emotional support animals (ESAs), as defined below.

While the University will consider requests for reasonable accommodations in University housing at any time, if the request is made after the housing application deadline, the University cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or current term of occupancy.

Section 1: Definitions

- a. **Assistance Animal:** Assistance animals are not pets. They are "animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities." (HUD FHEO-2020-01, Assistance Animal Notice, Jan. 28, 2020). This category of animals includes both service animals and emotional support animals.
- b. **Emotional Support Animal:** An emotional support animal (ESA) is an animal that mitigates one or more identified symptoms or effects associated with a person's disability by providing emotional support, well-being or comfort. An ESA is prescribed to an individual with a disability by a healthcare or mental health professional. An ESA does not assist a person with activities of daily living, nor does it accompany a person with a disability at all times. Unlike a service animal, an ESA does NOT need to be trained to perform disability-specific work or tasks, and may include species other than dogs. ESAs are also commonly referred to as comfort or therapy animals.
- c. **Service Animal:** Service animals are defined by the ADMAAA as "dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA." (<https://www.ada.gov/resources/service-animals-2010-requirements/>)

- d. **Owner:** The Owner is the individual student who has requested the accommodation and has received approval to bring an ESA into University housing. The Owner is also the person who assumes responsibility for the ESA, including, but not limited to, the licensing, behavior, actions, medical care, shelter, and general health of their animal.

Section 2: Procedures for Requesting Emotional Support Animals in University Housing

- A. Prior to bringing the animal to campus, Owner will request an ESA as an accommodation through the Associate Director of Academic Success (Associate Director) in the Center for Academic Success as they would for any other housing accommodation request. While the University will consider requests at any time, if the request is made after the housing application deadline, the University cannot guarantee that it will be able to meet the individual's accommodation needs during the current term of occupancy.
- B. Owner will provide a completed ESA Provider Request for Information Form (pp. 6-7 of this policy) to the Associate Director. The provider must be located and licensed in the state of Texas or the Owner's home state.
- C. Owner will make an appointment to meet with the Associate Director to participate in an interview to discuss the relationship between the Owner's disability and the need for the requested ESA in University housing, review the Assistance Animal Policy and complete the ESA Acknowledgement and Release of Information Consent Form (p. 8 of this policy).
- D. If the ESA request is approved, the Owner will make an appointment to meet with the Director of Housing to complete the ESA Agreement and Care Plan.
- E. If appropriate/applicable, the Owner will request consent from roommates and/or suitemates regarding living with an animal via the ESA Roommate/Suitemate Acknowledgement Form.
- F. Only once all documentation and forms have been completed and submitted to the Director of Housing and the request approved may an Owner move their ESA into their residence. Having an animal in the residence prior to official approval will be considered a violation of this policy.
- G. If the Associate Director of Academic Success, in consultation with the Director of Housing, denies the request for an ESA as an accommodation, the student will receive notice of this decision, in writing, within seven (7) business days of the determination. This written notification will include the reasons for the denial and continue the interactive process with the student to determine if there are alternative accommodations that might effectively meet the individual's disability-related needs. If the student is unwilling to accept the decision and/or any alternative accommodation(s) offered, the student may appeal the decision to the Dean of Students. Appeals must be submitted in writing within five (5) business days of the written notification of the decision, and must concisely describe the grounds for appeal and include any supporting material.

Section 3: Criteria for Determining if Presence of ESA 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 residence halls. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of University housing, Southwestern University reserves the right to reassign an individual with an ESA, as needed, to accommodate other students' rights.
- B. For all requests for ESAs, the Associate Director of Academic Success shall consult with Housing in making determinations on a case-by-case basis of whether the presence of an ESA is reasonable. A request for an ESA may be denied if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing policies; and/or (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.

- C. The University 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 enjoyment;
 4. The animal is not housebroken or is unable to live with others in a reasonable manner;
 5. The animal's vaccinations are not up-to-date;
 6. The animal poses, or has posed, a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others;
 7. The animal causes, or has caused, excessive damage to housing beyond reasonable wear and tear;
 8. The animal is too young to be altered and/or administered required vaccinations; or
 9. The animal is prohibited by the City of Georgetown
 - a. "It shall be unlawful to keep or harbor within the City limits individual species and/or subspecies of the following animals: lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, bears, lesser pandas, ferrets from natural habitats, binturong, ostriches, emus, miniature pigs, Vietnamese pot belly pigs, apes, venomous reptiles, nonvenomous reptiles over six feet in length, alligators, crocodiles, elephants, rhinoceros, skunks, raccoons, foxes, coyotes, bats, wolfs, dangerous animals, or any hybrid of these animals." (Georgetown Code of Ordinances § 7.06.020)
- D. The University will not limit room assignments for individuals with ESAs to any particular building or buildings, with the exception of Kurth Hall. If a student living in Kurth is approved for an ESA with fur, feathers and/or dander, or that could trigger an allergic reaction in another student in the building, the student (Owner) will be reassigned to a different class-appropriate residence hall as soon as a spot is available.

Section 4: Access to University Facilities by ESAs

- A. Approved ESAs must be contained within the Owner's privately assigned individual living space (e.g., room, suite, apartment) except to the extent that the Owner is taking the animal out for natural relief and/or exercise. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by leash or harness.
- B. ESAs are not allowed in any University facilities other than the University residence hall to which the Owner is assigned unless the Owner has been approved for an accommodation that would allow the animal to accompany them to other specific locations on campus.
- C. ESAs must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. 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.

Section 5: Owner's Responsibilities for ESA

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:

- A. General Responsibilities:
 1. The Owner must abide by current city, county, and state ordinances, laws and/or regulations pertaining to licensing, vaccination, and other requirements for animals. 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.

2. 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 University disciplinary action for the responsible individual.
3. Southwestern University will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
4. The Owner may be charged for any damage caused by their ESA beyond reasonable wear and tear to the same extent that the University would charge other individuals for any damages beyond normal wear and tear. The Owner's living accommodations and adjacent spaces 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 has the right to bill the Owner's account for unmet obligations under this provision. The Owner will be required to treat their ESA for any such infestation at their own expense.
5. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, disposing of waste, etc.).
6. 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 their residence overnight or longer, the animal must accompany the Owner.
7. 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.
8. The Owner must provide contact information for an alternate caregiver/emergency contact who will take responsibility for the ESA and remove it from campus should the Owner be unable to care for it (e.g., hospitalization or accident). The alternate caregiver/emergency contact must reside off campus and must be available to remove the ESA in a timely manner appropriate for the animal species and needed care. Dogs must be removed within 6 hours. All other animals must be removed within 12 hours.
9. 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.
10. The ESA is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Associate Director of Academic Success 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 policy when requesting a different animal.
11. Southwestern University 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.
12. Should the Owner's housing situation change during the academic year, a new ESA Roommate/Suitemate Acknowledgement Form must be completed as appropriate, prior to the housing change.

Section 6: Removal of ESA

The University may require the Owner to remove the ESA from University housing if:

1. the animal poses a direct threat to the health and safety of others or causes substantial property damage to the property of others;
2. there is evidence of abuse or neglect of the animal by the Owner;
3. the animal's presence results in a fundamental alteration of a University program;
4. the Owner does not comply with the responsibilities set forth in this policy; or
5. 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 an animal may cause. Any removal of the animal will be done in consultation with the Associate Director of Academic Success and may be appealed to the Dean of Students. The Owner will be afforded all rights of due process and appeal.

Section 7: Non-retaliation Provision

Southwestern University will not retaliate against any person because that individual has requested or received a reasonable accommodation in University housing, including a request for an ESA.

ESA PROVIDER REQUEST FOR INFORMATION FORM

(The health care provider need not use this specific form, but all the information requested here is necessary for the institution to have in order to consider the request for an ESA; the form is provided as a convenience.)

Student's Name:

Re: Proposed ESA (if identified):

Name:

Type of animal: Age of animal:

The above-named student has indicated that you are the health care provider who has suggested that having an Emotional Support Animal (ESA) in the residence hall will have therapeutic benefit in alleviating one or more of the identified symptoms or effects of the student's mental health disability. Generally, we accept documentation from providers in the State of Texas or the student's home state who have personal knowledge of the student, consistent with their professional obligations. Letters purchased from the internet for a set price rarely provide the information necessary to support an ESA request.

The Federal Trade Commission (FTC) has been asked to investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA. The websites in question offer for sale documentation that is not reliable for purposes of determining whether an individual has a disability or disability-related need for an ESA because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations. So that we may better evaluate the request for this accommodation, please answer the following questions.

A. Information About the Student's Disability

A1. Federal law defines a person with a disability as someone who has a physical or mental impairment that ***substantially limits*** one or more major life activities. That suggests that a diagnosis (label) does not necessarily equate with a disability (substantial limitation). What is the nature of the student's mental health impairment (that is, how is the student ***substantially limited***)?

A2. Does the student require ongoing treatment? Yes No

A3. When did you first meet with the student regarding this mental health diagnosis?

A4. When did you last interact with the student regarding this mental health diagnosis?

B. Information About the Proposed ESA

(Please note that there are some restrictions on the kind of animal that can be approved for the residence hall; it is possible the student may be approved for an ESA, based on the information you provide here, but may not be allowed to bring the specific animal named.)

B1. Is the animal named here one 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?

B2. What specific symptoms will be reduced by having an ESA, and how will those symptoms be mitigated by the presence of the ESA?

B3. Is there evidence that an ESA has helped this student in the past or currently?

C. Importance of ESA to Student's Well-Being

C1. In your opinion, how important is it for the student's well-being that an ESA be in residence on campus? What consequences, in terms of disability symptomology, may result if the accommodation is not approved?

C2. 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.)

Thank you for taking the time to complete this form. If we need additional information, we may contact you at a later date. The named student has signed this form (below) indicating written permission to share additional information with us in support of 'the request. We recognize that having an ESA in the residence hall can be a real benefit for someone with a significant mental health disorder, but the practical limitations of our housing arrangements make it necessary to carefully consider the impact of the request for an ESA on both the student and the campus community.

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

Lou Djurdjevic, Associate Director of Academic Success
Southwestern University
1001 E. University Ave., Georgetown, TX 78626
512/863-1536 (phone)
512/863-1744 (fax)
Djurdjevl@southwestern.edu Provider

Provider Name: _____

Address: _____

Telephone: _____

Email address: _____

Professional Signature: _____

Type of License: _____ License #: _____

Date: _____

STUDENT (please sign this form before providing it to your mental health provider to complete). By signing below, I consent to allowing my health care provider to share any information relevant to my need for an ESA as an accommodation, as shown on this form, with Lou Djurdjevic, Associate Director of Academic Success at Southwestern University, for the next 60 days.

Student Signature

Date

ESA 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 an ESA as an accommodation under Southwestern's **Assistance (Emotional Support) Animal Policy for University Housing**.

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

I furthermore give permission to the Associate Director of Academic Success to disclose to others impacted by the presence of my ESA (e.g., Housing staff, potential and/or actual roommate(s)/neighbor(s), maintenance staff, etc.) 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, animals are permitted for individuals with disabilities in University Housing.

Signatures:

Owner

Date

Associate Director of Academic Success

Date