Office of Residence Life

Emotional Support Animal Procedure

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I. Procedure Statement

The Office of Residence Life at Southeast Missouri State University complies with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008 (ADA), the Fair Housing Act, and other applicable federal and state regulations that prohibit discrimination on the basis of disability. The Office is committed to providing equal access to students with qualifying conditions. In keeping with this obligation, Emotional Support Animals are permitted in all housing facilities in accordance with the University Animal Control policy (www.semo.edu/pdf/old/FinAdm_01-16_Policy_2012.pdf). This procedure includes the steps for requesting an Emotional Support Animal and the responsibilities of students who have Emotional Support Animals in the residence halls at Southeast Missouri State University.

II. Definitions

Disability: with respect to an individual: (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment (U.S. Code, Title 42, Chapter 126, § 12102).

Emotional Support Animal (ESA): An animal providing emotional or other support to improve one or more identified symptoms or effects of a disability. Emotional Support Animals are not required to be trained to perform work or tasks and can be species other than dogs.

Approved ESA: An animal that has been permitted in designated areas of residential communities as a reasonable accommodation under this procedure.
**ESA Owner:** The resident/student who has an approved Emotional Support Animal (ESA) in on-campus housing under this procedure.

**Service Animal:** Any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of “Service Animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. The work or task a Service Animal has been trained to provide must be directly related to the person’s disability. Animals whose sole function is to provide comfort or emotional support do not qualify as Service Animals under the ADA.

**Pet:** An animal kept for ordinary use and companionship. A pet is not considered an Emotional Support Animal or a Service Animal. Pets, other than fish, are not permitted in on-campus housing at any time. See University Business Procedure and Procedures Manual 01-16.

**On-Campus Housing:** Any facility owned or operated by the University for the purpose of housing students, regardless of location.

### III. Requesting an Emotional Support Animal

ESAs may not be brought into residential communities without prior approval from The Offices of Disability Services and Residence Life. Each request will be evaluated on a case-by-case basis as outlined in this procedure, considering the individual request and the expectations of the University community.

**Request for ESA.** Students requesting an Emotional Support Animal should complete a Special Accommodations Request form. Once completed, the student will be asked to contact the Office of Disability Services via email, ds@semo.edu, or by phone, 573.651.5927 to meet and discuss the request. Requests must be submitted annually or for each new housing contract period.

**ESA Health Documentation.** Students requesting an ESA in on-campus housing must provide all of the following documentation to the Office of Disability Services.

a. Documentation from a health care professional that specifies a need for an ESA. This documentation should outline the specific ESA being requested.

b. Documentation from a professional veterinarian that the ESA is current on all applicable vaccinations, including rabies, and is in good health along with the Special Accommodations Request form and Request for ESA Documentation form.

c. Documentation of an annual well care visit with a licensed veterinarian. The animal must have had a general maintenance vaccination series appropriate to the species. Must be provided annually with the student’s request.

d. All vaccinations must be current and provided to the Office of Disability Services. Applicable animals must wear a current rabies vaccination tag.

*Students must provide satisfactory documentation prior to approval of an ESA.*
**Approval.** Once the Office of Disability Services receives the required documentation and meets with the student, a decision regarding the request will be communicated with the Office of Residence Life. The student requesting the ESA will be notified if the Office of Disability Services needs additional information regarding the request. After the Office of Residence Life receives approval to proceed from the Office of Disability Services, the student will be asked to meet with the Office of Residence Life for final approval and to discuss possible housing options available to the student and ESA. *Please allow up to 10 business days for this process.*

**Denials of Requests for Emotional Support Animals.** The University is not required to provide accommodations that would pose a direct threat to the health or safety of others. If a particular animal requested by a student with a disability has a history of dangerous behavior or an unsafe disposition (unprovoked aggressive behavior), the University may deny the request for the ESA. Livestock and fowl (i.e., ducks, geese, turkeys, guineas, and peafowl) are prohibited within the City of Cape Girardeau limits and will be denied as ESAs.

The University will also deny requests that would: (1) result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by a reasonable accommodation; (2) pose an undue financial and administrative burden on the University; (3) fundamentally alter the nature of the University’s student life operations; or (4) create a disruption to the living environment for other students.

If your request for an Emotional Support Animal is denied due to documentation, please contact the Office of Disability Services for further clarification of the decision. For all other concerns related to denials due to the living situation, contact the Office of Residence Life.

**Changing/Switching Emotional Support Animals.** If a student feels s/he needs to switch their current ESA or that circumstances warrant a change in ESA, the Office of Disability Services will review the documentation submitted and work with the student to ensure all reasonable accommodations are met. These situations will be handled on a case by case basis.

**IV. Animal Health & Well-being**

**Vaccination:** ESAs must be immunized against diseases common to that type of animal. All vaccinations must be current as required by the ordinances of the City of Cape Girardeau, which can be found in the City of Cape Girardeau General Animal Ordinances & the Regulation and Control of Dogs in Missouri Municipalities. Applicable ESAs must have current vaccination against rabies and those vaccination records should be provided to the Office of Disability Services.

**Health:** ESAs must have an annual checkup from a licensed veterinarian. Documentation can be a vaccination certificate or a veterinarian’s statement regarding the ESA’s health.

a. The University reserves the right/authority to direct that the ESA receive veterinary assistance, if the ESA is determined to be in poor health.

b. The ESA will have fresh water and appropriate food on a daily basis.
c. ESAs must be able to be left alone in rooms without causing disruptions to the living community. ESA owners will not be permitted a second ESA to provide company to the original ESA.

**Grooming:** The animal must be well-groomed (per breed) and measures should be taken at all times for flea and odor control. University facilities and/or bathrooms cannot be used for animal bathing or grooming.

**Other:** The Office of Disability Services may place other reasonable conditions or restrictions on an ESA depending on the nature and characteristics of the ESA.

V. **Conflicting Health Conditions & Aversions**

Students with a medical condition or aversion who are affected by animals (e.g. allergies, asthma, respiratory conditions, zoophobia, etc.) because of living in close proximity to Emotional Support Animals should contact the Office of Disability Services. Disability Services will work with the Office of Residence Life to reasonably accommodate residents who need accommodation when living in close proximity to ESAs as may be required by applicable law. Students who introduces the ESA to the environment will be required to move in the case that surrounding students are medically affected by the ESA’s presence.

VI. **Rules & Responsibilities of ESA Owner**

Once the Offices of Disability Services and Residence Life have approved the ESA, the ESA Owner must abide by the following rules and responsibilities. Failure to abide by the ESA rules and responsibilities may lead to sanctions including removal of the ESA from on-campus housing.

a. The ESA Owner must complete and submit to the Office of Disability Services the Request for Emotional Support Animal Documentation Form and the Special Accommodation Request Form, as well as the required ESA Health Documentation annually before bringing the requested ESA to campus (details in section III).

b. The ESA Owner agrees to abide by all other University policies. Any exceptions to the animal procedure made under this ESA procedure does not constitute an exception to any other University policy.

c. The ESA will remain in the ESA Owner’s university assigned room and is not permitted in other student’s rooms or the common areas (e.g., lounges) of the residential facilities, and other areas of the University such as classrooms, academic buildings, administrative buildings, libraries, dining services areas, fitness center, pool, etc., with the exception of transporting the animal to or from the residence, for medical or health care, or for occasional outdoor exercise. All animals, except dogs, must be transported in an appropriate carrier or containment device when being transported through the building.

d. Approval of ESAs are specific to owners and may not be changed without permission. Contact the Office of Disability Services if changes in animals need to be made.

e. ESAs brought on campus must be under the control of the ESA owner at all times. The ESA Owner must be in full control of the animal at all times (i.e. leash, harness, crate). The ESA owner is solely responsible for the animal’s well-being, care and cleaning, including, but not limited to, regular feeding, bathing, grooming, daily care and veterinary services.
f. The ESA Owner must comply with all applicable laws regarding the keeping of an animal and is responsible for making sure the ESA does not disrupt the residential community.

g. The ESA may not be left unattended overnight in the residential facilities to be cared for by another student. ESAs must be taken with the owner if they leave campus for a prolonged period (e.g., the weekend). The ESA Owner will be provided an opportunity to designate an emergency contact who is capable of removing the ESA, if needed.

h. When ESAs are left unattended in a student’s room, they are required to be in a crate, carrier or kennel. This containment will allow Southeast Missouri State University officials access to the residential facilities for maintenance and other routine tasks without posing risk to the animal or employees.

i. To the extent possible, the ESA Owner should ensure that the ESA does not do the following:
   1. Sniff people or the personal belongings of others.
   2. Display any behaviors or noises that are disruptive to others, unless part of the service being provided to the ESA Owner.
   3. Block any aisle of passageway for fire egress.
   4. Excessive grooming.
   5. Initiate contact with someone without the ESA Owner’s direct permission.

j. Dogs as ESAs must be “house broken” and cats as ESAs must be litter box trained. Other smaller animals (i.e. gerbils, rabbits, guinea pigs, etc.) must be caged and may not be left loose in the student’s room or in the residence hall.

k. ESAs must be taken out of the building by way of the shortest and most direct path, and must be maintained under standard restraints such as a carrier and/or collar when outdoors, in public areas, or in transit and must be confined to the residence when not in transit.

l. The ESA Owner is responsible for an ESA during a fire alarm or drill or natural disaster.

m. Fecal matter deposited on University grounds or within the facilities must be removed immediately and disposed of in waste containers or dumpsters. The owner is to arrange for immediate removal of fecal matter if unable to perform the task personally.

n. The ESA Owner’s residence may be inspected for fleas, ticks, pests, and/or damage to the residential facilities. The Office of Residence Life staff will conduct the inspection during the facilities checks twice a semester. The resident will be notified in advance of the inspections. If fleas, ticks, or other pests are detected through inspection, the residence hall will be treated using approved fumigation methods by a University-approved pest control service. The ESA Owner will be financially responsible for any direct expense related to pest control treatment directly attributed to the ESA.

o. The University may remove or require the removal of an ESA that poses a threat to the health or safety to others on campus, disrupts the educational environment of the University and/or residential community, or if the ESA Owner does not comply with the Owner’s rules and responsibilities for Emotional Support Animals. It is the responsibility of the ESA Owner to ensure the ESA does not interfere with the quality of life of other residents on campus. This includes noise violations (e.g. barking, scratching or other disruptive noise).

p. The ESA Owner will be financially responsible for expenses incurred above a standard cleaning or for repairs to the residential premises, including losses, liability, claims, and harm to others caused by the ESA.
q. The ESA Owner will hold the University blameless in the event the ESA goes missing. University staff is not responsible for the retrieval of the ESA in the event the animal escapes or becomes lost.

r. The ESA Owner must notify the Office of Disability Services in writing if the ESA is no longer needed as an ESA, or is no longer in the residential facilities. To replace a previously approved ESA, the owner must complete any registration and other related forms for the Office of Disability Services.

Any Violation of these expectations may result in immediate removal of the ESA.

VII. Roommate Rights
Roommates to those who own ESAs also have rights. After the ESA Owner completes the ESA registration and approval process, each roommate impacted by the presence of an ESA will be notified and required to complete a Roommate Agreement Form. All roommates should provide their written agreement for the animal to reside in their suite/room. In the event of one or more roommates does not agree, the ESA Owner may request to move placement to a different residence hall. The Offices of Disability Services and Residence Life will work together to provide reasonable accommodations as quickly as possible in such cases.

VIII. Removal of Animal: Procedure
The University may require the ESA Owner to remove the animal from on-campus housing or the ESA Owner may be removed from the residence halls if the ESA Owner fails to comply with the Rules & Responsibilities in this procedure and other University Policies.

a. Should an ESA be removed from the premises for any reason, the Office of Disability Services and Residence Life will work with the student to determine if another ESA will be obtained or if the student will need to be released from their housing obligations due to the removal of the ESA.

b. If the ESA bites another person without provocation or demonstrates unprovoked aggressive behavior toward another person or animal (even if there is only a single occurrence of said behavior), Southeast Missouri State University reserves the right to require the ESA Owner to remove the ESA. The ESA Owner will be responsible for any and all medical costs associated with any injury suffered by another person as the result of the action of the ESA.

Removal of Animal: Process
Once an ESA or ESA owner is in violation of ESA expectations, there is the possibility for judicial action. It is important to note that each incident is different and the outcome of the case will depend on the severity of the infraction. Repeat offenses will be considered and taken into account when assigning sanctions. In some cases, the ESA Owner will have 24-48 hours to remove the ESA.

The general process for an incident involving an ESA or ESA owner is as follows:

a. Incident
b. Report of incident
c. Meeting with conduct officer or residence life official
d. Sanction/fine or action needed will be decided

e. Sanction/fine fulfilled

IX. Appeals
Any person dissatisfied by a decision concerning an assistance animal may appeal through the Dean of Students Office.

X. Agreements
I have read and understand my responsibilities as an Emotional Support Animal owner as outlined above. Should I fail in my responsibilities, I understand my approved accommodation may be suspended and/or I may be found in-violation of University policies. By providing my signature below, I verify that I have read, understood and will abide by the guidelines outlined above.

__________________________  __________________________  ________________
ESA Owner                  Southeast ID                   Date

__________________________  __________________________  ________________
Name of ESA                 Animal (type)                   Breed

__________________________  __________________________  ________________
ESA Emergency Contact       Phone#                          Email

*If no one is identified or the listed individual(s) cannot be reached, the animal may be turned over to animal control or another local agency, at the student's expense.*

__________________________  __________________________  ________________
Office of Residence Life    Date

__________________________  __________________________  ________________
Office of Disability Services    Date