

Emotional Support Animal Policy

Capital University recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA), and of Emotional Support Animals (ESAs), supported by the Fair Housing Act. The University is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full participation and equal access to the University’s programs and activities. The University is also committed to allowing ESAs, necessary to provide individuals with mental health disabilities an equal opportunity to use and enjoy University housing. This policy explains the specific requirements applicable to an individual’s use of an ESA in University housing. Capital University reserves the right to amend this policy as circumstances require. This policy applies solely to ESAs that may be necessary in University housing. It does not apply to “Service Animals” as defined by the ADAAA, and whose presence on campus is explained in the University’s Service Animal Policy.

Although it is the policy of Capital University that individuals are generally prohibited from having animals of any type in University housing, the University will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a mental health disability. 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 Policy. Any requests for animals in residence that are neither Service Animals nor ESAs should be directed to Accessibility Services.

The question in determining if an ESA will be allowed in University housing is whether or not the ESA is necessary, because of the individual’s disability, to afford the individual an equal opportunity to use and enjoy University housing, and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing, 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.). An ESA may be approved without approving the request for a specific animal.

Definitions:

Disability: An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities.

Emotional Support Animal: An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support for an individual with a diagnosed mental health disability that substantially limits one or more major life activity. Unlike service animals that are trained to perform specific tasks that are important to the independence or safety of their disabled handler,

ESAs are generally not trained to perform disability-specific tasks. Their therapeutic support is a function of their presence and interaction with the person with a mental health disability. ESAs are not pets, but they typically are animals commonly kept in households as pets. An ESA may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure. Under recent guidance from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals. Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis.

Owner: Student or resident residing in campus housing approved by Accessibility Services for an Emotional Support Animal.

Request Procedures:

1. Students requesting an ESA must complete the Accessibility Services Registration Process:
 - a. Complete the Accommodation Request Form
 - b. Submit documentation
 - c. Meet with Accessibility Services to discuss the accommodation request and review documentation.
2. Submit a description of the animal (e.g., animal, breed, name, color, size, etc.), any relevant vet records, including vaccinations and rabies tag number, and licensing if applicable, and signed copy of the Housing Emotional Support Animal and Service Animal Policy Agreement Form.
3. Decision of the ESA is determined on a case-by-case basis. The University has the right to request additional clarification or documentation. Approval for an ESA may be granted without approving a specific animal.
4. Approval of the animal is given on an annual basis, and request for renewal must be completed every year.
5. A signed Emotional Support Animal Roommate Agreement Form by all roommates/suitemates, if applicable. AS will contact the students directly. The Office of Residential and Commuter Life “Residential Life” reserves the right to alter room assignments as appropriate.
6. Emotional Support Animal accommodation requests can be made at any time, though requests made after the housing accommodation deadlines or in the middle of the term of residence may not be able to be fulfilled until the following term or academic year of residence.

Owner’s Responsibility:

- The care and supervision of the ESA is solely the responsibility of the owner. The owner is responsible for ensuring the safety of the ESA and the community. The owner must not have any past or current student conduct issues that may impact the owner’s ability to care for and effectively control an animal. In addition, the owner must not have a history of abuse or irresponsible behavior related to the ESA or others that negatively impacts the owner’s ability to ensure the safety of the ESA in the community. If the University determines that such conduct issues are negatively impacting the safety of the ESA or the community, the University will take appropriate measures, up to and including a determination that the ESA may no longer be permitted on campus.

- The owner must be in full control of the ESA at all times. The ESA must be caged while the student is not present in their in-university housing, unless the owner's disability prevents its use, or the use of one would interfere with the ESA's ability to be of service. The University reserves the right to inspect the cage/container.
- Accessibility Services and Residential Life must be notified in writing if the ESA is no longer needed or no longer in residence. Approval of the ESA is animal specific and may not be transferred to another animal. If there is a need to replace an approved animal, the owner must file a new Housing Accommodation Request Form, and understands that the Accessibility Services in conjunction with Residential Life will review the request and make a determination.

ESA Behavior Standards:

- The ESA must not unduly interfere or adversely affect the routine activities of other residents and neighbors (e.g., barking continuously, growling, howling, crying, etc.). In addition, the ESA must not pose a threat to the health, safety, or property of anyone in the community.
- The ESA is only permitted in the owner's room and must be contained within the room at all times. ESAs are not permitted in other University facilities including dining areas, classrooms, common areas, and other student's rooms except as required for transportation off-campus or to eliminate waste. While outside the owner's room, the animal must be in an animal carrier or controlled by a leash or harness.
- ESAs may not be left overnight or during breaks in University housing without the owner present.
- The owner must notify Residential Life if the ESA escapes or is unable to be located within 8 hours.

ESA Care Standards:

- Animals are only permitted in the owner's immediate living quarters. The animal must be crated when the owner is not in the room.
- In accordance with local ordinances and regulations, the ESA must receive all required and/ or recommended immunizations against diseases. Dogs must have current rabies vaccinations and wear a rabies vaccination tag. The University may request updated verification regarding an ESA's vaccinations at any time during the animal's residency.
- Local licensing requirements must be followed, up-to-date, and on file with Accessibility Services.
- A current emergency contact must be on file with Accessibility Services in case the owner is unable to care for the ESA at any time. The emergency contact cannot be a current Capital University student or personnel.
- ESAs must be in good health as documented annually by a licensed veterinarian. Appropriate documentation will be determined on a case-by-case basis, but may include a vaccination certificate or veterinarian's statement regarding the animal's health. The University has the authority to direct that the ESA receive veterinary attention in appropriate circumstances.

- The owner must attend to the daily needs of the ESA including feeding, hydrating, attention, and other essential duties to ensure overall welfare.
- An ESA must be clean and well groomed, and measures should be taken at all times for such issues as flea and odor control. The animal may not be bathed in the residence hall bathrooms. The owner's residence may be inspected as needed. If fleas, ticks, or other pests are detected, the residence hall 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 normal required pest management.
- The owner is responsible for ensuring the cleanup of the ESA's waste (e.g., urine, excrement, fur, cage shavings, etc.) in an approved area. Animals, their crates, litter boxes, and other related materials may not be cleaned in the common bathrooms. Indoor animal waste must be placed in a sturdy plastic bag before disposal.

Other Policies:

- The college believes that the residence hall is not an appropriate setting to raise a young puppy or kitten, and that generally, dogs must be at least 10 months of age and cats must be 6 months of age before they are allowed in to live in-residence.
- Generally, only one animal is allowed per residence unit.
- Accessibility Services or Residential Life may place other reasonable conditions or restrictions on the ESA depending on the particular facts and circumstances, including the nature and characteristics of the ESA.
- Residential Life may relocate the owner and ESA as necessary. A Roommate Agreement must be signed by all students residing in the same room or suite before the ESA is moved into the owner's room. If roommates/suitemates have objections to sharing their living quarters with the ESA, someone may be asked to shift to an alternative setting. Such decisions will be made on a case-by-case basis.
- In the event of an emergency, every effort will be made to keep the owner and their ESA together. While all reasonable efforts will be made to keep the owner with the ESA, the emergency responders' first responsibility will be toward the owner and other students/employees, which could necessitate leaving the animal behind in certain evacuation circumstances.
- From time to time, the University may use pesticides, pest control devices, de-icing materials, cleaning supplies, and other materials for the maintenance and operation of university housing. The University is not responsible for any harm to the ESA caused by such materials.
- 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, designating an outdoor relief area, disposing of feces, etc.).

Code of Conduct

- The owner is subject to Health and Safety Inspections conducted by Residential Life at any time during the term of occupancy. If there are concerns about the health and safety of the animal or other residence and the owner is in violation of the policy, the University will take appropriate

measures, up to and including a determination that the ESA and/or student may no longer be permitted on campus.

- The owner agrees to continue to abide by all other University policies, including housing policies.
- The owner is financially responsible for the ESA's care and behavior. The owner's financial responsibility includes cost of damages to any University owned property or bodily injury caused by the ESA. These costs can include repairs, such as replacement of carpet, furniture, windows, and wall coverings, expenses incurred for required cleaning above and beyond a standard cleaning, and pest control, just as any other resident would be responsible for damages. This will be noted on the Room Condition Form and during the Health and Safety Inspections. The owner is expected to cover these costs at the time of repair and/or move-out.
- If the University determines that the policies have been violated, students are subject to the Student Code of Conduct and the University will take appropriate measures, up to and including a determination that the ESA and/or student may no longer be permitted on campus. 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 Capital University housing agreement term.