

Emotional Support Animals Residential Policy

Eastern Michigan University (EMU) recognizes under the Fair Housing Amendments Act (FHAA) the importance of emotional support animals (ESAs). ESAs provide emotional support for individuals with documented disabilities. The FHAA ensures that people with documented disabilities be allowed to have an ESA in their living unit with them if the animal is necessary for the individual to have full benefit, enjoyment, and use of the residential facility. EMU is committed to supporting students with ESAs in residence. This policy explains the specific requirements applicable to an individual's use of an ESA in university housing. This policy pertains to ESAs only, and not to service animals and pets. The university has developed a separate policy regarding the presence of [Service Animals](#) in university housing. EMU reserves the right to amend this policy as circumstances require or as the law changes.

Although it is the policy of EMU that individuals are prohibited from having animals, EMU will consider a request by an individual with a documented disability for reasonable accommodation(s). However, an ESA may not be kept in university housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy.

ESAs are a category of animals that provide necessary emotional support to an individual with a psychological disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADA Amendments Act of 2008 (ADAAA) and EMU's Service Animal Policy. Some ESAs receive professional training, but in other cases, ESAs provide the necessary support to individuals without any formal training or certification.

Determinations on allowances for ESA will be based on the necessity of providing accommodation(s) for individuals to enjoy equal access to university housing and the reasonableness of the presence of the ESA in university housing. These determinations will be made on a case-by-case basis.

Acknowledgement

By my signature below, I verify that I have read, understand, and will abide by the guidelines outlined and I agree to provide additional information required to complete my Request for a Reasonable Accommodation under the University's Emotional Support Animal Policy.

Resident Owner's Signature

Date

Resident Owner's Cell Phone

DRC Case Manager Signature

Date

Off Campus Emergency Contact Name

Relationship

(_____)_____
Telephone Number

Address

Email Address

Section 1: Definitions

A. **Emotional Support Animal:** An Emotional Support Animal (ESA) is an animal that alleviates one or more identified symptoms or effects of a person's disability. An ESA is prescribed to an individual with a disability by a licensed professional with expertise in the area of the disability/condition (Therapist, Psychiatrist, Psychologist, Neurologist, etc.). An ESA does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times.

* It is important to note that animals needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or emotional support animal.

B. **Owner:** The owner is the individual who has requested the accommodation and has received approval to bring an ESA into university housing.

C. **Approved ESA:** Approved Emotional Support Animal (ESA) is an animal that has been permitted in designated areas of residential communities as a reasonable accommodation under this policy.

D. **Pet:** A pet is an animal kept for ordinary use and companionship. A pet is not considered an Emotional Support Animal or a Service Animal. Individuals are not permitted to keep or bring pets in university housing without prior approval.

E. **University Housing:** Any facility owned or operated by the University for the purpose of housing residential students, whether leased or owned by the University and regardless of location. Housing & Residence Life (HRL) is the administrative office that manages all university housing.

F. **Documented Disability:** Medical documentation/record submitted to the EMU Disability Resource Center from a student who has a physical or mental impairment that substantially limits one or more major life activities.

Section 2: Housing Policy and Access to University Facilities

A. Residential students are not permitted to keep pets in university housing (with the exception of approved cats in Cornell and Westview), other than fish. Exceptions apply for registered Emotional Support Animals and Service Animals.

B. If a student is approved for an ESA, they are only permitted to have one.

- C. ESAs are approved for university housing only and are not permitted in other university buildings (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.).
- D. It is not appropriate to have an ESA in public areas of the residential community such as lobbies and lounges, except for transporting the animal in and out of the assigned residence hall room or university apartment.
- E. Where applicable, ESAs are permitted in designated outdoor spaces, primarily for natural relief and exercise.
- F. Residential students must re-register their ESA each academic year, including providing updated documentation as monitored and required by the DRC.

Section 3: Criteria for Determining if Presence of the ESA is Reasonable:

On-campus 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 or apartment. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of university housing, Eastern Michigan University reserves the right to assign an individual with an ESA an alternative housing assignment, including a single room without a roommate.

- A. For all requests for an ESA, the Disability Resource Center (DRC) shall consult with Housing & Residence Life (HRL) in making a determination on a case-by-case basis of whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable 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.
- B. Eastern Michigan University may consider the following factors, among others, as evidence in determining whether the presence of the ESA is reasonable or in the making of housing assignments for individuals with an ESA:
 1. The size of the ESA is too large for available assigned housing space;
 2. The ESA's presence would force another individual out of their housing (e.g. serious allergies);
 3. The ESA's presence otherwise violates individuals' right to peace and quiet enjoyment;
 4. The ESA is not housebroken or is unable to live with others in a reasonable manner;

5. The ESA's vaccinations are not up-to-date;
 6. The ESA poses or has posed in the past a direct threat to the individual or others, such as aggressive behavior towards or injuring the individual or others;
 7. The ESA causes or has caused excessive damage to housing beyond reasonable wear and tear;
 8. Dangerous, poisonous, oversized, endangered and/or illegal animals are not permitted, as these would not be considered a reasonable accommodation in a community living environment.
- C. Eastern Michigan University will not limit room assignments for individuals with an ESA to any particular building or buildings because the individual needs an ESA or because of a disability.

Section 4: Responsibility and Expectations of Persons with Emotional Support Animals

- A. Permission for an ESA in University Housing: ESAs may not reside in university housing without expressed approval from both the DRC and the HRL Director or designee.
- B. Care and Supervision: Care and supervision (custody) of the animal is the sole responsibility of the Owner and must meet the following requirements:
1. An ESA must be contained in the Owner's privately assigned individual living accommodations (room or apartment) except to the extent the student is taking the animal out for natural relief, exercise or transportation.
 2. The ESA must be properly housed and restrained or otherwise under the control of the Owner at all times (i.e. leash, harness, crate, etc.).
 3. An 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 his/her residence hall overnight or longer, the animal must accompany the Owner.
 4. The Owner must provide contact information for an alternative caregiver/emergency contact who will take responsibility of the ESA and remove it from campus should the Owner be unable to care for it (e.g. hospitalization, accident). The caregiver/emergency contact must reside OFF campus and must be available to remove the ESA in a timely manner.
 5. The Owner must notify the HRL Director or designee and the DRC of any emergency during which the Owner is unable to care for the ESA. Notification of

such a situation and removal of the ESA must occur in a timely manner appropriate for the animal species and needed care.

6. EMU personnel and EMU students shall not be required to provide food, care or any additional space for any ESA. This includes, but is not limited to, removing the animal during an 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.
7. The ESA is allowed in university housing only as long as it is necessary because of the Owner's documented disability. The Owner must notify the DRC 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.
8. HRL staff will alert the incoming roommate of the presence of the ESA. Should the housing situation change during the academic year, the new roommate must be alerted, prior to the student moving into the new setting.
9. The 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.
10. 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 leash when outdoors, in public areas, or in transit and must be confined to the residence when not in transit.

C. Waste Management and Cleaning:

1. The ESA must be housebroken or housed in spaces appropriate for that animal such as cages/crates/habitats. Pee pads are not permitted for toileting.
2. The Owner is responsible for managing all cleaning tasks associated with keeping and caring for their ESA, including hair/fur, waste management, litter and bedding. University housekeeping equipment, facilities and/or supplies may not be used for any ESA bathing.
3. Owners are responsible for properly cleaning up after, containing and disposing of all animal waste. Solid waste (such as cat litter, soiled bedding, etc.) must be disposed of in a designated dumpster. Litter boxes should be placed on mats so that feces and urine are not tracked onto carpeted surfaces. Owners may work with physical plant staff to determine appropriate location to clear litter box and cages.

4. ESA odor and waste accumulation must not exceed reasonable standards. Litter boxes and cage bedding must be maintained such that odors are not apparent outside of the student's living space.
5. For animals that must be toileted outside, HRL staff in consultation with Physical Plant Staff will designate appropriate areas near the Owner's residential location for regular toileting of their animal. Outdoor animal waste/feces, must be immediately cleaned up, contained (placed in a plastic bag and securely tied) and disposed of by the Owner in a designated outside trash can. Improper waste disposal is grounds for the removal of the animal.

D. Health and Well-Being:

1. The Owner must abide by current city, county and state ordinances, laws and/or regulations pertaining to licensing, vaccination, noise, restraint, at-large animals, dangerous animals and other requirements for animals. It is the Owner's responsibility to know and understand these ordinances, laws and regulations. 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. Washtenaw County requires that all dogs over four months of age obtain a dog license. Proof of licensing must be provided to the DRC.
<http://www.cityofypsilanti.com/162/Dog-Licenses>
3. The ESA must be immunized against disease common to that type of animal.
 - i. Dogs and cats must have proof of current rabies vaccination. A copy of the current licensing documentation for the animal will be kept on file and must be kept current.
 - ii. Dogs must wear a current rabies vaccination tag.
4. Students must annually submit a Clean Bill of Health form for their ESA that is to be completed by a licensed veterinarian, to the Disability Resource Center to be eligible for consideration of an approval and/or renewal of an ESA.
5. The Owner is required to ensure the ESA is well cared for at all times. Any suspected or observed issues related to mistreatment or abuse of the ESA will be reported to the proper investigatory authorities, may result in immediate removal of the ESA, and may subject the responsible individual to disciplinary action.

E. ESA Behavior:

1. The ESA may not pose a direct threat to the health and safety of persons on the University campus, cause physical damage to property, or fundamentally alter the nature of the University operations.
2. The ESA's behavior and/or noise must not exceed reasonable standards for a well-behaved animal. These factors should not create unreasonable disruptions for other residents. The ESA may be excluded from the university campus if the ESA behaves in an unacceptable way and/or the student does not control the ESA. Uncontrolled barking, jumping on other people, biting, growling, or running away from the Owner are some examples of unacceptable behavior for an ESA.
3. The Owner, not the University, is responsible for the actions of the ESA including bodily injury or property damage.
4. The 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.

F. Financial Responsibility:

1. Eastern Michigan University will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
2. The Owner may be charged for any damage caused by his or her ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations 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 University-approved pest control service. The Owner will be billed for the expense of any pest treatment beyond standard pest management in university housing. 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 expense.
3. Any cost for the actions of the ESA, including bodily injury, property damage, and/or non-standard cleaning, must be met by the Owner. The university reserves the right to bill the student's account for charges related to the ESA.
4. The Owner is responsible for the fee's associated with the Washtenaw County dog license.

G. General Responsibilities:

1. Owners are responsible for feeding and watering their animal within their personal room. Bowls of food and water should be placed on mats so that water and food do not get on the carpet/floor. If food or water is spilled, the Owner is responsible for cleaning the floor of their residence immediately.
2. Food for the ESA should be kept in a sealed container within the confines of the Owner's room. Open bags of food are not permissible, as they attract insects and rodents. Live feed must be contained.
3. If the ESA becomes sick and vomits and/or becomes incontinent, it is the responsibility of the Owner to make sure it is cleaned up immediately.
4. The ESA should be kept clean and free from odor; however, Owners may not use hall or apartment showers, sinks or baths to clean their ESAs. Owners are encouraged to find a local groomer.
5. When submitting a work order, for repair in your room or apartment, ESA owners are encouraged to note they have an animal in their room. This is for the safety of the animal and physical plant staff.
6. If the animal is a dog/cat that has not been spayed, it will be necessary for the animal to wear a diaper while it is in heat.

Section 5: Removal of ESA

Eastern Michigan University may require the Owner of an ESA to remove the animal from University property if:

- A. The ESA poses a direct threat to the health or safety of others or causes substantial property damage to the property of others.
- B. The ESA's behavior is unruly or disruptive (e.g., barking, growling, running around, and/or displaying aggressive behavior). If such behavior persists, the Owner may be prohibited from bringing the animal on campus until the Owner takes significant and effective remedial steps to correct the animal's behavioral problems. These remedial steps must be documented and submitted to the DRC.
- C. The ESA is ill. Animals that are ill or in poor health must not be taken into public areas.
- D. The Owner fails to properly clean up and dispose of the animal's waste.
- E. The ESA is otherwise unclean or unkempt.

- F. The animal or its presence creates an unmanageable disturbance or interference with the University community.
- G. There is evidence of abuse or neglect of the animal by the owner.
- H. The animal's presence results in a fundamental alteration of a University program.
- I. The Owner does not comply with this policy.

When it is determined that an ESA must be removed from University property, the Owner will be notified in person and by email. The ESA must be removed from campus within 24 hours of the notification. This determination will be made by HRL and DRC staff. Housing & Residence Life will visit the residence to assure the animal and related supplies are removed. If the animal is not removed, Housing & Residence Life staff will work with Department of Public Safety and involve local animal control agencies to remove the animal.

If the presence of the animal presents a health and safety risk to others, HRL may work with DPS to have the animal removed immediately.

Section 6: Failure to Comply

This policy has been adopted as a University Policy. Violations of this policy fall within the EMU Student Conduct Code and the Guide to Campus Living (Student Conduct Code: Q. Other Violations). Specific items within The Guide to Campus Living that should be noted for the ESA Owner is 1.00 General Responsibilities, 1.10 Campus Living Policies, 1.30 Care and Use of Facilities, 1.50 Failure to Comply, 2.10 Pets and 2.50 Quiet/Courtesy Hours.

Should an owner not comply with this policy:

- A report will be created by the observing party-likely a Resident Advisor.
- The report will be submitted to Housing & Residence Life staff and reviewed.
- The Owner may be charged with a violation of the student conduct code.
- As with all violations, students are given an opportunity to discuss the incident(s) with a Housing & Residence Life staff member.
- Continued violations or compounding issues, or reported concerns will escalate the case and it may be moved to the Office of Student Conduct, Community Standards, and Wellness for review.
- Outcomes may include determination that the animal must be removed, financial payment, request for animal behavior modification, or formal plan for correction. For more information about the student conduct process, see https://www.emich.edu/studentconduct/codes_policies/index.php or the Guide to Campus Living.

Section 7: Non-retaliation Provision

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

Section 8: Procedure for Requesting Emotional Support Animals (ESA) in University Housing

The procedure for requesting an ESA follows the general procedures set forth in the University Housing Reasonable Accommodation Policy ("Reasonable Accommodation Policy") and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Reasonable Accommodation Policy, this policy shall control.

Approval of an ESA and approval of the particular animal requested by the student is determined on a case-by-case basis. Students must renew their application each academic year to have an ESA in university housing (updated documentation may be required) due to changing residential assignments and settings. Eastern Michigan University will accept and consider requests for reasonable accommodations in university housing at any time.

- A. Owner/student will complete the two step Disability Resource Center ESA Accommodation Request Packet and submit it directly to the DRC.
- B. Meeting with the DRC, Policy Review and Agreement:
 1. Appointment: The Owner will schedule and participate in a consultation appointment with the DRC following the submission of a completed Disability Resource Center ESA Accommodation Request Packet, during which the student's request to have an ESA in university housing will be discussed. The discussion will including reviewing the provided documentation, the signed ESA residential policy, the specific reasons the student is requesting an ESA and any other additional documentation or steps that may be needed to move forward with processing a final decision.
- C. Review: The DRC and the HRL will review the Owner's request, information gathered in the consultation, documentation and completed forms for the ESA to determine if the request is reasonable and necessary for the Owner to use and enjoy university housing.
 1. Approved Request: If the DRC and HRL determine the requested ESA accommodation is necessary and is not unreasonable:
 - a. The DRC will notify the Owner/student in writing by providing a Letter of Accommodation with the approved accommodation, via the DRC email.

b. The policy and agreement as well as specific information pertaining to the approved ESA will be reviewed by HRL and the Owner will be given an approved move in date.

c. The Assistant Director of HRL will alert the on-site HRL staff and the roommate of the ESA via email. The on-site staff will alert the Resident Advisor. Resident is encouraged to alert their roommates as well.

Should changes in housing assignment for the Owner or roommates be required, Housing & Residence Life staff will meet with the individuals and arrange for room assignment changes.

The Owner may opt to use an ESA Notification Poster, provided by the DRC.

Denial of Accommodation/Appeal: 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. Thus, if a particular animal requested by a student with a disability has a history of dangerous behavior or an unsafe disposition, the University will deny the request for an emotional support animal. 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; or (3) fundamentally alter the nature of the University's Student Life operations. If your request for an emotional support animal is denied, please contact the DRC for further clarification of its decision.

A. If the DRC and Housing & Residence Life denies the request for an ESA accommodation, the Disability Resource Center will contact the student and the Office of Housing & Residence Life in writing, within seven (7) business days of its determination.

B. If the individual is unwilling to accept the denial, the Owner may appeal the decision. The DRC will provide written notification including the reasons for the denial and the procedures for the appeals process. The notification shall be in writing and made within seven (7) business days of the notification from the individual.

C. All appeals are reviewed by the Eastern Michigan University Director of the Disability Resource Center. If the appeal is denied, the Disability Resource Center shall provide written notification of the denial to the individual and a written explanation with all of the reasons for the denial.

Please contact the Disability Resource Center with any questions or concerns.

Disability Resource Center
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