



## Disability Services for Students

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## Emotional Support Animal (ESA) Policy, Procedures & Guidelines in University Housing

Baldwin Wallace University (“BW” or “University”) recognizes the importance of Service Animals (SAs), as defined by the Americans with Disabilities Act Amendments Act (ADAAA), and the broader category of Emotional Support Animals (ESAs), under the Fair Housing Act, that provide physical and/or emotional support to individuals with disabilities. BW is committed to allowing Emotional Support Animals (ESAs) in University housing when the animal is necessary to provide students with disabilities an equal opportunity to fully participate in the University housing program. This Policy explains the specific requirements applicable to a student’s use of an ESA in University housing. The policy applies solely to ESAs, which may be necessary for University housing. It does not apply to Service Animals as defined by the ADAAA.

Baldwin Wallace University prohibits animals in University housing. However, BW will consider an exception from this prohibition if the request is reasonable and necessary because of a documented disability. ***However, no ESA may be kept in University housing until the student receives written approval from Disability Services for Students (DSS) as a reasonable accommodation under this Policy. Failure to abide by this will be considered a conduct violation. Judicial charges will be filed for violating the pet policy.***

Baldwin Wallace University reserves the right to amend the ESA Policy, Procedures, and Guidelines at any time as circumstances require.

### Section I: Definitions

#### **A. Emotional Support Animal**

“Emotional Support Animals (ESAs)” are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Services Animals under the ADAAA and BW’s Service Animal Policy. In most cases, ESAs provide the necessary support to individuals with mental health disabilities without any formal training or certifications. Dogs are commonly used as ESAs, but any animal may serve a person with a mental health disability.

The question in determining if an ESA will be allowed in University housing is whether or not the ESA is necessary, because of the student’s disability, to afford them an equal opportunity to use and enjoy University housing. The University must also consider whether the ESAs presence in University housing is reasonable. Even if the individual with a disability establishes the 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.).

ESAs are not trained to assist individuals with disabilities in the activities of daily living and are therefore NOT considered Service Animals (SAs) under the criteria established by the ADA. ESAs, therefore, do not qualify for the same legal protection as SAs.

#### **B. Pet**

A “Pet” is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an Emotional Support Animal. These guidelines do not cover it. Residents are not permitted to keep pets on university property or in university housing, other than non-dangerous fish in an aquarium no larger than 20 gallons.

**C. Approved Animal**

An “Approved Animal” refers to an Emotional Support Animal that has been approved as a reasonable accommodation under these guidelines.

**D. Owner**

The “Owner” refers to the student who requested the accommodation and received written approval to bring the ESA into University Housing.

**E. Disability Services for Students**

Disability Services for Students (“DSS”) collaborates with students, faculty, and staff to ensure that students with documented disabilities have equal access to all BW programs, services, and activities.

**Section II: Procedures for Requesting Emotional Support Animals in University Housing**

The procedure for requesting an Emotional Support Animal follows the general procedures set forth in the Reasonable Accommodation in University Housing (See Accessible Housing Policy, Section III) and the requirements specified below. However, to the extent that the requirements and procedures in this Policy conflict with the Reasonable Accommodation Policy, this Policy shall control.

**A. Request for Accommodation**

Incoming students, or students making a request for an ESA for the first time, must complete an application for accommodations using the Disability Services Online System and indicate “Emotional Support Animal” as an accommodation under “Accessible Housing.”

**B. Emotional Support Animal Application**

Students requesting an ESA must complete the ESA Application for University Housing (pages 4-6) and submit it to Disability Services for Students (DSS).

**C. Medical Records**

Students requesting an ESA must submit a copy of the animal’s veterinary records and a photograph of the animal (if the animal has been identified). If the specific animal has not yet been identified, this information must be provided immediately upon identification.

**D. Emotional Support Animal Verification Form**

Students requesting an ESA must have their mental health provider complete and submit the Emotional Support Animal Verification Form for University Housing. See Section III below for documentation information.

**E. Application Deadlines**

Students requesting an ESA should submit the Application and Verification Form to DSS at least sixty (60) days before the date the student would like to bring the animal in University housing. This timeframe will allow for DSS, in collaboration with the Office of Residence Life, to evaluate the request and make the appropriate accommodation arrangements for the requesting student.

1. If the Application is made fewer than sixty (60) days before the individual intends to move into University housing, Baldwin Wallace University cannot guarantee that it will be able to meet the individual’s accommodation needs for that semester or term of occupancy, and those requests may be held over until the following term, if appropriate.
2. If the need for the ESA arises after a student already resides in University housing, the student should contact DSS, complete the Application, and provide the Verification Form as soon as practically possible. BW cannot guarantee that the accommodation need(s) will be met during the semester or term in which the request is received, and those requests may be held over until the following term, if appropriate.

## F. ESA Approval

Decisions regarding ESA requests are emailed to the student's BW email account. Please be advised: While the student may be preliminarily approved to have an ESA in University housing, approval for the specific animal the student intends to bring is a separate consideration from qualification for an Emotional Support Animal.

1. The approval of a specific animal for an ESA may be subject to several considerations (e.g., the age of the animal, the space needed to house the animal, the care and feeding requirements, the risk of infectious disease in the communal living setting, etc.). As such, the University reserves the right to limit approval of proposed ESAs to animals that do not pose health or safety concerns or significantly disrupt the residence hall living environment for others.
2. As part of the approval process, a brief meeting is required to discuss the specific ESA, review the Emotional Support Animal Policy, Procedures & Guidelines, and sign the ESA Contract for University Housing. The contract outlines the student's responsibilities in University housing. Also, the student will sign an acknowledgment of this Policy and a Consent for Release of Information. A photograph of the ESA and a copy of the animal's veterinary records must be provided to DSS before the animal is permitted in University housing.
3. All roommate(s) must sign an ESA Roommate Agreement before the ESA is permitted on campus. If any roommate or suitemate objects to sharing a residence with the ESA, alternate housing arrangements will be made for one or all of the individuals. Decisions surrounding such arrangements will be made on a case by case basis.
4. ESAs must be approved each academic year using the process and application deadlines described above. New, updated documentation from the student's mental health provider must be submitted to DSS **each academic year**. This documentation must meet the requirements listed above.
5. The University *strongly* recommends that an approved ESA be spayed or neutered before being brought to campus.
6. The ESA is permitted in University housing only for as long as the student has a disability-related need for the animal, during the approved semester or academic year. **Students must reapply each academic year.**

## G. ESA Denial

Decisions regarding ESA requests are emailed to the student's BW email account. Please be advised: If the request is denied, the student may provide additional documentation for reconsideration of the request.

### **Section III: Required Documentation for Emotional Support Animal Requests**

Complete documentation must be submitted before a request for an ESA in University Housing will be considered. Baldwin Wallace University reserves the right to request additional information from the provider, if the documentation lacks sufficient information or if the components below are not present, to determine whether the accommodation is necessary. DSS will notify the student in writing if additional information is required and/or if DSS will need to contact the provider within seven (7) days of receipt of documentation. Documentation of the need for an ESA should include the following information:

- A. Verification of the individual's disability from a qualified individual (physician, psychiatrist, social worker, or other mental health professional). The provider must include professional licensure/certificate information. Generally, documentation should be provided by a local provider or one near the student's permanent address, suggesting an ongoing therapeutic relationship. The documentation provided by mental health providers based on limited electronic or telephonic contact with students typically is insufficient to establish need.
- B. A statement regarding how the animal serves as an accommodation for the verified disability.
- C. A statement explaining how the need for the animal relates to the ability of the student to use and enjoy the living arrangements provided by the University.
- D. Current documentation (dated within the last six months) of items requested above.

## Section IV: Criteria for Determining if Presence of the Emotional Support Animal is a Reasonable Accommodation

Disability Services for Students may deny the requested accommodation if it is unreasonable.

### A. Roommates

University housing is unique in several aspects, including the assignment of roommates and expectation 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 to or fundamental alteration of University housing, BW reserves the right to reassign a student with an ESA to a different room configuration as needed.

### B. Unreasonable Accommodation

For all requests for ESAs, DSS shall consult with the Office of Residence Life to decide, on a case by case basis, if the presence of the ESA is reasonable. A request for an ESA may be denied and deemed unreasonable if the presence of the animal:

1. Imposes an undue financial and/or administrative burden;
2. Fundamentally alters University housing policies;
3. Poses a direct threat to the health or safety of others, or would cause or caused substantial property damage to the property of others, including University property; and/or
4. Fundamentally alters the nature of University operations.

### C. Other factors

BW may consider the following factors, among others, when determining whether the presence of the animal is reasonable or when making 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 student to exit University housing (e.g., serious allergies);
3. The animal's presence otherwise violates other students' right to peace and quiet enjoyment;
4. The animal is not housebroken or is unable to live with others reasonably;
5. The animal's vaccinations are not up to date;
6. The animal poses or has posed in the past a direct threat to the student or others (e.g., aggressive behavior towards or injuring the student or others). ***Animals that exhibit aggressiveness are not appropriate for University housing, regardless of whether or not they have actually injured someone (i.e., the University does not have to wait until someone is harmed – an exhibition of aggressive behavior is automatically disqualifying);***
7. The animal causes or has caused excessive damage to the residence beyond reasonable wear and tear;  
or
8. The animal poses health risks from infectious diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting.

## Section V: Access to University Facilities by Emotional Support Animals

### A. Emotional Support Animal

An ESA must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, apartment, etc.) except to the extent the student is taking the animal out for natural relief. When the ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESAs are not permitted in any University facilities or buildings other than the residence that the student is assigned.

### B. Dominion and Control

Notwithstanding the restrictions set forth herein, the ESA 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 ESA is found running at large, the animal is subject to capture, confinement, and immediate removal from University housing.

## **Section VI: Responsibilities of Owner Regarding Emotional Support Animals in University Housing**

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:

1. The Owner must supply the name of a non-resident emergency contact who will be responsible for the animal if the owner is incapacitated.
2. The Owner must abide by current city, county and state ordinances, laws, and regulations about licensing, vaccination, 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 regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing the animal has been licensed and vaccinated.
3. The Owner is required to clean up after and properly dispose of the animal's waste in outdoor waste receptacles and must use designated animal relief areas.
4. The Owner will not bathe the ESA in any University-owned facilities.
5. The Owner will not launder any materials or bedding in any University-owned facilities.
6. 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 discipline for the Owner.
7. The Owner's living accommodations may 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 shall have the right to bill the Owner's account for unmet obligations under this provision.
8. 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, feeding and watering the animal; designating an outdoor relief area, disposing of feces, etc.).
9. The Owner must not leave the ESA overnight in University housing to be cared for by any individual other than the Owner. If the Owner is to be absent from the residence hall overnight or longer, the animal must accompany the owner.
10. The Owner is responsible for ensuring the ESA is contained, as appropriate when the Owner is not present during the day while attending classes or other activities. Containment will allow University staff to access the space for maintenance and other routine tasks without posing a risk to the animal. The Owner may also choose to post a sign alerting staff to the presence of the animal. This sign must follow University housing policies.
11. The Owner must abide by all equally applicable residential policies that are unrelated to the student'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.
12. The Owner may have the ESA in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify DSS in writing if the ESA is no longer needed or is no longer in residence. To replace the ESA, the new animal must be necessary because of the Owner's disability. The Owner must follow the procedures in this Policy to make a new request and receive written approval from DSS for the new animal.
13. BW 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 of, damage to, or loss of the animal.

14. The Owner must provide written consent for DSS to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal, including, but not limited to: Residence Life personnel and potential and/or actual roommate(s) or neighbors. Such information shall be limited and only related to the animal and shall not include details related to the student's disability.
15. The Owner is expected to fulfill all housing obligations for the remainder of the housing contract, should the ESA be removed from University housing for any reason.
16. The ESA is not permitted in University housing until written approval has been provided by DSS.

### **Section VII: Removal of the Emotional Support Animal**

The University will base such determinations upon consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages the animal may cause. Any removal of the animal will be done in consultation with DSS and may be appealed through the DSS Grievance Procedure. The Owner will be afforded all rights of due process and appeal, as outlined in that process. BW may require the individual to remove the ESA from University housing if:

1. The ESA poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. The ESAs presence results in a fundamental alteration of a University program;
3. The Owner does not comply with the Owner Responsibilities set forth above;
4. The ESA or its presence creates an unmanageable disturbance or interference with the University community, the ESA is disruptive to the living environment for others (e.g., barking or other loud noises, significant odor from cages or litter boxes, etc.), or the ESA causes damage to University facilities.

If such removal is necessary, the Owner will be given twenty-four (24) hours' notice to remove the animal voluntarily. After which time the University may remove the animal to the nearest appropriate animal shelter. Should the ESA be removed from University housing for any reason, the Owner is expected to fulfill the housing obligations for the remainder of the housing contract.

### **Section VIII: Additional Information**

For additional information concerning Emotional Support Animals or other DSS policies and procedures, please contact:

**Baldwin Wallace University**  
**Disability Services for Students**  
**Ritter Library 203**  
**Phone: (440) 826-2147**  
**Fax: (440) 826-3832**  
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