

Williston State College

Emotional Support Animal (ESA) Policy

October 9, 2017

Introduction

Williston State College (WSC) follows the most recent guidance from the Department of Justice (DOJ) and the Fair Housing Amendments Act (FHAA) regarding Emotional Support Animals (ESA). In accordance with FHAA and DOJ, WSC policy explains the specific requirement applicable to an individual's use of an ESA in College housing. WSC reserves the right to amend this policy as circumstances require. This policy applies solely to ESAs which may be necessary in College housing. It does not apply to "service animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA) on campus.

Williston State College (WSC) is committed to making reasonable accommodations to qualified students with disabilities. Students who are seeking to bring an Emotional Support Animal to campus must first submit their ESA request to Accessibility Services. The student will be asked to provide specific documentation pertaining to the request before the final decision is made. Accessibility Services, in collaboration with the Accommodations Committee, will review each request on a case by case basis.

The animal **MUST NOT** be in residence prior to approval per this policy. The approval of a request is specific to each animal, and is not transferable to another animal. Students who are requesting an accommodation of an Emotional Support Animal must reapply with Accessibility Services each academic year.

Definitions

Emotional Support Animal:

Under the FHAA, an "emotional support animal" is defined as an animal that alleviates one or more identified symptoms or effects of a person's disability. It allows the student with a disability to receive full benefits or enjoyment of the residence facility.

"Emotional Support Animals" (ESA) 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. In most cases, ESAs provide the necessary support to individuals with a disability without any formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA. Species other than dogs or domestic cats will be considered on a case by case basis.

Emotional Support Animals are prescribed to an individual with a disability by a healthcare professional or mental health professional. Emotional Support Animals are an integral part of a person's treatment process to assist in alleviating the symptoms of an individual's disability. There must be a relationship, or nexus, between the individual's disability and the assistance the animal provides.

Emotional Support Animals are only to be permitted in the individual's privately assigned individual living accommodations (e.g., room, suite, and apartment) except to the extent the individual is taking the animal out for natural relief. These animals are not allowed in any other campus buildings. Students living off campus should note that Emotional Support Animals ARE NOT allowed in campus buildings.

Owner:

The "Owner" is the individual who has requested the accommodation and has received approval to bring an ESA into WSC Housing.

Pet:

A “Pet” is defined as an animal that is kept for ordinary use and companionship. A pet is not considered a Service or Emotional Support Animal. Animals defined strictly as “pets” are not allowed to live on campus in the residence halls or apartment buildings that are controlled by Williston State College.

Emotional Support Animal Policies and Procedures

A student who is living in on-campus housing (residence halls or apartments) must make a formal request to Accessibility Services for an accommodation. To make this formal request, the student must submit a completed “Request for Services” form to Accessibility Services at the same time they complete their resident life application to the Housing Office.

The following documentation must be submitted with the Owner’s Request for Services for the request to be considered complete.

- Copy of the license
- Proof of spaying or neutering procedure
- Copy of up-to-date immunization records

The review process is lengthy and may take up to 60 days or more. Students should submit their request to Accessibility Services at least 60 days prior to the date the student would like to bring the animal into on-campus housing. This timeframe allows WSC to collaborate to make the appropriate accommodations for the requesting student.

The Accommodations Committee may decline to approve a request for an Emotional Support Animal; (1) if the application is not completed, and/or (2) if a requested accommodation is unreasonable. A requested accommodation is unreasonable if it presents an undue financial or administrative burden on WSC, poses a substantial and direct threat to personal or public safety or to the property of others, or constitutes a fundamental alteration of the nature of the service or program.

Prior to approval, the Accommodations Committee will help to ensure the appropriate accommodations for the Emotional Support Animal are available. The Accommodations Committee may also review the student’s Williston State College judicial records to determine if there are any conduct issues that may affect the student’s ability to effectively control and provide a safe environment for the Emotional Support Animal. When the committee has finished its review, the decision will be sent to the student in writing.

If a requesting student is denied their request for an Emotional Support Animal, the student may appeal the decision, by submitting a typed letter, to the Vice President for Student Affairs (VPSA), within 10 business days. The decision of the VPSA is final.

If the request for an Emotional Support Animal is approved, the requesting student will be required to sign an Emotional Support Animal Agreement with the Housing Office. The Emotional Support Animal Agreement includes provisions to the above policy that the student must adhere to in order to maintain the approval. All documentation will be kept on file with the Housing Office and Accessibility Services.

If an Emotional Support Animal request is granted, the Residence Life and Housing staff will make a reasonable effort to notify the other residents of the building where the Emotional Support Animal will be located. This notice will be limited only to information regarding the presence in the building as an accommodation to a student with a disability. There will be no disclosure of the student’s disability. Students who are adversely affected by animals (i.e. respiratory diseases, asthma, severe allergies) are asked to contact Accessibility Services and/or the Housing office if they are concerned about exposure to an Emotional Support Animal. Affected students may be eligible for an accommodation when living in proximity to an Emotional Support Animal.

Accessibility Services and the Director of Residence Life will collaborate, as needed, to help resolve any conflicts related to an Emotional Support Animal. All staff members will consider the needs and/or the appropriate accommodations of all residents involved.

All roommates and/or suitemates of the Owner must sign an agreement acknowledging that the Emotional Support Animal will be living in the residence with them. If one or more roommate or suitemate does not approve of the Emotional Support Animal, then either the Owner of the Emotional Support Animal, or the non-approving roommate(s) or suitemate(s), may be moved to another location, as determined by the Residence Life Staff.

If an Emotional Support Animal Owner is found to be in violation of the Emotional Support Animal Agreement, then the Emotional Support Animal and/or the Owner may be removed from College Housing.

Owner Responsibilities

The Owner of the Emotional Support Animal is expected to accept the following responsibilities:

Documentation and Licensing

Owner will provide written consent for Accessibility Services 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)/neighbors(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

Owner will comply with applicable Local, State, and Federal Laws concerning the ownership of an animal.

- City license must be kept up to date and on file with Accessibility Services.
- Immunization records must be kept up to date and on file with Accessibility Services.
- Dogs or cats must wear a collar with appropriate tags (i.e. vaccinations, contact information) at all times.

Owner will provide documentation of spay or neutering procedure.

The Owner will name someone (not a student in residence) as the emergency contact should someone else need to care for the ESA unexpectedly.

If the Owner is seeking to replace an Emotional Support Animal with another, the student must file a new registration form and file a new request with Accessibility Services.

The Owner must notify the Residence Life Office and Accessibility Services, in writing, when the animal is no longer needed in the residence.

Approvals are only good for the academic year in which the approval is made. A new request must be filed at the beginning of each subsequent academic year.

Care and Safety

Animals must possess friendly and sociable characteristics. Specific animals can be restricted from the premises by the Director of Residence Life based on any negative behavior.

The Owner is responsible for any bodily injury or damage caused by the animal to any individual, and is also responsible for the subsequent charges.

Animals and their accoutrements must not pose a direct threat to the safety of others.

Animals must not be disruptive to other students or their guests.

Animals must be under the Owner's control at all times. This means animals are to be on a leash, harness, or within a carrier device at all times when outside of the designated living quarters.

Animals must be kept clean, healthy and under the control of the Owner at all times.

- ESA will not be bathed using residence hall facilities.
- Animals must be fed on a regular and healthy feeding schedule.

It is the Owner's responsibility to keep a dog or cat on flea and tick control.

The Owner will be responsible for the cost of eliminating any pest infestation as a result of the animal. The College will contract an appropriate pest control company and bill the student directly if there is a problem.

Emotional Support Animals are only allowed to be in the privately assigned residence room except to the extent the individual is taking the animal out for natural relief.

The Owner is responsible for prompt clean up and disposal of the animal's waste.

- The animals waste must be bagged and taken to an appropriate residence hall or apartment dumpster.
- No waste is to be disposed of in any trash receptacle inside any building, or through any sewer system inside each building (sinks and toilets). Outside dumpsters should be used.
- Owners with cats must properly maintain litter boxes. In consideration of the health of the cat and the occupants of the apartment or residence hall room, cat litter box contents must be changed with new litter regularly in accordance with manufacturer recommendations.

ESA may not be left overnight in College Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from their residence hall overnight or longer, the animal must accompany the Owner. 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. *The minute the Owner leaves the ESA in care of someone else in the residential hall, it is no longer an ESA – it is a pet, and the student caring for it is breaking institutional rules by having a pet in residence.*

Animals must sleep in the owner's room or apartment. WSC can inspect the residence on a regular basis to determine if there is infestation or other damage to the property.

Williston State College is not responsible for an animal during a fire alarm, fire drill, or natural disaster/building emergency.

When the Owner and/or animal vacates the apartment at the end of their contract period, the College will inspect and clean the unit. The owner will be billed for appropriate cleaning charges.

Failure to comply with any of the above policies may result in the removal of the animal and the Owner of the animal. The Owner will have 72 hours to remove the animal, or the Owner may be asked to immediately remove the animal based on the circumstances. If the Owner does not remove the animal, both the Owner and animal will be removed.

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 housing contract.

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 I agree to provide the additional information required to complete my Request for a Reasonable Accommodation under Williston State College's Emotional Support Animal Policy for College Housing.

I have read and understand the ESA Policy and Agreement, and I agree to abide by the requirements applicable to ESA. I understand that if I fail to meet the requirements set forth in the Policy, WSC has the right to remove the ESA, and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to Accessibility Services to disclose to others impacted by the presence of my ESA (e.g., Residence Life staff, potential and/or actual roommate(s)/neighbor(s)), 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 College Housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances ESAs are permitted for persons with disabilities.

(Owner's Signature)

(Date)

(Accessibility Specialist)

(Date)

(Residence Life Director)

(Date)

Date of Approval: _____