

NORTHWEST UNIVERSITY EMOTIONAL SUPPORT ANIMAL (ESA) PROCEDURE AND AGREEMENT

EMOTIONAL SUPPORT ANIMAL (ESA) POLICY

Northwest University (NU) recognizes the importance of “ESAs” under the Fair Housing Act that provides physical and/or emotional support to individuals with disabilities. NU is committed to allowing ESAs necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing. The Northwest University Emotional Support Animal (ESA) Procedures and Agreement explains the specific requirements applicable to an individual’s use of an ESA in University housing. NU reserves the right to amend this Policy and associated Procedures as circumstances require. This policy applies solely to “ESAs” which may be necessary in University housing. It does not apply to “service animals” as defined by the ADA.

Although it is the policy of NU that individuals are generally prohibited from having animals of any type in University housing, NU 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 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.

I. Definitions

A. ESA

“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 Service Animals under the ADA. In most cases ESAs provide the necessary support to individuals with disabilities 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.¹

¹ It is important to note that animals that may be 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. Academic Success and Advising

The Academic Success and Advising Office collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all NU programs and activities.

II. Procedures For Requesting ESAs in University Housing

NU will accept and consider requests for reasonable accommodation in University housing at any time. The individual making the request for an ESA should complete the process as soon as feasibly possible before moving into University housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, NU cannot guarantee that it will be able to meet the individual's request for ESA during the first quarter or term of occupancy.

The procedure for requesting ESAs involves the submission of two documents.

- 1) ESA Request for Information completed by a Mental Health Care Provider.
- 2) Emergency Contact, Veterinary Contact, and Vaccination information sheet.

III. Criteria for Determining If Presence of the ESA is Reasonable

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 building and facilities, classrooms, labs, individual centers, etc.).

- A. University 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 in certain student housing. To ensure that the presence of ESAs is not an undue administrative burden or fundamental alteration of University housing, NU reserves the right to assign an individual with an ESA to a single room without a roommate.

- B. However, for all requests for ESAs, Academic Success and Advising shall nonetheless consult with Residence Life 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.
- C. NU may consider the following factors, among others in the making of housing assignments for individuals with ESAs, as evidence in determining whether the presence of the animal is reasonable:
1. The size of the animal is too large for available assigned housing space;
 2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
 3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
 4. The animal is not housebroken or is unable to live with others in a reasonable manner;
 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 individual or others such as aggressive behavior towards or injuring the individual or others; or
 7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

NU will not limit room assignments for individuals with ESAs to any particular building or buildings because the individual needs an ESA because of a disability.

IV. Access to University Facilities By ESAs

A. ESAs

An ESA must be contained within the privately assigned individual living accommodations (e.g., room, suite, apartment) and cannot be in common areas except to the extent the individual is taking the animal out for natural relief. When an 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 allowed in any University facilities other than University student housing (e.g. dormitories, suites, apartments, etc.) to which the individual 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 animal is found running at large, the animal is subject to capture and confinement and immediate removal from University housing.

V. Individual's Responsibilities for ESA

If the University grants an individual's request to live with an ESA, the individual is solely responsible for the custody and care of the ESA and must meet the following requirements:

A General Responsibilities

1. The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual'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. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by NU.
3. 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 individual.
4. NU will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
5. An individual with a disability 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 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 residence halls. The University shall have the right

to bill the individual's account for unmet obligations under this provision.

6. 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.).
7. ESAs 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 student housing 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.
8. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the housing or cause difficulties for individuals who reside there.
9. The animal is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Academic Success and Advising 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 when requesting a different animal.
10. NU 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, damage to, or loss of the animal.
11. The animal will not be bathed using student housing facilities.
12. You must name a non-resident emergency contact who is able to care for the ESA on short notice or remove the animal within 48 hours as necessary.

Emergency Contact Name: _____
Emergency Contact Phone #: _____

13. 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.

14. The individual must provide written consent for Academic Success and Advising 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, Student Housing personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

VI. Removal of ESA

The University may require the individual to remove the animal from University housing if:

- 1) the animal poses a direct threat to the health or safety of others;
- 2) the animal causes substantial property damage to the property of others;
- 3) the animal's presence results in a fundamental alteration of a university program;
- 4) the Owner does not comply with the Owner's Responsibilities set forth above; or
- 5) the animal or its presence creates an unmanageable disturbance or interference with the university community.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with Resident Life and Academic Success and Advising. The Owner will be afforded all rights of due process and appeal as outlined in that process.

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.

VII. Non-retaliation Provision

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

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

Acknowledgement and Release of Information Consent Form

I have read and understand the ESA Policy and Agreement and I agree to abide by the requirements applicable to ESAs. I understand that if I fail to meet the requirements set forth in the Policy, NU 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 the Academic Success and Advising Office to disclose to others impacted by the presence of my ESA (e.g., Student Housing 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 University 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.

Signature

Date

Academic Success and Advising Representative

Date

Housing Representative

Date