



## Student Accessibility Services

### Emotional Support Animal Request Policy and Procedure

Clark University is committed to reasonably accommodating qualified students with disabilities who may require the use of an Emotional Support Animal (ESA) in accordance with the Fair Housing Act (FHA). Emotional Support Animals can also be identified as therapy or comfort animals, but will be referred to as ESAs in this policy. Clark reserves the right to amend this policy as circumstances require. This policy applies solely to ESAs, which may be necessary in University housing. Emotional Support Animals are not service animals, as defined in the Americans with Disabilities Act Amendments Act (ADAAA).

#### Definitions:

##### Emotional Support Animal

Emotional Support Animals 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 ADAAA and Clark's Service Animal Policy. In most cases, ESAs provide the necessary support to individuals with disabilities without any formal training or certification.

##### Owner

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

##### General Policy:

Although it is the policy of Clark University that individuals are generally prohibited from having animals of any type in University housing, Clark will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is necessary because of a disability as long as it is reasonable.

Clark University will accept and consider requests for reasonable accommodation in University housing at any time. The individual making the request for accommodation should submit documentation as soon as practicably possible and ideally do so before moving into University housing.

**For new incoming students:** If the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, Clark cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy.

Adapted from: Western Connecticut State University AccessAbility Services and University of Nebraska at Kearney Disability Services

**For students whom are currently in campus housing:** If the need for the accommodation arises when an individual already resides in University housing, they should request housing accommodations at least 30 days before the lottery process to pick rooms begins with RLH. Clark cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

No animal may be kept in University housing at any time prior to the Owner receiving approval as a reasonable accommodation pursuant to these guidelines.

ESAs are approved as an accommodation under FHA are restricted to on-campus housing and are **only** allowed in the residence hall room, suite or apartment the individual with a disability is assigned to by Residential Life and Housing. They are not permitted in classrooms, offices, auditoriums, gymnasiums, dining halls, or other similar on-campus settings. An individual with a disability may be asked to remove an ESA from University housing if the animal's behavior is not consistent with behavior expected in a residential environment, poses a substantial or direct threat to personal or public safety, causes substantial physical damage to the property of others, or poses an undue financial or administrative burden on the University.

The University is not responsible for the care or supervision of an ESA. An ESA is not required to have special training, certification or be licensed as an ESA; however, the animal shall be under the control of the individual with a disability at all times.

Owners approved for the use of an ESA in University housing must comply with all provisions of the ESA Agreement, University policies and the terms of the housing contract. While the University is committed to reasonably accommodating individuals with disabilities who require an ESA, the University is also mindful of the health and safety concerns of the campus community. To that end, the University will request veterinary verification of routine care of the animal, as appropriate, including licenses and vaccines prior to an approve ESA being able to enter University housing. All dogs will be required to be licensed in Worcester, Massachusetts.

### **Criteria for Determining if Presence of the ESA is Reasonable**

- 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 residence halls. To ensure that the presence of ESA is not an undue administrative burden or fundamental alteration of University housing, Clark reserves the right to assign an individual with an ESA to a single room without a roommate.
- B) However, for all requests for ESA, SAS shall nonetheless consult with RLH 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.

Adapted from: Western Connecticut State University AccessAbility Services and University of Nebraska at Kearney Disability Services

## Procedure:

- 1) An Owner who is requesting to have an ESA in University housing needs to submit documentation to Student Accessibility Services (SAS).
  - ❖ The disability documentation must be from an appropriately qualified and credentialed health care provider who has an established therapeutic relationship with the Owner. The provider should be from Massachusetts, the Owner's home state or region (if international). The documentation must identify the Owner's disability or condition, and the substantial impact of the condition upon a major life activity. For the ESA accommodation, a statement regarding the necessity of the ESA for the individual to use or enjoy campus housing, and a statement regarding the relationship between the disability and the assistance the ESA provides are necessary. The health care provider cannot be related to the Owner. Documentation must be presented on official letterhead, typed, dated, and signed by the health care provider.
- 2) Once appropriate information is received, SAS and the Owner will schedule a meeting where the Owner and SAS Director will discuss and review the request.
- 3) If SAS deems the ESA request appropriate, after this meeting the Owner should ensure the following:
  - a. Any applications required by RLH are completed
  - b. Any RLH deadlines and requirements (i.e., housing application, room deposit, health vaccines, etc.) are met
- 4) Then, SAS and Residential Life and Housing (RLH) will review the request together. When doing so, they may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with ESAs:
  - a. The size of the animal is too large for available assigned housing space;
  - b. The animal's presence would force another individual from individual housing (e.g. serious allergies);
  - c. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
  - d. The animal is not housebroken or is unable to live with others in a reasonable manner;
  - e. The animal's vaccinations are not up-to-date;
  - f. 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
  - g. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

Note: Clark 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.

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- 5) If approved, a member of RLH, SAS, and the Owner will meet to discuss policies and procedures for the specific ESA in the housing environment.
- ❖ By requesting any housing accommodation, the Owner understands that their room location and name will be shared with appropriate RLH and Physical Plant staff as necessary for them to perform their duties and put the accommodation in place. No confidential information, such as the specific disability, will be shared.

## Owner's Responsibilities for an Approved ESA:

### Request Renewals and Documentation

- ❖ ESA approvals are **only** valid for the requested year; Owners must request to have access to their approved ESA accommodation each academic year by contacting SAS and filling out the appropriate form. Please note: additional documentation or a documentation update may be requested by SAS for each year.
- ❖ The Owner must submit requested information regarding their ESA (*i.e.*, veterinary verification of routine care) to RLH prior to the ESA being allowed in housing.
- ❖ Animals must be licensed in accordance with local regulations, must have all appropriate vaccinations, be in good health, and receive an annual clean bill of health from a licensed veterinarian, as appropriate.
- ❖ According to the City of Worcester, all dogs must be licensed in the city of Worcester.

### Dominion and Control

- ❖ The ESA shall at all times be under control of the Owner with a disability. 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. The Owner may be instructed to remove the ESA from on-campus housing if the animal causes damage or destruction or is creating a disturbance. The Owner will be charged for any damage or destruction caused by the ESA.
- ❖ 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 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.
  - Owner must designate a person who is not living on campus and is not a Clark student to take care of the ESA in the event of an emergency, like the Owner being hospitalized.

### General Responsibilities

If the University grants the 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:

- ❖ The animal shall be kept in the student's room and will not be allowed to roam the on-campus residence.

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- ❖ When the ESA is taken outside, it shall be on a leash, harness, or other tether. The student is responsible for picking up the ESA's waste immediately and disposing it in a trash dumpster outside.
- ❖ The student is responsible for properly containing and disposing of all animal waste in appropriate outside trash dumpsters. Litter boxes should be placed on mats on tiled or vinyl bathroom floor so that feces and urine are not tracked onto carpeted surfaces.
- ❖ The ESA's food must be kept in a sealable container.
- ❖ 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 responsible individual.
- ❖ The student's residence may be inspected for fleas, ticks, or other pests as needed. The Residential Life and Housing staff will schedule the inspection. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a college-approved pest control service. Student will be billed for the expense of any pest treatment. If the problem reoccurs, the student's contract may be terminated.
- ❖ 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.).
- ❖ 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 residence or cause difficulties for individuals who reside there.
- ❖ The animal is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify SAS 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.
- ❖ Clark 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.
- ❖ SAS will disclose information, as needed, 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, RLH 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.
- ❖ The Owner cannot make use of RLH facilities to clean or otherwise care for the ESA; this includes but is not limited to the prohibition of using housing bathrooms for the care of an ESA.

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## 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 or causes substantial property damage to the property of others;
- 2) The animal's presence results in a fundamental alteration of a University program;
- 3) The Owner does not comply with the Owner's Responsibilities for an Approved ESA set forth above; or
- 4) 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 the director of SAS and may be appealed via Clark's Grievance Procedures. The Owner will be afforded all rights of due process and appeal as outlined in those procedures.

If it is decided that an ESA must be removed, the Owner needs to have the removal take place within 48-72 hours of the decision.

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 of Reading and Accepting this Policy's Contents

By my signature below, I verify that I have read, understand and will abide by the requirements outlined here.

I have read and understand the Emotional Support Animal Request Policy and Procedure and I agree to abide by the requirements applicable to Emotional Support Animals. I understand that if I fail to meet the requirements set forth in the policy, Clark University 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 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 ESA are permitted for persons with disabilities.

\_\_\_\_\_ **Owner's Signature, Date:** \_\_\_\_\_

Any questions regarding the ESA request guideline and procedure should be directed to Adam Kosakowski, Director, at 508-798-4368 (voice), or via e-mail at [akosakowski@clarku.edu](mailto:akosakowski@clarku.edu). You can email documentation or send it via fax at 508-421-3700.

Adapted from: Western Connecticut State University AccessAbility Services and University of Nebraska at Kearney Disability Services