

## Procedures for Emotional Support Animals in NDSU Housing

### General Information

These procedures were developed to help ensure the safety and enjoyment of Residence Life experiences by our students and the NDSU community. NDSU reserves the right to alter these procedures, as necessary, at any time.

It is the policy of NDSU that individuals are generally prohibited from having animals of any type, other than service animals, in University housing. NDSU will consider a housing accommodation request by an individual experiencing a significant mental health disability to allow an Emotional Support Animal (ESA) that is necessary and reasonable, due to a disability.

No ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation. Individuals found with unauthorized animals in University housing will be required to remove the animal immediately, and may be subject to disciplinary sanctions.

The following information is provided to increase the likelihood of a successful ESA experience in University housing.

- The University reserves the right to limit approval of proposed ESAs to animals that do not pose health or safety concerns, and would not significantly disrupt the residence hall living environment for others.
- The University will require documentation of compliance with state and local ordinances, laws, and/or regulations, which will include a vaccination certificate and/or wellness report.
  - Animals may not be brought into the residence hall until necessary vaccinations have been administered; animals too young to be fully vaccinated are not permitted on University property.
- NDSU will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
- NDSU will not limit room assignments for individuals with ESAs to any particular building or buildings because of individual need for an ESA.
- Generally, the presence of only one ESA will be approved for a student, in order to fulfill the intent of the FHA requirements in providing support to the student with a mental health disability.
- NDSU personnel will not provide food or care for any ESA. The University takes no responsibility for the ESA's welfare in case of an emergency. 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.

## Definitions

### Emotional Support Animal (ESA)

ESAs are a category of animals that may work, provide assistance, or perform physical tasks for an individual with a disability and/or provide necessary emotional support to an individual with a significant mental health disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADAAA and NDSU's Service Animal Policy.

While cats and dogs are often identified as ESAs, other animals may be considered for approval.

### Owner

The owner is the student who has requested the accommodation and has received approval to bring an ESA into University housing.

## Determining If the Presence of an Emotional Support Animal is Reasonable

To determine if the presence of an ESA is reasonable, a student must provide reliable disability-related information from a mental health care provider with whom the student has an established relationship, that:

1. Establishes the student requesting an ESA has a significant mental health disability that substantially limits one or more major life activities
2. Describes the needed accommodation
3. Demonstrates the relationship between the person's disability and the support the animal provides

Failure to provide sufficient documentation will result in a denial of the request for an ESA. Additionally, NDSU may deny a request for an ESA if the ESA would pose a direct threat to the health and safety of others; would cause substantial physical damage to the property of others; would pose an undue financial or administrative burden; or would fundamentally alter the nature of NDSU's operations.

## Factors NDSU may consider in determining whether the presence of an Emotional Support Animal is reasonable in a Residence Life setting:

1. Is the housing space adequate to house the animal and its kennel/crate? Is the kennel/crate secure?
2. Is the animal completely housebroken and or litter trained (if applicable)?
3. As appropriate, has the animal had its full rabies vaccination and other vaccinations? Are the vaccinations all up to date?

4. If the animal is other than a cat or dog, does it have a wellness certificate from a professionally trained animal health care provider?
5. If the animal is a dog, is it at least ten months of age? If the animal is a cat, is it at least six months of age?

### **Access to University Facilities by Emotional Support Animal**

An ESA, when in residence, must be contained within the privately assigned individual living accommodation, except when the owner is taking the animal out for natural relief or otherwise immediately leaving/reentering the building. In a suite, apartment, or other shared setting, the animal is only permitted in the individual student's bedroom. Animals are not permitted elsewhere in a shared suite/unit, such as other bedrooms or common areas such as living rooms, kitchens, bathrooms, or shared foyer areas.

When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness.

An ESA is not permitted in any other University building other than the student's assigned residence hall room or apartment.

The animal must be properly housed and restrained or otherwise under the control of the owner at all times. Owners may not permit the animal to go loose or run at large. If an animal is found running at large, the animal, once apprehended, is subject to immediate removal from University housing.

### **Owner Responsibilities**

ESA Owners are **solely** responsible for the custody and care of the animal and must meet the following requirements:

- 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 owner is responsible for ensuring that the ESA is kenneled or crated when the owner is not present.
- 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 NDSU.
  - If applicable, the animal's litterbox may not be kept in any common space within the owner's living quarters.
- The owner is required to ensure the animal is well cared for at all times (e.g. bathing the animal, feeding/watering, designating an outdoor relief area, disposing of waste, etc.)

Any evidence of neglect or abuse may result in immediate removal of the ESA and/or discipline for the student.

- Residence Life restrooms and laundry facilities may not be used for bathing ESAs, their kennels/crates, or bedding.
- 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 overnight or longer, the animal must be removed from the building for the duration of the owner's absence.
- The owner must provide the Residence Life staff with the name and contact information of someone who does not reside in University housing and who can take responsibility for the animal within 12 hours should the owner be unable or unavailable to care for it.
- 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 Center for Accessibility and Disability Resources in writing if the ESA is no longer needed or is no longer in residence.
- The owner will provide written consent for Residence Life staff 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), suitemates(s), apartment mate(s), and/or neighbor(s).
- 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 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 has the right to bill the student's account for unmet obligations.
- A student 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 is responsible for instructing others on appropriate interactions with the animal and setting clear expectations.

## **Roles and Requesting an Emotional Support Animal in University Housing**

### Student

- Completes the Residence Life Accommodations on the Basis of Disability or Medical Need Form [https://www.ndsu.edu/disabilityservices/application\\_for\\_residence\\_life\\_accommodations/](https://www.ndsu.edu/disabilityservices/application_for_residence_life_accommodations/)

Gathers and submits medical documentation using this form: Please Contact CADR for ESA documentation requirements.

- If the request for an ESA is approved, prior to moving into a residence life location, the student will meet with Residence Life staff to complete a contract which outlines the owner's responsibilities and privileges per the ESA. And provide:
  - City of Fargo license for the animal, if applicable
  - Copy of all vaccination records
  - Wellness check documentation from a veterinarian, if the animal does not require vaccinations
  - A description and photo of the animal
  - Contact information for an individual(s), not residing in University housing that can care for the pet in case of owner absence or emergency

*Please note: individuals found with unauthorized animals in University housing must remove the animal immediately, and may be subject to disciplinary sanctions.*

#### Center for Accessibility and Disability Resources

- Receives and reviews a student's request for an ESA and medical documentation.
- Determines if the ESA request is approved or denied.
  - Please note the approval of an ESA request does not always guarantee the approval of the animal the student initially identifies.
- Notifies student of the determination.

#### Residence Life Department

- Meets with the student, prior to move-in, to review responsibilities and gather information required if the ESA is approved.
- Will work with the owner to reassign a housing location, when possible, if there are roommate objections.

### **Removal of an Emotional Support Animal**

The University staff may remove an ESA or may require the owner to remove the ESA from University housing if the ESA poses a direct threat to the health and safety of others, causes substantial physical damage to University property or the property of others, poses an undue financial or administrative burden, causes a disturbance, or alters the nature NDSU's operations. Any decision to remove an ESA will be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct.

Upon notice of removal, the owner will have 24 hours to remove the ESA from University housing.

If it is determined that the ESA must be removed from the residence hall and the student fails to comply with the stated time frame, the University may have the animal removed to the nearest appropriate animal shelter.

Additionally, a student may be referred for action under the Code of Student Conduct for failure to comply with the order for removal.

Should the ESA be removed from the premises for any reason, the owner is still expected to fulfill his/her housing obligations for the remainder of the housing contract.