

# MERCY COLLEGE

<b>Policy Name:</b>	Emotional Support Animal Policy and Agreement for Students and Residential Life Staff in College Housing		
<b>Associated Form(s):</b>	Emotional Support Animal Agreement for Students and Residential Life Staff	<b>Policy Number:</b>	2019-5
<b>Reviewed:</b>	Non-Academic Policy Review Advisory Council	<b>Approved:</b>	October 1, 2019
<b>Approval Authority:</b>	President	<b>Adopted:</b>	<i>Tim Hall 12/11/19</i>
<b>Responsible Executive:</b>	Vice President for Student Affairs and Director of Human Resources	<b>Revised:</b>	Emotional Support Animal Policy and Agreement for Students (6/28/16)
<b>Responsible Office:</b>	Office of ACCESSibility	<b>Contact:</b>	Director of Accessibility Services

## **I. Policy Statement**

This Policy applies to students and Residential Life staff at Mercy College (the “College”) who want to have Emotional Support Animals (ESAs) in College housing. This Policy addresses the standards expected of both the ESA and the student or Residential Life staff member seeking approval for their ESA (“Owner”) and the procedure for obtaining and maintaining approval from the College for an ESA.

Each request is evaluated on a case-by-case basis. While legal rights are afforded to individuals with ESA accommodations, the Owner is nonetheless responsible for ensuring that the animal behaves appropriately. The College is committed to complying with applicable laws related to ESAs.

## **II. Definitions**

### *A. Emotional Support Animal*

ESAs are animals that provide assistance or perform tasks for the benefit of a person with a disability, or provide emotional support that alleviate one or more identified symptoms or effects of an Owner’s existing disability. To qualify for an ESA in College housing, an individual must have a disability and a reasonable accommodation is necessary, in the form of an ESA, for the Owner to have an equal opportunity to use and enjoy their residence.

ESAs are not Service Animals and are not permitted in classrooms; nor are they allowed in common areas on the College’s campuses.

Dangerous, poisonous, illegal, or any other animals that pose a direct threat to the health and/or safety of the campus community will not be permitted as ESAs.

### *B. Owner*

A student or Residential Life staff member (“staff”) who is seeking approval from the College to have their ESA in campus housing and who is responsible, if granted such approval, for all aspects of their ESA’s stay at the College.

## **III. Registration and Roommate Approval Required in Advance**

All ESAs owned must be registered with the Office of ACCESSibility (for students) or with the Office of Human Resources (for staff). ***This registration must be completed at least two months prior to the ESA’s move into campus housing*** to allow adequate time to evaluate the requested accommodation. The Owner will be required to complete an Application for Accommodation and submit documentation supporting the need for the accommodation. Upon receipt of these documents, the Office of ACCESSibility or Office of Human Resources will contact the Owner within one week of receipt of the documentation to discuss the request.

If a roommate is assigned to reside with a student Owner and the roommate agrees to have the ESA live in the same residential room, the roommate must submit their consent in writing to the

Office of ACCESSibility prior to the ESA being brought into the room. In the event the College is unable to find a roommate willing to live with an Owner, he/she will be required to reside in a single occupancy room and will be charge the appropriate fee for the room.

#### **IV. Owner Responsibilities Regarding the Physical Maintenance of Their ESA**

##### *A. Grooming*

The Owner must keep the ESA clean and well-groomed at all times. The Owner must take measures to mitigate odor and ensure flea control of their ESA. Public residential hall bathrooms cannot be utilized for bathing or grooming of an ESA, or for cleaning the ESA's equipment. Designated sinks may be utilized for cleaning of an ESA in limited instances with prior written approval from the Office of ACCESSibility (for students) and the Office of Human Resources (for staff).

##### *B. Vaccinations/ Health*

The ESA must be in good health, as documented annually by a licensed veterinarian. Specifically, the ESA must have vaccinations for diseases commonly required by veterinarians and/or under the law for that type of animal. All vaccinations must be current. Acceptable documentation includes a vaccination certificate or a written statement signed by the ESA's licensed veterinarian regarding the ESA's health. This documentation must be submitted annually prior to the ESA's move into campus housing. This documentation should be submitted by students to the Office of ACCESSibility and by staff to the Office of Human Resources. In addition, ESAs must wear a current rabies tag.

##### *C. Leash and Identification*

If required by law or when it is otherwise determined to be appropriate by the Office of ACCESSibility (for students) or Office of Human Resources (for staff), the ESA must be on a leash and wear a tag indicating ownership information.

##### *D. Cleanup and Care of an ESA*

The Owner is responsible for removing an ESA's waste from the designated relief area. The Owner must always carry bags and necessary cleaning equipment to clean waste, and dispose of it in prearranged containers. If an ESA is litter trained, their waste must be disposed of regularly in designated containers.

The Owner must provide the ESA with water and feed and care for the ESA appropriately.

*E. Washer/Dryer Use for Owners and ESAs*

A washer and dryer will be designated for use by Owners of ESAs. The washer and dryer should be used for cleaning the Owner's and/or ESA's clothing, bed sheets, etc.

**V. Additional Owner Responsibilities Regarding Their ESA**

*A. Financial*

The Owner is financially liable for any actions of the ESA, including bodily injury and/or property damage. This includes, but is not limited to, replacement of wall coverings, windows, furniture, and carpet. If the Owner's room needs to be treated for fleas, ticks, or other pests, the Owner will be billed for inspection and pest treatment. These costs must be settled at the time of repair and/or move-out.

*B. Changes in ESA or Changes Concerning Need for ESA*

The Owner must notify the Office of ACCESSibility (for students) and Office of Human Resources (for staff) in writing if there are any changes to the approved ESA, or if the ESA is no longer needed. If the ESA is replaced by another ESA, the Owner must follow the timelines and procedures in this Policy to obtain approval from the Office of ACCESSibility (for students) and Office of Human Resources (for staff) prior to the new ESA's move into campus housing.

*C. Physical Control of ESA*

The Owner must be in full control of the ESA at all times. Care and supervision of the ESA is the sole responsibility of the Owner. ESAs left unattended in a residential room must be kenneled or a confining environment. It is the Owner's responsibility to ensure the ESA does not disrupt others (for example, vocalizing, barking, excessive noise, etc.).

*D. Campus Locations Where ESAs Are Not Permitted*

An ESA must remain in the Owner's assigned room and is not allowed in common areas including classrooms. ESAs are not permitted to leave the Owner's room except for trips outside to visit relief areas or to take the ESA for a walk. ESAs may not be used to entice visitors to the Owner's room. For example, an invitation to visit an Owner's room solely to interact with an ESA is not appropriate.

An ESA may not be left overnight in College housing without the Owner being present. The Owner must make proper arrangements for the care of an ESA while the residence halls are closed for breaks. The Owner will not be allowed to stay on campus over a break when College housing is closed for the purpose of taking care of an ESA.

**VI. Questions Concerning the Meaning of Any Provisions of this Policy**

Any student who has questions regarding their responsibilities under or provisions of this Policy should immediately contact the Office of ACCESSibility, and any staff who has questions

regarding their responsibilities under or provisions of this Policy should immediately contact the Office of Human Resources.

## **VII. Removal of an ESA**

An Owner's failure to maintain an ESA may subject the Owner to fines or result in the removal of the ESA from campus. The College will take appropriate measures, up to and including removal of an ESA for, among other reasons:

- The Owner violates any term of this Policy, after they have been provided notice and a reasonable opportunity to resolve when possible;
- The approved ESA is no longer needed to assist with a disability;
- The College determines that the approved ESA is a direct threat to the health, safety, or property of anyone in the College community, or that the approved ESA is adversely affecting one or more of the College's programs or activities.

An Owner may appeal a decision related to their ESA to the College's Equity Compliance Specialist.

## Mercy College Emotional Support Animal Agreement for Residential Life Staff and Students

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Owner requesting emotional support animal \_\_\_\_\_

Species of Animal (dog, cat, etc.) \_\_\_\_\_

Breed of Animal \_\_\_\_\_ Sex of Animal: Male \_\_\_ Female \_\_\_

Name of Animal \_\_\_\_\_

Owner's Campus Address \_\_\_\_\_

Cell Phone # \_\_\_\_\_

Requirements the Owner must agree to, in addition to the Policy, are:

1. The Owner shall provide registration documentation supporting the need for the ESA in accordance with Section III of the Policy.
2. In accordance with IV. B. the Owner shall provide appropriate documentation from the ESA's licensed veterinarian that the ESA is in good health and has its required vaccinations to the Office of Human Resources (for staff) and the Office of ACCESSibility (for students) annually prior to the ESA's move into campus housing.
3. The Owner shall ensure that the ESA wears a current rabies tag (if applicable) and an identification tag.
4. When the Owner is out of their room, the ESA will be left in their room in its kennel or a confining environment.
5. Dogs that are ESAs must be "house broken" and cats that are ESAs must be litter box trained. Other smaller animals (i.e. gerbils, rabbits, guinea pigs etc.) are not to be left running loose in the Owner's room.
6. ESAs will not leave the Owner's room except for trips outside to visit a relief area or to be taken for a walk and on a leash in accordance with this Policy.
7. The ESA is only allowed in the Owner's assigned room. The Owner will not bring the ESA into other areas such as College classrooms and common areas.
8. The Owner will not invite peers to their room for the sole purpose of interacting with ESA.
9. The ESA may not be left overnight on campus without the Owner present.
10. The Owner will provide the ESA with fresh water and appropriate food on a daily basis.
11. Any biting or other aggressive behaviors on the part of the ESA will not be tolerated. This behavior could result in the removal of the ESA from the College campus.
12. The Owner is liable for injuries inflicted by their ESA to themselves or other individuals on campus.
13. The Owner is responsible for keeping their ESA from disturbing roommates or other people in their residence halls (for e.g. vocalizing, barking, excessive noise, etc.).
14. The Owner is responsible for any damage their ESA does to any College property.
15. The Owner will notify the Office of Human Resources (for staff) and the Office of ACCESSibility (for students) if there is a change in ESA as described in this Policy.

16. If any questions regarding the meaning of any provisions of this Policy arise or any issues related to the ESA arise, the Owner will contact the Office of Human Resources (for staff) and the Office of ACCESSibility (for students).
17. In cases of injury or damage or if safety concerns arise related to an ESA, the Owner will immediately contact the Office of Human Resources (for staff) and the Office of ACCESSibility or their Resident Director (for students) and the Office of Safety and Security.

*By my signature below, I acknowledge that I have read, understand, and will abide by the guidelines outlined in the Policy and in this Agreement. I acknowledge that failure to comply with this Policy and this Agreement may subject my ESA to be considered a non-approved ESA and subject to removal from Campus. Violations of this Agreement will be determined by: (i) the Residential Life Staff and Human Resources for a staff member with an ESA and (ii) the Residential Life Staff and the Office of ACCESSibility for students with an ESA.*

**SIGNATURES**

\_\_\_\_\_  
Executive Director of Human Resources  
(for staff)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of the Office of ACCESSibility  
(for students)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Residential Life (or the next level  
Manager if the Director is the ESA Owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date