



<b>Policy Name:</b>	Emotional Support Animal Policy and Agreement for Students and Residential Life Staff in University Housing		
<b>Associated Form(s):</b>	Emotional Support Animal Agreement for Students and Residential Life Staff	<b>Policy Number:</b>	2023-9
<b>Reviewed:</b>	Non-Academic Policy Committee	<b>Approved:</b>	August 17, 2023
<b>Approval Authority:</b>	President <i>Ausan L Parish</i>	<b>Adopted:</b>	August 28, 2023
<b>Responsible Executive:</b>	1. Vice President for Student Affairs 2. Director of Human Resources	<b>Revised:</b>	June 28, 2016
<b>Responsible Office:</b>	1. Office of ACCESSibility 2. Office of Human Resources	<b>Contact:</b>	1. Director of Accessibility Services 2. Associate Director of Human Resources

## **I. Policy Statement**

This Policy applies to students and Residential Life staff at Mercy University (the "University") who formally request to have an Emotional Support Animal (ESAs) in University housing. This Policy addresses the standards expected of the student or Residential Life staff member seeking approval for their ESA ("Handler") and the procedure for obtaining and maintaining approval from the University for an ESA.

Each request is evaluated on a case-by-case basis and is reviewed and reconsidered each academic year a student is enrolled, and annually for staff. While certain rights are afforded to individuals with ESA accommodations, the Handler is nonetheless ultimately responsible for ensuring that the animal behaves appropriately. The University is committed to complying with applicable laws related to ESA's.

## **II. Definitions**

### **A. Emotional Support Animal**

Emotional Support Animals, or ESAs, are animals that provide assistance for the benefit of a person with a disability such as providing emotional support that alleviates one or more identified symptoms or effects of a Handler's existing disability as part of a therapeutic treatment plan. To be approved for an ESA in the Residential Life Program, an individual must have a qualifying disability and have sought an reasonable accommodation via the University's accommodation processes.

ESAs are not deemed "Service Animals" and as such their presence on campus is limited. ESAs are not permitted in classrooms nor are they allowed in common areas.

Dangerous, poisonous, illegal, exotic 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. Only domesticated animals will be considered, as outlined by US Department of Housing and Urban Development (HUD).

### **B. Handler**

A Handler is a student or Residential Life staff member ("staff") who is seeking approval from the University to have their ESA in campus housing and who is responsible, if granted such approval, for all aspects of their ESAs stay at the University.

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

All Handlers must register their ESAs. Students must do so with the Office of ACCESSibility

and staff must do so with the Office of Human Resources. *This registration leads to an evaluative process specific to the request for accommodation and should be completed at least two (2) months prior to the ESA's move into campus housing* to allow adequate time to evaluate the requested accommodation. The Handler will be required to complete an *Application for Accommodation* and submit an ESA Documentation Form supporting the need for the accommodation. The ESA Documentation Form should be filled out by the current treating mental health provider with whom the student or residential staff has an established, ongoing therapeutic relationship under which continued treatment is being received. Upon receipt of these documents, the Office of ACCESSibility or Office of Human Resources will contact the Handler within one (1) business week of receipt of the documentation to discuss the request.

If a roommate is assigned to reside with a student Handler and the roommate agrees to have the ESA live in the same residential room by signing the ESA Roommate Agreement Form, the roommate must submit their consent in writing to the Office of ACCESSibility prior to the ESA being brought into the room. The Handler will be requested to sign a release form giving the University permission to discuss the ESA with the assigned roommate. In the event the University is unable to find a roommate willing to live with a Handler, they will reside in a single occupancy room (if available) and will be charged the appropriate fee for the room. The Handler may not bring the ESA to campus until a residential space has been identified.

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

##### **A. Grooming**

The Handler must keep the ESA clean and well-groomed at all times. The Handler 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 in Founders Hall may be utilized for cleaning of an ESA.

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

The Handler must ensure that the ESA is in good health, as documented annually by a licensed veterinarian. Specifically, the Handler must ensure that the ESA has all appropriate vaccinations for diseases which are 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 *and* 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, Handlers must ensure that the ESAs wear identification as well as all applicable animal licenses and the current rabies tag.

### C. Leash

When outside of the residence room, the University requires that the ESA be maintained under control. In such instances, and as required by local law, the Handler will maintain the ESA on an appropriate leash. Collars or other forms of identification must be visible, such as a tag indicating ownership information.

### D. Cleanup and Care of an ESA

The Handler is responsible for removing an ESA's waste. The Handler must always carry bags and necessary cleaning equipment to clean waste and dispose of it appropriately in waste containers. If an ESA is litter trained, their waste must be disposed of regularly, meaning at least weekly, in waste containers.

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

### E. Washer/Dryer Use for Handlers and ESAs

A washer and dryer are designated in Founders Hall for use by Handlers of ESAs. The washer and dryer should be used for cleaning the Handler's and/or ESA's clothing, bed sheets, etc.

## V. **Additional Handler Responsibilities Regarding Their ESA**

### A. Financial

The Handler 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 Handler's room needs to be treated for fleas, ticks, or other pests, the Handler 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 Handler 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 Handler 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. This requires submission of vaccination records, clean bill of health,

licensure in county of residence (if applicable), and sterilization records.

### C. Physical Control of ESA

The Handler must be in full control of the ESA at all times. Care and supervision of the ESA is the sole responsibility of the Handler. ESAs left unattended in a residential room must be kenneled or maintained in a confining environment. It is the Handler's responsibility to ensure the ESA does not disrupt others (for example, vocalizing, barking, excessive noise, etc.). Handlers may not leave an ESA unattended over weekends, extended scheduled University breaks, or for any other reason. An ESA may not be left overnight in University housing without the Handler being present.

The Handler must make proper arrangements for the care of an ESA while the residence halls are closed for breaks. The Handler will not be allowed to stay on campus over a break when University housing is closed for the purpose of taking care of an ESA.

### D. Campus Locations Where ESAs Are Not Permitted

A Handler must maintain the ESA in the Handler's assigned room and is not allowed to bring the ESA into common areas including classrooms. ESAs are not permitted to leave the Handler's room except for trips outside to visit relief areas or to take the ESA for a walk. ESAs are considered an accommodation. Handlers must respect the defined purpose of an ESA and may not entice visitors to the Handler's room solely for the purpose of interacting with the 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

A Handler's failure to maintain an ESA in accordance with this Policy may subject the Handler to fines or result in the removal of the ESA from campus. The University will take appropriate measures, up to and including removal of an ESA, for among other reasons:

- The Handler violates any term of this Policy, after they have been provided notice and a reasonable opportunity to resolve the violation when possible;
- The approved accommodation for the ESA is no longer determined reasonable to assist with a disability; and/or

- The University, or a legal authority, determines that the approved ESA is a direct threat to the health, safety, or property of anyone in the University community, or that the approved ESA is adversely affecting one or more of the University's programs or activities.

### **VIII. Appeal**

A Handler may appeal a decision related to their ESA to the University's Director of Equity Compliance following the appeal procedures under the University's Policy on Equal Opportunity and Non-Discrimination. The determination of the Director of Equity Compliance is the final decision of the University.

**Mercy University 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 or Female

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

Handler's Campus Address \_\_\_\_\_

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

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

1. The Handler 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 Handler shall provide appropriate documentation from the ESA's licensed veterinarian that the ESA is in good health, is free of infectious diseases, 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 Handler shall ensure that the ESA wears a current rabies tag (if applicable) and an identification tag.
4. When the Handler is out of their room, the ESA will be left in their room in its kennel or a confined environment.
5. The Handler must ensure that dogs that are ESAs are "house broken" and cats that are ESAs are litter box trained. Other smaller animals (i.e. gerbils, rabbits, guinea pigs etc.) may not to be left running loose in the Handler's room and must be contained in an appropriate kennel.
6. Handlers must control the ESAs at all times and may take the ESA out of the room 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 Handler must keep the ESA in the Handler's assigned room. The Handler may not bring

the ESA into other areas such as University classrooms and common areas.

8. The Handler, by receipt of this accommodation, agrees not to use the ESA as a means to socialize such as inviting peers to their room for the sole purpose of interacting with ESA.
9. The Handler may not leave the ESA overnight on campus without the Handler present.
10. The Handler will provide the ESA with fresh water and appropriate food on a daily basis.
11. The Handler will ensure that the ESA is maintained and agrees that 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 University campus.
12. The Handler is liable for injuries inflicted by their ESA to themselves or other individuals on campus.
13. The Handler is responsible for controlling their ESA and ensuring the ESA does not disturb roommates or other people in their residence halls (such as vocalizing, barking, excessive noise, etc.).
14. The Handler is responsible for any damage their ESA does to any University property.
15. The Handler must 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. The Handler will contact the Office of ACCESSibility (for students) or the Office of Human Resources (for staff) if there are any questions regarding the meaning of any provisions of this Policy or if there are any concerns related to the ESA.
17. The Handler will immediately contact the Office of ACCESSibility or their Resident Director (for students) or the Office of Human Resources (for staff) in the case of injury or damage or if safety concerns arise related to an ESA. The Handler must also notify 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  
Handler)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Handler

\_\_\_\_\_  
Date