

Accessibility Services Emotional Support Animal (ESA) Policy for University Housing

Lake Superior State University recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA), and of Emotional Support Animals (ESAs), supported by the Fair Housing Act. The university is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full participation and equal access to the University’s programs and activities. LSSU is also committed to allowing ESAs, necessary to provide individuals with mental health disabilities an equal opportunity to use and enjoy University housing. This Policy explains the specific requirements applicable to an individual’s use of an ESA in University housing. LSSU reserves the right to amend this Policy as circumstances require. This policy applies solely to ESAs that may be necessary in University housing. It does not apply to “service animals” as defined by the ADAAA.

Although it is the policy of LSSU that individuals are generally prohibited from having animals of any type in University housing, LSSU 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 mental health disability. LSSU will accept and consider an individual’s request for a reasonable accommodation in University housing at any time. 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. Any requests for animals in residence for individuals with disabilities that are neither service animals nor ESAs should be directed to the Accessibility Services Office.

I. Definitions:

- A. Emotional Support Animal-An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support for an individual with a diagnosed mental health disability. Unlike service animals that are trained to perform specific tasks that are important to the independence or safety of their disabled handler, ESAs are generally not trained to perform disability-specific tasks. Their therapeutic support is a function of their presence and interaction with the person with a disability.

An ESA is not a pet, but they typically are animals commonly kept in households as pets. An ESA may be a dog, cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated animal that is traditionally kept in a home for pleasure. Under guidelines from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals. Generally we do not approve animals that may carry zoonotic diseases for which there is no accepted control. The University Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-reserves the right to limit approval

of proposed ESAs to animals that do not pose health or safety concerns, or would significantly disrupt the residence hall living environment for others.

In order to determine whether an ESA is necessary due to an individual's disability, their request will be reviewed to determine whether or not it is reasonable and whether the ESA is necessary to afford the individual the equal opportunity to utilize and enjoy University housing.

However, even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing, the ESA must remain caged as appropriate whenever the owner is not present. If the owner leaves their residence for any reason, for any amount of time, the ESA is required to stay in their cage until their return. No one else is permitted to care for the ESA other than the owner, otherwise they may be subject to a violation of the LSSU No Pets Policy. In the event of an emergency, Campus Life and Housing will initiate the procedure for contacting the individual's emergency contact.

An ESA is not permitted in other areas of the University (e.g. common areas, study rooms, dining facilities, libraries, academic buildings, other residence halls, athletic buildings and facilities, classrooms, labs, laundry facilities, etc.), except to the extent that the individual is taking the animal out for natural relief. The ESA must be under the individual's dominance and control on a leash at all times and may not get loose or run away, or it may be in violation of the Campus Life & Housing ESA Policy and may be removed from campus.

- B. Owner-The "Owner" of the ESA is the student who resides in campus housing, who has requested the accommodation and has received approval from both Accessibility Services and Campus Life & Housing, to bring the animal into University Housing.
- C. Accessibility Services-works with students, faculty and staff to help ensure individuals with disabilities have equal access to all LSSU programs and activities.
- D. Campus Life and Housing-works with students on housing arrangements, housing requests and campus activities.

II. Utilizing an ESA in University Housing

- A. LSSU will not limit room assignments for an individual with a disability utilizing an ESA accommodation to any certain housing building/s.
- B. Individuals residing in University housing may have a mandatory assignment of a roommate/s and may require individuals to share a room or suite in certain types of housing. To ensure the presence of an ESA is not an undue administrative burden or fundamental alteration of University housing, LSSU reserves the right to assign the student to a space that will allow the accommodation to be met, including a private room without a roommate. If the request for the ESA accommodation is received after room assignments are posted, the University has the right to reassign the student to a space that will allow the accommodation to be met. If a reassignment is necessary, only the student with a

medical need will be relocated, not any requested roommate(s). The ESA accommodation will take priority over any preferences indicated on paperwork submitted to LSSU Campus Life & Housing. Generally, LSSU does not approve more than one ESA per residence.

III. Criteria Used to Determine if ESA Request is Reasonable

A. An ESA may be denied as unreasonable if the animal's presence:

1. Imposes an undue financial and/or administrative burden;
2. Fundamentally alters the nature of the University's operations;
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.

B. The following factors, among others, may be considered as evidence in determining whether the presence of the animal is reasonable or when assigning housing for individuals with ESAs:

1. The space needed for the cage/crate in which the animal will be housed is too large for available assigned housing space. LSSU reserves the right to inspect the size of the animal's cage.
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 health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting;
7. 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
8. The animal causes or has caused excessive damage to housing, beyond reasonable wear and tear.

IV. Adequate Notice of ESA Request

- A. LSSU will accept and review requests for reasonable accommodation in University housing at any time. The individual requesting an ESA accommodation should submit their request as early as possible before moving into University housing. If the request for the ESA accommodation is made less than 60 days before the individual intends to move into University housing, LSSU cannot guarantee it will be able to meet the individual's accommodation need during the first semester of their on campus occupancy.
- B. If an individual decides to request an ESA while they already reside in University housing, they should submit their request as early as possible. LSSU does not guarantee it will be able to provide the ESA accommodation during the semester the request is received.

V. Requesting an ESA

A. The individual requesting an ESA must complete the following:

1. Register as a person with a disability by completing the LSSU Accessibility Services Registration Form. <https://www.lssu.edu/academic-services/accessibility/registration-form/>
2. Submit current, reliable documentation, completed by a licensed, medical provider who has an ongoing treatment relationship with the individual and is familiar with the individual's disability. The documentation should substantiate the individual's disability by providing the medical diagnosis and the type of animal being requested. It must also demonstrate an identifiable relationship exists between the disability and the support received from the ESA, and explain how the ESA is necessary to afford the individual with a disability equal opportunity and enjoyment of their home.
3. Complete the Assistance/ESA Application process with the Office of Campus Life & Housing.

VI. Medical Documentation

- A. Accessibility Services reserves the right to reject medical documentation if it is deemed unreliable.
- B. Medical documentation cannot be completed by a relative of a student. Accessibility Services reserves the right to request verification of non-relative status of medical documentation received.
- C. Accessibility Services does not accept ESA medical documentation or recommendations from the LSSU Health Care Center or LSSU Counseling Services.
- D. Insufficient Documentation-If the individual submits documentation from their medical provider with insufficient information for Accessibility Services to determine whether the ESA accommodation is needed, the Accessibility Services Coordinator will inform the individual in writing and may request additional information.

The individual requesting the ESA must work with Accessibility Services to supply any additional information needed in a timely manner. Accessibility Services reserves the right to contact the individual's medical provider directly for additional information to assist in determining if the ESA request is reasonable.

VII. ESA Review

- A. If it is determined an ESA request needs to undergo additional review to determine whether the accommodation is reasonable, Accessibility Services retains the right to form

a committee with representatives from various areas of campus. This may include one or more of the following departments and/ or other departments: Campus Life & Housing, Academic Services, the LSSU Health Center and the LSSU Counseling Center.

VIII. Approved ESA Requests

- A. Once an ESA accommodation is approved, the accommodation immediately goes into effect based on the space available. No paperwork for ESA accommodation requests for upcoming semesters will be accepted until the current request is processed.
- B. The student must notify Accessibility Services and Campus Life & Housing in writing if the animal is no longer needed or is no longer being used in residence. If a new ESA is requested, the student must submit a new request to Accessibility Services and Campus Life & Housing.

IX. Non-retaliation

- A. LSSU will not retaliate against any individual because they have requested or received a reasonable accommodation in University housing, including a request for ESA.

X. Violation of Agreement

- A. If the Owner violates any part of this agreement, they may be referred to the Student Conduct Board for a review of the failure to comply with the assignment of appropriate sanctions. A finding of non-compliance can result in conduct violation.

Accessibility Services Emotional Support Animal (ESA) Policy for University Housing**Student Acknowledgement and Release of Information Consent**

By my signature below, I verify that I have read, understand and will abide by the requirements outlined in the Accessibility Services Emotional Support Animal (ESA) Policy for University Housing. I agree to provide the additional information required to complete my request for a reasonable accommodation under the LSSU Emotional Support Animal (ESA) Policy for University Housing.

I have read and understand this policy 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, LSSU 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 also give permission to Accessibility Services and Campus Life & Housing to disclose to others impacted by the presence of my ESA (e.g., Residence Life 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.

LSSU A Number: _____ Date: _____

Student Name: (Please print): _____

Student Signature: _____

Office Use Only

Received By:	Date Received:	Notes:
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