



ANDERSON UNIVERSITY

Department of Student Life

Emotional Support Animal Policy and Application 2021-22

The Federal Trade Commission (FTC) has been asked to investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA. The websites in question offer for-sale documentation that is not reliable for purposes of determining whether an individual has a disability or a disability-related need for an ESA because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations.

I. Policy Statement

It is the policy of Anderson University to comply with the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008 (ADAAA), the Fair Housing Act, and other applicable federal laws that prohibit discrimination on the basis of disability. In order to comply with federal laws, Anderson University has established: (a) a procedure for requesting and obtaining approval of Emotional Support Animals (ESAs) so as to provide individuals with disabilities an equal opportunity to use and enjoy University Housing; and (b) a policy for allowing Emotional Support Animals (ESAs) to remain in University Housing once approved.

This policy explains the specific requirements applicable to an individual's use of an Emotional Support Animal in University Housing. Anderson University reserves the right to amend this policy as circumstances require. This policy applies solely to Emotional Support Animals which may be necessary in University Housing. It does not apply to "service animals" as defined by the ADAAA.

Although it is the policy of Anderson University that individuals are generally prohibited from having animals of any type (with the exception of fish) in University Housing, AU will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Emotional Support Animal that is necessary because of a disability and reasonable. Each request will be evaluated on a case-by-case basis. **No Emotional Support Animal may be kept in University Housing at any time prior to the individual receiving written approval as a reasonable accommodation pursuant to this policy.** Anderson University will not seek or require a fee or surcharge from an individual with a disability requesting the initial approval of an ESA or renewal of an Approved ESA.

II. Definitions

Emotional Support Animal (ESA): An Emotional Support Animal is defined as an animal that provides 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 ADA. ESAs are not required to be trained to perform work or disability-related tasks. Their therapeutic support is a function of their presence and interaction with the person with a disability. ESAs are not pets, but they typically are animals commonly kept in households as pets. An ESA may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, turtle, or another small, domesticated animal that is traditionally kept in the home for pleasure. Under guidelines from the US Department of Housing and Urban Development, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals. Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis. An ESA is only permitted in the Owner's privately assigned individual living accommodations (e.g., room, suite, apartment) at all times except to the extent the Owner is taking the animal out for natural relief.

Approved ESA: An Approved Emotional Support Animal is an animal that has been permitted in designated areas of residential communities as a reasonable accommodation under this policy.

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

University Housing: Any facility owned or operated by Anderson University for the purpose of housing residential students, whether leased or owned by the University and regardless of location.

III. Procedures for Requesting an Emotional Support Animal in University Housing

The procedure for requesting an ESA shall include the requirements set forth below.

- A. An individual with a disability must complete all forms in the Anderson University ESA Policy and Application, as outlined below. Copies of the Anderson University ESA Policy and Application are available through the Anderson University Housing Office: housing@anderson.edu or (765) 641-4190. The Anderson University ESA Application packet includes the following forms:
 1. Emotional Support Animal Application
 2. Acknowledgement and Release of Information Consent Form
 3. Request for Documentation Regarding Need for Emotional Support Animal
 4. Request for Emotional Support Animal Roommate Notification and Agreement
 5. Emotional Support Animal Health and Well-Being Medical Statement
 6. Emergency Contact Information Regarding Emotional Support Animal

- B. Anderson University will accept and consider requests for ESAs in University Housing at any time. The animal is not permitted in university housing until the owner has received written notification that the ESA has been approved. The individual making the request for accommodation should complete the Anderson University ESA Application packet and submit it to the Anderson University Housing Office as soon as practically possible. However, if the request for accommodation is made later than the below-stated deadlines, it may not be possible to fulfill the request during the requested term of residence. If the completed application packet is received by the below deadlines,

Anderson University will consider the application and make a determination before the start of the requested semester.

1. **August 1** for Fall Semester
 2. **December 1** for Spring Semester
- C. The Housing Office will convene the Emotional Support Animal Committee and forward the completed applications to the committee members.
- D. If it is determined that the requested ESA accommodation is necessary and reasonable, the student will be contacted, in writing, within 5 business days of the determination to arrange a meeting to discuss the implementation.
1. If it is determined that additional information is required to make the determination of whether or not the requested ESA accommodation is necessary and reasonable, the student will be contacted, in writing, within 5 business days of this determination with a request for more information.
- E. If it is determined that the requested ESA accommodation will be denied, the student will be contacted, in writing, within 5 business days of this determination. If desired, the student may use the grievance procedure provided under the Student Complaint Procedure located in the Student Handbook.
- F. An approval for an ESA is good only for the academic year for which it has been approved. A request for an ESA must be submitted for each academic year.

IV. 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, suite, or apartment in certain residential living situations. To ensure that the presence of an Approved ESA is not an undue administrative burden or fundamental alteration of University Housing, Anderson University reserves the right to assign an individual with an Approved ESA to a single room without a roommate. In addition, only one ESA is approved for an individual, and generally only one animal is allowed in a single residence unit.
- B. For all requests for ESAs, Disability Services for Students will consult with Student Life 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.
- C. Anderson University 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 Approved ESAs:
1. The size of the animal is too large for available assigned housing space
 2. The animal is less than 3 months old
 3. The animal's presence would force another individual from individual housing (e.g. serious allergies)

4. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment
5. The animal is not housebroken or is unable to live with others in a reasonable manner
6. The animal's vaccinations are not up-to-date
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
8. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear
9. The animal's presence will substantially interfere with the essential tasks of the educational experience for the owner or others

V. Criteria for Determining If Presence of the ESA is Necessary

- A. Anderson University may consider the following factors, among others, as evidence in determining whether the presence of the animal is necessary. Determinations are made on a case-by-case basis.
 1. The application is complete and thorough
 2. The response of the physician, psychiatrist, or mental health professional thoroughly answers all listed questions and gives sufficient evidence supporting the nexus between the prescription of an animal and the therapeutic benefit in alleviating one or more of the identified symptoms or effects of the student's mental health disability.

VI. Access to University Facilities by Approved ESA

A. Approved ESAs

An Approved ESA must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, and apartment) except to the extent the individual is taking the animal out for natural relief. When an Approved ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Approved ESAs are not allowed in any University facilities other than the room, suite, or apartment to which the Owner is assigned.

B. Dominion and Control

Notwithstanding the restrictions set forth herein, the Approved ESA must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the approved animal to go loose or run at large. If an Approved ESA is found running at large, the animal is subject to capture and confinement and immediate removal from University Housing.

VII. Owner's Responsibilities for Approved ESA

If the University grants an Owner's request to live with an Approved ESA, the Owner is solely responsible for the custody and care of the Approved ESA and must meet the following requirements:

- A. The Owner must abide by current city, county, state, and federal ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for

animals. It is the Owner's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.

- B. 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 Anderson University.
- C. The Owner is required to ensure the animal is well cared for at all times. Any evidence of neglect, mistreatment, or abuse may result in immediate removal of the Approved ESA and/or discipline for the responsible individual. Any animals that must be taken outside to relieve themselves should not be left alone for long periods of time. Doing so may be considered neglect.
- D. An individual with a disability may be charged for any damage caused by his or her Approved ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. Any damage must be reported in a timely manner to the Resident Director. If there is a need for additional cleaning beyond normal maintenance, the student will be asked to cover those costs. 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 university housing. The University shall have the right to bill the Owner's account for unmet obligations under this provision.
- E. The Owner is liable for injury caused by an Approved ESA to another person or animal. Any injury must be reported in a timely manner to the Director of Residence Life.
- F. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the Approved ESA (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.). The University shall be empowered, with cause, to direct the ESA Owner to cause the ESA to receive veterinary attention.
- G. Approved 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 university housing overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Approved ESA is contained, as appropriate, when the Owner is not present while attending classes or other activities. At such times, the Approved ESA must be kept in a cage, crate, carrier or kennel.
- H. 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.
- I. The Approved ESA is allowed in University Housing only as long as it is necessary because of the Owner's disability. The Owner must notify Anderson University Housing

(housing@anderson.edu) in writing if the Approved ESA is no longer needed or is no longer in residence.

- J. To replace an Approved ESA, the Owner must provide the following updated documents. The ESA Committee must approve the new animal as reasonable before the animal is brought to campus.
 - a. Request for Emotional Support Animal Roommate Notification and Agreement
 - b. Emotional Support Animal Health and Well-Being Medical Statement
- K. Anderson University personnel shall not be required to provide care or food for any Approved 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.
- L. The Owner must provide written consent for Anderson University personnel to disclose information regarding the request for and presence of the Approved 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)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.
- M. Before bringing an ESA to campus, the student requesting an ESA must provide the name and contact number for two individuals who can immediately remove the animal from campus in the event of an emergency. The individual may not be another student who intends to take the animal to another University Housing location. The animal must be evacuated to an off-campus location.
- N. For students with roommates: All roommates of the Approved ESA Owner in the University Housing location (room, suite, or apartment) must sign an agreement allowing the Approved ESA to be in residence with them. In the event that one or more roommates do not approve, either the Owner and Approved ESA or the non-approving roommate(s) may be moved to a more suitable location, as determined by Residence Life staff.

VIII. Removal of Approved ESA

Anderson University may require the individual to remove the Approved ESA from University Housing if any of the following are true:

- A. The animal poses a direct threat to the health or safety of others or causes substantial damage to the property of others, including University property
- B. The animal's presence results in a fundamental alteration of a University program
- C. The Owner does not comply with the Owner's Responsibilities set forth above
- D. The animal or its presence creates an unmanageable disturbance or interference with the University community
- E. The owner is too ill or unable to care for the animal

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 an Approved ESA will be done in consultation with the Director of Disability Services for Students and/or Student Life, depending on the reason for the removal. If

desired, the student may use the grievance procedure provided under the Student Complaint Procedure located in the Student Handbook.

If the Owner is told to remove the Approved ESA from campus and has not done so within 48 hours of notification, the university reserves the right to remove the animal and take it to the nearest humane society location or other appropriate location. The student will then be reported to Student Life for violation of the student code of conduct.

The university reserves the right to immediately remove any animal that poses a direct threat to the health or safety of others.

Should the Approved 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.

IX. Non-retaliation Provision

Anderson University shall not discriminate or retaliate in any manner whatsoever against any person because that individual has requested or received a reasonable accommodation in University Housing, including a request for an ESA.



ANDERSON UNIVERSITY

Department of Student Life

Emotional Support Animal Application

Name Student ID Date of Birth

Type of Animal Breed (if applicable) Age of Animal

This request applies to the following semester(s):

Fall Spring of the **2021-22** school year.

Note: A request for an ESA must be submitted for each academic year. Do not use this packet in future academic years. You may request a new packet by contacting housing@anderson.edu each spring.

Please answer the following question. Use a separate sheet if you need additional room.

1. How would this animal meet your needs and provide an equal opportunity for you to use and enjoy University Housing? Please be specific.

2. Has the requested ESA ever injured another person or animal? Yes No
If yes, provide detailed information about the incident(s).

Please complete ALL pages of this application packet and return to Decker 206 or mail to:

AU Housing, Attention: Housing Coordinator
Anderson University
1100 E. 5th St.
Anderson, IN 46012

For office use only:

- Emotional Support Animal Application
- Acknowledgement and Release of Information Consent Form
- Request for Documentation Regarding Need for Emotional Support Animal
- Request for Emotional Support Animal Roommate Notification and Agreement
- Emotional Support Animal Health and Well-Being Medical Statement
- Emergency Contact Information Regarding Emotional Support Animal



Acknowledgement and Release of Information Consent Form

By my signature below, I verify that I have read, understand and will abide by the requirements outlined in the Anderson University Emotional Support Animal Policy and I agree to provide the additional information required to complete all forms included in the Anderson University ESA Application Packet.

I have read and understand the Anderson University Emotional Support Animal Policy and I agree to abide by the requirements applicable to Approved ESAs. I understand that if I fail to meet the requirements set forth in the Policy, Anderson University has the right to remove the Approved ESA and I will be nonetheless required to fulfill my housing, academic, financial, and all other obligations for the remainder of the housing contract.

I furthermore give permission for Anderson University personnel to disclose to others impacted by the presence of my Approved ESA (e.g., Residence Life staff, potential and/or actual roommates/neighbors) 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 Approved ESA and/or resolving any potential issues associated with the presence of the Approved ESA.

I further recognize that the presence of the Approved 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 Approved ESAs are permitted for persons with disabilities.

Owner's Signature & ID #

Date

Disability Services for Students Representative

Date

Student Life Representative

Date



Request for Documentation Regarding Need for Emotional Support Animal

Student's Name _____

DOB _____

This request applies to the following semester(s): Fall Spring of the 2020-2021 school year.

The Federal Trade Commission (FTC) has been asked to investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA. The websites in question offer for sale documentation that is not reliable for purposes of determining whether an individual has a disability or a disability-related need for an ESA because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations.

The above-named student has indicated that you are the physician, psychiatrist, or mental health professional who has made a professional determination that having an Emotional Support Animal (ESA) in residential housing (any facility owned or operated by Anderson University for the purpose of housing residential students) will have a therapeutic benefit in alleviating one or more of the identified symptoms or effects of the student's mental health disability. Documentation must come from providers in the state of Indiana or the student's home state who have personal knowledge of the student, consistent with their professional obligations.

STUDENT INSTRUCTIONS: Please print two copies of this page. Provide one signed copy to your health care provider, and provide one signed copy with your completed packet to AU Housing.

By signing below, I consent to allowing my health care provider to share any information relevant to my need for an ESA as an accommodation, as shown on this form, with the Anderson University Emotional Support Animal Committee for the next 60 days.

Student Signature

Date

An emotional support animal is an exception to our university housing policy under The Fair Housing Act (FHA). The FHA and Americans with Disabilities Act define a person with a disability as someone who "has a physical or mental impairment that substantially limits one or more major life activities." This accommodation is intended to improve a student's living experience within university housing; the scope of the responsibilities of this application is only for living within university owned housing. Accommodations for academic support should be made to the Director of Disability Services for Students.

We recognize that having an ESA in the residence hall can be a real benefit for someone with a significant mental health disorder, but the practical limitations of our housing arrangements make it necessary to carefully consider the impact of the request for an ESA on both the student and the campus community.

Below is a request for information regarding the prescribed Emotional Support Animal. Thank you for taking the time to complete the requested letter. If we need additional information, we may contact you at a later date. The named student has signed this form (below) indicating written permission to share additional information with us in support of the request.

Continued on next page

So that we may better evaluate the request for this accommodation, please submit a letter answering the following questions. **The letter must provide sufficient evidence of a nexus between the student's disability and the prescription of an animal as treatment.** Federal law defines a disability as someone who has a physical or mental impairment that substantially limits one or more major life activities. That suggests that a diagnosis (label) does not necessarily equate with a disability (substantial limitation). What is the nature of the student's mental health impairment (that is, how is the student substantially limited?)

1. What is the nature of the student's mental health disability? That is, describe how the student is substantially limited.
2. Does the student require ongoing treatment?
3. When did you first meet with the student regarding this mental health diagnosis?
4. When did you last interact with the student regarding this mental health diagnosis?
5. Is this an animal that you specifically prescribed as part of treatment for the student, or is it a pet that you believe will have a beneficial effect for the student while in residence on campus?
6. What type of animal are you prescribing?
7. How will the presence of an emotional support animal allow the student to better enjoy his/her living environment?
8. What specific symptoms will be reduced by having an ESA, and how will those symptoms be mitigated by the presence of an ESA?
9. Is there evidence that an ESA has helped this student in the past or currently?
10. What consequences, in terms of mental health symptomatology, may result if the accommodation is not approved?
11. Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing with this student?
12. Do you believe those responsibilities might exacerbate the student's symptoms in any way?

The letter should:

- Be on the provider's letterhead
- Include contact information (Address, Telephone, Fax and/or Email)
- Identify physician's, psychiatrist's, or mental health professional's type of license and license number
- Include physician's, psychiatrist's, or mental health professional's signature and date of writing the letter

The letter can be mailed to:

AU Housing, Attn: Housing Coordinator
Anderson University
1100 E 5th St.
Anderson, IN 46012

Due to potential conflict of interest, documentation from the Anderson University Health Center and/or Counseling Services will generally not be accepted. However, students are encouraged to utilize these services whenever needed to ensure their ongoing health and well-being.

Please note that there are some restrictions on the kind of animal that can be approved for the residence hall or on campus apartments. It is possible the student may be approved for an ESA, based on the information you provide here, but may not be allowed to bring the specific animal named.



Request For Emotional Support Animal Roommate Notification & Agreement

Student's Name: _____

This request applies to the following semester(s): Fall Spring of the 2020- 2021 school year.

Name of animal: _____ Type of animal: _____ Age of animal: _____

The above-named student has requested an Emotional Support Animal (ESA) in residential housing. With my signature below, I agree to share the common areas of my assigned residential space with the emotional support animal that my roommate has requested to have. Should I have any concerns regarding the care and control of the animal, I will discuss them with the animal's owner, then with my Resident Assistant or Resident Director if the animal's owner and I/we cannot come to an agreement.

Roommate's Printed Name _____ ID # _____

Roommate's Signature _____ Date _____

Roommate's Printed Name _____ ID # _____

Roommate's Signature _____ Date _____

Roommate's Printed Name _____ ID # _____

Roommate's Signature _____ Date _____

Owner's Printed Name _____ Owner's Signature _____

AU ID # _____ Date _____

Building Name _____ Room/Suite/Apartment Number _____

EMOTIONAL SUPPORT ANIMAL HEALTH AND WELL-BEING MEDICAL STATEMENT

Student's Name

Name of Animal

Type of Animal

Age of Animal

The above-named student has indicated that you are a licensed veterinarian who has provided services for the above-named animal. The student has requested that this animal be approved to live in University Housing (any facility owned or operated by Anderson University for the purpose of housing residential students). In order for an animal to be approved, the following must be validated by a licensed veterinarian:

- **Vaccination:** The animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. Cats must have current vaccination against rabies and the normal shots required for a healthy animal. Local licensing requirements are followed.
- **Health:** Animal must be free from communicable diseases or conditions that could be detrimental to humans. Documentation can be a vaccination certificate or a veterinarian's statement regarding the animal's health.
- **Licensing:** The University may require documentation showing that the animal is properly licensed.

So that we may better evaluate the request, please answer the following questions:

Vaccinations

Attach proof of vaccinations including the most recent date of vaccination.

Are all immunizations and vaccinations up to date, based on state and local regulations? YES NO
If no, please explain.

Health

Please provide a statement regarding the animal's general health.

(Continued on next page)

Does this animal pose a threat to students who may be living in close proximity to the animal? Do you have any concerns about this animal living in University Housing? If yes, please explain.

Thank you for taking the time to complete this form. If we need additional information, we may contact you at a later date.

Printed Name

License #

Professional Title

Email Address

Address

City

State

Zip

Telephone Number

FAX

Signature

Date

Please complete ALL sections of this form. It must be returned via one of the following:

Mail:

AU Housing, Attention: Housing Coordinator

Anderson University

1100 E. 5th St.

Anderson, IN 46012

Email: housing@anderson.edu

Fax: 765-641-3880

In Person: Decker 206



Emergency Contact Information Regarding Emotional Support Animal

Before bringing an ESA to campus, the student requesting an ESA must provide the names and contact numbers for two individuals who can immediately remove the animal from campus in the event of an emergency. The individuals may not be students who intend to take the animal to another University Housing location. The animal must be evacuated to an off-campus location.

In the event of an emergency, the following person should be contacted to immediately remove my ESA from campus.

ESA Owner's Name

Animal's Name

Name of 1st Emergency Contact

Email Address

Address where animal will be evacuated to

Phone Number

Alternate Phone Number (if available)

ESA Owner's Signature

Date

Emergency Contact's Signature

Date

If the person listed above cannot be reached, the following person should be contacted to immediately remove my ESA from campus.

Name of 2nd Emergency Contact

Email Address

Address where animal will be evacuated to

Phone Number

Alternate Phone Number (if available)

Emergency Contact's Signature

Date

Continued on next page

ESA Owner's Signature

Animal's Name

In the event that neither emergency contact person is able to remove the ESA from campus in a timely manner, in some cases the ESA may be removed from University Housing and boarded locally. All expenses for care/boarding of the animal will be the responsibility of the ESA owner and may be charged to the individual's account if left unpaid.