

Residence Hall Emotional Support Animal (ESA) Policy and Agreement

Indiana Tech 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 (SA) on campus to facilitate their full participation and equal access to the University’s programs and activities. Indiana Tech is also committed to allowing Emotional Support Animals, 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 Emotional Support Animal in University housing. Indiana Tech reserves the right to amend this Policy as circumstances require. This Policy applies solely to Emotional Support Animals that may be necessary in University housing. It does not apply to “service animals” as defined by the ADAAA, and whose presence on campus is explained in the Indiana Tech Service Animal Policy.

Although it is the Policy of Indiana Tech that individuals are generally prohibited from having animals of any type in University housing, Indiana Tech will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Emotional Support Animal that is reasonable and necessary because of a mental health disability. Indiana Tech accepts and considers requests for Emotional Support Animals at any time. However, if the request for accommodation is made fewer than 90 days before the individual intends to move into University housing, Indiana Tech cannot guarantee that it will be able to meet the individual’s accommodation needs during the first semester or term of occupancy. No Emotional Support Animal may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

The question in determining if an Emotional Support Animal will be allowed in University housing is whether or not the Emotional Support Animal is necessary, because of the individual’s disability, to afford the individual an equal opportunity to use and enjoy University housing, and its presence in University housing is reasonable. However, even if the individual with a disability establishes the necessity for an Emotional Support Animal and it is allowed in University housing, an Emotional Support Animal is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

I. **Definitions**

- **Service Animal**

Service Animals are dogs that are individually trained to do work or perform tasks for the benefit of an individual with a documented disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals are working animals, not pets.

- **Emotional Support Animal (ESA)**

Emotional Support Animals (ESA) are animals that provide therapeutic emotional support for an individual with a diagnosed mental health disability. Unlike Service Animals trained to perform specific tasks that are important to the independence or safety of their disabled handler, Emotional Support Animals 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. Emotional Support Animals are not pets, but they are animals

commonly kept in households. An Emotional Support Animal may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure. Under guidelines from the Department of Housing and Urban Development (HUD), 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 Emotional Support Animals will be considered on a case-by-case basis.

- **Pet**

A pet is an animal kept for ordinary use and companionship unrelated to a documented or diagnosed disability. A pet is not considered an Emotional Support Animal and are not covered by this Policy. The only pets allowed on the University campus are fish that are unable to live outside of water and pose no potential danger to individuals through incidental contact. The maximum size of an aquarium is 20 gallons.

- **Owner**

The Owner is the student resident who has requested the accommodation and has received approval to bring the approved Emotional Support Animal into university housing.

- **University Housing**

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

II. Procedures for Requesting an Emotional Support Animal

The procedure for requesting an Emotional Support Animal follows the general procedures set forth in the General Housing Accommodation Policy and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Housing Accommodation Policy, this Policy shall control.

III. Criteria for Determining If Presence of an Emotional Support Animal 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 or suite in certain residence halls. To ensure that the presence of the Emotional Support Animal is not an undue administrative burden or fundamental alteration of University housing, Indiana Tech reserves the right to assign an individual with an Emotional Support Animal to a single room without a roommate.
- B. However, for all requests for Emotional Support Animals, Disability Services shall nonetheless consult with Residence Life in making a determination on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. A request for an Emotional Support Animal 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. The college reserves the right to limit approval of proposed Emotional Support Animals to animals that do not pose health or safety concerns, or would significantly disrupt the residence hall living environment for others.
- D. Generally, the presence of only one Emotional Support Animal 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. As the presence of Emotional Support Animals is limited to the student's immediate residence unit and will necessitate a cage/crate and appropriate supplies, typically only one animal will be approved to be in a single unit.
- E. The University has determined that the residence hall setting, in most cases, is not an appropriate environment in which to raise a young puppy. Generally, dogs must be at least 9 months of age and have received their first rabies vaccination before they can live in residence in University housing. Responsible pet ownership suggests that the animal be spayed or neutered.
- F. Indiana Tech 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 Emotional Support Animals:
 - 1. The space needed for the animal is too large for the available assigned housing space
 - 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 or has posed in the past a direct threat to the safety or health of the individual or others such as aggressive behavior towards or injuring the individual or others, or potential transmission of zoonotic diseases.
 - 7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

Indiana Tech will not limit room assignments for individuals with Emotional Support Animals to any particular building or buildings because the individual needs an Emotional Support Animal because of a disability.

IV. Access to University Facilities By Emotional Support Animals

A. Emotional Support Animals

An Emotional Support Animal 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 Emotional Support Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Emotional Support Animals are not allowed in any University

facilities other than University residence halls (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned.

B. Dominion and Control

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

V. Owner Responsibilities for Emotional Support Animals

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

General Responsibilities

1. An Emotional Support Animal 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.
2. 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 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.
3. The Emotional Support Animal must be housebroken and generally, Indiana Tech does not accept dogs or cats under 9 months old. 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 Indiana Tech. Animal waste, including cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in an outside trash dumpster. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces. Owner agrees to financial responsibility for cleaning needed above and beyond normal, if due to animal's natural relief indoors.
4. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Emotional Support Animal and/or discipline for the responsible individual.
5. Indiana Tech will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
6. An individual with a disability may be charged for any damage caused by their Emotional Support Animal beyond reasonable wear and tear to the same

extent that the University charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks, or other pests as necessary. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation 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 shall have the right to bill the Owner's account for unmet obligations under this provision.

7. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
8. Emotional Support Animals 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 hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Emotional Support Animal is contained, as appropriate when the Owner is not present during the day while attending classes or other activities. The University reserves the right to inspect the enclosure to be used in containing the animal.
9. 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.
10. 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 Disability Services Office in writing if the Emotional Support Animal is no longer needed or is no longer in residence. To replace an Emotional Support Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy and the Housing Accommodation Policy when requesting a different animal.
11. Indiana Tech personnel shall not be required to provide care or food for any Emotional Support Animal 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.
12. The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the Emotional Support Animal 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.

VI. Removal of an Emotional Support Animal

The University may require the Owner to remove their Emotional Support Animal from University housing if:

- a. Disruptive animal:** An owner may be directed to remove an animal, within 24 hours, if it is determined to be a nuisance to staff or residents. Some examples include but are not limited to excessive barking, whining, growling, yowling, howling, and grooming (licking or chewing). The animal may also be removed if it causes excessive damage.
- b. Non-housebroken animal:** An owner may be directed to remove an animal, within 24 hours, that is not housebroken.
- c. Non-compliance:** An owner may be directed to remove an animal, within 24 hours, if they have violated the rules and responsibilities of an Emotional Support Animal Owner
- d. Out of control animal:** An owner may be directed to immediately remove an animal that is out of control if the owner does not take immediate effective action to control it. If it happens repeatedly, the owner may be prohibited from bringing the animal onto Indiana Tech property or into any university facility until the owner can demonstrate that they have taken significant steps to mitigate the behavior. Obedience and training programs are highly recommended.
- e. Direct threat:** An owner may be directed to immediately remove an animal that Indiana Tech determined to be a substantial and direct threat to the health and safety of individuals. If the animal poses an immediate threat and the owner is not able to remove the animal, Animal Control may be summoned to remove the animal.

If the University determines that an Emotional Support Animal needs to be removed due to a direct threat to the health or safety of others, the Owner must remove the animal from University housing immediately. If it is determined that the animal must be removed from the residence hall and the student fails to comply, the University may have the animal removed to the nearest, appropriate animal shelter. Additionally, failure to comply with the order for removal will result in a referral to the Student Conduct Committee for consideration of sanctions. Should the Emotional Support Animal be removed from the University residence hall, the Owner is expected to fulfill their housing obligations for the remainder of the housing contract.

VII. Non-retaliation Provision

Indiana Tech will not retaliate against any person because that individual has requested or received a reasonable accommodation in University housing, including a request for an Emotional Support Animal.

VIII. Acknowledgement and Signature

By my signature below, I verify that I have read, understand, and will abide by the requirements outlined here and I agree to provide the additional information required to complete my Housing Accommodation Request under the University’s Emotional Support Animal Policy.

I have read and understand the Emotional Support Animal Policy and Agreement 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, Indiana Tech has the right to remove the Emotional Support Animal and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to the Disability Services Office to disclose to others impacted by the presence of my Emotional Support Animal (e.g., Residence Life staff, Counseling Services 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 Emotional Support Animal and/or resolving any potential issues associated with the presence of the Emotional Support Animal.

I further recognize that the presence of the Emotional Support Animal 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 Emotional Support Animals are permitted for persons with disabilities.

Student Printed Name

Student Signature

Date

Please note: Approval of an Emotional Support Animal and approval of the particular animal requested by the student is determined on a case-by-case basis. The Owner must renew their applications yearly.