

Concordia University Texas

Policy		Effective Date:	09/02/2016
SS02 – Emotional Support Animal		Last Revision Date:	06/13/2018
Corporate Owner:	Executive Vice President	Operational Owner:	Director of Success Center
Revision Cycle:	Every year	Page No:	Page 1 of 8

I. Purpose

Concordia University Texas (CTX) recognizes the importance of Emotional Support Animals (ESAs) under the Fair Housing Act that provide emotional support to individuals with mental health disabilities. CTX is committed to allowing Emotional Support Animals necessary to provide individuals with 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. CTX 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.

II. Scope

Students may be allowed to have an Emotional Support Animal in their room if the need for an ESA has been established by the Director of the Student Success Center (SSC), approved by the Director of Residential Life, and the owner has complied with all terms of this policy.

III. Definitions

Emotional Support Animal: Emotional Support Animals are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability. Emotional Support Animals are not required to have formal training or certification. Dogs are commonly used as Emotional Support Animals, but any animal may serve a person with a disability as an Emotional Support Animal.

Each request for an ESA will be evaluated on a case-by-case basis, considering the needs of the individual and the concerns of the University Community. A person qualifies for an ESA if:

1. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the residence halls
2. There is an identifiable relationship between the disability and the assistance the animal provides.

If the individual with a disability establishes necessity for an Emotional Support Animal and if an animal is approved to live in University housing, an Emotional Support Animal is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, or other residence hall rooms or common areas, etc.)

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Owner: The “owner” is the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into University housing.

Person with a Disability: The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities. This includes people who have a record of such impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability.

Student Success Center: The Student Success Center collaborates with individuals, faculty, and staff to ensure that students with disabilities have equal access to all CTX programs and activities.

Emergency Alternative Caregiver: The person the Owner selects to be responsible for the animal in the case of an emergency when the Owner and the emotional support animal cannot be together. The emergency alternative caregiver may not live in University housing.

IV. Policy Statement

Although it is the policy of CTX that individuals are generally prohibited from having animals of any type in University housing, CTX will consider a request to allow an Emotional Support Animal that is necessary because of a disability. However, 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.

A. Procedures for Requesting Emotional Support Animals in University Housing

Emotional Support Animals may be permitted to live with their owner in University housing on a case-by-case basis. The requesting individual must contact the Director of the Student Success Center (SSC) and provide appropriate documentation of a disability in support of an ESA to begin the process.

The review process and arrangements for an ESA may take up to or more than thirty (30) days. Students should contact the Director of the SSC and provide appropriate documentation at least thirty (30) days prior to the date the student would like to bring the animal into University housing, preferably at the start of the semester. This timeframe will allow for Residential Life in collaboration with the Student Success Center, to make the appropriate arrangements for the requesting students. While applications submitted at any time will be accepted and considered, there is no guarantee that CTX will be able to meet applicants’ accommodation request once a semester has started, including any needs that develop during the semester.

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B. Criteria for Determining if Presence of the Emotional Support Animal is Reasonable

1. University housing is unique in several aspects including the mandatory assignment of roommates for most individuals. To ensure that the presence of Emotional Support Animals is not an undue administrative burden or fundamental alteration of University housing, CTX reserves the right to assign an individual with an Emotional Support Animal to a single room without a roommate and/or to relocate the owner and the owner’s animal as necessary within housing.

2. For all requests for Emotional Support Animals, the Director of the Student Success Center shall consult with Residential 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 (4) would cause substantial property damage to the property of others, including University property.

3. CTX 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:
 - a. The size of the animal is too large for available assigned housing space;
 - b. The animal’s presence would force another individual from individual’s housing (e.g. serious allergies);
 - c. The animal’s presence otherwise violates individuals’ right to peace and quiet enjoyment;
 - d. The animal is not housebroken or is unable to live with others in a reasonable manner;
 - e. The animal’s vaccinations are not up-to-date;
 - f. 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;
 - g. The animal causes or has caused damage to housing beyond reasonable wear and tear.

4. CTX reserves the right to request updated documentation each academic year to verify the continued need for an Emotional Support Animal.

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5. Updated vaccinations must be submitted annually to the Director of Residential Life at residentiallife@concordia.edu

C. Access to University Facilities By Emotional Support Animals

1. Emotional Support Animals

An Emotional Support Animal must be contained within the Owner's privately assigned residence life room except to the extent the individual is taking the animal out for natural relief. The Owner is responsible for ensuring that the animal is contained, as appropriate, when the Owner is not present. This will allow University staff access to space for maintenance and other routine tasks without posing risk to the animal. When an Emotional Support Animal is outside the private individual room, it must be in an animal carrier or controlled by a leash or harness. ESAs should be kept within the residence hall room. They are not to be taken to other students' rooms, hallways, common areas and are not allowed in other campus buildings, including other residence halls.

2. Dominion and Control

Notwithstanding the restrictions set forth herein, the Emotional Support Animal 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.

3. Room Assignments

CTX 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.

D. Owner's 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:

1. The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to vaccination, and other requirements for animals. It is the Owner's responsibility to know and understand these ordinances, laws, and regulations.

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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.

2. Dogs and cats must wear collars and tags at all times.
3. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. Owners must dispose of feces by placing it in a plastic bag and then placing bag in the garbage dumpsters outside of the residence halls. Clean up must occur immediately. Animal feces may not be disposed of in any trash receptacle or through the sewer system inside any building at CTX.
4. Animal-accidents within CTX residence hall rooms and hallways must be promptly cleaned up using cleaning products.
5. Owners with cats must properly maintain litter boxes. In consideration of the health of the cat and occupants of the residence room, cat litter box contents must be disposed of regularly. Cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash dumpsters. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces.
6. Regular and routine cleaning of floors, kennels, cages, and litter boxes must occur. The odor of an animal emanating from the residence hall room is not acceptable.
7. The Owner is required to ensure the animal is well cared for at all times. The University has authority to direct that the animal receives veterinary attention. Animals housed in the residence hall must have an annual clean bill of health from a licensed veterinarian. Any evidence of mistreatment or abuse may result in immediate removal of the Emotional Support Animal and/or discipline for the responsible individual.
8. CTX will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
9. An individual with a disability may be charged for any damage caused by his or her Emotional Support Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's

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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 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.

10. 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.).
11. 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.
12. The Owner agrees to abide by all other residential policies.
13. 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 Student Success Center 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 when requesting a different animal.
14. CTX 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.
15. Owners are responsible to identify an individual who is not living in University housing who can care for the animal on an emergency basis by completing and submitting the Acknowledgement and Release of Information Consent Form - Emotional Support Animals

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16. The Owner is responsible, in the unlikely event, of the animal's death to remove the animal from campus immediately. Any expenses incurred by the university in the clean up or removal of a dead animal will be charged to the Owner.
17. If the animal is left unattended and reasonable attempts to reach the owner or the owner's emergency contact have failed, the University reserves the right to take the animal to an animal shelter. Any expenses incurred by the university would be charged to the Owner.
18. The Owner must provide written consent for Residential Life 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, Residential 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.

E. Removal of Emotional Support Animal

The University may require the individual to remove the animal from University housing if:

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in a fundamental alteration of a University program;
3. the Owner does not comply with the Owner's Responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the University community.

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 the animal will be done in consultation with the Director of the Student Success Center and may be appealed to the Concordia University Texas's ADA/Section 504 Compliance Officer following the Grievance Procedures for Disability Complaints found on the CTX website. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Emotional Support Animal 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.

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V. Additional References

Acknowledgement and Release of Information Consent Form - Emotional Support Animals