

Emotional Support Animals (ESA) Procedures

In accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), the Office of Accessibility at The University of Akron engages in an interactive and collaborative process with students in order to determine eligibility for reasonable accommodations, including the use of an Emotional Support Animals (ESA).

The University of Akron is committed to granting reasonable accommodations to its rules, policies, practices, or services when such accommodations may be necessary to afford people with disabilities an equal opportunity to use and enjoy their dwellings, as required by federal, state and local law. A reasonable accommodation may include a change or exception to a rule or policy that is needed because of a person's disability, or it may be a physical change to a unit or common area.

Emotional Support Animals (ESA)

The University of Akron Residence Hall Policy prohibits individuals from having animals, other than aquarium fish, which can be kept in residence hall rooms or apartments, in any type of University housing, unless an exception applies. The University of Akron will consider a request by an individual with a disability for a reasonable accommodation from this prohibition to allow an ESA.

I. DEFINITIONS

Emotional Support Animals

Emotional Support Animals or ESAs are a category of animals that may provide a therapeutic benefit to its owner through companionship. The animal provides emotional support and comfort to individuals with a mental or psychiatric disability. An ESA alleviates one or more identified symptoms of an individual's disability but are not considered Service Animals under the ADAAA. Some ESAs are professionally trained, but in other cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification. Dogs or cats are commonly used as ESAs, but any animal may serve as an ESA to a person with a disability.

Owner

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

II. ESA Requests

The University of Akron does not permit pets in the residence halls. The University provides reasonable accommodations to owners who have a documented disability. **It is recommended that students requesting an ESA complete the Application process no later than 3 months prior to their first enrollment date, so the University can best accommodate the student and the emotional support animal.**

Please Note: During high volume times students should anticipate a longer wait time for an appointment to be scheduled with their disability specialist. Services will NOT be denied if requests are made after this time, but they will take significantly longer to implement. An ESA may be permitted to reside with their owner in the owner's on-campus residence if the following criteria is met:

1. An ESA is prescribed by a healthcare or mental health professional to an individual with a disability and is an integral part of the person's treatment plan. However, the University will not permit an ESA in the residence halls that poses a threat to the health or safety of others; would cause substantial physical damage to University property or to property of others; or results in a fundamental alteration of the University's residence life program.
2. Students who wish to utilize an Emotional Support Animal housing accommodation should complete the **Office of Accessibility Application** and provide substantial documentation of disability. The owner is responsible for having an appropriate treating professional complete the *Guidelines for Documentation Emotional Support Animals (ESA)* and submitting the completed form to the online application. At the time of application submission, the owner must upload an identifiable photo of the ESA. The University of Akron has the right to request additional clarification or documentation of disability. The form can be found here <https://www.uakron.edu/access/docs/doc-guidelines/ESA.pdf>.
3. The owner **must attend an Intake appointment with the Office of Accessibility and complete an ESA Agreement prior to bringing the approved ESA to the Residence Hall**. The owner will be required to sign the ESA Agreement annually when living in the residence hall.
4. The University of Akron requires all ESAs to be up-to-date on vaccinations and veterinary exams. When requested, the owner **must be able to provide records of vaccinations and statement regarding the ESA's health completed by a licensed veterinarian within the past year** to Residence Life and Housing. Routine maintenance for flea and tick prevention, deworming, and an annual veterinary examination are required. The University of Akron reserves the right to request an updated verification at any time during the ESA's residency on campus.
5. Students with Emotional Support Animals are not automatically assigned to a private room. Students with ESAs will be matched with potential roommates to whom contact has been made to prevent possible incompatibilities, such as allergies or other concerns. If a private room is requested and approved the standard private room rate will apply. In the event the assigned roommate is not able/willing to live with the ESA, Residence Life and Housing staff will make a case-by-case determination of alternative arrangements.
6. The owner must comply with all City of Akron Code requirements which are located in Chapter 92.

If an ESA is approved:

After the Intake Appointment, the owner will receive a letter from the Office of Accessibility indicating such approval **but not containing any information regarding diagnosis or other owner information**. Additionally, the letter will be sent to Residence

Life and Housing. **Please note, the University holds the right to share this information with pertinent University personnel who may come into contact with the owner and ESA.** This may include, but is not limited to, RLH staff, University Police, the Department of Environmental and Occupational Health and Safety, Department of Physical Facilities, etc.

The University encourages owners and their treatment providers to explore all other suitable reasonable accommodations other than having an ESA reside with the owner in a residence hall. When there is a compelling reason to permit the use of an ESA, the University encourages owners to use ESAs that can reasonably be caged or otherwise contained. As previously noted, there are not specific restrictions on ESA weight and size, however **the emotional support animal's required crate must be able to comfortably fit within the living space of the assigned room without blocking ingress and allow for safe egress in case of an emergency.** The size of the crate must be appropriately sized for the ESA. According to the Humane Society, the animal's crate should be large enough for them to stand up and turn around in. If your emotional support animal is still growing, choose a crate size that will accommodate their adult size.

Each request will be reviewed on an individual basis. An ESA will be approved only in those instances in which the owner clearly demonstrates the ESA is necessary to provide the owner with an equal opportunity to use and enjoy the residence hall, and there is an identifiable relationship or nexus between the documented disability and the support the ESA provides.

In no case will ESAs be permitted in University housing without the prior written authorization from the University. ESAs are only allowed within an owner's residence hall room/individual bedroom in suite or apartment housing. ESAs are not permitted in common areas, which include lounge and study areas of University housing, bathroom spaces, shared living room spaces within apartment style residence halls, other floors within the owner's residence hall, dining halls, or in academic or administrative buildings. **If the owner has not followed the required approval process and the animal is found in a residence hall, Residence Life and Housing will require the ESA to vacate immediately.**

In all cases, **the owner of the approved ESA is fully responsible for the emotional support animal's behavior.** The removal of any animal, as well as any necessary excessive cleaning, repairs and/or pest control as a result of the ESA will be done at the expense of the owner who may also be subject to owner disciplinary action. Owners are responsible for any damage or injuries caused by their ESAs and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of an ESA are the sole responsibility of the owner at all times. The University strongly recommends that owners consult with their insurance carrier regarding potential liability and insurance to cover such risks.

III. ESA Animal Type

While most ESAs are dogs or cats, students are permitted to select a different ESA species. Dangerous, poisonous, illegal, and any other animals that pose a direct threat to the health and/or

safety of the campus community will not be permitted as ESAs. While there are not specific restrictions on ESA weight and size, the required crate must be able to comfortably fit within the living space of the assigned room allowing for safe egress in case of an emergency. **Further, City of Akron Code Chapter 92 has restrictions on animals and breeds that can be within city limits. Prior to submitting the housing letter and bringing the ESA into the residence halls, the student must submit proof of valid license. The owner will be required to submit proof of license for the City of Akron, once a year. If the student fails to meet these requirements, the University reserves the right to contact city authorities.**

IV. Owner's Responsibilities

Owners granted the accommodation of an ESA in University housing shall be subject to the following rules, in addition to any other University rules and regulations not specifically related to assistance animals. The owner must:

- *Keep the ESA in the Housing Unit.* An ESA must be contained within the owner's privately assigned bedroom area except to the extent the individual is taking the emotional support animal out for natural relief. When an ESA is outside the private individual bedroom area, it must be in an animal carrier or controlled by a leash or harness. **ESA's are not allowed in any University facilities other than the University housing to which the resident is assigned. The owner is required to crate the animal when it is alone in the room.**
- *Keep the ESA under Control.* The 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 emotional support animal to go loose or run at large. If an ESA is found running at large, the animal is subject to capture and confinement and immediate removal from University housing by means deemed appropriate by University personnel.
- *Abide by Laws and Policies.* 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.** Additionally, the owner must abide by all equally applicable residential policies, such as assuring that the ESA does not unduly interfere with the routine activities of the residents or cause difficulties for individuals who reside there.
- *Ensure the ESA is well cared-for.* The owner is required to ensure the emotional support animal is well cared for at all times. **Any evidence of mistreatment, abuse, neglect, or leaving the ESA unattended for unreasonably long periods of time may result in immediate removal of the ESA and/or discipline for the owner pursuant to the University Student Code of Conduct, and/or Residence Life and Housing Handbook. In the event there is concern for the animal's wellbeing, the University reserves the right to remove the ESA by any means deemed appropriate by University personnel.** The University will not base this determination on speculation or fear about the harm or damages an ESA may cause. University 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. Additionally, the ESA 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 emotional support animal must accompany the owner. The owner is responsible for ensuring the ESA is contained, as appropriate, when the owner is not present during the day while attending classes, work or other activities.

- Ensure the ESA has a designated emergency care provider in place, at all times. The owner is required to ensure that the ESA can be placed with and cared for by an emergency care provider, in the event they are unable to care for or remain with their ESA on campus. In any situation, regardless of the circumstances, the burden of care cannot be placed on a UA employee or other student resident. The identified emergency care provider must be an individual who does not live within the residence halls, and must be designated by the owner and established prior to bringing the animal on campus. Both the owner and the emergency care provider must agree to the arrangement, and acknowledge the terms and conditions, by signing the ESA Emergency Care Provider Authorization Form. The authorization form as well as a photo of the designated emergency care provider must be submitted to the Office of Accessibility, prior to or at the time of the scheduled Intake appointment. Upon receiving these documents, they will be shared with Residence Life and Housing, in addition to any other pertinent information. In rare cases of an emergency situation that interferes with the owner's ability to care for the emotional support animal, the emergency care provider may be contacted by University designees. Representatives from Residence Life & Housing, the Office of Accessibility, or UAPD may be among the individuals who contact the owner. In most cases, the responsibilities of contacting and transferring the care of the ESA to the designated emergency care provider, will be assumed by the owner. The emergency care provider is expected to take on temporary guardianship and care of the ESA, within 24 hours of being contacted by the owner or University designee. In the event the designated emergency care provider can no longer uphold the responsibilities of care, the owner must establish a new emergency care provider and submit a new authorization form. If the owner is unable to designate a replacement emergency care provider, they may be asked to remove the ESA from the residence halls, until a new emergency care provider is identified.
- Be Responsible for Personal Injury and Property Damage, Including University Property. The owner is financially responsible for all injury or damage to persons or property, including other animals, caused by the ESA. The owner is required to clean up after and properly dispose of the emotional support animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the University. An individual with a disability may be financially responsible for any damage caused by his or her ESA beyond reasonable wear and tear to the same extent that it holds other individuals financially responsible for damages beyond reasonable wear and tear. The owner's living space 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 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 charge the owner's University student account for any unmet financial obligations to the University under this provision.**

- Notify the Office of Accessibility and Residence Life and Housing if the ESA is No Longer Needed. The ESA is allowed in University housing only as long as it is necessary because of the owner's disability. The owner must notify Office of Accessibility and Residence Life and Housing, as applicable, in writing if the ESA is no longer needed or is no longer in residence. **To replace an ESA, the new emotional support animal must be necessary because of the owner's disability and the owner must follow the procedures in this Policy when requesting a different ESA.**

V. Emergency Situations

- To help ensure appropriate response these guidelines are being disseminated to the University Police and Environmental and Occupational Health and Safety Department.
- In the event of an emergency evacuation, it is recommended for the owner to have a kennel or crate and a disaster kit including food and water for the ESA.
- During a disaster Emotional Support Animals will accompany their owners to the designated safe area.
- University of Akron and/or emergency responders are not responsible for the removal of the ESA in emergency situations.
- Emergency response personnel will determine whether to remove the emotional support animal and may not be held responsible for the care, damage to, or loss of the animal.

VI. Removal of the ESA

The University may require the owner to remove the ESA from University housing if:

- The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others, including University property;
- The animal's presence results in a fundamental alteration of a University program;
- The owner does not comply with the owner's responsibilities set forth above; or
- The animal or its presence creates an unmanageable disturbance or interference with the University community.

In the event the owner does not comply with the owner's responsibilities set forth above, the University reserves the right to submit a referral to the Department of Student Conduct and Community Standards for disciplinary action as outlined in the Code of Student Conduct.

Residence Life and Housing or Office of Accessibility will base such individualized determinations upon the consideration of the behavior of the particular animal and resident on a case-by-case basis, and in consultation with Residence Life and Housing, the resident, and other relevant University parties. The University will not base this determination on speculation or fear about the harm or damages an animal may cause. Any removal of the emotional support animal may be appealed pursuant to the grievance procedure. Grievance are handled in accordance with the Student Code of Conduct and Residence Life and Housing Handbook, in consultation with other relevant University departments. The owner will be afforded all rights of due process and appeal as outlined in those processes. **Should the 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.