

Emotional Support Animals (ESA) in Point University Campus Housing Policy

Point University understands the importance of providing reasonable accommodations in its housing policies and practices where necessary for individuals with disabilities to fully participate in the University housing program. Fulfilling this commitment, Point recognizes the necessity of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and “Assistance Animals,” a broader term covered under the Fair Housing Act (FHA) pertaining to individuals with mental health disabilities. This policy is specific to Emotional Support Animals (ESA) within Point University campus housing. Point University reserves the right to amend this policy at any time as circumstances require.

Definition

Emotional Support Animal (ESA): An Emotional Support Animal (ESA) is an animal that is prescribed by a healthcare or mental health professional to an individual with a mental health disability as part of the individual’s treatment plan. An Emotional Support Animal differs from a service animal in that the animal does not assist the person with activities of daily living nor does it accompany the individual at all times.

Emotional Support Animals (ESA) in University Housing

The university maintains a “no pets” policy in the living communities. However, in accordance with federal law (Fair Housing Amendments Act), the university will consider requests for accommodations to the housing policy to allow students experiencing significant mental health problems to keep an Emotional Support Animal (ESA) with them in-residence. **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.**

Process for Requesting Emotional Support Animals in University Housing

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

Criteria for Determining Reasonability of Emotional Support Animal

Generally, the presence of only one ESA 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. 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 10 months of age, be spayed or neutered, and have received their first rabies vaccination before they can live in-residence in University housing.

For all requests for Emotional Support Animals, Disability Services will consult with the Department of Student Life in making determinations on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. A request for an Emotional Support Animal can 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.

Point University may consider the following factors, as well as 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 size of the animal is too large for 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 an individuals' right to peace and quiet enjoyment;
4. The animal is not house-broken 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; or
7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

Point University will not limit room assignments for individuals with disabilities who have been approved for an Emotional Support Animal to any particular residence hall.

Access to Housing Facilities

Animal Living Quarters

An Emotional Support Animal must be contained within the owner's privately assigned individual living accommodations (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief.

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 the living community.

Standards for Approved Emotional Support Animals

1. 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 individual'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.
2. 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 Point University. The animal will not be bathed – or its cage/crate/bedding cleaned –

- using student housing or college facilities. Waste must be placed in an impermeable container and disposed of in an outside garbage dumpster on a regular basis.
3. The owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in an immediate removal of the Emotional Support Animal/or discipline for the individual.
 4. Point University will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
 5. 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 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.
 6. 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.).
 7. 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 their residence hall overnight or longer, the animal must accompany the owner. When the owner is not present during the day while attending classes or other activities, the owner is responsible for ensuring that the Emotional Support Animal is contained (caged or crated) as appropriate. The University reserves the right to inspect the enclosure to be used in containing the animal.
 8. 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.
 9. 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 Department of Housing and Residence Life 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 Accommodations Policy when requesting a different animal.
 10. Point 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. 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.
 11. The owner must provide the University with the name and contact information for someone who does not reside in University housing and who can take responsibility for the animal within 12 hours should the owner be unable or unavailable to care for it.

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, Student 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.

Removal of Emotional Support Animals

Point 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.

Decisions to remove an approved Emotional Support Animal will be based on the actual behaviors of the animal -- not speculation of fear about any harm and/or damage an animal may cause. Any removal of an Emotional Support Animal will be done in collaboration between the Department of Student Life and the Disability Services office. Decisions to remove an animal may be appealed to the Director of Disability Services who will then assemble a team of qualified professionals to review the appeal. Appeals should be provided in written format within five (5) days of the initial date of the decision communication. The appeal must state a specific reason for reconsideration of the decision. Appeals may only be based on:

1. New information that was not available at the time of the initial decision;
2. A procedural error that occurred that unfairly impacted the decision;
3. A specific condition that provides just cause to reconsider the decision, such as a demonstrated bias against the student or the animal identified in the appeal.

If served notice of animal eviction, individual will have five (3) days to remove and relocate the animal. In the case that an animal has caused significant harm to another individual within the residential community, the animal is subject to immediate removal from campus. If it is determined that the animal must be removed from the residence hall and the owner fails to comply with the stated time frame, the University may have the animal removed to the nearest, appropriate animal shelter. In the event the animal is not removed, the owner will be required to meet with University personnel in the Office of Student Life and face potential conduct sanctions. Should the Emotional Support Animal be removed from the premises for any reason, the owner is expected to fulfill their housing obligations for the remainder of the housing contract.