



Hardin-Simmons University Emotional Support Animal Handbook

Policy Title-Emotional Support Animal Handbook

Policy subject- Animals in HSU Residence Life

Area of Care-Residence Life, Student Life, Disability Services

1) Policy Applications:

The Hardin-Simmons ESA Policy is compliant with the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) and applies to students with Emotional Support Animals in HSU residence life. The FHA requires housing facilities to allow an emotional support animal for a person with a disability to have an equal opportunity to use and enjoy the residence. To fall under this provision, the owner must have a disability and must have a disability-related need for the animal. The animal must work, perform tasks or services, or alleviate the emotional effects of owner's disability to qualify.

2) Policy Statement and Purpose:

Hardin-Simmons University is committed to providing residents with disabilities complete access and equal opportunity in the residence halls and other living spaces. This document serves as a manual that will be used by staff as a primary reference for all policies and procedures for providing a service for the students. While every possible situation is not laid out, this document provides the necessary guidelines for staff to make the best possible decision that will benefit the student, animal, and the university. Hardin-Simmons University reserves the right to amend the ESA Policy and Procedures at any time and is responsible for contacting the student of major policy changes.

3) Definitions:

- A. Pet- A domestic animal that is kept for companionship and enjoyment. Students are not allowed to keep pets other than a fish in a small, 5 gallon tank.
- B. Emotional Support Animal (ESA)- As defined by the Fair Housing Act, an emotional support animal may provide physical assistance, emotional support, calming, stability and other kinds of support. This is not a pet, instead it is a tool used to support a student with mental or psychological disabilities. However, an ESA is only allowed in the student's assigned residential space and not allowed in classes or other buildings or public spaces including on-campus events. Having a mental health disability does not automatically qualify a student for an ESA accommodation. The student must prove that the animal provides emotional support or other assistance that ameliorates one or more symptoms or effects of a mental health disability.
- C. Service Animal- As defined by the Americans with Disabilities Act (ADA) A support animal is trained to perform a specific task or tasks to benefit an individual with a disability. This animal is not a pet and unlike an ESA is allowed to accompany the student to all locations.



4) **Procedure for Requesting an Emotional Support Animal:**

The application for an ESA must be started at least 60 days before the animal is brought on campus. Failure to make the request in the stated time will result in the accommodation being delayed or put on hold until the following long semester. The 60-day requirement is in place to allow staff time to evaluate the request, notify relevant residences life staff and roommates, and if necessary, arrange alternative housing for a student with animal allergies in a timely manner. **If a student brings an animal on campus that has not been approved and finalized through the correct and stated procedures the student will be fined \$500 per the student handbook as a prohibited pet violation.**

A. **Request for Accommodation.**

Any student making a request for an accommodation for the first time must set up an Intake interview with Disability Services. The student will be asked to complete the Application for Disability Services and submit the requested medical documentation.

- i) The documentation requirements must contain the form and letter from the student's current, qualified diagnostic and treatment professional including a licenses psychologist, psychiatrist, or another professional with expertise in mental health care and diagnosis. At this time a Hardin-Simmons counselor will not be an accepted as a provider unless pre-approved by the Director of Disabilities Services. ESA certifications purchased online will not be taken into consideration.
- ii) The student must maintain an ongoing relationship with the mental health care provider and proof will be required at the beginning of every semester.
- iii) Eligibility for an ESA is good for one year and students must reapply once that year has ended.
- iv) An ESA accommodation is for one animal. If the student believes they need two animals, they must submit documentation proving that each animal performs a separate service. The sizes of both animals will be taken into consideration as housing would not be able to accommodate two large animals. More than two animals will not be considered as a reasonable request.
- v) Hardin Simmons University may take the following into consideration in determining whether the requested ESA is a reasonable request that can be accommodated in University housing:
 - (1) The size of the animal. If an animal is too large for the assigned living space.
 - (2) The size of the animal's containment (cage or crate) is too large for the living space.
 - (3) The animal is not a common household pet.
 - (4) The animal is not domesticated.
 - (5) The animal is too young to be fully vaccinated, house broken, or able to maintain a calm, nondestructive temperament. ESA's are required to be at least 1 year old in order to live on campus.
 - (6) The animal's presence violates other's right to peace and quiet.
 - (7) The animal poses a direct threat to others or university property.



B. Emotional Support Animal Housing Registration.

Once the accommodation application has been submitted the student must contact the Director of Residence Life (DRL) to receive the Emotional Animal Registration. Once submitted the DRL will set up a meeting with the student to sign an acknowledgment of the Rules and Regulations.

C. Approval Finalization.

If deemed eligible for an ESA through Disability Services, the Director of Residence Life will set up a finalization interview with the student's assigned Resident Director and the Director of Residence Life. Once that interview has taken place the DRL will contact the student via email with an approval confirmation and set up a date for the animal to come on campus.

5) Required Documents

- A. Disability Services- Registration for Disability Support Services
- B. Disability Services- Documentation to be completed by a mental health care provider, Clinician Verification Form.
- C. Residence Life- ESA Animal Registration Form
- D. Residence Life- Up-to-date veterinarian records certifying the animal has received all necessary vaccinations. (Records must be updated annually.)
- E. Proof of microchipping or a City of Abilene Pet License.
- F. Verification that the animal has been spayed or neutered.
- G. A picture of the animal.
- H. Contact information for someone that can pick up or transport the animal in case of an emergency with the owner. This cannot be another student on campus.
- I. Acknowledgement Form and Care and Agreement Plan.

6) Owner's Responsibilities

If a student is granted an ESA, he or she is fully responsible for the care and well-being of the animal and is responsible for meeting the following requirements. Failure to meet these requirements will result in removal of the ESA.

- A. General Responsibilities
 - i) The owner is responsible for following all rules and regulations in the Student Handbook as well as the Residence Life Handbook including noise levels and cleanliness. The ESA cannot violate the 24-hour courtesy quiet hours or cause the owner to fail health and safety checks due to open food containers, overflowing trash including an unclean litter box, or overwhelming smells. The owner will be given a verbal warning and given an appropriate amount of time to clean the area or fix the animals unwanted behavior. If the problem is not resolved the ESA will be removed.
 - ii) The owner is required to dispose of the ESA's waste correctly and in a timely manner. Soiled litter must be deposited in a trash bag and taken to an outdoor dumpster. Waste on the floor of the room must be cleaned and disinfected immediately and waste on the ground outside must be picked and disposed of in the proper receptacles. The owner's living space may be inspected for cleanliness as well as fleas, ticks and other pests as deemed necessary



by the Resident Director or Resident Assistant. If pests are found the owner will be billed for the cost of any treatment above the standard pest management provided by campus facilities.

- iii) The owner will be charged for any damage done by the ESA. This includes but is not limited to scratches to any surface, wall damage, breaking or damaging items in common spaces including the lobby or hallway, causing stains on school furniture, and breaking or chew marks on window blinds or mattresses. The student will be charged a fee according to the repair costs.
- iv) The owner is required to always ensure the safety of the ESA. Any evidence of mistreatment or abuse will result in immediate dismissal of the ESA and the owner will be reported to Animal Control.
- v) ESA's may not be left alone overnight or in the care of another student on campus. If the owner is absent overnight, they must take the ESA with them or board the animal.
- vi) The owner is responsible for properly containing the ESA in a crate or cage when they are not present in the residence throughout the day. This is to ensure the safety of the animal and the staff if access is needed to the room when the owner cannot be present due to classes or other activities.
- vii) Except to allow the animal to go outside for natural relief, an ESA is restricted to the owner's assigned living space. The ESA is not allowed in other students' rooms, in the residence hall's common spaces, or in any other building on campus. The only exception to this rule will be for the University Place Apartments. All residents of the apartment must sign a roommate agreement allowing or denying the animal access to the shared living spaces.
- viii) ESA's must always be under the control of the owner when outside and no animal will be permitted to be loose or at large on campus. Animals found to not be on a leash will be caught and detained by staff and steps to remove the ESA may be taken.
- ix) HSU staff will not take responsibility for a student's ESA. This includes making sure the animal is fed, watered, and walked appropriately.
- x) The owner is responsible for the behavior and actions of the animal and is required to have a plan in place to re-home the ESA if the animal is proven to be aggressive or dangerous by the residence life staff. Lunging, excessive barking, baring teeth, swiping to scratch, hissing, or biting will all be taken as aggressive behavior and will not be permitted.
- xi) The owner is responsible for informing Residence Life of circumstance changes pertaining to their ESA. If the student no longer needs the ESA or will no longer be living on campus, they must notify Residence Life and Disability Services. If the student wants to change which animal is used as an ESA, they must inform Residence Life with advanced notice and fill out the required registration documents for the new animal.

7) Removal of the ESA, Other Actions.

Removal will not be the only solution for an ESA. Disciplinary actions or other appropriate actions may take place such as allowing time for the animal to acclimate to new surroundings, or a reasonable amount of time allowed for the owner to change their own behavior or the behavior of the animal. However, the University may require the removal of an ESA if:



- i) The student fails to comply with all the rules and policies of Hardin-Simmons University that apply to having an animal on campus.
- ii) The animal poses a direct threat to the health and safety of others including staff or a threat to the facility or property of others.
- iii) The animal continues to create an unmanageable disturbance for the residence hall.
- iv) The owner fails to keep up with the animal's paperwork or update Disability Services when requested.
- v) The animal is proven to be carrying a zoonotic or communicable disease.
- vi) If inhumane treatment of the animal is reported and confirmed.

If such removal is necessary, the owner will be given 24 hours' notice to remove the animal voluntarily. After that time the university reserves the right to remove the animal to an animal shelter. Should the ESA be removed the student is expected to fulfill the housing obligations for the remainder of the semester and may reapply for an ESA for the next long semester.

8) Additional Information

A. Emergency Situations.

University personnel may not be held responsible for the care, damage, or loss of the animal during an emergency and the owner is responsible for alternate boarding if the university housing loses power or has another emergency that requires an alternative living situation. The ESA will not be allowed to stay with another student on campus.

B. Release of Information.

Hardin-Simmons University reserves the right to disclose the presence of an ESA to others impacted by the presence of an animal as an accommodation. This may include the Resident Directors, Resident Assistants, current or future roommates, suitemates, and others living on the same hall as the animal. This disclosure is shared in order to resolve any potential issues associated with the presence of an ESA.

C. Annual Renewal Process.

Students with an approved ESA are required to renew their approval yearly and are responsible for responding to any communications sent by the Director of Disability Services or the Director of Residence Life. Failure to comply with the renewal process or to communicate with either director will result in removal of the animal and the student's eligibility put on hold.