UNIVERSITY OF NEW ENGLAND

INNOVATION FOR A HEALTHIER PLANET

STUDENT ACCESS CENTER

Emotional Support Animal Policies & Guidelines for University Housing

The University of New England ("UNE" or "University") recognizes the importance of "Service Animals" as defined by the Americans with Disabilities Act (ADA) and the broader category of "Emotional Support Animals" under the Fair Housing Act (FHA) that provide physical and/or emotional support to individuals with disabilities. UNE is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the University's programs and activities. UNE is also committed to allowing Emotional Support Animals where necessary for individuals with disabilities to fully participate in the University housing program. This Policy explains the specific requirements applicable to an individual's use of an Emotional Support Animal in University housing and applies solely to "Emotional Support Animals" which may be necessary in University housing. It does not apply to "service animals" as defined by the ADA. Rules for service animals in University housing can be found in the Service Animal Policy. UNE reserves the right to amend this Policy as circumstances require.

Although it is the policy of UNE that individuals are generally prohibited from having animals of any type in University housing, UNE will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Emotional Support Animal that is necessary because of a disability and reasonable. 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.

Part I: Definitions

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

Emotional Support Animal (ESA): Sometimes referred to an "assistance animal" or "therapy animal", ESA is a term that the United States Department of Housing and Urban Development (HUD) uses to cover a category of animals that may work, provide assistance, or perform

physical tasks for an individual with a disability and/or 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, but which are not considered Service Animals under the ADA and UNE's Service Animal Policy. Some ESAs are professionally trained, but in other cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification.

UNE follows HUD guidance to consider ESAs as animals commonly kept in the household (a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes). Reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals

Typically, the presence of only one ESA will be approved per student.

If the individual with a disability establishes necessity for an ESA and it is allowed in University housing, an ESA 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.).

Pet: A "Pet" is an animal kept for ordinary use and companionship. A pet is not considered an ESA. A pet is not covered by these guidelines. Please refer to the Student Handbook for the Office of Housing and Residential/Commuter Life ("Office of Housing") policy on pets.

Part II: UNE Guidelines on ESAs in Residential Housing

UNE will consider an emotional support animal to live with its Owner in residential facilities when certain conditions are met. The animal must be necessary for the resident with a disability to have equal access to housing and the accommodation must also be reasonable. The procedure for requesting ESAs follows the general procedures set forth in the Reasonable Accommodation Policy for University Housing ("Reasonable Accommodation Policy") and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Reasonable Accommodation Policy, this Policy shall control.

A. Requesting an ESA with the Student Access Center

The process for requesting an accommodation of an ESA starts with the student making an inquiry with the Student Access Center. During this initial meeting, the policy and guidelines are reviewed, overview of the documentation process is provided, individual feedback about the timeframe to review the request, as well as the opportunity for students to ask questions.

The student then has the option to take the next step with his or her request by following the steps below:

1. The student completes and submits the Request for ESA form (available from Student Access Center) which includes a student letter that should detail the need for the animal, the type of animal, a description of the animal, the animal's name, whether the animal is housebroken, the date[s] of the medical examinations and prescriptions for the animal, and the date when the animal was acquired.

2. The student presents a letter to Student Access Center from a psychologist, mental health counselor, nurse practitioner, or licensed social worker "who have personal knowledge of the student, consistent with the professional obligations" establishing that the animal provides therapeutic benefit and has been determined necessary to mitigate the effects of a mental disability. The documentation must include the following:
    a. The nature of the disability and how it substantially impacts a major life activity
    b. Evidence that the animal is necessary to afford an equal opportunity to use and enjoy the residence hall
    c. The relationship between the disability and the assistance or relief the animal provides

3. Once Student Access receives the request form and letter, the review process will begin.

4. If more information is necessary by a reliable third party, student may be asked to have his or her provider to fill out our Verification Form and have that returned to Student Access.
    a. If the third party returns the Verification Form without sufficient information for Student Access Center to determine whether an accommodation is necessary, the Coordinator and/or Director of Student Access Center will inform the individual in writing of the verification's insufficiency and may request additional information, including speaking directly with the individual supplying the third-party verification, within seven (7) business days of receiving the verification.
    b. The individual making the request for accommodation must cooperate with the Student Access Center in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

5. If approved, Student Access will set up a time for the student to review guidelines and sign the ESA contract.

Part III. Criteria for Determining If Presence of the ESA 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 ESAs is not an undue administrative burden or fundamental alteration of University housing, UNE reserves the right to assign an individual with an ESA to a single room without a roommate.

B. The Student Access Center may consult with Residence Life in making a determination on a case-by-case basis of whether the presence of an ESA is reasonable.

C. A request for an ESA 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;
3. poses a direct threat to the health and safety of others such as aggressive behavior or potential transmission of zoonotic diseases; or would cause substantial property damage to the property of others, including University property; and/or
4. the animal substantially interferes with the reasonable enjoyment of the housing by others.

D. UNE 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 ESAs:

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 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 individual or others such as aggressive behavior towards or injuring the individual or others;

7. The animal causes or has caused excessive damage to housing beyond reasonable

wear and tear.

UNE will not limit room assignments for individuals with ESAs to any particular building or buildings because the individual needs an ESA because of a disability.

Part IV. Access to University Facilities by ESAs

A. ESAs

An ESA 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. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESAs 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 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 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.

Part V. Owner's Responsibilities for ESA

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

A. General Responsibilities

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 Owner's responsibility to know and understand these ordinances, laws, and regulations. Animals must be spayed or neutered at the appropriate age. 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 UNE. The Owner should abide by the following guidelines:

    a. Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
    b. Properly dispose of waste and/or litter in appropriate containers.
    c. When the animal resides in a tank, crate or cage, the proper and adequate cleanliness of the tank, crate or cage must be maintained at all times. The cleaning of the cage/crate will not allow the use of housing or University facilities. The University reserves the right to inspect the proposed crate/tank enclosure at any time.
    d. The animal, and any associated animal bedding, will not be bathed or laundered using residence hall facilities.
    e. It is the Owner's responsibility to remove cat or other small animal litter to an assigned outside trash receptacle. Indoor communal trashcans in the residence halls will not be used for collecting litter.

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 immediate removal of the ESA and/or discipline for the responsible individual.

4. UNE will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.

5. An individual with a disability may be charged for any damage caused by his or her ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The University strongly recommends that the Owner have appropriate liability insurance in the event of an animal bite, scratch, etc. Upon the Owner vacating the residence hall or removal of the animal, the condition of the room/suite shall be assessed for necessary cleaning and if there is damage that exceeds normal wear and tear, the Owner will be charged.

    a. The Owner's 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.

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. The animal must respond to voice or hand commands at all times, and be in full control of the Owner. To the extent possible, the animal should be unobtrusive to other individuals in the living environment.

8. ESAs 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.

9. For the safety and public health of all residents, visitors and UNE staff, all ESAs must be contained in their Owner's shared dormitory suite and not in common areas outside of the owner's assigned suite. All ESAs must also be crated or caged in their Owner's dorm room whenever the Owner is not present in the room.

10. The Owner will provide an emergency contact to both the Office of Housing and Student Access Center. The Owner identifies this individual as someone local who can care for the animal in case of emergency. Without this information, the University will board the animal at the Owner's expense.

11. 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.

12. 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 Access Center in writing if the ESA is no longer needed or is no longer in residence. To replace an ESA, the new animal must be necessary because of the Owner's disability and the Owner must

follow the procedures in this Policy and the Reasonable Accommodation Policy when requesting a different animal.

13. UNE personnel shall not be required to provide care or food for any ESA 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. The Owner takes responsibility for actions and behaviors that may result in injury to the animal (e.g., an animal with fear of thunder or separation anxiety that jumps through a window). In the unlikely event of a catastrophic situation (e.g., fire or natural disaster), the University will not be held liable for death or injury of the animal.

14. The individual must provide written consent for Student Access Center to disclose information regarding the request for and presence of the ESA 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.

Part VI. Housing Selection and Placement

If the accommodation of an ESA is approved, the Office of Housing will be notified and they will in turn, notify the roommate or suitemates where the individual resides. Such information will be limited and will not include specific disability related information. Other residents with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) will be asked to provide medical documentation identifying their condition. The University will resolve any conflict in a timely manner. Any conflicts could result in a change in room assignment.

The University can offer a variety of housing options to a student with an approved ESA if the request is made prior to the housing selection process, which occurs three times per year:

- Spring (annual housing selection for the following academic year for returning students, including current freshmen, sophomores, and juniors): Requests should be made prior to spring break (**mid-March**).
- Summer (for new incoming students): Requests should be made by **July 14**.

- Fall (for students admitted for the upcoming Spring semester): Requests should be made by **November 15**.

A student with an approved ESA has the choice of a single or double room. If the student chooses to reside in a double room and/or within a suite, a written notice from the roommate and/or suitemates must be received by the Office of Housing within ten (10) business days of the room assignment, stating acceptance of the animal. The housing assignment will not be processed without receipt of written acceptance within ten business days.

However, if the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, UNE cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy.

If the need for the accommodation arises when an individual already resides in University housing, they should contact Student Access Center and complete the Request Form as soon as practicably possible. UNE cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

Part VII. Notification of ESAs in Residential Housing

The University will notify the appropriate Resident Advisors, Area Coordinators, as well as UNE's Office of Safety and Security, and Facilities Management, and Facilities staff where the approved animal will be located to address any health and safety concerns. The student making the request understands that the residents of their floor may be made aware or generally informed of the existence of an animal on the floor and should be provided an opportunity to raise any health or safety concerns about exposure to the animal.

Other students may have allergic reactions to animals that are substantial enough to qualify as disabilities. UNE will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Students requesting allergy accommodations should contact Student Access Center.

Part VIII. Removal of ESAs

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

1. Out of Control Animal/Repeated Nuisance Behaviors: An Owner may be directed to remove an animal that is out of control and the Owner does not take effective action

to control it. If the improper animal behavior happens repeatedly, the Owner may be asked to remove the animal from campus until the Owner can demonstrate that they have taken significant steps to mitigate the behavior. In residential housing, Owners are expected to keep noise levels in accordance with the Residential Education and Housing Policy.

2. ESA is found in an unauthorized building.

3. Non-housebroken Animal: An Owner may be directed to remove an animal that is not housebroken.

4. Direct Threat: An Owner may be directed to remove an animal that UNE determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories or mechanical or industrial areas.

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. In the situation where an offense occurs, the following chain of incident reports will be filed:

- A first offense will result in a warning from an Area Coordinator (when applicable to residential housing) or other campus representative (when applicable to public areas).
- A second offense will result in a meeting with Student Access Center staff to review the service dog or ESA guidelines and expectations.
- A third offense will result in removal of the animal from campus.

Once the decision to remove the animal has been made, the Owner has 48 – 72 hours to make appropriate arrangements. If the animal is not removed after that time period, it will be boarded at a local shelter at the Owner's expense. Should the ESA be removed from the premises for any reason, the Owner is expected to fulfill their housing obligations for the remainder of the housing contract.

Any removal of the animal will be done in consultation with the Student Access Center Director/Coordinator and may be appealed to the University Provost.