Emotional Support Animal in Campus Housing

Administration of Student Life, Diversity, & Inclusive Excellence
Subject Area: Emotional Support Animal in Campus Housing

Organizational Area: Student Affairs
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Corresponding BOT Policies: None

Section 1: General Information

- This APL applies to a student’s use of an Emotional Support Animal (ESA) in campus housing.
- With the exception of Service Animals, UMS (University of Maine System) housing policies prohibit animals of any type in campus housing; however, an individual with a mental health disability may request an ESA through the UMS Student Accessibility/Disability Office on their campus as a reasonable accommodation.
- The Accessibility/Disability Office on each UMS campus is responsible for implementing this APL in collaboration with Residential Life.
- A student requests to have an ESA by completing the Student Accommodation Request Form and providing documentation from a licensed healthcare provider who has personal knowledge of the student’s disability and need for an assistance animal in campus housing. See Documentation section below.
- Once a student submits both the Student Accommodation Request form and documentation from their healthcare provider, the student should contact the Accessibility/Disability Office and request an appointment to discuss the request.
- An ESA is not allowed in University housing prior to the student receiving final approval as a reasonable accommodation pursuant to this APL.
- An approved ESA accommodation will be effective for a 9 or 12-month housing contract. Students can renew their accommodation for an ESA for the next academic year by letting the Accessibility/Disability Office know they want their ESA on campus again and by providing current vet records as needed. UMS reserves the right to request updated healthcare provider documentation for the student as part of this annual review.
Section 2: Definitions

Emotional Support Animal (ESA):
An ESA is an animal that provides therapeutic emotional support, well-being, or companionship which alleviates or mitigates symptoms of a student’s disability. The presence of the ESA provides a student with a disability the equal opportunity to live in campus housing. An ESA is recommended or part of a student’s treatment plan or known to mitigate the symptoms of a disability as confirmed by a licensed healthcare provider. An ESA is not a service dog or a pet. An ESA is not a pet which is defined as a privately owned animal, vertebrate or invertebrate, kept for ordinary use and/or companionship. An ESA is also not classified as a Service Animal. ESAs are only allowed in a student's assigned campus housing. An ESA can be any common household animal as defined by the HUD guidelines (2020). The animal must demonstrate a good temperament and reliable, predictable behavior. Generally, the presence of only one ESA will be approved for a student in order to fulfill the intent of the Fair Housing Act requirements in providing support to the student with a mental health disability.

Common Household Pet:
If the animal is 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, then the reasonable accommodation should be granted because the requestor has provided information confirming that there is a disability-related need for the animal. For purposes of this assessment, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals. If the individual is requesting a unique type of animal not commonly kept in households as described above, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal. Such determination will be made at the sole discretion of Disability/Accessibility Services.

Service Animal:
A Service Animal is an animal (dog or miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability. These tasks may include but are not limited to: guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sound, pulling a wheelchair, carrying and/or retrieving dropped items, etc. Other species of animals, trained or untrained, are not Service Animals.

ESA Documentation:
The student must provide a reliable form of documentation from a student's licensed healthcare provider who has personal knowledge of the individual and confirms a student’s mental health disability and need for an assistance animal. A relationship or connection between the disability and the need for the assistance animal must be provided although a diagnosis is not required to be shared. The student’s licensed healthcare provider must submit the completed ESA
Documentation form, which can be found under “Student Accommodations” on the [UMS Office of Equal Opportunity website](#), or documentation that provides similar information.

**Important Note:** There are websites that sell certificates, registrations, and licensing documents for assistance animals to anyone who answers certain questions or participates in a short interview and pays a fee. According to the US Department of Housing and Urban Development (HUD), documentation from internet animal registration sites is not, by itself, sufficient to reliably establish that an individual has a non-observable disability and disability related need for an emotional support animal. By contrast, many legitimate, licensed health care professionals deliver services remotely, including over the internet. One reliable form of documentation is a note from a person’s health care professional that confirms a person’s disability and/or need for an animal when the provider has personal knowledge of the individual.

Section 3: The ESA Request Process: The Roles and Responsibilities of the Student and the Disability/Accessibility Services Office

The length of this process varies based on a number of factors. Students should allow at least four weeks in advance of the date they are requesting to bring an animal to campus.

The role and responsibilities of the student during the process requesting an ESA:

- Read the ESA in Campus Housing APL and Procedure Document.
- Request to have the ESA by completing the [Student Accommodation Request Form](#) (or a supplemental accommodation request if the student already has some approved accommodations). If the student needs assistance in completing the written form, the student must contact the Disability/Accessibility Services Office to initiate the process.
- Provide a reliable form of documentation from a licensed healthcare provider who has personal knowledge of the student’s disability and need for an assistance animal in campus housing. See ESA Documentation section above and recommended [ESA Documentation Form](#).
- Schedule an appointment with the Disability/Accessibility Services Office to discuss the request.
- Provide a letter or vet records indicating that the ESA is spayed or neutered, current on all vaccination, is in good health, and is not a public health risk.

The role and responsibilities of the student if the requested animal is approved, and prior to moving the animal on campus, the student will need to:

- Complete the Responsibility Agreement
- Provide an off-campus emergency contact person. The emergency contact person cannot be another on-campus resident and could take responsibility for the animal if the student is not able to care for the animal.
- Provide updated vet records showing the animal’s current vaccinations on an annual basis/when vaccinations expire. Failure to comply will result in the ESA needing to be removed from campus.
The role and responsibilities of Accessibility/Disability Services:

- Determine if the student is eligible to have an ESA on campus by reviewing the student's ESA request and disability/mental health documentation and by meeting with the student to gather more information about the request and how having an ESA will lessen barriers for them to live on campus.
- To determine if the specific animal is approved as an ESA, the student may be asked additional questions (including but not limited to):
  - Ask student about their ESA
  - Determine if the animal is a common household pet
  - Is the ESA housetrained?
  - Is the ESA spayed or neutered?
  - Does the size of the animal require a specific room type?
  - Has the animal displayed any signs of aggression, bite history, or have other behavioral concerns?
  - Has the student submitted vet records showing current vaccinations?
- If approved, the Accessibility/Disability Services Office will notify roommates (or potential roommates) or suite mates of the presence of an ESA in their room/suite/apartment. Such information will be limited and will not include specific disability related information.
- Notify the student and Residential Life of final approval.
- Discuss renewal process and responsibility to provide current vaccination records when they expire.

The Accessibility/Disability Services Office may consult with Residential Life or Counseling Services in making a determination on whether the requested ESA is a reasonable accommodation. The university may consider factors, including but not limited to the list below, in determining whether the presence of an animal is reasonable or when making housing assignments for individuals with ESAs:

- The size of the animal is too large for available assigned housing space.
- 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.
- The animal is not housetrained.
- The animal's vaccinations are not current or spay/neutered.
- The animal is not shown to be in good health from a vet.
- The animal requires live food for survival.
- The animal requires a heating source that could be a fire hazard.
- The animal is not a common household animal and whether the student has met the burden of demonstrating the therapeutic need for the specific animal.

We recommend that dogs and cats generally be over 1 year of age. ESAs must be housebroken. Animals must be in compliance with applicable state laws and local ordinances.
The University reserves the right to assign an individual with an emotional support animal to a single room without a roommate, pending space availability.

Roommates with documented medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) or who are otherwise unable to reside with the ESA can request an accommodation and will be asked to provide medical documentation of their condition and inability to live with an animal. The Accessibility/Disability Services Office and Residential Life will resolve any conflict in a timely manner. Any conflicts could result in a change in room assignment.

Section 4: Appeal Process

Students who feel that they have been unfairly denied a reasonable accommodation should contact the Office of Equal Opportunity at 207-581-1226 or 711 (Maine Relay) or equal.opportunity@maine.edu.

Notification of need or new animal: The Owner must notify student disability and accessibility services staff if the animal 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 of this APL and request approval for a new emotional support animal.

Section 5: Emotional Support Animal in University Housing

Liability: All civil and/or criminal liability for the actions of the animal (bites, scratches, running away, etc.) is the responsibility of the student. The University strongly recommends that the student have appropriate liability insurance in the event of an animal bite, scratch, etc.

Property Damage: The student is solely responsible for any property damage caused by their animals. During a Health and Safety Inspection or upon the student vacating the residence hall, the condition of the room/apartment shall be assessed for necessary cleaning. If there is damage that exceeds normal wear and tear or cleaning beyond what is typically done when students move out, the student will be charged.

If necessary, the student’s living accommodations may be inspected for fleas, ticks or other pests. If detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The student will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls.

Emergency Evacuation: University personnel will 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 may not be held responsible for the care, damage to, or loss of the animal.
1. Care, Control, Clean up, and Grooming Requirements

The student is responsible for feeding, maintaining, licensing (if applicable), providing veterinary care, and controlling his/her animal at all times. The student shall not permit the animal to make excessive noise (e.g. barking, whining, etc.). The student must be in total control and restraint of the animal at all times. Animals must be properly secured in a carrier or on a leash at all times when outside the residence hall room. Dogs outside of the student’s assigned residence should always be on a leash no longer than 6 feet.

The ESA must only be in the student’s assigned residence (e.g., room, suite, apartment) except to the extent that the Owner is taking the animal out for natural relief.

The student must IMMEDIATELY clean up any mess that the animal leaves in public places (i.e. hallways, grassy areas) or in their assigned room.

Waste should be immediately disposed of by securing it in a plastic bag and placing it in an outside trash receptacle/dumpster or other designated receptacle. Litter should never be disposed of in University bathroom facilities regardless of whether the litter product is advertised as “flushable.”

The animal may not be bathed, or its cage/crate or bedding cleaned, using housing facilities (e.g. communal bathrooms, common areas).

The animal must be properly cared for (i.e. exercised, let out for free time, nourished properly) and must not be a nuisance to those who live around the area.

The student is responsible for ensuring that the ESA is contained as appropriate, when the Owner is not present during the day while attending classes or other activities. Dogs should not be left unattended for over 5 consecutive hours. The University reserves the right to inspect the enclosure to be used in containing the animal.

The ESA may not be left overnight in University housing to be cared for by another student. If the student will be away from their residence overnight or longer, the student must take their ESA with them or make arrangements for the ESA to stay off campus with a caretaker. If a student fails to remove the animal when taking a vacation or extended leave, the University reserves the right to remove and board the animal, at the Owner’s expense, until the Owner is able to return to the residence hall.

2. Non-compliance

Students who are not in compliance with this agreement may lose the privilege of having an ESA on campus. Complaints about control of an animal, noise, care, smell, or behavior of the ESA will be investigated by Residential Life staff and will be discussed with the student. If the investigation finds that the student is not in compliance with this agreement, the student must
provide Residential Life and the Student Accessibility/Disability Services Office with a plan to resolve concerns about the impact on a roommate or residential community. Repeated concerns or the inability to reach a reasonable resolution will result in the student needing to remove the ESA within 72 hours*. In addition, the student may be referred to the Office of Community Standards through the conduct process.

* The University will require the student to immediately remove the animal from campus housing if the animal has posed a direct threat to the health or safety of others or has caused significant property damage to the property of others or University Property. The University will base such determinations upon the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause.

Removal of the animal will be done in consultation between the Office of Residential Life, Office of Community Standards, and the Student Accessibility/Disability Services Office.

If the student fails to remove the animal in a timely fashion, the University will contact the local animal control officer if an animal needs to be removed.

Decisions about removing an animal from campus may be appealed to the Office of Campus Diversity and Equity at 207-581-1226 or 711 (Maine Relay) or equal.opportunity@maine.edu.

**Section 6: Acknowledgement and Release of Information Consent Form**

The Acknowledgement and Release of Information Consent Form will be shared with students who have been approved on Accommodate. It must be signed and submitted prior to bringing any emotional support animal (ESA) into campus housing.

**Section 7: Revisions to this APL**

1. This APL provides guidelines for Emotional Support Animals in Campus Housing across the University of Maine System. Future modifications may be considered based on recommendations from the appropriate student service areas (typically, Accessibility/Disability Services, Residence Life, and Student Affairs) and supported by advice from the General Counsel to the UMS, the Vice Chancellor for Academic and Student Affairs, and the Chief Student Affairs Council. The final authority for approving such modifications sits with the Vice Chancellor of Academic and Student Affairs. Notification of changes to this APL should be distributed to all affected units, including those named earlier in this section.

2. The Vice Chancellor of Academic and Student Affairs will determine if revisions to this APL are substantive or non-substantive. Substantive changes are required to follow the
APL creation and revision process outlined above. Non-substantive changes to this APL do not require any review beyond the responsible official. Non-substantive changes are minor changes that do not affect the overall purpose and instructions outlined by the document. Non-substantive changes may take many forms, including, but not limited to: grammar or spelling corrections, inclusive language, technical revisions, updated names and contacts of pertinent offices or departments, or reorganized APL sections.

Section 8: Contacts

For questions regarding this APL, please contact the office of the Vice Chancellor of Academic and Student Affairs.

Section 9: Resources

For more information regarding this APL, please consult https://www.maine.edu/equal-opportunity/disability (External site).