

## **Rules and Responsibilities of Emotional Support Animal (ESA) Owners**

The University of the South is committed to providing access to its programs and services, and, as such, permits qualified students with disabilities to have an Emotional Support Animal (hereafter referred to as an ESA) as a reasonable accommodation in University housing. An ESA will be permitted to live in a student's residence provided it complies with the University's policies regarding such animals.

The University reserves the right to revoke the permission granted for the campus presence of any ESA whose owner fails to follow the requirements outlined in this policy. State and federal laws have no specific provisions for people to be accompanied by ESAs in places of public accommodation that have a no-pet policy. Requests that do not clearly articulate the diagnosed disability and the connection between that disability and the need for the assistance animal will be denied.

The scope of this policy is limited to Emotional Support Animals, though Service Animals, therapy animals, and the respective University policies for both are referenced in this document.

### **Definitions**

**Emotional Support Animal:** Emotional Support Animals (ESAs) are animals that provide emotional support and alleviate one or more identified symptoms or effects of an individual's existing disability. To be considered an accommodation, an ESA must be required by an individual with a disability, in their residence, for the individual to have an equal opportunity to use and enjoy their residence/dwelling. Animals whose sole function is to provide comfort or emotional support are Emotional Support Animals, not Service Animals. Animals that are dangerous, poisonous, or illegal animals or any animal that poses a direct threat to the health and/or safety of the campus community will not be permitted as ESAs.

**Service Animal:** A Service Animal is a dog or miniature horse that has been individually trained to provide a specific service to an individual with a disability. Service Animals include, but are not limited to: guide dogs for the blind, hearing dogs for the deaf/hard of hearing, and Service Animals for individuals with physical disabilities and seizure disorders. Service Animals are not considered "pets" and are explicitly permitted under state and federal civil rights laws. The University will require documentation for a service animal consistent with the Americans with Disabilities Act.

**Therapy Animal:** A Therapy Animal is an animal owned by a therapist and selected to play an integral part of a person's treatment process. A Therapy Animal is prescribed to an individual with a disability by a healthcare or mental health professional. A Therapy Animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times. Therapy Animals are not allowed in University housing.

**Pet:** A pet is an animal kept for pleasure and companionship. A pet is not considered an ESA, Service Animal, or Therapy Animal. Individuals are not permitted to keep pets on University property or bring pets into University buildings without authorization.

**Owner:** Under this policy, an owner is a resident student who has an approved ESA in University housing.

**University Housing:** Any facility owned or operated by the University for the purposes of housing residential students, whether leased or owned.

## **Emotional Support Animal Approval Process**

A student seeking to keep an ESA in University housing must make a formal request through Student Accessibility Services (SAS). To make a formal request, the student must submit an [Intake Form](#) and attach:

- [Emotional Support Animal Documentation Form](#) from a qualified professional (treating psychiatrist, psychologist, or other mental health professional) which must include a statement identifying a diagnosed medical or psychological disability and the reason (for what functional limitation) the ESA is required.
- Copies of vaccination and health records for the animal
- Roommate agreement
- Photo of the animal
- Emergency Contact information and emergency response plan

Students should have an ongoing and established relationship with the provider who is making the request for an ESA. There must be an identifiable and clearly established relationship between the individual's disability and the support the animal provides. While students may submit additional documentation, the additional documentation is not a substitute for the [Emotional Support Animal Documentation Form](#).

*Please note that documentation from ESA registries and "meet with our therapist once to get your ESA letter" will not be accepted. **Students should be careful when using services such as these, as personal information may not be secure.***

Once all documentation has been received, the student requesting will be invited into a meeting with the Director of SAS to review their request. The Director of SAS will gather all required information and present it to the ESA Review Committee during their next gathering. The committee will consider all relevant city, state, and local ordinances, as well as Breed, size, weight, and risk associated with the animal when approving or denying an ESA request. Students will be notified of the decision by email.

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 disease; 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.

The University may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable:

1. The size of the animal is too large for the available assigned housing space;
2. The animal's presence would force another individual from individual housing ( e.g., severe allergies)
3. The animal's presence otherwise violates individuals' right to peace and 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.

Once notified of approval, the student owner must meet with SAS to review and sign this policy and to submit any outstanding documentation. Copies of the animal's documents will be kept on file with SAS. Failure or refusal to sign this policy will be presumed as an indication that the student does not intend to abide by the policy and will result in revocation of the approval.

SAS will notify the Office of Residential Life when a student is granted approval to bring an ESA into University housing. The approval process is not complete until SAS notifies Residential Life; animals brought to campus prior to this point are subject to the University's pet policy and Code of Conduct, including accountability procedures.

**Any approval under this policy is valid for one academic year and valid for one specific animal.** Students may not substitute an unapproved animal without written approval from SAS.

## **Appeals**

The requesting student may appeal a denial of a request for an ESA within five (5) business days of notification to the Dean of Students (or their designee). The student must appeal the denial in writing to [dstudent@sewanee.edu](mailto:dstudent@sewanee.edu). The decision of the Dean of Students is final.

## **Accommodation Renewal**

Students must notify SAS of their desire to continue utilizing this accommodation for each subsequent year when the housing and placement process begins for the upcoming academic year. A new policy agreement must be signed and updated documentation in regards to treatment and therapeutic use of an ESA must be provided.

## **Notifications**

ESAs are required to be house-trained and should have a basic level of obedience training. Additionally, animals that prove to be destructive to University or student property will not be permitted. Size and age restrictions may also apply.

During the housing application process, the Office of Residential Life will inform students that they may encounter approved ESAs in the residence halls. Resident students with medical condition(s) who may be affected by an approved ESA are asked to inform the Office of Residential Life if they have a health or safety-related concern about exposure to an approved ESA.

All roommates or suitemates of the Owner must complete the Roommate Acknowledgement form to confirm that they agree to live in a residence with an approved ESA. In the event that one or more roommates/suitemates do not approve, or have a health or safety-related concern regarding exposure to the approved ESA, general University policies regarding roommate or suitemate disagreements will be followed to enable either the Owner and the approved ESA or the non-approving roommate(s) or suitemate(s) to be moved to a different location. Written acknowledgment from a parent is required for roommates or suitemates under age 18.

Facilities Management, who may need to complete cleaning or other work orders, will be notified in which residence hall rooms ESAs are housed during the academic year.

Please be mindful of the environment of a residential hall and the best fit of an ESA for that specific space.

## **Removal of an ESA**

Failure to follow the Rules and Regulations for an Emotional Support Animal may result in the removal of a student's approved ESA.

Low-level ESA violations will be reviewed through a three-strike process.

- Strike one will result in the student receiving a written warning.
- Strike two will consist of a notice to the student that they must meet with a SAS staff member to make a plan for moving forward.
- Strike three will result in the temporary removal of the ESA from campus.

The ESA and violations will then be reviewed by SAS and a committee of staff from the Offices of SAS, Residential Life, Facilities Management, and Dean of Students to determine if the animal should be allowed to return to campus. Should the animal not be allowed to return the student may request an alternative animal to be approved to serve the role of their ESA. Students who obtain a violation can have one violation forgiven for each following semester where no violations occur.

High-level violations, such as an ESA injuring another person or animal or behaving in a threatening manner, will result in the immediate removal of the ESA. Students will not be able to bring the removed animal back to campus; however, they may request an alternative animal to be approved to serve the role of their ESA if the student satisfactorily establishes that the new animal does not pose a risk of harm to others.

On occasion when the health and safety of students or the animal itself is of concern, SAS may review the accommodation of a student who has been approved for an ESA. If it is determined that the student with the ESA accommodations has been neglectful of their animal and/or the Rules and Regulations of an ESA, then SAS may rescind the accommodation for an ESA.

### **Rules and Responsibilities of ESA Owner**

Once Student Accessibility Services (SAS) has approved the ESA, the ESA Owner must abide by the following rules and responsibilities. Failure to abide by the ESA rules and responsibilities may lead to sanctions, including removal of the ESA from University housing.

- 1.. The University requires that the Owner have appropriate liability insurance in the event of an animal bite, scratch, etc.
2. Upon the Owner vacating the residence hall or removal of the animal, the condition of the room shall be assessed for necessary cleaning. If there is damage that exceeds normal wear and tear, the Owner will be charged.
3. The ESA Owner agrees to abide by all other University policies. An exception to the animal policy made under this ESA Policy does not constitute an exception to any other University policy.
4. ESAs do not automatically grant or make the owner eligible for any other Housing Accommodations. This includes single rooms, rooms with air conditioning, or rooms located on central campus.
5. The ESA will remain in the ESA Owner's University assigned room and is not permitted in other students' rooms, the common areas of the residential facilities (shared bathrooms, living rooms, hallways, kitchens), or other areas of the University such as classrooms, academic buildings, administrative buildings, library, dining hall, fitness center, pool, etc.
6. The ESA Owner must be in full control of the animal at all times (i.e., via a leash, harness, crate, etc). ESAs are not allowed to be walked or removed from a resident's room without the ESA owner in accompaniment.
7. It is the responsibility of the ESA Owner to ensure that their approved ESA does not interfere with the quality of life of other residents on campus. This includes noise violations (e.g. barking or other disruptive noise).

8. The ESA owner is solely responsible for their animal's well-being, care, and cleaning, including but not limited to: regular feeding, bathing, grooming, daily care, and veterinary services.
9. The ESA may not be left unattended overnight in the residential facilities to be cared for by another student. ESAs must be taken with the owner or moved off campus if the owner leaves campus overnight or for a prolonged period.
10. When ESAs are left unattended in a student's room, they are required to be contained in a crate, carrier, or kennel. This containment will allow Sewanee officials to routinely access the residential facilities for maintenance or other routine tasks without posing risk to the animal or employees. Proper containment of an ESA additionally ensures quick action from emergency responders when evacuation is required.
11. Dogs as ESAs must be "housebroken" and cats as ESAs must be litter box trained. Other smaller animals (i.e. gerbils, rabbits, guinea pigs, etc.) must be caged and may not be left to roam freely in the student's room.
12. ESAs must be taken out of the building by way of the shortest and most direct path and must be maintained under standard restraints such as a carrier and/or collar/leash when outdoors, in public areas, or in transit. ESAs must be confined to the residence when not in transit.
13. Fecal matter deposited on University grounds or within the facilities needs to be removed immediately and disposed of properly. Any other animal waste inside the residential building must immediately be removed and the area cleaned by the Owner. The Owner is to arrange for immediate removal of fecal matter or other animal waste if unable to perform the task personally. It is the Owner's responsibility to remove cat or other small animal litter to an assigned outside trash receptacle.
14. All ESAs will be provided with a University identification tag that the ESA owner must pick up from the Office of Student Accessibility Services after receiving approval for the ESA. The ESA should wear the tag at all times or have it attached to their kennel or cage for small animals (i.e. gerbils, rabbits, guinea pigs, etc.) unless receiving exception status from SAS for practicality issues.
15. The Owner will provide an emergency contact along with their completed ESA forms. 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.
17. ID tags must be returned to SAS before the student leaves campus each semester or if for any reason the ESA will no longer be on campus. A new ID tag will be issued each year that the ESA is approved to return.
18. The Owner must comply with all applicable laws regarding the keeping of an animal and is responsible for making sure the ESA does not disrupt the residential community. ESAs must be

current at all times on Tennessee state-required vaccinations. All applicable ESAs must be spayed or neutered.

19. The ESA Owner's residence may be inspected for fleas, ticks, pests, and/or damage to the residential facilities once per semester or as needed. The Office of Residential Life will schedule the inspection and notify the resident in advance of the scheduled inspection. If fleas, ticks, or other pests are detected through inspection, the residence hall will be treated using approved fumigation methods by a University-approved pest control service. **The ESA Owner will be billed for the expense of any necessary pest control treatment.**

20. The University may remove or require the removal of any ESA that poses a threat to the health or safety of others on campus, disrupts the educational environment of the University and/or residential community, or if the Owner does not comply with the ESA Owner's Rules and Responsibilities for Emotional Support Animals.

21. The Owner will be financially responsible for expenses incurred above a standard cleaning or for repairs to the residential premises, including losses, liability, claims, and harm to others caused by the ESA.

22. The Owner will hold the University blameless in the event the ESA goes missing. University staff is not responsible for the retrieval of the ESA in the event that the animal escapes or becomes lost.

23. The Owner must notify Student Accessibility Services in writing if the ESA is no longer needed or is no longer in the residential facilities. To replace a previously approved ESA, the owner must submit new, completed registration and other related forms to Student Accessibility Services.

24. The University 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 the 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.