



Emotional Support Animal Policy

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General Description

Policy Summary:

The policy covers the standard process by which a student requests the presence of an emotional support animal on-campus.

Purpose:

In accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the Fair Housing Act, Trinity University is dedicated to ensuring that students with disabilities have equal access to Trinity's residence halls and all of the programs and services offered within them, including the right for students to seek the accompaniment of an emotional support animal while residing on-campus.

Scope:

This policy covers students who have a valid housing contract with Residential Life.

Policy Content

Introduction

Emotional Support Animals (ESA), typically a prescribed part of therapy for emotional and psychological disabilities serving to alleviate symptoms of the disability, provide a measure of support and comfort to individuals with qualifying disabilities through companionship, relieving loneliness, and reducing symptoms of psychiatric disabilities and mental impairments, such as depression, anxiety, and certain phobias.

Emotional Support Animals may be permitted on the campus of Trinity University on a case by case basis. Before bringing an emotional support animal to campus, the requesting individual must apply to Student Accessibility Services and submit the appropriate supporting documentation. A student who is living in on-campus housing must make a formal request to Student Accessibility Services for this accommodation.

Differences from Service Animal

ESAs are not considered service animals under the Americans with Disabilities Act. ESAs differ from service animals in that they do not have special training to perform specific tasks that assist people with disabilities.

Unlike a service animal that has access to public places where pets are not typically allowed, an ESA has limited access to places of public accommodation. Under the federal Fair Housing Act, an ESA is viewed as a reasonable accommodation in a housing unit that has a no pet policy for its residents. Therefore, ESAs are allowed in residence halls but are restricted to a student's room and can only leave for nature breaks. ESAs are not allowed in classrooms, campus buildings, common rooms or areas in the residence halls, or campus events. ESAs must be under the control of their owner at all times, cannot be left alone overnight, and cannot be cared for by another student.

Overview of Request Process

The review process may take up to or more than sixty (60) days. Students should submit their request to the Student Accessibility Services at least sixty (60) days prior to the date the student would like to bring the animal into on-campus housing, preferably at the start of the semester. The timeframe will allow for Residence Life in collaboration with Student Accessibility Services, to make the appropriate accommodations for the requesting student. While applications submitted at any time will be accepted and considered, there is no guarantee that Trinity will be able to meet applicants' accommodation request once a semester has started, including any needs that develop during the semester.

Student Accessibility Services Review

1. First, the student interested in receiving approval for an Emotional Support Animal to reside with them must submit the appropriate [application](#) and [documentation](#). For more information on documentation requirements, please see [Documentation Guidelines](#).
2. Student Accessibility Services will review the student's application and documentation and, if it is determined that a qualifying disability exists for which an Emotional Support Animal is necessary, approval will be given for the student to have an Emotional Support Animal. **Student Accessibility Services reserves the right to request additional information and/or documentation if the criteria for approval are not reasonably met.**
3. Once Student Accessibility Services has provisionally approved the reasonable modification of an Emotional Support Animal, the student will submit a completed Emotional Support Animal Agreement and completed vaccination records (if applicable) to Student Accessibility Services prior to proceeding to the next step.

Residential Life Consultation

4. The second approval involves the specific animal selected by the student. The specific logistics of care and housing of the animal will be discussed and available spaces on campus will be considered. These guidelines will be carefully reviewed with the student at a meeting convened with Residential Life staff to ensure that the student can abide by all sections of the Trinity University Emotional Support Animal Policy and Procedures.
5. Only after the student has signed the appropriate documents, the approved animal may then reside on-campus.

Criteria for Determining if Presence of an ESA is Reasonable

Trinity University **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 an Emotional Support Animal:

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; or
7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

In the case any of these factors are present, Trinity University will explore all other reasonable accommodations prior to a denial of the opportunity for an Emotional Support Animal to reside on-campus with the student.

Responsibilities of Animal Owners in University Housing

- The Owner is responsible for assuring that the Approved Animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there.
- The Owner is financially responsible for the actions of the Approved Animal including bodily injury or property damage. The Owner's responsibility covers but is not limited to the replacement of furniture, carpet, window, wall covering, and the like. The Owner is expected to cover these costs at the time of repair and/or move-out.
- The Owner is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to University premises that are assessed after the student

and animal vacate the residence. The University shall have the right to bill the student account of the Owner for unmet obligations.

- The Owner must notify Student Accessibility Services in writing if the approved animal is no longer needed as an Approved Animal, or is no longer in the residence. To replace an animal, the Owner must make a new request for the new animal's approval.
- The Owner's residence may be inspected for fleas, ticks, or other pests once a semester or as needed. The applicable housing staff for the residence hall will schedule the inspection. 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.
- Emotional Support Animals may not be left overnight in Student Housing to be cared for by another student. Animals must be taken with the student if they leave campus overnight or for a prolonged period. The owner 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.
- The owner must provide written consent for Student Accessibility Services to disclose information regarding the request for and presence of the Emotional Support Animal to these individuals who may be impacted by the presence of the animal including, but not limited to, Residential Life personnel, Trinity University Police, Trinity University facilities services personnel, and potential and/or actual roommate(s)/suite(s)/hall mates. Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.
- Residential Life has the ability to re-locate Owner and Approved Animal as necessary according to current housing agreements.
- The Owner agrees to abide by all other residential policies. Reasonable accommodation which may constitute an exception to the Student Handbook (which otherwise would prohibit having an animal) does not constitute an exception to any other parts of the Student Handbook.
- Any violation of the rules may result in immediate removal of the animal from the University and may be reviewed through a review with Residence Life and Student Accessibility Services. The animal will need to be removed from the University within 48 hours of notice by a Residential Life staff member. The owner will be afforded all rights of due process and appeal as outlined in that process. Should the Approved Animal be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

Conflicting Needs and Health Concerns

If an Emotional Support Animal request is granted, Student Accessibility Services and Residence Life will make a reasonable effort to notify certain members of the campus community living or working in close proximity to the animal. This notice will be limited only to information regarding

the presence in the building as an accommodation to a student with a disability. There will be no disclosure of the student's disability or the specific reason the animal is required. The number of people provided notice of the animal will depend on the type of animal and on the type of housing the student is living in each academic year.

Individuals (roommates/suitemates) who have medical issues and are adversely affected by animals (e.g. respiratory diseases, asthma, severe allergies) are asked to contact Residence Life if they are concerned about exposure to an Emotional Support Animal. The student may be required to provide verifiable medical documentation to support such a claim. Reasonable accommodation may be made to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.

Student Accessibility Services and the Residential Life Office will collaborate, as needed, to help resolve any conflicts related to an Emotional Support Animal. All staff members will consider the needs and/or the appropriate accommodations of all residents involved.

All roommates and/or suitemates of the Owner must sign an agreement acknowledging that the Emotional Support Animal will be living in the residence with them. If one or more roommates or suitemates do not approve of the Emotional Support Animal, then either the owner of the Emotional Support Animal or the non-approving roommates(s) or suitemate(s), may be moved to another location, as determined by Residential Life. The determination of which student moves will be made on a case by case basis and will depend on the reason(s) for the request and the availability of other housing.

Presence of an Approved Animal

The following are expectations and clarifications on maintaining the presence of an approved animal on-campus.

Care and Supervision

Care and supervision of the animal are the responsibility of the individual who benefits from the Approved Animal's use, the Owner. The Owner is required to maintain control of the animal at all times. The Owner is responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated by the University. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash containers. Litter boxes should be placed on mats so that waste is not tracked onto carpet surfaces.

Animal Health and Well-Being

The Owner is responsible for maintaining the health and well-being of the approved animal, which may include but isn't limited to the following:

- a. **Vaccination:** In accordance with local ordinances and regulations, the animal must be immunized against diseases common to that type of animal. Current proof of rabies vaccination must be on file with Student Accessibility Services.
- b. **Health:** The animal must be in good health. Animals to be housed in Student Housing must have an annual clean bill of health from a licensed veterinarian. The University has the authority to direct that the animal receives veterinary attention. Animals (where appropriate) must be spayed or neutered prior to being brought to campus. Trinity University reserves the right to request documentation of the applicable procedure.
- c. **Leash:** If appropriate, the animal must be on a leash, unless the leash would inhibit the animal's ability to be of service.
- d. **Other Conditions:** Student Accessibility Services or Residence Life may place other reasonable conditions or restrictions on the animal depending on the nature and characteristics of the animal.

Destructive Behavior

Owners of Approved Animals are solely responsible for any damage to persons or University property caused by their animals. Again, Trinity University is not responsible for loss, damage to, or death of the animal. As noted above, the Approved Animal is an extension of the Owner and the Owner is responsible for the care and control of the animal at all times. If approval is given during the semester, Residence Life will conduct a room condition inspection just before the animal moves into the space.

Spaces of presence for ESAs

Because emotional support animals are not service animals, they are only permitted within residence housing. Unless there are other approved accommodations, the animal may not accompany the student to class, library, dining services areas, fitness center, events, athletic facilities, etc. Approved Animals are subject to University's existing policy for animals visiting campus when they are outside.

Removal of Animal

The owner of an emotional support animal may be asked to remove the animal from University facilities. If the owner or animal fails to comply with these Guidelines. The following describes behaviors which may result in the removal of the animal:

- a. **Disruptive Behavior:** An animal may be removed if its behavior is unruly or disruptive (e.g. barking, jumping on people, growling, running around, and exhibiting aggressive behavior). If such behavior persists, the owner may be prohibited from bringing the

animal on campus until the owner takes significant and effective remedial steps to mitigate the animal's behavioral problems.

- b. **Uncleanliness:** Animals are required to be housebroken. Owners must also ensure that waste is disposed of appropriately and that odor does not become problematic in their assigned housing. Owners must also ensure that their animals are kept clean and well-groomed. Animals that are excessively unclean (e.g. repeated soiling of facilities, flea-infested, foul-smelling and/or shedding excessively) may be excluded from University residence halls. Owners who repeatedly do not properly dispose of waste and ensure cleanliness of their assigned housing may have this approval revoked.

Approval Duration

Unless otherwise indicated, the approval of the presence of an Approved Animal on-campus lasts for the duration of the Owner's status as a student with a valid housing contract with Residential Life. Additional supporting documents and recertification of health and vaccinations may be required within reason.

Performance Evaluation

Consequences of Policy Violation:

Violations of this policy may result in the removal of the Owner's animal from campus and/or any other remedies as outlined in the [Residential Life Main Campus & City Vista Animals Policy](#).

Terms & Definitions

Terms and Definitions:

| Term: | Definition: |
|--------------------------|--|
| Emotional Support Animal | <p>Emotional Support Animals, commonly referred to as ESAs, are a category of animals that 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 Americans with Disabilities Act Amendments Act of 2008 (ADAAA) and Trinity University's Service Animal Policy. Emotional Support Animals are not trained to assist an individual with a disability in the Activities of Daily Living and are, therefore, NOT considered Service Animals under the criteria established by the ADA and do not qualify for the same legal protection.</p> <p>In most cases, ESAs provide the necessary support to individuals with disabilities without any formal training or certification. Dogs and cats are commonly used as ESAs, but any reasonable animal may serve a person with a disability as an ESA.</p> |

| Term: | Definition: |
|-------------------------|---|
| Reasonable Modification | A reasonable modification means changing policies, practices, and procedures, as needed, to provide goods, services, facilities, privileges, advantages, or accommodations to an individual with a disability. |
| Pet | A pet is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an Emotional Support Animal. It is not covered by these Guidelines. Residents are not permitted to keep pets on university property or in university housing. |
| Approved Animal | An approved animal is a specific Emotional Support Animal that has been granted as a reasonable accommodation under these guidelines. |
| Owner | The owner is the student who has requested the accommodation and has received approval to bring the approved animal on campus. Owners are responsible for the care and control of their approved animal at all times. The animal is considered an extension of the owner (i.e. noise violations, damages, etc. are handled using existing housing policies as if the owner had caused the noise or damage). |

Attachments

[ESA Agreement \(signed by the student prior to approval\)](#)

Related Documents

Related Documents:

| Document Type: | Document Name: | Document Number: |
|----------------|--|------------------|
| Policy | Residential Life Main Campus & City Vista Animals Policy | RESL-0009 |

Related Content:

For more information, guidance and resources related to emotional support animals, please see [HUD's Assistance Animal Guide](#).

Revision Management

Revision History Log:

| Revision #: | Date: | Recorded By: |
|-------------|--------------------|-----------------|
| v3.0 | 5/18/2022 8:01 AM | Holly Warfel |
| v2.0 | 10/8/2021 10:28 AM | Spencer Scruggs |
| v1.0 | 10/21/2020 3:56 PM | Spencer Scruggs |

Vice President Approval:

| Name: | Title: |
|---------------|-------------------------------------|
| Megan Mustain | Vice President for Academic Affairs |