



# MIAMI UNIVERSITY

OXFORD, OH • EST. 1809

## Procedures for Admitting Emotional Support Animals to Residence Halls

### I. DEFINITIONS

#### ESA EMOTIONAL SUPPORT ANIMAL

“Emotional Support Animals or ESAs” are a category of animals that may 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\* . Some ESAs are professionally trained, but in other cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA.

#### OWNER

The “Owner” is the individual who has requested the accommodation and has received approval to bring an ESA into University Housing.

### II. ESA REQUESTS

Miami University does not permit pets in the residence halls. Miami provides reasonable accommodations to Owners who have a documented disability. An ESA may be permitted to reside with their owner in the Owner’s on-campus residence if:

1. An ESA is prescribed by a healthcare or mental health professional to an individual with a disability, and is an integral part of the person’s treatment plan. However, Miami will not permit an ESA in the residence halls that poses a threat to the health or safety of others; would cause substantial physical damage to University property or to property of others; or results in a fundamental alteration of the University’s residence life program.
2. The Owner has provided adequate documentation of disability to Owner Disability Services. Miami University has the right to request additional clarification or documentation of disability.
3. The Owner has completed the ESA registration and veterinary care forms and provided the campus address at which he/she and the ESA plan to reside for the current academic year. These documents can be provided by the accommodation coordinator.

If an ESA is approved:

1. The Owner will receive a letter from SDS indicating such approval but not containing any information regarding diagnosis or other Owner information.
2. The letter will be additionally sent to the RA and RD of the residence hall of the owner.
3. The letter will also be sent to the Directors of HOME, ORL and HDRBS.

The University encourages Owners and their treatment providers to explore all other suitable reasonable accommodations other than having an ESA reside with the owner in a residence hall. When there is a compelling reason to permit the use of an ESA, the University encourages Owners to use ESAs that are fish or other animals that can reasonably be caged or otherwise contained. In the case of a larger animal, **please consider the needs of the animal in relation to the size of the living space.**

Each request will be reviewed on an individual basis. An ESA will be approved only in those instances in which the owner clearly demonstrates the ESA is necessary to provide the Owner with an equal opportunity to use and enjoy the residence hall, and there is an identifiable relationship or nexus between the documented disability and the support the animal provides.

In no case will ESAs be permitted in the University housing without the prior written authorization from the University. ESAs are only allowed within an owner's residence hall room/ individual bedroom in suite or apartment housing and if on leash or crated, the common area of the owner's home floor. **ESAs are not permitted in study areas of University housing, other floors within the owner's home residence hall, dining halls or in academic or administrative buildings.**

In all cases, the owner of the ESA is fully responsible for the animal's behavior. The removal of any animal, as well as any necessary cleaning, repairs and/or pest control will be done at the expense of the owner who may also be subject to Owner disciplinary action. Owners are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of an ESA are the sole responsibility of the owner at all times. The University strongly recommends that owners consult with their insurance carrier regarding potential liability and insurance to cover such risks.

### **III. ESA STANDARDS**

1. All required ESA immunizations must be up to date and on-file with the University.
2. All required animal licenses must be up-to-date and on file with the University.
3. A completed ESA registration form must be on file with the University.
4. Collars and identification tags for dogs/cats must be worn at all times.
5. ESAs are only permitted in the owner's residence hall room or individual bedroom in suite or apartment housing or if on leash or crated into common areas of the home residence hall. **ESAs may not be taken into study areas, other living**

**areas including restrooms, other residence halls, University apartments, dining halls, classroom spaces or any other University building.**

6. The ESA must be on a leash or in a cage /container at all times when outside the owner's room. An ESA must never be allowed to roam freely or be left outside the owner's room.
7. The ESA should respond to voice or hand commands at all times, and be in full control of the owner. Owners are strongly encouraged to have **an established relationship with the ESA for at least six (6) months prior to bringing the ESA to campus.**
8. The owner must provide written consent for the accommodation coordinator 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.
9. To the extent possible, the ESA should be unobtrusive to other individuals and the learning, living, and working environment.
10. The owner must ensure that the ESA does not:
  1. Sniff people, or the personal belongings of others.
  2. Climb or rest on University furniture.
  3. Display any behaviors or noises that are disruptive to others
  4. Block an aisle or passageway for fire egress.
11. The ESA must not disrupt others (e.g., barking continuously, growling, yowling, howling, crying, etc.). ESAs, which constitute a threat (perceived or otherwise) or nuisance to staff, residents, or property, as determined by the University, must be removed from campus within seven (7) days of notification. If the University determines that the ESA poses an immediate threat, animal control may be summoned to remove the ESA. If the owner can address the behavior of the ESA and can change the behavior of the ESA so that the ESA does not have to be removed, then the owner must submit a written action plan to the University. The action plan must outline the steps that will be taken to alleviate the problem(s) and must also state a deadline for curing the behavior. Any action plan must meet the approval of the Director of Residence Life.
12. An ESA must not be involved in any incident in which a person experiences the threat of or an actual injury as a result of the ESA behavior. All liability for the actions of the ESA (bites, scratches, damages etc.) is the sole responsibility of the owner. The owner is expected to take all reasonable steps to protect the University community and University property and the property of others.
13. The owner must notify the ORL if the ESA escapes or is unable to be located within 8 hours.
14. The University reserves the right to reassign the owner and the ESA to a different living space if the University determines the owner's living space is not suitable for housing an ESA (e.g. insufficient space based on size/weight of ESA).
15. It is recommended the ESA wear some type of commonly recognized identification symbol, identifying the animal as an ESA, but not disclosing the disability.

16. 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 University 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 when requesting a different animal.

#### IV. ESA CARE STANDARDS

1. ESAs require daily food and attention, as well as daily assessment of their general health, behavior and overall welfare. Owners are responsible for attending to the ESA's daily needs. ESAs should also undergo routine maintenance including tick and flea prevention, de-worming and annual examinations.
2. ESAs cannot be left unattended overnight at any time. If the owner must be away, the owner must either take the ESA with them or arrange for it to be cared for outside of the University's residence hall system. If the animal is on campus, the Owner must be in close proximity at all times.
3. Miami University 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.
4. ESAs must be housebroken and the owner is responsible for properly disposing of the ESA's waste. Cleaning up after the ESA is the sole responsibility of the owner. In the event that the owner is not physically able to clean up after the animal, it is then the responsibility of the owner to hire someone capable of cleaning up after the animal. The person cleaning up after the animal must abide by the following guidelines:
  - Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
  - Properly dispose of waste and/or litter in dumpsters and exterior trash receptacles. **No ESA waste of any kind may be disposed of in any interior trash receptacles, sinks, toilets or drains.**
  - Contact residence life staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the owner.
5. ESA accidents within the room must be promptly cleaned up using appropriate cleaning materials. Regular and routine cleaning of floors, kennels, cages and litter boxes is required. The odor of an ESA emanating from the owner's room is not acceptable.
6. Any flea infestation must be attended to promptly by a professional extermination company. The University's Physical Facilities Department will schedule the extermination, which will be at the owner's expense. Owners are required to promptly notify the Hall/apartment Director and Physical Facilities Department (513-529-7070) to arrange for extermination when a flea problem is noted. Owners are urged to take precautionary measures such as: flea medications prescribed by

veterinarians, flea and tick collars, and/or taking your animal to the veterinarian for flea and tick baths.

7. When the owner moves out of his/her room or is no longer housing the ESA, the room will be assessed to determine all damages, including those that can be attributed to the ESA. The University reserves the right to conduct room inspections for the purpose of assessing damage caused by the ESA or otherwise determine the owner's compliance with these procedures.
8. The owner has an obligation to make sure that the living space is as clean as or cleaner than the original standard. If the living space has carpet, this also includes regular vacuuming and spot cleaning. Damages and extraordinary cleaning because of the ESA are the responsibility of the resident. Replacement or repair of damaged items will be the financial responsibility of the owner.

Failure to clean up after an ESA accident or to properly dispose of waste as required by these Procedures will result in a cleaning of fee of \$150.00 per incident.

#### **V. REMOVAL OF AN EMOTIONAL SUPPORT ANIMAL**

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

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others.
2. The animal's presence results in a fundamental alteration of a University program;
3. The owner does not comply with the ESA Standards or ESA Care Standards;
4. The animal or its presence creates an unmanageable disturbance or interference with the University Community.

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. Any removal of the animal will be done in consultation with the Accommodation Coordinator and may be appealed to the Miami University's ADA/Section 504 Compliance Officer. The owner will be afforded all rights of due process and appeal as outlined in that process.

Should the ESA 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 unless other arrangements are approved through SDS or HR and the H.O.M.E. office.

#### **VI. CONFLICTING DISABILITIES**

Some people may have allergic reactions to animals that may qualify as disabilities. Miami will consider the needs of all persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Owners requesting allergy accommodations should contact Student Disability Services, while employees should contact HR.

## **VII. APPEAL PROCESS**

Any owner who wishes to challenge a decision reached in the accommodation process such as the disability determination, appropriateness of an accommodation, service/assistance quality or an ESA restriction should first contact their coordinator. If the matter is not resolved, an appeal may be submitted to the University's Office of Equity and Equal Opportunity (OEEO) at 513-529-7157, by e-mail at: [oeeo@MiamiOH.edu](mailto:oeeo@MiamiOH.edu), in-person or by mail. OEEO is located in Hanna House, 219 E. Spring Street, Oxford, Ohio 45056.

\*Service Animal refers to "any dog (or in some cases miniature horse) that is individually, professionally trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."