Policy title	Category
Emotional Support Animal Policy and Procedures	Facilities Public Safety/Risk Management Residential Education Student Life Traditional Undergraduate
Owner Residential Education	**Approved by** Administrative Council

Purpose of this policy

Defining policies and procedures offering residential students with mental health disabilities that necessitate Emotional Support Animals (ESAs) an equal opportunity to use and enjoy University Housing.

Application of this policy

This policy applies to NWU students in residential housing who require ESAs. In order to determine whether an ESA will be allowed in University Housing, we will assess whether or not the ESA is necessary, because of the individual's significant mental health disability, to afford that individual an equal opportunity to use and enjoy University Housing, and whether the ESA's presence in University Housing is reasonable.

Policy statement

Emotional Support Animals

Nebraska Wesleyan University (NWU) is committed to allowing Emotional Support Animals (ESAs) necessary to provide students with significant mental health disabilities an equal opportunity to use and enjoy University Housing. This policy explains the specific requirements applicable for use of an ESA in University Housing. NWU reserves the right to amend this policy, as circumstances require. This policy applies solely to ESAs which may be necessary in University Housing. It does not apply to service animals as defined by the ADA.

It is the policy of NWU that individuals are generally prohibited from having animals of any type in University Housing. Services for Students with Disabilities will consider a request by a student with a significant mental health disability to allow an ESA as a reasonable accommodation. **No ESA may be kept in University Housing at any time prior to the student receiving approval pursuant to this policy.** Individuals found with unauthorized animals in University Housing will be subject to disciplinary sanctions.

NWU will not ask for or require a student to pay a deposit or surcharge for an approved ESA.

Definition

Emotional Support Animals are a category of animals that provide necessary emotional support to an individual with a significant mental health disability and that alleviates one or more identified symptoms of an individual's disability, but which are not considered service animals under the ADA, as amended, and NWU's Service Animal Policy. In most cases, ESAs provide the necessary support without any formal training or certification. Dogs are commonly used as ESAs, but other animals may serve a person with a significant mental health disability as an ESA.

In order to determine whether an ESA will be allowed in University Housing, we will assess whether or not the ESA is necessary, because of the individual's significant mental health disability, to afford that individual an equal opportunity to use and enjoy University Housing, and whether the ESA's presence in University Housing is reasonable (See "Criteria for Determining if Presence of the ESA is Reasonable" below for further explanation). However, even if the individual with a significant mental health disability establishes necessity for an ESA and it is allowed in University Housing, that ESA is not permitted in other University facilities (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.). The need for a student to have an animal that is not a service animal in other areas of the University must be established under the rules governing requests for accommodation under Section 504 and/or the ADA through the Office of Services for Students with Disabilities.

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 an ESA is not an undue administrative burden or fundamental alteration of University Housing, NWU reserves the right to assign an individual with an ESA to a single room without a roommate. Additionally, if roommates/suitemates have objections to sharing their living quarters with the ESA, alternative living arrangements may be necessary. Such decisions will be made on a case-by-case basis.

B. Residential Education will consult with Services for Students with Disabilities in making a determination on a case-by-case basis of whether the presence of an ESA is reasonable. 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; and/or (4) would cause substantial property damage to the property of others, including University property. A request for an ESA may also be denied if the documentation provided by the individual is insufficient or unacceptable (e.g., letters purchased online, letters provided by a person other than the student's treating mental health professional, letters that do not establish a significant mental health disability, letters that do not establish a nexus between the significant mental health disability and the beneficial presence of the ESA).

C. NWU 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, including, but not limited to:

1. The space available is insufficient to house the animal and the necessary cage/crate to hold the animal, and therefore is not safe and healthy for the animal;

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 does not meet city, county, and/or state ordinances;

6. The animal poses or has posed in the past a direct threat to the safety or health of an individual or others such as aggressive behavior towards or injuring an individual or others; or potential transmission of zoonotic diseases exist that cannot be effectively mediated;

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

8. The University believes that University Housing is not an appropriate setting to raise a young puppy/kitten. Generally, dogs must be at least 10 months of age and cats six months of age, be spayed or neutered, before being allowed to live in-residence.

D. Generally, **only one ESA** is allowed per residential unit and one ESA will be approved for a student, to fulfill the intent of the FHA requirement.

General Use Guidelines

A. Living Space

An ESA must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, or 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.

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.

C. Owner's Responsibilities

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:

1. The Owner must abide by current city, county, and state ordinances, laws, and 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. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate.

2. The Owner is responsible for cleaning up the animal's waste and fluids and disposing of such in outside trash containers only. Waste disposal via NWU plumbing is prohibited. The Owner should always carry equipment sufficient to clean up and properly dispose of the animal's waste and fluids. Owners who are not physically able to pick up and dispose of the animal's waste and fluids are responsible for making all necessary arrangements for assistance. The University is not responsible for these services. Indoor animal waste, such as cat litter, must be placed in a sturdy, plastic bag and securely tied up before being disposed of in an outside trash receptacle. Litter boxes should be placed on mats so that the waste is not tracked onto carpeted surfaces. Additionally, the animal is not to be bathed or its cage/crate, or bedding cleaned using University Housing or University facilities.

3. The Owner is required to ensure the animal is well cared for always. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and/or discipline for the responsible individual.

4. The Owner may be charged for any damage caused by the ESA beyond reasonable wear and tear to the same extent it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks or other pests as necessary. 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, and the Owner may be required to remove the ESA from University Housing. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in University Housing. The University shall have the right to bill the Owner's account for unmet obligations under this provision. In addition, the Owner may also be required to document that the ESA has received appropriate treatment for pests to prevent recurrence before the ESA can return to University Housing.

5. The Owner must fully cooperate with University personnel with regard to meeting the terms of this policy and procedures related to the care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of waste/fluids, etc.).

6. 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 overnight or longer, the animal must accompany the Owner or other off campus arrangements must be made. The Owner is

responsible for ensuring the ESA is contained (caged or crated), as appropriate, when the Owner is not present while attending classes or other activities. The University reserves the right to inspect the enclosure used in containing the animal.

7. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.

8. The animal is allowed in University Housing only if it is necessary because of the Owner's approved accommodation. The Owner must notify the Residential Education Office if the ESA is no longer needed or is no longer in residence.

9. To replace an approved ESA, a new Emotional Support Animal Agreement Form must be completed.

10. NWU 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.

11. The Owner must provide the name and contact information for someone who does not reside in University Housing and who can take responsibility for the animal within 6 hours should the Owner be unable or unavailable to care for it.
12. The individual acknowledges information may be shared to those individuals who may be impacted by the presence of the animal including, but not limited to, Residential Education 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. ???????
13. The Owner is responsible for instructing others on appropriate interactions with the animal and setting clear expectations.

Exclusions

NWU may require the Owner to remove the animal from University Housing in the timeframe determined by University Personnel 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 Owner's responsibilities set forth above; or

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 Services for Students with Disabilities.

The student may appeal any decision concerning the animal made by the Residential Education Office to the Vice President for Student Life. The appeal will be considered only based on written materials, information, and/or documentation only. The appeal must be based upon one or more of the following criteria:

- Procedural error(s) made in the consideration of the decision
- New information unavailable at the time of the decision
- The decision was clearly erroneous based on the written record

Upon receipt of the appeal, the Vice President for Student Life (or their designee) will review all relevant information and provide a written response within five (5) business days, either granting the appeal and modifying the initial decision, or denying the appeal and maintaining the initial decision. The Vice President's decision shall be final.

Should the ESA be removed from the premises for any reason, the Owner is expected to fulfill all housing obligations for the remainder of the housing contract.

If it is determined that the animal must be removed from University Housing and the student fails to comply with the stated timeframe, the University may have the animal removed to the nearest, appropriate animal shelter, at the Owner's expense. Additionally, failure to comply with the order for removal may result in disciplinary action.

Procedures for Requesting ESAs in University Housing

A student with a significant mental health disability who wishes to request an emotional support animal in University Housing must contact the Coordinator of Services for Students with Disabilities (contact information below) at least 60 days in advance of the semester for which an ESA is requested so that appropriate arrangements regarding accommodation determination, placement, roommates, etc. can be made. NWU's Services for Students with Disabilities may reevaluate the need for one's ESA as necessary. Emotional Support Animals are subject to the Residential Education's Service Animal and Emotional Support Animal Agreement Form.

Mandatory Registration of Emotional Support Animals While on Campus For those individuals who live in University Housing and have been approved to have an ESA live with them, registration of the animal is required with the University's Residential Education Office. Registration is not available for visitors to campus.

Documentation Criteria

Documentation of a significant mental health disability and the associated need for an ESA should come from a licensed mental health provider with whom an established provider-patient relationship exists and who knows and understands the difficulties and can explain how the presence of the animal may help to alleviate one's symptomology. The Office of Services for Students with Disabilities will provide a documentation form that must be completed by the student's licensed medical health provider.

The University is concerned about the growing number of questionable website services that offer to “certify” an ESA or to create an ESA letter for a set price, based on nothing more than, for example, answers to an online survey. There is no formal recognized certification of ESAs and such letters will rarely provide the information necessary to support a request for accommodation; such letters are not viewed by the University as a reliable source of information.

If you have any questions, please contact:

Michael Cruce, Ph.D.
Director of Student Accessibility Services
Cochrane-Woods Library, Office 120A
mcruce [at] nebrwesleyan.edu (mcruce[at]nebrwesleyan[dot]edu)
(402) 465-2149

Exemptions from this policy

An ESA must be contained within the Owner’s privately assigned individual living accommodations (e.g., room, suite, or 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 permitted in other University facilities (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.).

Compliance with this policy

Documentation of a significant mental health disability and the associated need for an ESA should come from a licensed mental health provider with whom an established provider-patient relationship exists and who knows and understands the difficulties and can explain how the presence of the animal may help to alleviate one’s symptomology. The Office of Services for Students with Disabilities will provide a documentation form that must be completed by the student’s licensed medical health provider.

Last revised date
July 20, 2023