

Amended by: Chancellor Student Affairs

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Dr. Corey King, Chancellor

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UW-Green Bay Emotional Support Animal Policy (University Housing) OP-42-16-1

Introduction

The University of Wisconsin - Green Bay ("UW-Green Bay" or "university") recognizes the importance for "Emotional Support Animals" under the Fair Housing Act that provide emotional support that alleviates one or more identified symptoms or effects of an individual's disability. UW-Green Bay is committed to allowing Emotional Support Animals (ESA) necessary to provide individuals with disabilities as equal opportunity to use and enjoy University housing. This Policy explains the specific requirements applicable to an individual's use of an Emotional Support Animal in University housing. UW-Green Bay reserves the right to amend this Policy as circumstances require. This policy applies solely to "Emotional Support Animals" which may be necessary in University housing. It does not apply to "Service Animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA).

Although it is the policy of UW-Green Bay that individuals are generally prohibited from having animals of any type in University housing, UW-Green Bay will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a mental health disability. However, no ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

Definitions

Emotional Support Animal

An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support to an individual with a diagnosed mental health disability. Unlike service animals that are trained to perform a specific task that are important to the independence and safety of their disabled handler, ESA are generally not trained to perform a specific task Their therapeutic support is a function of their presence and interaction with the person with a disability. ESAs are not pets, but they are typically animals commonly kept in households as pets. An ESA may be a dog, cat, small bird, rabbit, hamster, gerbil fish or small domesticated, animal that is traditional kept in the home for pleasure. Under the guidelines of HUD, reptiles (other than turtles), barnyard animals, monkeys and other non-domesticated animals are not considered common household animals. Exception to these guidelines regarding animals serving as ESAs will be considered on a case-to-case basis.

The question in determining if an Emotional Support Animal will be allowed in University housing is whether or not the Emotional Support Animal is necessary because of the individual's mental health to afford the individual an equal opportunity to use and enjoy University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an Emotional Support Animal and it is allowed in University housing, that ESA is not permitted in other areas of the University (e.g., academic buildings, athletic buildings/facilities, classrooms, labs, dining, library, etc.). When approved, one ESA will be permitted to reside in university housing per owner.

Owner

The "Owner" is the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into University Housing.

Student Accessibility Services Office

The Student Accessibility Services Office collaborate with individuals, faculty and staff to ensure that individuals with disabilities have access to all UW-Green Bay programs and activities.

Procedures for Requesting Emotional Support Animals in University Housing

The procedure for requesting Emotional Support Animals (ESAs) is made on a case-by-case basis through an interactive process involving the individual requesting the accommodations through the Student Accessibility Services Office (SAS). SAS will provide the student information on the policy and documentation requested. The student will return the completed forms (Housing Accommodation Application, ESA Housing Request Form, and Medical Documentation for ESA) to the SAS for the ESA requested. SAS will present the information to the housing accommodations review committee and communicate the committee's decision to the student. If the request is approved, the SAS Office will notify the student and direct them to meet with Housing and Residential Education staff member before final approval. Until the final step is completed with Housing and Residential Education, the ESA is not allowed to be brought to campus. All approvals for ESA in University Housing are subject to review prior to each fall semester.

Approval timeline varies based on the following factors: submission date, available housing occupancy, review of submitted documentation and necessary animal verification. Approval of an ESA does not guarantee immediate housing placement.

If an ESA is denied the owner is afforded the right to appeal the decision. See Appeal Process below.

Criteria for Determining If Presence of the Emotional Support Animal is Reasonable

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 apartment in certain residence life housing options. To ensure that the presence of ESAs is not an undue administrative burden or fundamental alteration of University housing, UW-Green Bay reserves the right to move the individual with an ESA to another room or building if current assignment is in "animal-free" housing.

Further, host roommate(s) desires and needs will be factored into the decision regarding an ESA. Roommate(s) allergies and other considerations may result in a reassignment of the owner seeking an owner seeking an Emotional Support Animal accommodation. ESA owners living in apartment or suite-style residence halls must keep their ESA in their own bedrooms when not present in room unless agreed up by roommates to do so.

For all requests for ESAs, the Student Accessibility Services Office shall consult with Housing & Residential Education Office in making a determination on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. A request for an Emotional Support Animal 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; and/or
3. Poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property.
4. Is deemed a non-domesticated animal.

The animal must be certified in good health by a Wisconsin licensed Veterinarian and meet (and be up to date on) county and state vaccination and health requirements including: rabies and other congregated living vaccination, flea and tick preventative, and de-wormer.

The animal cannot pose health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting. The ESA owner is required to notify UW-Green Bay of any infectious disease through their time on campus.

UW-Green Bay has determined that the University residential setting, in most cases, is not an appropriate environment in which to raise a young animal.

1. Dogs: Generally, dogs must be twelve (12) months of age and must be spayed or neutered. Exceptions to this requirement are rare but considered based on extenuating circumstances.
2. Cats: Generally, cats must be at least 6 months of age and must be spayed or neutered. Exceptions to this requirement

are rare but considered based on extenuating circumstance.

3. For other ESA animals, guidance may be provided.

UW-Green Bay 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:

1. The space needed for the average expected fully grown animal's cage/crate in which the animal will be housed 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;
7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear
8. The animal's risk of diseases, parasites or other hygienic concerns could impact the individual or others health and safety.

UW-Green Bay will not limit room assignments for individuals with Emotional Support Animals to any particular building type, except for the residential buildings that have been designated as "animal-free" buildings.

UW-Green Bay may consider any previously documented ESA policy violations of the ESA Owner or situations where an ESA Owner has had an ESA removed from campus, specifically where an ESA policy violation or ESA removal has occurred due to negligence on the part of the ESA Owner.

Access to University Facilities by Emotional Support Animals

An Emotional Support Animal must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, and 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 allowed in any University facilities other than University residence halls (e.g., dormitories, suites, apartments, etc.) to which the individual is assigned. In addition, Emotional Support Animals are not allowed in other areas in University housing buildings (e.g., common lounges, bathrooms, other residential rooms).

Notwithstanding the restrictions set forth herein, the Emotional Support Animal 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, confinement, and immediate removal from University housing.

Emotional Support Animals must be caged/crated when Owner is not present in individual living accommodation.

ESA Owners will take all reasonable precautions to protect individuals who may come in contact with the Emotional Support Animal, as well as the property of the University and other students/residents. All liability for the actions of the Emotional Support animal (bites, scratches, orders, etc.) is the sole responsibility of the Owner and is financially responsible for any losses or damage caused by their Emotional Support Animal.

Owner's Responsibilities for Emotional Support Animal

If the University grants an individual's request to live with an ESA, the individual 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/or 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. The University reserves the right to request documentation showing that the animal has been licensed.

2. The Owner must provide an emergency contact (Name, Address, and Phone Number) who does not reside in University Housing who would be able to remove the ESA from University Housing in case of an emergency.
3. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by UW-Green Bay.
4. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment, neglect or abuse may result in immediate removal of the Emotional Support Animal and/or discipline for the individual.
5. UW-Green Bay will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
6. UW- Green Bay reserves the right to require that the ESA be crated or caged when the Owner is not present.
7. An individual with a disability may be charged for any damage caused by the ESA beyond reasonable wear and tear to the same extent that the University 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, if necessary, as part of the University's standard or routine inspections. 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. The University shall have the right to bill the Owner's account for unmet obligations under this provision.
8. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
9. Emotional Support Animals 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 from the residence hall/apartment overnight or longer, the animal must accompany the Owner. 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.
10. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the ESA does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
11. The ESA is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify Housing and Residential Education 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 ESA.
12. UW-Green Bay personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the ESA during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the ESA and may not be held responsible for the care, damage to, or loss of the ESA.
13. The Owner must provide written consent for Housing and Residential Education 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 ESA and shall not include information related to the individual's disability.

Removal of Emotional Support Animal

The University 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 Owner's Responsibilities set forth above;
4. The animal or its presence creates an unmanageable disturbance or interference with the University community;

5. Failure to adequately maintain cleanliness within the living unit.

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. The decision to remove the animal will be done in consultation of relevant university departments. This decision may be appealed to the University of Wisconsin-Green Bay Vice Chancellor of University Inclusivity & Student Affairs following the procedure set forth in UW-Green Bay Students Code of Conduct Handbook. The Owner will be afforded all rights of due process and appeal as outlined in that process. Access to these documents will be shared with Student Accessibility Services Office if the removal of the animal is in question.

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

Appeal Process

If additional documentation is available that would impact the decision of the review committee, it can be submitted at any time. An appeal form does not need to be filed to submit new documentation to the review committee.

A decision to deny approval of an emotional support animal or to remove a previously approved emotional support animal as well as a student with a disability believing they have been discriminated against because of their disability may be appealed to the Vice Chancellor of University Inclusivity & Student Affairs. Appeals must state a specific reason(s) for why the owner believes the request should be reconsidered. The college officials may consider records and information relevant to the owner's appeal, whether submitted by the owner or obtained from any university office or staff person.

A decision on emotional support animal appeals shall be issued by the Vice Chancellor of University Inclusivity & Student Affairs in writing and shall be the final administrative action of the university.

Should the decision be upheld to remove the currently approved Emotional Support Animal, the owner may begin the request for a replacement animal and will be subject to all steps of the request/approval process.

Non-retaliation Provision

UW-Green Bay will not retaliate against any person because that individual has requested, received a reasonable accommodation, or submitted an appeal for a reasonable accommodation in University housing, including a request for an Emotional Support Animal.

Modification and Enforcement

The University reserves the right to amend and enforce this policy at its discretion.