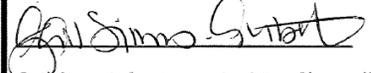


Amended by: Vice-Chancellor Student Affairs

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Gail Sims-Aubert, Interim Vice Chancellor

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Amended June 3, 2020

## 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 Emotional Support Animal that is necessary because of a disability and reasonable. However, no Emotional Support Animal 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

"Emotional Support Animals" are a category of domesticated animals (dogs, cats, rabbits, guinea pigs, and hamsters) that may provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of the individual's disability, but which are not considered Service Animals under the ADAAA and UW-Green Bay's Service Animal Policy (OP-14-16-1). Some Emotional Support Animals are professionally trained, but in other cases, Emotional Support Animals provide the necessary support to individuals with disabilities without any formal training or certification.

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 disability 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 (not in public areas in Residence Life such as laundry rooms, kitchens, study lounges and the Community Center), an Emotional Support Animal 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.

#### Service Animals

Service animals are defined as dogs (and in specific cases miniature ponies) that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting

people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort, protection, or emotional support do not qualify as service animals. Service Animals are covered under OP-14-16-1

### Pets

Pets are animals living with individuals for purposes of pleasure, leisure time activity and companionship. Pets are prohibited from entering all campus facilities. However, the Office of Residence Life does permit students to keep non-dangerous fish in aquariums no larger than 29 gallons in residence hall rooms and apartments.

## 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 Office of Residence Life (ORL). The ORL 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 ORL for the ESA requested. The ORL will present the information to the housing accommodations review committee and communicate the committee's outcome to the student.

Students will need to meet with Residence Life staff members before final approval. If the request is approved, the ORL will notify the student with the move-in date.

All approvals for ESAs in university housing are subject to review prior to each fall semester.

## 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 and/or roommate(s) do not agree to the ESA.

For all requests for ESAs, the Office of Residence Life shall nonetheless consult with Disability Services in making a determination on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. Only domesticated animals may qualify as an ESA under the Fair Housing Act. Non-domesticated animals may pose a health risk to self or other as it may transmit diseases outside of its cage. Additionally it is recommended that ESAs be age appropriate, in most cases this will mean the ESA is a year or older.

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.

If it is the intent of the applicant to acquire an animal to serve as an ESA, the animal must be utilized by the applicant for a MINIMUM of 30 days PRIOR to moving the animal into university housing. At the end of the 30 days, the applicant must provide updated documentation from their treatment professional confirming the ESA is having the desired effect for which it was prescribed. At that time, the application process can be finalized.

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 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;
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.

## **Access to University Facilities by Emotional Support Animals**

An Emotional Support Animal must be contained within the 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 only allowed in the spaces they are approved for.

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.

## **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:

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 individual'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.

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.

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.

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.

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.

UW- Green Bay reserves the right to require that the ESA be crated or caged when the Owner is not present.

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.

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.).

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 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.

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.

The ESA is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Office of Residence Life 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.

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.

The Owner must provide written consent for the Office of Residence Life 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 Student Affairs and Campus Climate 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.

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.

To submit additional documentation please have the professional fax materials directly to 920-465-2771 or mailed to:

UW-Green Bay  
Residence Life  
2420 Nicolet Drive  
Green Bay, WI 54311

Any student who does not wish to submit new documentation but intends to appeal a decision concerning an ESA request, approval, or denial may complete the appeal form. Appeals must be submitted within thirty days of receiving the decision. The appeal will be reviewed and a decision will be issued no later than thirty days from receipt of the appeal, unless extenuating circumstances warrant additional time. Any student may submit an appeal at [here](#).

### **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.