

Disability Services Center Emotional Support Animal Policy and Procedures

General Information

This policy applies solely to the specific requirements applicable to an individual's use of an Emotional Support Animal in University housing. With the exception of service dogs, University of Southern Maine (USM) housing policies prohibit having animals of any type; however, USM will consider a request for a reasonable accommodation to this policy by an individual with a mental health disability. The Disability Services Center staff is responsible for implementing this policy and for assisting students with disabilities to document their specific need for an accommodation.

No Emotional Support Animal (ESA) may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy. A request must be initiated by the student registering for disability accommodations with the Disability Services Center.

Definition

For the purpose of this document, the term Emotional Support Animal will be used and substituted for other commonly used names such as Assistance Animal, Therapy Animal, and Companion Animal.

An Emotional Support Animal (ESA) is defined by the United States Department of Housing and Urban Development (HUD) and covers a category of animals that may work, provide assistance, or perform physical tasks for an individual with a disability and/or 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 and the University of Maine System Service Animal Policy (http://www.maine.edu/wp-content/uploads/2018/04/SYSTEM-POLICY-UMS-Service-Animals-2018-FINAL_accessible.pdf). It is typically an animal selected to play an integral part of a person's treatment process and it is not a pet. The animal must demonstrate a good temperament and reliable, predictable behavior. An ESA is prescribed or recommended to an individual with a disability by a mental health professional. An ESA may be incorporated in a treatment process to assist in alleviating the symptoms of that individual's disability. This treatment occurs within the person's residence and, therefore, may be considered for access to university housing.

The question in determining if an ESA will be allowed in University housing is whether or not the ESA is necessary because of an individual's disability to afford the individual an equal opportunity to use and enjoy University housing. If it is determined that that animal is necessary for University housing, an ESA, as defined above, is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings, classrooms, labs, individual centers, etc.).

Generally, the presence of only one ESA will be approved for a student, in order to fulfill the intent of the Fair Housing Act requirements in providing support to the student with a mental health disability.

Evaluation of Emotional Support Animal Requests

The process for requesting an accommodation of an ESA starts with an individual submitting documentation from their mental health provider. Documentation should be authored by a licensed clinical professional or mental health care provider, who is trained and qualified to evaluate the disability and familiar with the student's history. Documentation may not be provided by a student's relative, friend or family member.

The documentation should include the following:

- the nature of the individual's mental health disability and how the individual is substantially limited;
- evidence that the animal is necessary to afford an equal opportunity to use and enjoy the residence hall;
- the relationship between the disability and the assistance or relief that the animal provides;
- recommendation that the animal is part of an on-going treatment plan; and
- statement of impact on student success if the request is not granted.

We strongly recommend that an individual's mental health provider use our *Emotional Support Animal Documentation* form which can be obtained by contacting the office at dsc-usm@maine.edu or 207-780-4706.

Disability Services may consult with Residence Life in making a determination on whether an ESA is a reasonable accommodation. A request for an ESA may be denied as unreasonable if the presence of the animal 1) imposes an undue financial or administrative burden; 2) fundamentally alters University housing policy; and/or 3) poses a direct threat to the health or safety of others or would cause substantial property damage to University property. USM may consider the following factors, among others, in determining whether the presence of an animal is reasonable or when making 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 would otherwise violate individuals' right to peace and quiet enjoyment;
4. The animal is not housebroken or unable to live with others in a reasonable manner;
5. The age of the animal; dogs must be at least one year old
6. The animal's vaccinations are not up to date;
7. The animal poses or has posed in the past a direct threat to the safety or health of the individual or others such as aggressive behavior towards or injuring the individual or others; or potential transmission of zoonotic diseases;
8. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear; or
9. The animal requires live food for survival.

USM reserves the right to assign an individual with an emotional support animal to a single room without a roommate.

If the accommodation of an ESA is approved, the housing office will be notified and they may in turn, notify the other residents of the floor where the individual resides. Such information will be limited and will not include specific disability related information. Other residents with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) will be asked to provide medical

documentation identifying their condition. The University will resolve any conflict in a timely manner. Any conflicts could result in a change in room assignment.

A letter of accommodation will be provided to the student verifying the approval of the emotional support animal accommodation. This letter will explicitly state that the animal has been approved to accompany the student in his or her residence hall room only. Requests for an animal in areas other than the residence hall room will be considered on a case-by-case basis and require a formal accommodation and be subject to the same process for requesting accommodations under the Americans with Disabilities Act and its amendments. The letter of ESA accommodation will be effective for the academic year and the request will need to be reviewed annually. USM reserves the right to request updated documentation as part of this annual review.

DSC Emotional Support Animal Request Procedure

Step 1: Student reviews Emotional Support Animal Policy and Procedures document.

Step 2: Student submits the ESA application form requesting the ESA accommodation and the student's clinician submits documentation to the Disability Services Center. Please contact the DSC for the *Emotional Support Animal Documentation* form (dsc-usm@maine.edu or 207-780-4706).

Step 3: Disability Services staff reviews requests in consultation with the Office of Residential Life, University Health and Counseling Center, and, if needed, the individual's mental health provider. Please note that there is no deadline to submit a request for accommodation for an emotional support animal. The length of determination may vary depending on the complexity of the request. Students are encouraged to initiate the process at least four weeks in advance of the date they are requesting to bring an animal to campus.

Step 4: If the ESA is approved, student must;

- Provide proof of compliance with licensing and vaccination requirements for the animal and documentation that dogs and cats have been neutered or spayed.
- Meet with disability service staff and confirm an understanding of the guidelines by signing the statement "Responsibility of an Individual with an Emotional Support Animal in University Housing."

Step 5: If the ESA is approved, the Disability Services Center will notify Residential Life staff who may in turn notify the residents of the floor where the student resides. Such information will be limited and not include specific disability related information. The student will be provided a letter of accommodation that will specifically state that the animal is approved and where the animal is permitted on campus. The student should retain the letter to provide as proof of approval of the accommodation.

Step 6: Requests for ESAs may be renewed annually. Students must notify DSC each year if bringing the ESA and provide an updated agreement form with current emergency contact information. Vaccination and vet records must also be current and submitted annually.

Appeal Process

Students who feel that they been unfairly denied a reasonable accommodation should contact the Director of Equal Opportunity at 207-581-1226 or 711 (Maine Relay) or equal.opportunity@maine.edu.

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