

Policy for Emotional Support Animals and Service Dogs on Miami University Oxford Campus

1) Definitions

- a) **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 formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA.
- b) **Owner:** The “owner” is the individual who has requested the accommodation and has received approval to bring an ESA into University Housing.
- c) **Service Dog:** Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA. A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability. 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, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. The work or task a dog has been trained to provide must be directly related to the person’s disability.

2) Service Animal Identification

- a) Miami University does not require registration but does recommend identification of Service Animals utilized on campus. This request is due to the responsibility for the health and safety of all students, faculty and staff on campus at any given time. Please notify the Miller Center for Student Disability Services if you will be utilizing a Service Animal while on campus.

3) 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:

- a) 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 the property of others, or results in a fundamental alteration of the University’s residence life program.

- b) The owner has provided adequate documentation of disability to the Miller Center for Student Disability Services from a healthcare or mental health provider with whom they have an established relationship. Miami University will not accept documentation from online providers. The provider should reside in Ohio or the student's home state. The University has the right to request additional clarification or documentation of disability.
- c) The owner has reviewed the ESA Policy, fully completed all necessary forms, and been given final approval notice from their Coordinator via their Miami email account. Any document or form necessary for completion will be provided by the owner's Access Coordinator.

If an ESA is approved:

- a) The owner will receive an approval email from the Miller Center for Student Disability Services indicating such approval but not containing any information regarding diagnosis or other owner information.
- b) The approval email will be sent to the Professional Staff Member of the residence hall of the owner, the Directors of Campus Services Center, Office of Residence Life (ORL) and Building Services and any assigned roommates.
- c) The owner will be required to renew ESA registration each academic year. The Miller Center will request these in August or upon the student's return after a leave from campus.
- d) The owner will be required to follow the ESA policy and procedure.

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.

An owner must have prior written authorization from the University before bringing an animal to campus. 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 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 is

always the sole responsibility of the owner. The University strongly recommends that owners consult their insurance carrier regarding potential liability and insurance to cover such risks.

4) ESA Standards

- a) All required ESA immunizations must be up to date and on-file with the University.
- b) All required animal licenses must be up-to-date and on file with the University.
- c) A completed ESA registration form must be on file with the University.
- d) Collars and identification tags for dogs/cats must be always worn.
- e) All ESAs must be housebroken.
- f) All ESAs must be spayed/neutered.
- g) ESAs are strongly encouraged to be six (6) months old or older
- h) ESAs are welcome in the owner's residence hall room or individual bedroom in suite or apartment housing or if on leash or crated they are welcome in common areas of the home residence hall. **ESAs may not enter study areas, other living areas including restrooms, other residence halls, University apartments, dining halls, classroom spaces or any other University building.** The ESA must always be on a leash or in a cage/container when outside the owner's room. An ESA must never be allowed to roam freely or be left outside the owner's room.
- i) The ESA should always respond to voice or hand commands 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.**
- j) The owner provides consent to their Access 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.
- k) To the extent possible, the ESA should be unobtrusive to other individuals and the learning, living, and working environment.
- l) The owner must ensure that the ESA does not:
 - i) Sniff people or the personal belongings of others.
 - ii) Climb or rest on University furniture.
 - iii) Display any behaviors or noises that are disruptive to others.
 - iv) Disrupt others (e.g., barking continuously, growling, yowling, howling, crying, etc.).
 - v) Block an aisle or passageway for fire egress.
 - vi) Show aggression of ANY kind toward people or other animals.
- m) ESAs which pose a nuisance to staff, residents, or property, as determined by the University, may be engaged in a remediation plan and subject to removal if

the nuisance behavior is not addressed similar to the procedure outlined in Section 4.n.i.

- n) 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. **Any aggressive behavior (perceived or actual) may require removal of the animal immediately.**
 - i) 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 a **non-aggressive 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.
 - ii) Any action plan must meet the approval of the Director of Residence Life and the Director of the Miller Center for Student Disability Services for a student owner or a designated Human Resources representative for a faculty/staff owner.
 - iii) 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, University property, and the property of others.
 - iv) The owner must notify the ORL if the ESA escapes as soon as the owner is made aware.
 - v) It is recommended the ESA wear some type of commonly recognized identification symbol, identifying the animal as an ESA but not disclosing the disability.
 - vi) 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.

5) ESA Care Standards

- a) 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.
- b) Any signs of stress or behavioral issues resulting from stress, anxiety, or loneliness of the ESA should be addressed immediately with a plan to alleviate the animal's discomfort.

- c) 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.
- d) 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.
- e) The owner is responsible for properly disposing of the ESA's waste on Miami property. Cleaning up after the ESA is the sole responsibility of the owner. If the owner is not physically able to clean up after the animal, it is then the owner's responsibility to hire someone capable of cleaning up after the animal. The person cleaning up after the animal must abide by the following guidelines:
 - i) Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
 - ii) 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.**
 - iii) Contact the Office of Residence Life staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the owner.
- f) 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 and may prompt a check of the room.
 - i) 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.
- g) Any 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.
 - i) Owners are required to promptly notify the Resident Director and Physical Facilities Department (513-529-7000) to arrange for extermination when a flea problem is noted.
 - ii) 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.
- h) 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.
 - i) 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.

- i) 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 owner. Replacement or repair of damaged items will be the financial responsibility of the owner.

6) Removal of an Emotional Support Animal

- a) Miami may require the owner to remove the animal, temporarily or permanently, from University housing if:
 - i) The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others. The University reserves the right to require immediate removal.
 - ii) The animal's presence results in a fundamental alteration of a University program.
 - iii) The owner does not comply with the ESA Standards or ESA Care Standards.
 - iv) The animal or its presence creates an unmanageable disturbance or interference with the University Community.
 - v) Miami 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 Access Coordinator and may be appealed following the standard Disability Services grievance procedure. 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 their housing obligations for the remainder of the housing contract unless other arrangements are approved through the Miller Center for Student Disability Services or Human Resources and the Campus Services Center.

- b) Prior to the ESAs return to the housing community, a written verification of a completed remediation plan from a certified professional verifying the negative behavior has been successfully remediated and it is in their professional opinion the ESA is no longer a threat to the University community and is safe to return to campus. This documentation must be reviewed and approved by the Director of Residence Life and the Director of the Miller Center for Student Disability Services. Submitting this documentation does not guarantee the approval of the ESA to return to the residence hall with their owner.

7) Conflicting Disabilities

- a) 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 accommodate all disabilities reasonably and to resolve the

problem as efficiently and expeditiously as possible. Students requesting allergy accommodations should contact Disability Services.

8) Appeal Process

- a) 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, in-person or by mail. OEEO is located in Hanna House, 219 E. Spring Street, Oxford, Ohio 45056.

9) Acknowledgment and Release of Information Consent Form

I have read and understand the ESA Policy and Agreement, and I agree to abide by the requirements applicable to ESAs. I agree to provide the additional information required to complete my request for a reasonable accommodation. I understand that if I fail to meet the requirements set forth in the Policy, Miami University has the right to remove the ESA and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore permit the Disability Services Office to disclose to others impacted by the presence of my ESA (e.g., Residence Life staff, potential and/or actual roommate(s)/neighbor(s)) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the ESA and/or resolving any potential issues associated with the presence of the ESA.

I further recognize that the presence of the ESA may be noticed by others visiting or residing in University Housing and agree that staff may acknowledge the presence of the animal and explain that under certain circumstances, ESAs are permitted for persons with disabilities.

Please indicate understanding of the following statement by initialing on the line:

_____ I understand that this policy, along with the ESA Registration and Veterinary Care forms, must be reviewed, signed, and submitted to the Miller Center for Student Disability Services each academic year that the animal will reside on campus. These documents can be found on the Miller Center for Student Disability Services website.

I have read the Emotional Support Animal Policy and understand my rights and obligations under this policy.

Owner’s Name: _____ **UniqueID: +** _____

Owner’s Signature: _____ **Date:** _____