

1.0 TITLE: Emotional Support Animals in Residence Halls

2.0 PURPOSE: La Roche College is committed to ensuring that all qualified individuals with disabilities have an opportunity to take part in Housing & Residence Life educational programs and services on an equal basis. This policy is intended to reflect La Roche College's commitment to the principles, goals, and ideals described in the College's Mission Statement.

3.0 REVISION HISTORY: New

4.0 PERSONS AFFECTED: Students with documented disabilities and medical conditions who reside in College housing..

5.0 POLICY:

1. In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) as amended, all qualified La Roche College students with disabilities have full access to institutional programs, activities, and services and are provided opportunities and reasonable accommodations and services to ensure access.
2. La Roche College recognizes the importance of "Service Animals" as defined by the Americans with Disabilities Act (ADA), as amended, and the broader category of "Emotional Support Animals" or Assistance Animals under the Fair Housing Act **that provide emotional support or otherwise function as a part of a regimen of psychological treatment to individuals with disabilities**.
3. The College is also committed to allowing Emotional Support Animals necessary to provide individuals with disabilities equal opportunity to fully participate in the Housing & Residence Life program.

6.0 DEFINITIONS:

This Policy explains the specific requirements applicable to an individual's use of an Emotional Support Animal in College housing. This policy applies solely to "Emotional Support Animals" which may be necessary in campus housing. It does not apply to "Service Animals" as defined by the ADA.

- **Emotional Support Animals (ESAs):** A category of animals that 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 and La Roche College's Service Animal Policy. Some ESAs are professionally trained, but in many cases, ESAs provide support to individuals with disabilities without any formal training or certification. Dogs are commonly used as ESAs, but other animals may serve a person with a disability as an ESA.
- **Owner:** The "Owner" is the individual student with a disability or who has requested the

accommodation and has received approval to bring an Emotional Support Animal (ESA) into the residence halls.

7.0 AUTHORITY: Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 as Amended, and the Fair Housing Act. The authority to enforce this policy is with the Director of Housing and Residence Life who may designate this authority to the Coordinator of Accessibility and Compliance.

8.0 PROCEDURES:

8.1 No ESA may be kept in the residence halls at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

8.2 La Roche College's residence halls are 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 College housing, La Roche College reserves the right to assign an individual with an ESA to a specific room and or residence hall.

8.3 All requests for ESAs are reviewed in the same manner as all other Housing Accommodation requests. In order for a student to secure housing accommodations, the following forms must be completed and submitted to the Coordinator of Accessibility and Compliance:

Part I: Housing Accommodations Application (to be completed by student)

Part II: Permission for Release of Information (to be completed by student or parent of minor)

Part III: Request for Information Regarding Emotional Support Animal (to be completed by student and treating professional from Pennsylvania or the student's home state of residence).

Forms are available in the Office of Accessibility Services.

8.4 A student's application for an ESA will be reviewed by a committee of College staff that includes representatives from Housing & Residence Life, Counseling Services, and Accessibility Services.

8.5 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 College 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 College property.

8.6 The Housing Accommodations Committee 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; or

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

8.7 The individual must provide written consent for the Office of Accessibility Services 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, Housing & Residence Life personnel, Facilities staff, and potential and/or actual roommate(s)/suite mates, and neighbor(s).

Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

8.8 Students who are granted an accommodation for an ESA in the residence halls must complete the ESA Information and Agreement Form with the Coordinator of Accessibility and Compliance prior to bringing the ESA to campus.

8.9 For timely consideration, new students should submit their application for ESAs and any other Housing Accommodations by July 1 for Fall admission, and November 1 for Spring semester admits. Continuing students should submit their application during the designated time period in the spring semester (typically two weeks prior to Room Selection process) for consideration for the next academic year. If the request for accommodation is made after the established deadline, the College cannot guarantee that it will be able to meet the individual's accommodation need during the first semester of occupancy.

8.10 Students must re-apply for housing accommodations every year.

8.11 The ESA must be contained within the Owner's assigned individual living accommodations (e.g., room, suite,) except to the extent the individual is taking the animal out for natural relief.

8.12 When an ESA is outside the individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Students should use the most direct entry and exit route to and from the assigned room / floor when entering and exiting the building with the animal. ESAs are not allowed in any College facilities (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.) other than the College residence hall room to which the Owner is assigned.

8.13 No Owner shall permit the ESA 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 College housing.

8.14 ESAs may not be left alone or unattended in College residence halls for an extended period of time, or to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall more than 12 hours or overnight, 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 while attending classes or other activities.

8.15 The animal is allowed in College housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Office of Accessibility Services 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 and the Accessibility Services for Students with Disabilities and or Medical Conditions Policy when requesting a different animal.

8.16 The student must provide care and supervision of the ESA. The College is not responsible for the animal's care or supervision. All Owners are responsible to clean up after and properly dispose of their animal's waste.

8.17 Any suspected or observed issues related to animal maltreatment will be reported to the proper investigatory authorities and may subject the student to College disciplinary action as well. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and may subject the responsible individual to College disciplinary action as well.

8.18 It is the Owner's responsibly to ensure that the ESA is in good health, clean, free of fleas and ticks, and is at all times in compliance with all State and local laws and requirements in association with licensing, vaccinations, and other health regulations.

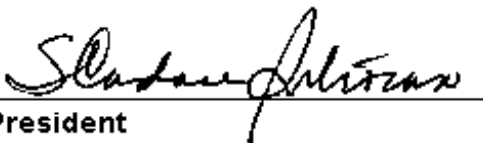
8.19 The ESA's behavior, noise, odor and waste must not exceed reasonable standards for a well-behaved animal. These factors should not create unreasonable disruptions for other students. If concerns arise, the Owner will allow the private living space and or the ESA to be inspected for fleas, ticks, other pests, or signs of neglect by Housing & Residence Life staff. If the noise (whining, purring, barking, etc.) is excessive as judged by Housing & Residence Life staff, it is grounds to remove the ESA from campus.

8.20 The student, not the College, is responsible for the actions of the ESA, including bodily injury or property damage. Students with ESAs are likely to be charged if additional cleaning or damage occurs as a result of having the ESA on campus. The Owner is expected to pay these costs upon repair or cleaning.

8.21 ESAs may be excluded from the College campus if the ESA behaves in an unacceptable way and/or the student does not control the animal.

8.22 If an ESA is properly excluded from campus, The Coordinator of Accessibility and Compliance must give the student the opportunity to obtain goods, services and accommodations without having the service animal on College property.

9.0 CONTINUOUS RENEWAL: This policy shall be assessed in three years from its effective date to determine its effectiveness and appropriateness. This policy may be assessed before that time to reflect substantive change.


President

Effective Date: 4/19/2017

10.0 RELATED POLICIES: Service Animals on Campus