



ACCESSIBILITY SERVICES EMOTIONAL SUPPORT ANIMAL POLICY

Mount Mary University Emotional Support Animals (ESA) in Residence Life

Mount Mary University (MMU) is committed to providing equal opportunities in higher education to academically qualified students with disabilities. We work towards an appreciation of students' abilities through partnerships with students, faculty and staff to create a campus community that values the unique talents each person brings.

The University is committed to providing a supportive environment for students with disabilities as well as to complying with all applicable provisions of the Americans with Disabilities Act as amended (ADAAA), Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act (FHA).

Emotional Support Animal (ESA) Defined

Under the Fair Housing Act (FHA) a person with a disability may keep an emotional support (also known as comfort, assistance, therapeutic) animal only in the individual's dwelling. There needs to be an established need for the therapeutic nature of the animal that is connected to the individual's disability. These animals are not service animals as they are not trained to perform work or tasks. The animal is deemed necessary from an appropriate and licensed and/or certified professional providing on-going treatment to afford the student with a disability an equal opportunity to use and enjoy their dwelling.

An ESA is only allowed in the approved student's residence hall room, and in designated outdoor areas.

Request for an Emotional Support Animal

Students must complete these steps for consideration of an ESA:

1. Contact the Director of Accessibility Services when you are admitted to Mount Mary University, or when you apply for Housing. Note that May 1st is the Housing Priority Application due date. Students who adhere to this deadline have preference for housing requests.

2. Complete the Request for ESA Form—hard copy forms are also available The Director of Accessibility Services, will review documentation and consult with appropriate members of the University, and make a determination regarding the approval/denial of an ESA.

Similar to all reasonable accommodation decisions, the determination of whether or not an ESA will be permitted is made on a case-by-case basis through an interactive process between the student and the Director of Accessibility Services.

Once approved, the Director of Accessibility Services will notify the student and the Director of Residence Life. The Director of Residence Life will then contact the student for additional details, forms and housing agreements that will need to be completed. *The Director of Accessibility Services only approves the need for the ESA not the specific type of animal. Some animals are not appropriate for the housing options at Mount Mary University and this will be determined on a case-by-case basis.

Students should note that housing options may be limited as the University balances reasonable accommodations to students with disabilities with students who have allergies and/or animal fears. Consequently, advance notice of the need for an ESA is essential to Mount Mary. Providing a smooth transition for the student and the rest of the residential community is important.

Requirements for Emotional Support Animals

The care and supervision of the ESA is solely the responsibility of the student owner. The student must be in full control of the ESA at all times. ESAs may not pose a direct threat to the health and safety of persons on the University campus, cause physical damage to property, or fundamentally alter the nature of University operations. The ESA must be maintained (kept clean, free from fleas or ticks, etc.) and may not create safety hazards for other people. Local and state ordinances and laws regarding animals apply, including requirements for immunizations, licensing, noise, restraint, at-large animals, and dangerous animals.

For a complete listing and all of the requirements refer to the [Mount Mary University Service or Emotional Support Animal User/Owner Agreement and Responsibility Form](#). The student must read and sign this agreement prior to bringing the ESA to campus.

Exclusion and Complaints of an Emotional Support Animal

Mount Mary University staff may remove the ESA from campus for these reasons:

- The animal poses a direct threat to the health and safety of others;
- The animal's presence fundamentally alters the nature of a program or activity;
- The animal is not under direct physical control of the owner;

- The animal is neglected and/or mistreated;
- The owner fails to comply with any of her/his responsibilities under this policy and other procedures;
- The owner violates any part of the Mount Mary University Service or Emotional Support Animal User/Owner Agreement and Responsibility Form that is signed each academic year.

Any member of the University can submit a complaint about an ESA. Concerns should be directed to the Director of Accessibility Services, Vice President of Student Affairs, Director of Residence Life, or Public Safety. Investigations of complaints will follow the investigations of other incidents as outlined within the Undergraduate and Graduate Student Handbook.

Failure to comply with the expectations set forth within this document or any signed agreements regarding Emotional Support Animal responsibilities and care may include removal of the animal from campus and a student conduct hearing for policy violations. Mount Mary University retains the right to remove the ESA, at the owner's expense, should the animal become a direct threat to the health and safety of others

The student, not the University, is responsible for the actions of the ESA including, but not limited to, any bodily injury or property damage. Students with ESA's can be charged if additional cleaning or damage occurs as a result of having the animal on campus.

Appealing a Denied Request for an ESA

Qualified students who believe that reasonable accommodations have been denied may submit a written appeal to the Vice President of Student Affairs. Students are also encouraged to first meet with the Director of Accessibility Services to review the denial. The written appeal must be submitted within ten (10) school days of the alleged denial and identify the following:

- Letter from the student with detailed reason(s) for the appeal
- The date the accommodation(s) request in question was made
- Identification of the student's disability and request for the Emotional support Animal
- Copies of any required documentation
- Any other documentation that the Vice President of Student Affairs should review

Within 10 school days of her/his review, the Vice President of Student Affairs will inform the student as to whether the proper accommodation procedures have been followed.

The student cannot bring in ESA to the Mount Mary campus without prior to approval.

The decision of the Vice President for Student Affairs is considered final. The student's filling of an appeal according to this procedure does not mean that the student gives up her/his right to pursue other appeal processes through outside regulatory agencies.

Policy adapted from Beloit College and Carroll University, Wisconsin.

Mount Mary University, Office of Accessibility Services, 2023