

# Valparaiso University – SERVICE AND EMOTIONAL Support Animal Policy

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# Valparaiso University – SERVICE AND EMOTIONAL Support Animal Policy

## SERVICE AND EMOTIONAL SUPPORT ANIMAL POLICY

Valparaiso University recognizes the importance of Service, Support, and Emotional Support Animals (ESA) to individuals with disabilities, and has established this policy to govern the presence of Service, Support, and Emotional Support Animals on campus. The University is committed to providing reasonable accommodations to persons with disabilities while ensuring the health and safety of its community, buildings, and property. The University may amend this policy at any time, with or without prior notice.

This policy includes information about the following:

1. Definitions
2. Requesting a Service, Support, or ESA in University Housing
3. Conflicting Health Conditions
4. Owner's Responsibilities in University Housing
5. Maintaining a Support or Service Animal at Valparaiso University
6. Removal of an Support or Service Animal

PLEASE NOTE: Valparaiso University prohibits pets and other animals in University housing and campus buildings. This policy provides a mechanism for an individual with a disability to seek a reasonable accommodation from that prohibition. Please do not request a service or support animal if you are not an individual with a disability.

### I. DEFINITIONS

Disability:

A disability is a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

Service Animal (also called "Assistance Animal"):

A "Service Animal" is a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Dogs may be permitted as a Service Animal. In certain circumstances, miniature horses may also qualify as Service Animals. Other animals, whether wild or domestic, do not qualify as Service Animals.

- The work or tasks performed by a Service Animal must be directly related to the individual's disability. Examples of work or tasks include guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, or assisting an individual during a seizure.
- Animals whose sole function is to provide emotional support, comfort, or companionship do not qualify as Service Animals.
- Service animals in training are specifically prohibited from residing in University Housing unless they are being trained by a resident for whom the animal is also providing service.

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- Service animals may accompany their owners in University Housing as well as in campus buildings. They are still restricted in areas where limited by health codes or other laws, or where their presence would fundamentally alter the program, such as clean labs.

### Emotional Support Animal:

An “Emotional Support Animal” (ESA) is not a pet. It is an animal that provides emotional support which alleviates one or more identified symptoms or effects of a person's disability and/or provides emotional support to persons with disabilities who have a disability-related need for such support. There must be an identifiable and medically indicated relationship between the individual's disability and the emotional support the animal provides. Unlike a Service Animal, an ESA may not accompany a person with a disability at all times.

The law permitting Emotional Support Animals applies ONLY for access to University housing, meaning an individual's assigned room/living space. ESAs are not permitted in other areas of the University including campus buildings.

### Pet:

A Pet is an animal kept for ordinary use and companionship. A pet is not considered a Service or Emotional Support Animal.

### Owner:

An ESA's “Owner” is the member of the Valparaiso University community with a disability who has received approval for use of the Emotional Support Animal.

## II. REQUESTING EMOTIONAL SUPPORT OR SERVICE ANIMALS

**Emotional Support Animals may not be brought into University housing without express written approval from the Access and Accommodations Resource Center. The University cannot guarantee that it will be able to approve an applicant's request to bring an ESA into University housing.**

To apply to bring a service or an emotional support animal on campus, the student must make a formal request to the Access and Accommodations Resource Center (AARC) no later than 60 days before the start of the semester for which the presence of the service animal or ESA is requested. Due to housing limitations, the University's ability to approve a request may be significantly decreased when the request is not timely submitted (including when the need for an ESA develops after the deadline). In the event that an individual requests approval of an ESA without meeting the established time frame and/or one or more current roommate(s) do not approve, Residential Life will make every effort to find another location for the individual to reside with the ESA. If another location is not available, the individual may have to wait to bring the ESA to campus until another housing assignment can be made, which may mean waiting until the next semester commences. Students will need to provide the following information to the Access and Accommodations Resource Center (AARC).

### Service Animal Application:

1. Is the animal a dog or a miniature horse? (No other animals are permitted to be service animals)
2. Is the service animal required because of a disability?

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3. What work or task is the animal trained to perform?

### Emotional Support Animal Application:

1. Documentation of the need for an Emotional Support Animal should come from a physician, psychiatrist, social worker, or other licensed mental health professional, but cannot come from a family member.
  - a. The documentation must be on professional letterhead, signed by the treating professional, include the state in which the professional is licensed, and must be dated within the last 6 months. NOTE: Information written on a prescription pad is not an appropriate format for documentation
  - b. The letter must indicate a clear diagnosis, using the latest version of DSM and/or ICD criteria, descriptions of the nature of the disability and how it limits major life functions long-term or permanently, and a rationale for the requested accommodation.
  - c. The letter must specifically prescribe an ESA, indicate that the animal will provide emotional support that alleviates one or more of the identified symptoms or effects of an existing disability, explain how the animal helps alleviate the impact of the identified disability/health condition, and note what type of animal is recommended.
  - d. The letter should identify the basis for providing passive support (e.g., the ongoing relationship with the animal or that it serves a defined role in the person's treatment plan), and states that the animal is necessary for full participation in, or to benefit from, particular programs or environments.
  - e. Recommendation for the ESA must be part of an ongoing treatment plan with evidence of an existing and ongoing therapeutic relationship.
2. An Animal Wellness Examination must be completed by a licensed veterinarian and submitted to the AARC prior to approval. This examination must list include documentation of appropriate shots, age, weight, name, and overall health of the animal.
3. The student must provide written consent for the AARC 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, Residential Life staff and potential and/or actual roommate(s)/neighbor(s).  
NOTE: Such information shall be limited to information related to the animal and shall not include information related to the Owner's disability.
4. The student must provide a written certification that the animal is completely house trained, over six months in age, and acknowledge that the animal may be removed if it fails to uphold behavioral or other expectations under Section VII of this policy.  
NOTE: "House trained" does not allow for animals who rely on training pads.
5. The student must provide a description of the training, if any, the animal has received, including:
  - a. Description of the type of training received, including:
    - i. Who trained the animal
    - ii. How long the animal was trained
  - b. What measures were used before the animal was involved, including:
    - i. What happens without the animal
    - ii. How often the animal successfully does the trained task

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- iii. What is the outcome of the trained task
- c. It is recommend the student supply a formalized training certification. While it is not required, animals with bona fide training certifications are presumed to be emotional support animals.

### Service or Emotional Support Animal Review Process:

To apply for an emotional support animal or service animal, the student must contact the Access and Accommodations Resource Center (AARC) and provide related documentation. The AARC will review the request and validate materials to ensure they meet University standards and expectations. AARC convenes the Accommodations Committee to review the request. This Committee is made up of up to two AARC Designated Staff Members, the Assistant Dean of Students for Residential Life, and the Assistant Director of Residential Life for Housing Operations. The Committee determines whether or not the request receives University approval. AARC will issue a decision on the application in consultation with Valparaiso University Legal Counsel within 30 days of the request.

Upon approval of an ESA, Residential Life, Facilities Management, and any other key University personnel, and/or potential and/or current roommates will be notified as appropriate.

If the animal will be living in University Housing, the student must meet with the Assistant Dean of Students for Residential Life (or their designee) to review ESA regulations as it relates to residential housing and community expectations. The student will be notified of available spaces and required to sign additional paperwork (e.g., liability waivers and damage assessment agreement) to finalize the arrangements.

The student may also be required to meet with other University offices, including but not limited to Financial Aid or Health Services, to review the accommodation.

The student must provide vaccination and licensure paperwork as required under Section V if the animal will live in University Housing.

If a request is not approved, AARC will deny the application or notify the student of any additional materials that are needed. The student may submit new or additional materials to AARC for review or reconsideration in consultation with Valparaiso University Legal Counsel. When new documentation is provided, the Committee will reconvene within 30 days to discuss the updated application. AARC will issue the new decision on the updated application in consultation with Valparaiso University Legal Counsel. Final decisions of the committee may be appealed to the VP of Student Affairs within 7 days. Appeals are limited to the paperwork submitted to the Accommodations Committee at the time of their final decision. The VP of Student Affairs has 30 days from the receipt of an appeal to respond, and shall sustain the decision unless the VP of Student Affairs finds any of the following:

- (a) The information in the record does not support the finding or decision
- (b) Appropriate procedures were not followed which resulted in material prejudice to the applicant
- (c) The decision was based on factors proscribed by law or Valparaiso University policy.

### III. ADDITIONAL LIMITATIONS ON EMOTIONAL SUPPORT ANIMALS

- ESAs are permitted only in the student's approved housing. They are not permitted in other University facilities including but not limited to libraries, the ARC, academic buildings, classrooms, labs, student center, and food services.
- Students are only allowed one (1) Emotional Support Animal.

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- The approval of an Emotional Support Animal is animal-specific. If a student intends to replace an Emotional Support Animal, a new request and updated/current supportive documentation must be submitted to the AARC.
- ESA requests and supporting documentation must be submitted annually.
- Poisonous, illegal, and/or exotic animals including but not limited to reptiles, or those animals that pose a disease threat to humans will not be allowed on campus.
- The AARC may place other reasonable conditions or restrictions on an ESA depending on the nature and characteristics of the animal.

### IV. CONFLICTING HEALTH CONDITIONS

Students with medical condition(s) that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the AARC if they have a health or safety related concern about exposure to an ESA. In situations where a student within the community has a severe allergy to an ESA, the student with the ESA will be relocated.

### V. OWNER'S RESPONSIBILITIES

1. Licensing and Vaccination. 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 Owner'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 and proof of licensure.
  - a. ESAs and Service Animals must have an annual clean bill of health from a licensed veterinarian. Documentation should be an Animal Wellness check from a veterinarian regarding the ESAs health. The University has authority to direct that the ESA receive veterinary attention, but has no obligation to do so.
2. Care and Responsibilities. The cost of care, arrangements, and responsibilities for the well-being of a service animal or an ESA are the sole responsibility of the Owner at all times including, but not limited to, adequate feeding, cleaning & upkeep of the container, licensure, and any applicable veterinary care.
  - a. Routine care for the service or ESA is expected for health and safety reasons, and includes but is not limited to flea & tick prevention, de-worming, rabies, and/or other routine vaccinations & annual examinations.
  - b. The Owner must provide a copy of the most up-to-date vaccination records to be filed with the completed ESA or service animal request. The University has the right to request additional documentation relevant to health and safety concerns at any time during the animal's stay in residence. If documentation is not provided, the animal may not be permitted to reside in the halls. It is expected that cats, dogs, and other eligible animals wear a rabies/vaccination tags at all times.
  - c. The ESA or service animal is only allowed to reside on-campus within the Owner's assigned room. If the Owner were to be away from their assigned room overnight or for an extended period of time, the ESA or service animal must be relocated to an off-campus, alternative location until the Owner's return to their assigned room. ESAs and service animals may not be

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left unattended overnight in University Housing nor may be cared for by any individual, other than the Owner, within any University Housing space.

- d. The Owner is required to ensure the ESA or service animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA or service animal and/or discipline for the responsible individual.
  - e. The Owner is also responsible for ensuring the cleanup of the ESA or service animal's waste and, when appropriate, must toilet the ESA or service animal in outdoor areas designated by the University.
    - i. Daily for all dog waste, and every two (2) to three (3) days for all other animal waste, including cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in the appropriately labeled outside trash containers.
    - ii. Litter boxes must be placed on mats so that waste is not tracked onto carpeted surfaces.
    - iii. All bathing/washing care of ESA's must take place off campus.
3. Indemnity for Damages. The Owner is financially responsible for any damage caused by the ESA or service animal beyond reasonable wear and tear.
- a. *In University Housing*.
    - i. The University will inspect the residential unit on a regular basis as part of routine health and safety checks of all residential space as outlined in the *Student Guide to University Life*.
    - ii. The Owner is responsible for all costs of returning the unit to the same conditions as move-in that are not due to normal wear and tear as reported via the Room/Apartment Inventory completed by the Owner upon housing assignment check-in. This may include, but is not limited to, the cost of cleaning all carpets, drapes, and/or furniture to remove pet odors, dander, hair, etc. Residential Life reserves the right to determine if such additional cleaning is necessary. If fleas, ticks or other pests are detected through inspection, the University will treat the areas as appropriate. The Owner will be billed for the expense of any pest treatment necessitated by the presence of the ESA or service animal, including by applying such charges to the Owner's University account.
  - b. *Bodily Injury*. The Owner is responsible for the actions of the ESA or service animal including financial obligations for bodily injury.
4. No Undue Interference. The Owner is responsible for ensuring that the ESA or service animal does not unduly interfere with the routine activities of the residence area or campus building.
- a. The Owner should be aware of and sensitive to the diverse levels of comfort other residents will have to the presence of an animal in the building and community. Some may be very excited & interested; others may be fearful & uncomfortable. If the Owner is experiencing any problems, the Owner should report issues in Housing to Residential Life staff and service animal issues on campus to AARC immediately. Similarly, if Residential Life staff or AARC becomes aware of any concerns, they will discuss their concerns with the Owner as soon as possible.

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- b. The Owner is responsible for instructing others on appropriate interactions with the ESA or service animal and setting clear expectations.
5. Updates or Changes in Student Need Under This Policy. The ESA is allowed in University housing, and service animals are allowed in University housing or campus buildings, only as long as it is necessary because of the Owner's disability and/or a part of the Owner's ongoing recommended therapy. The Owner must notify the AARC in writing if the ESA or service animal is no longer needed or is no longer in residence. Further, if the Owner were to discontinue their therapy program, the ESA must be removed from residence. If, at any time, the Owner wishes to change the ESA or service animal to a different species or a different animal of the same species, the Owner must provide written notification to the AARC who will then provide notification to Residential Life. Service animals may only be dogs or miniature horses  

NOTE: Permission for a new ESA may not be automatic; additional review of the accommodation may be necessary to determine if the new ESA will be permissible. The accommodation review process can take time and the ESA should not be changed until AARC verification occurs.
6. ESA Containment Restrictions. ESAs must be contained within the privately assigned residential areas at all times, except when transported outside the private residential areas in an animal carrier or controlled by leash or harness.
  - a. 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. When ESAs are left unattended in a student's room, the owner is required to kennel the animal. The animal must be trained to behave in a kennel for as long as the animal is contained. This containment will allow university officials to access the residential facilities routinely for maintenance and other routine tasks without posing a risk to the animal or employees. Smaller animals (i.e., gerbils, rabbits, guinea pigs) must be caged and may not be left loose in the student's rooms.  

Note: if an animal cannot behave appropriately while in its kennel or cage, it may be removed from University Housing.
  - b. The ESA cannot roam freely into public areas of the building including but not limited to hallways, lounges, or the lobby even when accompanying the Owner to enter/exit the building.
  - c. The ESA must be taken out of the building by way of the shortest and most direct path and must be maintained under standard restraints such as a carrier and collar when outdoors, in public areas, or in transit.
  - d. If the ESA is ever found roaming unattended, local animal control services will be contacted to collect and hold the animal according to their processes and policies. The Owner will be solely responsible for any costs or other requirements to gain release of the ESA.
  - e. The Owner must effectively control the ESA at all times (*voice command, leash, or otherwise*). If the resident cannot effectively control the ESA, the permission to keep that particular ESA will be rescinded until such time that the problem is rectified.

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7. Emergency Care. The Owner must provide contact information for an alternative caregiver/emergency contact who will take responsibility for the ESA or service animal and remove it from campus should the Owner be unable to care for it (e.g. hospitalization, accident).
  - a. The caregiver/emergency contact must reside OFF campus and must be available to remove the ESA or service animal in a timely manner appropriate for the animal species and needed care.
  - b. Dogs must be removed within 6 hours. All other animals must be removed in no more than 12 hours.
  - c. In instances where it is determined the ESA or service animal needs care not being provided to ensure immediate health and well-being, the University reserves the right to have the animal removed from university housing.
  - d. The University may have an ESA or service animal removed from university housing if it is not removed in a timely manner as specified in this policy.
  - e. In the case of an emergency, the Owner must have a back-up plan including a caretaker's name and number to provide the AARC and Residential Life staff.
8. Housing Services may relocate Owners, service animals, and ESA's to other housing consistent with University policy.
9. Owners must continue to abide by all other residential policies. Failure to abide my any of these policies, including this one, may result in the removal of the animal under Section VII of this policy.

## VI. LIMITATIONS ON UNIVERSITY RESPONSIBILITY

1. The Owner acknowledges that Valparaiso University, Residential Life, and their staff are not responsible for any care or supervision of an ESA or service animal. Care and supervision of an ESA or service animal are the responsibility of the Owner, who must maintain control of the ESA or service animal at all times.
  - a. The Owner will be alerted to behavior concerns related to the ESA or service animal as soon as possible and warned of steps needed to correct said behavior(s).
  - b. This includes but is not limited to noise from barking or other disruptions, scratching at the room door, and/or failure to properly dispose of waste.
  - c. If, after a warning(s) has been provided, the behavior concerns continue, the University reserves the right to direct the Owner to remove the ESA or service animal from campus pending further conduct review as directed under Section VII of this policy.

NOTE: serious/aggressive behavior may result in immediate removal of the ESA or service animal without warning.

2. University personnel shall not be required to provide care or food for any ESA or service animal including, but not limited to, removing the ESA or service animal during emergency evacuation for events such as a fire alarm. In the event of an emergency, appropriate personnel will determine whether to remove the animal and may not be held responsible for the care of, injury to, or loss of the animal.

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### VII. REMOVAL OF A SERVICE OR EMOTIONAL SUPPORT ANIMAL

At no time can an ESA or service animal become an undue concern and/or disruption to the campus community including, but not limited to, allergic reactions, aggression, resident anxiety, noise, and/or odor. Should any such concerns be deemed serious enough to warrant removal of the animal from University property, change of housing assignment, and/or other administrative actions may be necessary.

An ESA or service animal will not be permitted on campus if it has a history of dangerous behavior. It will also not be allowed to remain on campus if the animal's behavior poses a threat to the health or safety of the student or others and the student takes no effective action to control the animal's behavior to reduce or eliminate that threat.

NOTE: The Owner is still required to fulfill housing obligations for the remainder of the academic year if the ESA or service animal is required to be removed from the University for any reason.

The University may remove an ESA or service animal if there is evidence that the ESA or service animal:

- 1) poses a direct threat to the health or safety of others or causes substantial property damage to the property of others and/or the University;
- 2) the animal's presence results in a fundamental alteration of the University's program;
- 3) the Owner does not comply with the Owner's Responsibilities set forth in this policy;
- 4) the animal or its presence creates an unreasonable disturbance in or interference with the Valparaiso University community; or
- 5) the animal has a history of dangerous behavior.

Failure to comply with this policy and/or related requests of the AARC or Student Affairs staff, will have the appropriate disciplinary action taken that may include fines, conduct action, or additional action deemed necessary by the University.