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# EMOTIONAL SUPPORT ANIMAL GUIDELINES AND DOCUMENTATION FORM

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Northern Kentucky University (“NKU” or “University”) recognizes the importance of both “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and of Emotional Support Animals (ESAs) supported by the Fair Housing Act. NKU values the use of Service Animals on campus to facilitate full-participation and equal access to University programs and activities. NKU is also committed to permitting Emotional Support Animals to provide individuals with mental health disabilities an equal opportunity to use and enjoy University housing.

These Guidelines detail the specific requirements applicable to an individual’s use of an Emotional Support Animal in University housing. These Guidelines apply solely to ESAs, as defined hereinafter that may be necessary in University housing. These do not apply to “service animals” as defined by the ADAAA, and whose presence on campus is explained in the [NKU Service Animal Policy](#). NKU reserves the right to amend these Guidelines as circumstances require.

Although it is the policy of NKU that individuals are generally prohibited from having animals of any type in University housing (other than fish), NKU will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a mental health disability. However, no ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to these Guidelines. Animals found to be in residence prior to this formal approval must be removed immediately. Failure to abide by this restriction will be considered a violation of the Student Code of Conduct.

## **Definitions:**

### Emotional Support Animal

Emotional Support Animals (“ESA” or ESAs”) are a category of animals that provide necessary therapeutic emotional support for an individual with a diagnosed mental health disability. Unlike service animals that are trained to perform specific tasks that are important to the independence or safety of their disabled Partner, ESAs are generally not trained to perform disability-specific tasks. Their therapeutic support is a function of their presence and interaction with the person with a disability. ESAs are not pets. At NKU, an ESA is typically a dog or a cat. Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis.

### Resident

The “Resident” is the individual who has requested the accommodation and has received approval to bring the ESA into University housing.

### Office for Student Accessibility

The Office for Student Accessibility (OSA) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all NKU programs and activities.

### **Procedure:**

Approval for having an ESA in residence is a two-step process. First, the student must establish their need for an ESA. Approval for a specific animal to serve in that role is a separate step. The student may need to consider an alternative to the requested animal.

An individual with a disability must have a reliable, licensed third-party treating mental health professional complete the “Emotional Support Animal Mental Health Provider Form” (the “Documentation Form”) to document the request for a reasonable accommodation through the Office for Student Accessibility. Copies of the Documentation Form are available on the OSA website.

- a. Deadlines for submission of application and ESA documentation can be found on the OSA website.
- b. NKU will accept and consider requests for reasonable accommodations in University housing at any time. The individual making the request for accommodation should complete and provide the Documentation Form to the Office for Student Accessibility as soon as practicably possible before moving into the University housing. However, if the request for accommodation is made fewer than 30 days before the individual intends to move into University housing, NKU cannot guarantee that it will be able to meet the individual’s accommodation needs during the first semester or term of occupancy.
- c. If the need for the accommodation arises when an individual already resides in University housing, he/she should contact OSA and submit the Documentation Form as soon as practicably possible. NKU cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.
- d. The Documentation Form should generally be completed by a reliable, licensed third-party treating mental health professional (psychiatrist, psychologist, clinical social worker, counselor, psychiatric nurse practitioner) in the State of Kentucky or the student’s home state, who can verify that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.
- e. If the third party returns the Documentation Form without sufficient information for the Office for Student Accessibility to determine whether an accommodation is necessary, OSA will inform the individual in writing of the documentation’s insufficiency and may request additional information, including requesting to speak directly with the individual supplying the third-party documentation.

## **Criteria for Determining If Presence of the Emotional Support Animal is Reasonable:**

1. University housing may require the assignment of roommates and/or that individuals share a room or suite in certain residence halls. Therefore, to ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of University housing, NKU reserves the right to re-assign an individual with an ESA to an alternate housing space.
2. However, for all requests for ESAs, the Office for Student Accessibility shall nonetheless consult with University housing in making a determination on a case-by-case basis of whether the presence of an ESA is reasonable. NKU 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 an ESA:
  - a. The size of the crate/cage that is needed for the animal to be contained while the student is not in the room is too large for available assigned housing space;
  - b. The animal's presence imposes an undue financial and/or administrative burden;
  - c. The animal's presence fundamentally alters University housing policies;
  - d. The animal's presence would force another individual from individual housing (e.g. serious allergies);
  - e. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
  - f. The animal is not housebroken or is unable to live with others in a reasonable manner;
  - g. The animal's vaccinations are not up-to-date;
  - h. The animal poses health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting;
  - i. 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
  - j. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

NKU will not limit room assignments for individuals with an ESA to any particular building or buildings because the individual requires an ESA. However, the University has determined that the residence hall setting, in most cases, is not an appropriate environment in which to raise a puppy/kitten. Generally, dogs and cats must be at least 1 year of age, be spayed or neutered, and have received all necessary vaccinations before they can live in-residence in University housing to make it safe for humans and other animals (that may be in residence). Generally, the presence of only one ESA will be approved per student and only one ESA per room.

## **Access to University Facilities by Emotional Support Animals:**

### Emotional Support Animal

An ESA must be contained within the Resident's personally assigned living quarters (e.g., room, suite) except to the extent the ESA must be outside to relieve itself. When an ESA is outside the Resident's living quarters, it

must be in an animal carrier or controlled by a leash or harness. ESAs are not allowed in any University facilities other than the University residence to which the Resident is assigned.

### Dominion and Control

An ESA must be properly housed and restrained or otherwise under the dominion and control of the Resident at all times. No Resident shall permit the animal to go loose or run at large. If an animal is found unaccompanied by its Resident, the animal is subject to confinement and removal from University housing.

## **Resident's Responsibilities for an Emotional Support Animal:**

If the University grants a Resident's request to live with an ESA, the Resident is solely responsible for the custody and care of the ESA and must meet the following requirements:

1. The Resident 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 Resident'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 Veterinarian Verification Form. The University reserves the right to request documentation showing that the animal has been licensed.
2. The Resident is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner.
3. The animal will not be bathed, or its cage/crate or bedding cleaned using University facilities.
4. The Resident is required to ensure the ESA is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and/or discipline for the responsible individual.
5. NKU will not request nor require an individual with a disability to pay a fee or surcharge for an approved ESA.
6. An individual with a disability may be charged for any damage caused by their ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Resident's living accommodations may also be inspected for fleas, ticks or other pests, as necessary. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The Resident will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall have the right to bill the Resident's student account for unmet obligations under this provision.
7. The Resident must fully cooperate with University personnel with regard to meeting the terms of these Guidelines and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
8. ESAs may not be left overnight in University housing to be cared for by any individual other than the Resident. If the Resident is to be absent from their residence hall overnight or longer, the animal must accompany the Resident. The Resident is responsible for ensuring that the ESA is contained (e.g. caged/crated) as

appropriate, when the Resident is not present during the day while attending classes or other activities. The University reserves the right to inspect the enclosure to be used in containing the animal.

9. The Resident agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
10. The animal is allowed in University housing, only as long as it is necessary, because of the Resident's disability. The Resident must notify the Office for Student Accessibility 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 Resident's disability and the Resident must follow the procedures in these Guidelines of having the Documentation Form submitted, again to the OSA office, when requesting a different animal.
11. NKU 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.
12. The Resident must provide the University with the name and contact information for someone who does not reside in University housing and who can take responsibility for the animal within 12 hours should the Resident be unable or unavailable to care for it.
13. The individual must provide written consent for the Office for Student Accessibility 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, University housing 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.

## **Removal of an Emotional Support Animal:**

The University may require the individual to remove the animal from University housing if:

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in fundamental alteration of a University program;
3. the Resident does not comply with the Resident's Responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the University community.

The 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. If it is determined that the animal must be removed from the residence hall and the Resident fails to comply within 48 hours, the

University may have the animal removed to the nearest, appropriate animal shelter. Additionally, failure to comply with the order for removal will result in a referral to the Student Conduct Office for consideration of sanctions. Should the ESA be removed from the premises for any reason, the Resident is expected to fulfill their housing obligations for the remainder of the housing contract.

## Emotional Support Animal Mental Health Provider Form

Student Name:

Name of Animal:

Dog

Cat

The above-named student has indicated that you are the current mental health care provider who has suggested that having an Emotional Support Animal (ESA) in the residence hall at Northern Kentucky University will have therapeutic benefit in alleviating one or more of the identified symptoms or effects of the student's disability. This form should be completed by a reliable, licensed third party, treating mental health professional (**psychiatrist, psychologist, clinical social worker, counselor, psychiatric nurse practitioner**) in the State of Kentucky or the student's home state, who has established a continuity of care with the student of at least 3 months. Online-purchased documentation is not reliable for determining a disability or ESA-related need due to lack of personal knowledge by the provider.

Please list the mental health diagnosis and describe the substantial limitations to the student's major life activities.

Does the student require ongoing treatment and if so, what does that consist of?

When did you first meet with the student regarding this mental health diagnosis?

When did you last interact with the student regarding this mental health diagnosis?

What specific symptoms will be reduced by having an ESA, and how will those symptoms be mitigated by the presence of the ESA?

Is there evidence that an ESA has helped this student in the past or currently?

In your opinion, how important is it for the student's well-being that an ESA be in residence on campus? What consequences, in terms of disability symptomology, may result if the accommodation is not approved?

Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing? Do you believe those responsibilities might exacerbate the student's symptoms in any way?

We recognize that having an ESA in the residence hall can be a real benefit for someone with a significant mental health disorder, but the practical limitations of our housing arrangements make it necessary to carefully consider the impact of the request for an ESA on both the student and the campus community.

Please provide contact information, sign and date this form (below), and return it to the student who will then submit it to our office.

**Contact Information**

Name:

Address:

Telephone:

Email:

Professional Signature:

Date:

Type of License:

License #:

\*Form must be completed within 30 days of submission