

Emotional Support Animal Policy

In compliance with the Fair Housing Act, and other applicable local, state, and federal laws. University of Indianapolis generally permits students in University housing to have an emotional support animal if it is shown to be necessary to afford a student with a documented disability an equal opportunity to use and enjoy campus housing. This policy applies only to emotional support animals and does not apply to service animals, as defined by the Americans with Disabilities Act. Service animals are permitted in all campus areas, including housing, and there is no formal request process for service animals.

University of Indianapolis recognizes the importance of emotional support animals to individuals with disabilities and has established this policy to assist University of Indianapolis students with disabilities. This policy serves to ensure that students residing in campus housing who require the use of an emotional support animal as a reasonable accommodation will receive the benefit of the support provided by such animals. Specific requirements and guidelines concerning emotional support animals in campus housing are set forth below. The University reserves the right to amend this policy at any time, as circumstances may require.

DEFINITIONS

Disability – A documented physical or mental impairment that substantially limits one or more major life activities, or a record of such an impairment.

Emotional Support Animal (“ESA”) – An animal that provides emotional support, comfort, or therapy that alleviates one or more identified symptoms or effects of a person’s disability. Such animals may also aid, or perform tasks for the benefits of a person with a disability. An ESA need not be individually trained or certified to perform any disability-related task.

Owner – A student with a disability requesting and possessing an emotional support animal.

POLICY

Owners are permitted to keep an ESA in on-campus housing, including both residence halls and apartments, on a case-by-case basis as a reasonable accommodation for a documented disability after prior approval.

Owners must first seek approval for their ESA through the Disability Resources & Build department. The Owner should contact the Disability Resources & Build office as early as possible to allow time to gather and review all necessary documentation. If possible, the Owner should make their request at least 30 days prior to the start of their assigned move-in date. If the disability is not obvious and further information beyond that presented by the Owner is needed to determine eligibility for a reasonable accommodation, the Owner will be asked to provide documentation of a disability and that the ESA would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability. This documentation would be from a treating professional, such as a physician, psychiatrist, social worker, or other mental health professional who is familiar with the Owner.

Once the Owner's ESA has been approved, Residence Life will work with the Owner to provide the accommodation. Residence Life has the discretion to determine where an Owner will be housed (hall, room, etc.). If a request is made after an initial housing assignment has been made, or during the academic term, the Owner may be required to relocate to a different room and/or building in order to accommodate their request.

Residence Life, in consultation with the Owner and other parties, as appropriate, will make an individualized assessment in determining whether the presence of the ESA is a reasonable in the making of housing assignments, including, but not limited to the following factors:

- Whether the ESA poses or has posed in the past a direct threat to the Owner or others;
- Whether the ESA causes or has caused excessive damage to housing beyond reasonable wear and tear;
- Whether the size of the ESA is too large for available assigned housing space;
- Whether the ESA's presence otherwise violates residents' right to peace, quiet and an educational environment;
- Whether the ESA is housebroken or is able to live with others in a reasonable manner; and
- Whether the ESA's vaccinations are up-to-date.

The Owner must provide written consent for Residence Life to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by its presence. This includes but is not limited to Residence Hall or Apartment staff and potential and/or actual roommates(s)/neighbor(s). Such information shall be limited to information related to the ESA and shall not include information related to the Owner's disability.

Owner's Responsibilities

Owners granted a reasonable accommodation for an ESA shall be subject to the following rules, in addition to any other University rules and regulations not specifically related to ESA's.

1. Owners will be held to the same standards as any other resident regarding cleanliness and community disruption. The room must be kept clean, odor-free and damage free, and the Owner must meet the ESA's daily needs. Failure to comply with the residence hall or room cleaning standards may result in damage charges and/or immediate removal of the ESA from the University housing.
2. An Owner may be charged for any damage caused by the ESA beyond reasonable wear and tear to the same extent that the University charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodation may also be inspected for fleas, ticks or other pests, if necessary, as part of the University's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the Owner 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 Owner's account for unmet obligations under this provision.
3. The Owner is responsible for ensuring that the ESA does not interfere with the orderly operation of the residence hall or cause difficulties for other residents or employees of the community. Sensitivity to residents and employees with allergies, personal views of animals living in a residence hall community, and to those who fear animals is important to ensure a positive residence hall community. No Owner shall permit the ESA to go loose or run at large. If an ESA is found running at large, the ESA is subject to capture and confinement and immediate removal from University housing.
4. Owners should purchase their own cleaning supplies (mops, brushes, vacuum cleaners, etc.) so that residents and employees will not be negatively impacted by animal odor, hair or dander, etc.
5. Upon the approval of the ESA request, the Owner must update the ESA's immunization records. This agreement and the immunization records must be renewed every year and will be kept on file in the residence hall office. All ESA's must be neutered/spayed as well as consistently free of fleas and other parasites.
6. Anytime the ESA is transported outside the Owner's room, within the bed space and outside the confines of the Owner's room, the ESA must be in a carrier, or on leash or harness. The ESA should only be outside the confines of the bed space for transportation or hygiene care. ESA's are not allowed in any University facilities other than the bed space to which the Owner is assigned.
7. ESA's are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their Owners who have responsibility for the control and care of the ESA. The ESA should be kept only in the Owner's bed space and is not allowed in other residence hall rooms, lounges, lobbies, restrooms, other residence halls, or dining facilities. ESA's are not to be used as entertainment for other residents. ESA's must be social and not be a nuisance (i.e. excessive barking, howling, meowing, crying, scratching of doors or facilities, making

unwanted contact, biting, escaping the room). Any injuries or damages caused by the ESA will be the responsibility of the Owner.

8. Any time the Owner leaves campus for an extended period of time (overnight, a weekend, breaks, etc.) they must take the ESA with them or find someone to care for the ESA off campus. The Owner is required to ensure the ESA is well cared for at all times. Any evidence of mistreatment, abuse, neglect, or leaving the ESA unattended for unreasonably prolonged periods of time may result in immediate removal of the ESA and/or discipline for the Owner pursuant to the University Student Handbook and/or any housing related sanctions within Residence Life.
9. At no time does the ESA become the responsibility of a roommate, University staff or other residence hall students. University personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the ESA during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the ESA and may not be held responsible for the care, damage to, or loss of the ESA.
10. If the ESA goes missing, the Owner must notify the Residence Life staff IMMEDIATELY.
11. All ESA waste must be disposed of in a timely fashion, secured in a plastic bag and placed in an outside public dumpster. Waste should not be placed in any hall waste containers.
 - a. All dogs must be taken outside to relieve themselves on the grass. All fecal matter must be picked up immediately.
 - b. Cats must be litterbox trained.
 - c. Owners are responsible for keeping all other animals' cages clean.
12. If the ESA no longer lives with the Owner, they must notify the Disability Resources office and Student Affairs Office immediately and then undergo an inspection to assess for any damage and cleaning.
13. The ESA is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Disability Resources office in writing if the ESA is no longer needed or is no longer needed or is no longer in the residence.

Removal of the ESA

The University may require the Owner to remove the ESA from the University housing if

- The ESA poses a direct threat to the health or safety of others or causes substantial property damage to the property of others, including University property;
- The ESA's presence results in a fundamental alteration of a University program;
- The Owner does not comply with the Owner's Responsibilities set forth above; or
- The ESA or its presence creates an unmanageable disturbance or interference with the University community.

The University will base such individualized determinations upon the consideration of the behavior of the particular ESA and Owner on a case-by-case basis, in consultation with Residence Life, the Owner, and other parties as appropriate. The University will not base this determination on speculation or fear about the harm or damage an ESA may cause.

Appeal Process

The removal of an ESA may be appealed by following the procedures outlined in the conduct letter. A written appeal must be submitted within three business days. To get more information on how to submit an appeal, reach out to Student Affairs.

An Owner's appeal may be based on one or more of the following reasons:

- Procedural irregularity that affected the outcome of the matter
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- Investigator(s), decision-maker(s) or involved university personnel has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter
- The severity/leniency of the sanctions.

Appeals will be heard by one person from the Office of Student Affairs and one from the Disability Resources Office.

The appeal decision is final.

Should the ESA be removed from the University housing for any reason, the Owner is expected to fulfill their housing contract obligation.

Please note under Indiana Code §22-9-7-12, which took effect July 1, 2018, falsely representing the need for an ESA is a Class A infraction.