

TRUMAN STATE UNIVERSITY
EMOTIONAL SUPPORT ANIMAL GUIDELINES AND AGREEMENT

Truman State University (“Truman” or “University”) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Emotional Support Animals” under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. Truman is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full participation and equal access to the University’s programs and activities. Truman is also committed to allowing Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and access University housing. This Guidelines explains the specific requirements applicable to an individuals’ use of an Emotional Support Animal in University housing. Truman reserves the right to amend this Guidelines as circumstances require. This Guidelines applies solely to “Emotional Support Animals” which may be necessary in University housing. It does not apply to “service animals” as defined by the ADAAA.

At Truman individuals are generally prohibited from having animals of any type in University housing, aside from the newly pet friendly dorm implemented (August 2020), Truman will consider a request by an individual with a disability for reasonable accommodation from this prohibition, to allow an Emotional Support Animal that is reasonable and necessary because of a disability. However, no Emotional Support Animal may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to these Guidelines.

I. Definitions

a. Assistance Animals

- i. A broad category of animals that work, provide Emotional Support, or perform a physical tasks for an individual with a disability and/or provide necessary emotional support to an individual with 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 ADAAA and Truman’s Service Animal Guidelines. Some Emotional Support Animals are professionally trained, but in other cases Emotional Support Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as Emotional Support Animals, but any animal may service a person with a disability as an Emotional Support Animal.¹

ii. Service Animals

1. A “service animal” is a dog or, less commonly, a miniature horse individually trained to provide Emotional Support to an individual with a disability. Service animals include, but are not limited to, guide dogs for the blind, hearing dogs for the deaf/hard of hearing, and service animals for individuals with physical disabilities and seizure disorders. Service animals/service dogs are not considered “pets” and are explicitly permitted under state and federal civil rights laws. The University will require documentation for a service animal consistent with the American with Disabilities Act. Students are encouraged to register their service animal with the Office of Student Access and Disability Services, however this is not required.

2. **209.204. Impersonation of person with disability for purpose of receiving service dog accommodations**

Any person who knowingly impersonates a person with a disability for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also be

¹ It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or emotional support animal. For the purposes of this policy we are defining the animal as an Emotional Support Animal.

civilly liable for the amount of any actual damages resulting from such impersonation. Any second or subsequent violation of this section is a class B misdemeanor. For purposes of this section, "impersonates a person with a disability" means a representation by word or action as a person with a disability or a representation of a dog by word or action as a service dog. CREDIT(S) (L.2005, H.B. No. 116, § A, eff. July 12, 2005.).

iii. Therapy Animal

1. A "therapy animal" is an animal owned by a therapist and selected to play an integral part of a person's treatment process. A therapy animal is prescribed to an individual with a disability by a healthcare or mental health professional. A therapy animal is not a service animal, and unlike a service animal, a therapy animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times. Therapy animals are not allowed in on-campus housing.

iv. Emotional Support Animal

1. An "emotional support animal" is an animal that is owned by an individual with a disability. Emotional support animals provide Emotional Support to their owner in relation to a specific diagnosed disability. ***There must be a clear nexus between Emotional Support provided by the animal and the specific disability of the student.*** Emotional support animals are generally not permitted in non-housing buildings on-campus. Students wishing to bring an emotional support animal to campus must submit an Emotional Support Animal Request Form, all necessary documentation and be approved. Generally, Emotional Support Animals are limited to either a dog or a cat.

The question in determining if an Emotional Support Animal will be allowed in University housing is whether or not the Emotional Support Animal is necessary because of the individual's disability to afford the individual an equal opportunity to use and access University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an Emotional Support Animal and it is allowed in University housing, an Emotional Support Animal is generally not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.

b. Owner

The "Owner" is the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into University Housing.

c. Office of Access and Disability Services

The Office of Access and Disability Services ("OSA") collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all Truman's programs and activities.

II. Guideliness for Requesting Emotional Support Animals in University Housing.

The Guidelines for requesting Emotional Support Animals follows the general Guideliness set forth in the Reasonable Accommodation Guidelines for University Housing ("Reasonable Accommodation Guidelines") and the requirements set forth below. However, to the extent the requirements and Guideliness in this Guidelines conflict with the Reasonable Accommodation Guidelines, this Guidelines shall control.

III. Criteria for Determining if Presence of the Emotional Support Animal is Reasonable.

- a. University housing is 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 Emotional Support Animal is not an undue administrative burden or fundamental alteration of University housing.
- b. However, for all requests for Emotional Support Animals, the OSA shall nonetheless consult with the Housing Committee in making a determination on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. A request for an Emotional Support Animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing policies; and/or (3) poses a direct threat to the health and safety of others or causes substantial property damage to the property of others, including University property.
- c. Truman 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 Emotional Support Animals:
 - i. The size of the animal is too large for available assigned housing space;
 - ii. The animal's presence would force another individual from individual housing (e.g. serious allergies);
 - iii. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
 - iv. The animal is not housebroken or is unable to live with others in a reasonable manner;
 - v. The animal's vaccinations are not up-to-date;
 - vi. 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
 - vii. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

Truman will not limit room assignments for individuals with Emotional Support Animals to any particular building or buildings because the individual needs an Emotional Support Animal because of disability.

IV. Access to University Facilities by Emotional Support Animals.

a. Emotional Support Animals

An Emotional Support Animal must be contained within the Owner's privately assigned individual living accommodations (e.g. room, suite, or apartment) except to the extent the individual is taking the animal out for natural relief. When an Emotional Support Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Emotional Support Animals are generally not allowed in any University facilities other than University residence halls (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned.

b. Dominion and Control

Notwithstanding the restrictions set forth herein, the Emotional Support Animal must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal 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 University housing.

V. Owner's Responsibilities for Emotional Support Animal.

If the University grants an Owner's request to live with an Emotional Support Animal, the Owner is solely responsible for the custody and care of the Emotional Support Animal and must meet the following requirements:

a. General Responsibilities

- i. The Owner must abide by the current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements of 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 city licensure. The University reserves the right to request documentation showing that the animal has been licensed. The animal should also wear all appropriate tags.
- ii. The owner/handler must clean up after the animal, including the sanitary disposal of animal wastes. *All animal waste must be taken to an exterior trash receptacle and cannot be thrown away inside of the residence halls. This includes outdoors, on-campus waste, please pick up after your animal and dispose of waste properly on campus grounds* and, when provided, must use animal relief areas designated by Truman.
- iii. The animal must be accompanied by the user/owner, when the animal is not kenneled in the user/owner's living space, while in University facilities.
- iv. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Emotional Support Animal and/or discipline for the responsible individual.
- v. Truman will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
- vi. An individual with a disability may be charged for any damage cause by their Emotional Support Animal beyond reasonable wear and tear to the same extent that is charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks, or other pets if necessary as part of the University's standard or routine inspections. 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 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.
- vii. The owner/handler is responsible for any financial charges for bodily injury caused by the animal to *any* individual, including the owner/handler.
- viii. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Guidelines and developing Guidelines for care of the animal (e.g. cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces in outside trash receptacles, etc.)
- ix. Emotional Support Animals may not be left overnight in University housing to be cared for by any individual other than the Owner. If the Owner is to be absent from their residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Emotional Support Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities, i.e. crated.
- x. The Owner 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. Animals must not make excessive noise or display behavior that will disrupt other community members.
- xi. The animal is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the OSA in writing if the Emotional Support

animal is no longer needed, is no longer in residence, or passes away. To replace an Emotional Support Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the Guidelines in the Reasonable Accommodation Guidelines when requesting a different animal.

- xii. Truman State University personnel shall not be required to provide care or food for any Emotional Support Animal 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.
- xiii. The student will also need to provide contact information of 2 individuals (usually a parent and/or family member and/or close friend) who will be responsible for the animal in the event that the student becomes unavailable or unable to do so. This individual cannot be another student residing on-campus. If the contact person cannot be reached, the university will take appropriate steps to secure the animal and maintain the wellbeing of the animal. The student is responsible for all costs associated with this including, but not limited to, boarding, veterinary care, etc.
- xiv. The individual must provide written consent for the OSA to disclose information regarding the request for and presence of the Emotional Support Animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life 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.
- xv. The Emotional Support Animal cannot pose a hazard to residence living space. i.e. heat lamps pose a fire hazard, animals that would pose a risk of spreading zoonotic disease in shared living spaces. Student would have to provide confirmation from a veterinarian that the reptile/bird/other exotic animal is free from zoonotic disease and can be kept free from zoonotic disease during its stay in a dorm room/community living area. Again Emotional Support Animals are generally limited to a dog or a cat unless *extraordinary* circumstances exist.
- xvi. Please note that the student must submit an Emotional Support Animal Request Form AND documentation each academic year, this is part of the housing application process. ****Although many disabilities are considered life-long, the impact they have on current functioning changes over time. Therefore, documentation needs to reflect the current status of the individual's functional limitations and explain the nexus between disability and how the ESA provides symptom alleviation.**

VI. Removal of Emotional Support Animal.

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

- i. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- ii. The animal's presence results in a fundamental alteration of a University program;
- iii. The Owner does not comply with the Owner's Responsibilities set forth above; and/or
- iv. The animal or its presence creates an unmanageable disturbance or interference with the University community. Following Residence Life .

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. Any removal of the animal will be done in consultation with the Director of the OSA, Residence Life, the Office for University Compliance, and may be

appealed to the ADA/Section 504 Compliance Officer following the Guidelines set forth in Paragraph 5 of the Reasonable Accommodation Guidelines. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Emotional Support Animal be removed from the premises for any reason, the Owner is expected to fulfill their housing obligations for the remainder of the housing contract.

VII. Non-Retaliation Provision

Truman will not retaliate against any person because that individual has requested or received a reasonable accommodation in University housing, including a request for an Emotional Support Animal.

*Pages 7, 12, 13, to be completed by student requesting an Emotional Support Animal

*Pages 8, 9, 10, to be completed by student's established ongoing treatment provider, Reasonable Accommodation Request.

*Acknowledgement and Release of Information

Consent Form

By my signature below, I verify that I have read, understand and will abide by the requirements outlined here and I agree to provide the additional information required to complete my Request for a Reasonable Accommodation under the University's Emotional Support Animal Guidelines for University Housing.

I have read and understand the Emotional Support Animal Guidelines and Agreement and I agree to abide by the requirements applicable to Emotional Support Animals. I understand that if I fail to meet the requirements set forth in the Guidelines, Truman State University has the right to remove the Emotional Support Animal and I will be, nonetheless, required to fulfill my housing, academic and all other obligations for the remainder of the housing contract.

I furthermore give permission to the OSA to disclose to others impacted by the presence of my Emotional Support Animal (e.g. Residence Life staff, potential and/or actual roommate(s)/neighbors(s) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Emotional Support Animal and/or resolving any potential issues associated with the presence of the Emotional Support Animal.

I further recognize that the presence of the Emotional Support Animal may be noticed by others visiting or residing in University housing and agree that staff may acknowledge the presence of the animal and explain that under certain circumstances Emotional Support Animals are permitted for persons with disabilities.

Owner's Signature

Date

OSA signature

Date

REQUEST FOR INFORMATION Re: Emotional Support Animal

(The health care provider need not use this specific form, but all the information requested here is necessary for the institution to have in order to consider the request for an ESA; the form is provided as a convenience.)

Student's Name: _____

Re: Proposed ESA (if identified):

Name: _____

Type of animal: _____ Age of animal: _____

The above-named student has indicated that you are the health care provider who has suggested that having an Emotional Support Animal (ESA) in the residence hall will have therapeutic benefit in alleviating one or more of the identified symptoms or effects of the student's mental health disability. Generally, we accept documentation from providers in the State of Missouri or the student's home state who have personal knowledge of the student, consistent with their professional obligations/specialty areas. Form letters or letters purchased from the internet for a set price rarely provide the information necessary to support an ESA request.

The Federal Trade Commission (FTC) has been asked to investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA. The websites in question offer for sale documentation that is not reliable for purposes of determining whether an individual has a disability or disability-related need for an ESA because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations.

So that we may better evaluate the request for this accommodation, please answer the following questions:

*Federal law defines a person with a disability as someone who has a physical or mental impairment that **substantially limits** one or more major life activities. That suggests that a **diagnosis (label) does not** necessarily equate with a disability (substantial limitation).

Information About the Student's Disability

1. Do you believe this student has a disability?

2. If yes to above, what major life activity (activities) is substantially limited?

3. How is the student **substantially limited** concerning that major life activity (or activities)?

4. Does the student require ongoing treatment?

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

6. Approximate appointments in between? _____

(Should be established and ongoing treatment provider)

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

Information About the Proposed ESA

5.(Please note that there are some restrictions on the kind of animal that can be approved for the residence hall; it is possible the student may be approved for an ESA, based on the information you provide here, but may not be allowed to bring the specific animal named.)

6.Is the animal named here one that you specifically prescribed as part of treatment for the student, or is it a pet that you believe will have a beneficial effect for the student while in residence on campus?

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

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

Importance of ESA to Student's Well-Being

9.In your opinion, how important is it for the student's well-being that an ESA be in residence on campus?

10.Are there any other treatments or accommodations that could help the student alleviate the symptoms by other means rather than an ESA?

11. What consequences, in terms of disability symptomology, may result if the accommodation is not approved?

12. This student was provided with a copy of the rules and restrictions surrounding the presence of an animal in residence in the University housing. Has the student shared those restrictions with you? Circle one: Yes/No

13. Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing?

14. Do you believe those responsibilities might exacerbate the student's symptoms in any way? (If you have not had this conversation with the student, we will discuss with the student at a later date.)

Thank you for taking the time to complete this form. If we need additional information, we may contact you at a later date. The named student has signed this form (below) indicating written permission to share additional information with us in support of the request.

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 questionnaire (below), and return it to (institutional contact info).

Contact information:

Name: _____

Address:

Telephone: _____

FAX and Email address:

Fax: _____

Email: _____ @ _____

Professional Signature: _____

Type of License: _____ License #: _____

Date: _____

STUDENT (please sign this form **before** providing it to your mental health provider to complete):

By signing below, I consent to allowing my health care provider to share any information relevant to my need for an ESA as an accommodation, as shown on this form, with *(personnel from the DSS office)* for the next 60 days.

Printed Name.

Signature

Truman State University

100 E. Normal St

Student Access and Disability Services Office

660-785-4478 phone

660-785-4490 fax

studentaccess@truman.edu or jsneddon@truman.edu

Date

STUDENT EMOTIONAL SUPPORT ANIMAL REQUEST FORM **(TO BE ACCOMPANIED BY REASONABLE ACCOMMODATION DOCUMENTATION)**

Approval Process

Before the approval process can begin, each of the following steps must be completed:

Step 1: Complete the Emotional Assistance/Support Animal Request Form (located on pages 14-15 of this document)

Step 2: Submit the following required documentation to the Office of Student Access and Disability Services (OSA):

- **Emotional Support Animal Request Form**
- **Completed Reasonable Accommodation Request form for Emotional Support Animal:**
 - Providers should submit the Reasonable Accommodation Verification Form that is linked on the website.
 - If they do not want to submit this form please make sure all necessary information on that form is submitted in their chosen documentation form.
- **Copy of the City of Kirksville Animal Registration (Animal license issued by City of Kirksville).**
- **Copy of Veterinary Records for animal, including pet health history and vaccinations and/or free of communicable disease. (this documentation should show that ESA has been spayed or neutered)**
- **Photos of animal – clear photos of the front and side of the animal (these may be emailed)**

Step 3: OSA will review documentation and provide decision to student applicant and Residence Life

Step 4: Once student has received approval from OSA they may THEN bring the animal to campus.

Appeals of the Disability Services Office decision should follow the OSA Appeals Policy (available online at: <http://disabilityservices.truman.edu/files/2016/03/2016-Disability-Services-Appeals-Policy.pdf>).

This policy is not applicable to University buildings beyond the University owned and operated apartments and residence halls. Emotional assistance/support animals are not generally allowed in classrooms or other university buildings (non-residence buildings) under housing accommodations/FHA. Conflicts over the use of emotional assistance animals. The use of emotional assistance animals may negatively affect others with allergies, respiratory impairments and other relevant disabling conditions. Conflict resolution will be managed by OSA, Residence Life, and the Vice President for Student Affairs. Evidence of disability and its impact may be required of those negatively affected by the use of the animals by these offices if such a situation arises.

*Emotional Support Animal Request Form

Student Name	
Student Banner ID #	
Permanent Address	
On-Campus Address	
Phone #	
Truman Email	
Type of Animal (*Be Specific)	
Name of Animal	
Animal Size	
Assistance provided by the animal (Be specific)	
Who (<i>OFF CAMPUS</i>) can care for the animal if you are unavailable?	1.Name: _____ Address: _____ Phone: (_____) _____ 2. Name: _____ Address: _____ Phone: (_____) _____
<u>LOCAL</u> veterinarian:	1.Name: _____ Address: _____ Phone: (_____) _____
City of Kirksville Registration # (For applicable animals)	*Please bring a copy of license paperwork issued by City of Kirksville or email it to jsneddon@truman.edu
Rabies tag # (For applicable animals)	*Please bring copy of proof of vaccinations and spay/neuter or email it to jsneddon@truman.edu
Photo	Please attach a photo of at least 5"x7" of the side and front of the animal or email photos to jsneddon@truman.edu

As the owner of an emotional assistance animal, I agree to the following statements (initial each):

- ___ I understand that I am liable and responsible for my animal's behavior and activities while on campus, including property damage and bodily injury.
- ___ I must clean up after the animal, including the sanitary disposal of animal wastes. All waste and waste related materials (litter, etc.) will be disposed of at an outside trash receptacle. Outside waste on campus grounds will be disposed of in the proper outdoor receptacle.
- ___ I understand my animal cannot constitute a direct threat to the health and safety of others.
- ___ Must reasonably, safely and comfortably fit in a regular size dorm room space. Animals over a certain size may be denied.
- ___ I will ensure that all appropriate animals are licensed in accordance with the City of Kirksville and the State of Missouri and wear all appropriate tags.
- ___ I understand my animal cannot be left unattended in the residential facility overnight without the owner being present. If I leave the housing facility for a night, weekend, etc., I must take the animal with me.
- ___ I have provided a health certificate signed by a licensed veterinarian indicating that my animal is up-to-date on all recommended vaccinations and will provide updated proof of vaccinations with dates as needed.
- ___ My animal is house broken, well-groomed, odor free, and not infected with external parasites (i.e., ticks, fleas or lice).
- ___ An individual with a disability may be charged for any damage caused by his or her Emotional Support Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations 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 residence will be treated using approved fumigation methods by a University-approved pest control service. 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.
- ___ My animal is spayed or neutered.
- ___ I understand that my animal must be on a leash at all times while on campus and additionally must be consistently under control and will be crated when owner is not in the dorm room.
- ___ I have read and understand that I must follow all Guidelines and requirements of an animal user/owner as outlined in the Emotional Support/Assistance Animal Policy.

Student's signature

Date

Notes: