

Emotional Support Animals

Emotional Support Animals or ESAs are a category of animals that may provide a therapeutic benefit to its owner through companionship. The animal provides emotional support and comfort to individuals with a mental or psychiatric disability. An ESA alleviates one or more identified symptoms of an individual's disability but are not considered Service Animals under the ADA. Some ESAs are professionally trained, but in other cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification.

- An ESA is prescribed by a healthcare or mental health professional to an individual with a disability and is an integral part of the person's treatment plan. However, the University will not permit an ESA in the residence halls that poses a threat to the health or safety of others; would cause substantial physical damage to University property or to property of others; or results in a fundamental alteration of the University's residence life program.
- The owner **must complete an ESA Agreement prior to bringing the approved ESA to the Residence Hall**. The owner will be required to sign the ESA Agreement annually when living in the residence hall.
- The University of Akron requires all ESAs to be up-to-date on vaccinations and veterinary exams. When requested, the owner **must be able to provide records of vaccinations and statement regarding the ESA's health completed by a licensed veterinarian *within the past year*** to Residence Life and Housing. Routine maintenance for flea and tick prevention, deworming, and an annual veterinary examination are required. The University of Akron reserves the right to request an updated verification at any time during the ESA's residency on campus.
- Students with Emotional Support Animals are not automatically assigned to a private room. Students with ESAs will be matched with potential roommates to whom contact has been made to prevent possible incompatibilities, such as allergies or other concerns. If a private room is requested and approved the standard private room rate will apply. In the event the assigned roommate is not able/willing to live with the ESA, Residence Life and Housing staff will make a case-by-case determination of alternative arrangements.
- The owner must comply with all City of Akron Code requirements which are located in Chapter 92.
- After the Intake Appointment, the owner will receive a letter from the Office of Accessibility indicating such approval **but not containing any information regarding diagnosis or other owner information**. Additionally, the letter will be sent to Residence Life and Housing. **Please note, the University holds the right to share this information with pertinent University personnel who may come into contact with the owner and ESA**. This may include, but is not limited to, RLH staff, University Police, the Department of Environmental and Occupational Health and Safety, Department of Physical Facilities, etc.
- In all cases, **the owner of the approved ESA is fully responsible for the emotional support animal's behavior**. The removal of any animal, as well as any necessary excessive cleaning, repairs and/or pest control as a result of the ESA will be done at the expense of the owner who may also be subject to owner disciplinary action. Owners are responsible for any damage or injuries caused by their ESAs and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of an ESA are the sole responsibility of the owner at all times. The University strongly recommends that owners consult with their insurance carrier regarding potential liability and insurance to cover such risks.

ESA Animal Type

While most ESAs are dogs or cats, students are permitted to select a different ESA species. Dangerous, poisonous, illegal, and any other animals that pose a direct threat to the health and/or safety of the campus community will not be permitted as ESAs. While there are not specific restrictions on ESA weight and size, the required crate must be able to comfortably fit within the living space of the assigned room allowing for safe egress in case of an emergency. According to the Humane Society, the animal's crate should be large enough for them to stand up and turn around in. If your emotional support animal is still growing, choose a crate size that will accommodate their adult size. **Further, City of Akron Code Chapter 92 has restrictions on animals and breeds that can be within city limits. Prior to submitting the housing letter and bringing the ESA into the residence halls, the student must submit proof of valid license and a photo of the ESA. The owner will be required to submit proof of license for the City of Akron, once a year. If the student fails to meet these requirements, the University reserves the right to contact city authorities.**

Owner's Responsibilities

Owners granted the accommodation of an ESA in University housing shall be subject to the following rules, in addition to any other University rules and regulations not specifically related to assistance animals. The owner must:

- ***Keep the ESA in the Housing Unit.*** An ESA must be contained within the owner's privately assigned bedroom area except to the extent the individual is taking the emotional support animal out for natural relief. ESAs are not permitted in common areas, which include lounge and study areas of University housing, bathroom spaces, shared living room spaces within apartment style residence halls, other floors within the owner's residence hall, dining halls, or in academic or administrative buildings. When an ESA is outside the private individual bedroom area, it must be in an animal carrier or controlled by a leash or harness. **ESA's are not allowed in any University facilities other than the University housing to which the resident is assigned. The owner is required to crate the animal when it is alone in the room.**
- ***Keep the ESA under Control.*** The ESA must be properly housed and restrained or otherwise under the dominion and control of the owner at all times. No owner shall permit the emotional support animal to go loose or run at large. If an ESA is found running at large, the animal is subject to capture and confinement and immediate removal from University housing by means deemed appropriate by University personnel.
- ***Abide by Laws and Policies.*** 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.** Additionally, the owner must abide by all equally applicable residential policies, such as assuring that the ESA does not unduly interfere with the routine activities of the residents or cause difficulties for individuals who reside there.
- ***Ensure the ESA is well cared-for.*** The owner is required to ensure the emotional support animal is well cared for at all times. **Any evidence of mistreatment, abuse, neglect, or leaving the ESA unattended for unreasonably long periods of time may result in immediate removal of the ESA and/or discipline for the owner pursuant to the University Student Code of Conduct, and/or Residence Life and Housing Handbook. In the event there is concern for the animal's wellbeing the University reserves the right to remove the ESA by any means deemed appropriate by University personnel.** University personnel shall not be required to provide care or food for any emotional support animal. Additionally, the ESA 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 his/her University housing overnight or longer, the emotional support animal must accompany the owner. The owner is responsible for ensuring the ESA is contained,

as appropriate, when the owner is not present during the day while attending classes, work or other activities.

- ***Be Responsible for Personal Injury and Property Damage, Including University Property.*** The owner is financially responsible for all injury or damage to persons or property, including other animals, caused by the ESA. The owner is required to clean up after and properly dispose of the emotional support animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the University. An individual with a disability may be financially responsible for any damage caused by his or her ESA beyond reasonable wear and tear to the same extent that it holds other individuals financially responsible for damages beyond reasonable wear and tear. The owner's living space 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 charge the owner's University student account for any unmet financial obligations to the University under this provision.**
- ***Notify the Office of Accessibility and Residence Life and Housing if the ESA is No Longer Needed.*** The ESA is allowed in University housing only as long as it is necessary because of the owner's disability. The owner must notify Office of Accessibility and Residence Life and Housing, as applicable, in writing if the ESA is no longer needed or is no longer in residence. **To replace an ESA, the new emotional support animal must be necessary because of the owner's disability and the owner must follow the procedures in the Emotional Support Animal Policy when requesting a different ESA.**

Emergency Situations

- In the event of an emergency evacuations it is recommended for the owner to have a kennel or crate and a disaster kit including food and water for the ESA.
- During a disaster Emotional Support Animals will accompany their owners to the designated safe area.
- University of Akron and/or emergency responders are not responsible for the removal of the ESA in emergency situations.
- Emergency response personnel will determine whether to remove the emotional support animal and may not be held responsible for the care, damage to, or loss of the animal.

Removal of the ESA

The University may require the owner to remove the ESA from University housing if:

- The animal 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 animal'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 animal or its presence creates an unmanageable disturbance or interference with the University community.

Residence Life and Housing or Office of Accessibility will base such individualized determinations upon the consideration of the behavior of the particular animal and resident on a case-by-case basis, and in consultation with Residence Life and Housing, the resident, and other relevant University parties. The University will not base this determination on speculation or fear about the harm or damages an animal may cause. Any removal of the emotional support animal may be appealed pursuant to the grievance procedure. Grievance are handled in accordance with the Student Code of Conduct and Residence Life and Housing Handbook, in consultation with other relevant University departments. The owner will be afforded all rights of due process and appeal as outlined

in those processes. **Should the ESA be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.**

For questions or concerns regarding ESA accommodations, please contact:

Tess Miller, Disability Specialist and Service Coordinator

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