

Emotional Support Animals



Policy Number: 04.008	Responsible Office: Office of Student Affairs	Governing Body: College Council	Last Review Date: August 2024
Scope: This policy applies to residents of Antioch College housing			

I. Introduction

Antioch College recognizes the importance of “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. It is acknowledged that some members of the Antioch community with disabilities may require the use of an Emotional Support Animal (ESA) while at Antioch College. Antioch is also committed to allowing ESAs, necessary to provide individuals with mental health disabilities an equal opportunity to use and enjoy college housing. This Policy explains the specific requirements applicable to an individual’s use of an ESA in college housing. Antioch College reserves the right to amend this Policy as circumstances require, with or without notice. Members of the Antioch College community who are students and require the use of an ESA should contact the Assistant Director of Student Success and Academic Resources. Members of the Antioch community who are faculty or staff who reside on campus and require the use of an emotional support animal should contact the Human Resource Office. This policy applies solely to ESAs that may be necessary in college housing. It does not apply to “service animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA).

Although it is the policy of Antioch College that individuals are generally prohibited from having animals of any type in college housing, Antioch College will consider a request by an individual with a disability for accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a mental health disability. The question in determining if an ESA will be allowed in College housing is whether or not the ESA is necessary because of the individual’s disability to afford the individual an equal opportunity to use and enjoy college housing and its presence in college housing is reasonable. However, no ESA may be kept in college housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy. Any requests for animals in residence for individuals with disabilities that are neither service animals nor ESAs should be directed to the Assistant Director of Student Success and Academic Resources.

II. Definitions

A. Emotional Support Animal (ESA): An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support for an individual with a diagnosed mental health disability. The animal provides emotional support which alleviates one or more

identified symptoms or effects of a person's disability.

1. There must be an identifiable and medically indicated relationship between the individual's disability and the assistance the animal provides. Unlike service animals that are trained to perform specific tasks that are important to the independence or safety of their disabled handler, ESAs are generally not trained to perform disability-specific tasks.
2. ESAs are not pets, but they typically are animals commonly kept in households as pets. An ESA may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, or other small, domesticated animal that is traditionally kept in the home for pleasure.
3. Under guidelines from the U.S. Department of Housing and Urban Development, reptiles, barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals. Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis.
4. Even if the individual with a disability establishes necessity for an ESA and it is allowed in college housing, an ESA is not permitted in other areas of the college (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

B. Owner: The owner is a member of the Antioch College community with a disability who has received approval for use of an emotional support animal as an accommodation on the Antioch College campus.

III. Responsibilities

A. Owner

If the College grants an Owner's request to live with an Emotional Support Animal, the Owner is solely responsible for its custody and care. The owner must be in full control of their animal at all times. Emotional Support Animals in Antioch College housing may not be left for extended periods of time either unattended or to be cared for by someone other than the owner. Owner responsibilities are as follows;

1. Annual Exam: Submit annual exams for the animal from a licensed veterinarian that do not identify health or behavioral issues sufficient enough to prevent the animal from providing the necessary assistance. Dogs must wear a current rabies vaccination tag.
2. 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 College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate.

The College reserves the right to request documentation showing that the animal has been licensed.

3. The Owner is required to clean up after and properly dispose of the animal's waste in a

safe and sanitary manner. Always carry equipment sufficient to clean up the animal's waste and immediately remove and dispose of the waste. All waste should be bagged, secured, and disposed of in an outside dumpster. At no time should any pet waste be disposed of inside of any building on campus. Members of the Antioch College community who are not physically able to pick up and dispose of animal waste are responsible for making all necessary arrangements for assistance. Antioch College is not responsible for this task.

4. The Owner is required to ensure the animal is well cared for at all times. The owner is expected to insure the health, safety, and humane treatment of their animal. Antioch College personnel shall intervene if the animal is found unattended, in need of care, or is causing a disturbance. Any evidence of mistreatment, neglect, or abuse may result in immediate removal of the Emotional Support Animal and/or discipline for the responsible individual.
5. Antioch College will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
6. An individual with a disability may be charged for any damage caused by their 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 residence may be inspected to ensure it is being properly cleaned and that sanitary and safe conditions are being maintained. If required, the owner will be billed for the expense of the additional cleaning required. The owner's residence may be inspected for physical damage during the regularly scheduled housing inspection. The owner will be billed for the expense of any damage to the Antioch College residence or Antioch College furnishings within the residence that are caused by the animal.
7. The Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the College'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 College-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 College shall have the right to bill the Owner's account for unmet obligations under this provision.
8. The Owner must fully cooperate with College personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of waste, keeping the animal leashed while on walks, etc.).
9. An Emotional Support Animal may not be left overnight in College 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 in a cage/crate at all times when the Owner is not present during the day while attending classes or other activities.

10. 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/disruptions for individuals who reside there. Disruptive/ destructive behavior includes, but is not limited to, jumping on people, barking, growling, intimidating behavior, chewing, scratching on items other than designated toys, or taking personal belongings of individuals other than the owner.
11. The animal is allowed in College housing only (and not in any other common space and/or building) as long as it is necessary because of the Owner's disability. The Owner must notify the Assistant Director of Student Success and Academic Resources in writing if the Emotional Support Animal is no longer needed or is no longer in residence. To replace an Emotional Support Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy when requesting a different animal.
12. Antioch College 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.
13. The individual must provide written consent for the Assistant Director of Student Success and Academic Resources 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. Please note, when an ESA has been approved, Residence Life will receive a copy of the final signed agreement.
14. Emotional Support Animals shall not be bathed in any location in any building on campus, including, but not limited to, the residence halls.

IV. Emotional Support Animal Determination Criteria

- A. College housing is unique in several aspects including the possibility of roommates. To ensure that the presence of an Emotional Support Animal is not an undue administrative burden or fundamental alteration of college housing, Antioch College reserves the right to assign an individual with an Emotional Support Animal to a single room without a roommate.
- B. However, for all requests for an Emotional Support Animal, the Assistant Director of Student Success and Academic Resources shall nonetheless consult with Residence Life in

making a determination on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. Determination of reasonable accommodation will include, but is not limited to, whether or not the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters college housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including college property.

C. Antioch College may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable in the making of housing assignments for individuals with an Emotional Support Animal:

1. The space needed for the cage/crate in which the animal will be housed is too large for available assigned housing space.
2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
4. The animal is not housebroken or is unable to live with others in a reasonable manner. Generally, a dog must be at least 10 months of age to live on campus to assure that the dog is reliably housebroken, not disruptive to other residents and has all of the shots necessary to make it safe to be around humans and other animals that may be in residence;
5. The animal's vaccinations are not up-to-date;
6. The animal poses health risks from zoonotic diseases or safety concerns regarding confinement that cannot be sufficiently mitigated for inclusion in the communal living setting.
7. 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;
8. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

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

V. Access to College 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 (a residence hall room or a single room within a suite) 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

not allowed in any College facilities other than College residence buildings 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 College housing.

VI. Removal of Emotional Support Animal

- A. Antioch College may require the Owner to remove the Emotional Support Animal from campus if any of the following occurs:
1. The animal is not under the direct control of the owner;
 2. The animal's behavior is disruptive or destructive to its surroundings or any individual on the Antioch College campus;
 3. The animal poses a direct threat to the safety of others or causes substantial property damage to the property of others;
 4. The animal's presence fundamentally alters the nature of a College program or activity;
 5. The owner fails to comply with the Owner's Responsibilities set forth above.
- B. Any member of the Antioch College community may submit a complaint about an Emotional Support Animal, identifying one or more concerns in the areas listed above. Persons with concerns are to contact a member of the Residence Life Staff. A statement will be taken. An investigation will be commenced by the appropriate department and a determination will be made with respect to any alleged violations of this policy. The determination will be provided to the owner. If the investigation determines that any provision of this policy has been violated by a student, the matter will be referred to the student conduct process consistent with the provisions of the Student Handbook. If the investigation determines that any provision of this policy has been violated by an employee, the matter will be referred to Human Resources for further investigation. In addition to the warnings and sanctions outlined in the Student Handbook, a finding substantiating the violation of the policy may lead to the exclusion of the animal.
- C. The College 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 Assistant Director of Student Success and Academic Resources and may be appealed to the Dean of Students. The Owner will be afforded all rights of due process and appeal as outlined.
- D. 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. Managing disability conditions and concerns of all members of the community

- A. Within Antioch College facilities, members of the Antioch community with medical conditions(s) that are affected by dogs or cats (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the Assistant Director of Student Success and Academic Resources or Human Resources if they have a health or safety related concern about exposure to an animal in the Antioch College facility and require accommodation.
- B. Within all Antioch College housing, the health and well-being of all roommates, suitemates, and building occupants will be considered.
 - 1. Students are encouraged to contact the Assistant Director of Student Success and Academic Resources as early as possible to afford adequate time to make other housing arrangements if needed.
 - 2. Changes in housing placements for students who make requests after the Friday of the seventh week of the term prior to the term in which a student wishes to bring an Emotional Support Animal will be subject to availability.
 - 3. Roommates/suitemates will be made aware of the planned presence of an Emotional Support Animal in their residence by Residence Life staff. They will be asked to sign an acknowledgement stating that they understand they will be living in the presence of an Emotional Support Animal and are aware of how to address concerns if needed.

VIII. Emergency Response

- A. In the event of an emergency, every effort will be made to keep the owner and their Emotional Support Animal together. Relevant parties should keep the following in mind:
 - 1. Just as with humans, animals can become disoriented from smoke, fire alarms, sirens, etc., and act outside their usual manner. In such instances, the animal may bark, appear nervous or act in a protective manner regarding its owner. The animal should be viewed as acting in the appropriate manner given an emergency and should not be considered harmful. Emotional Support Animals that are evacuated during an emergency should be in an animal carrier or controlled by a leash or harness.
 - 2. While all reasonable efforts should be made to keep the owner with the Emotional Support Animal, the emergency responders' first responsibilities will be toward the owner and other students/employees, which could necessitate leaving the animal behind in certain evacuation circumstances.
- B. To assist Public Safety and Student Affairs in the event of an emergency, community members with an Emotional Support Animal should provide contact information for an animal boarding facility and the animal's veterinarian. The Owner should provide the name and contact information for two emergency contact caretakers who are able to remove the animal from campus in the event the owner is incapacitated. Emergency contacts may not reside in the residence halls and must be able to assume care of the animal immediately

after being notified. Emergency contact information should be updated each academic term; this will be coordinated by Student Affairs staff.

IX. Non-retaliation Provision

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

X. Requesting an Emotional Support Animal in College Housing

A. Members of the Antioch College community who are students and require the use of an ESA should contact the Assistant Director of Student Success and Academic Resources. Members of the Antioch community who are faculty or staff and require the use of an emotional support animal should contact the Human Resource Office. Antioch College will determine on a case by case basis and in accordance with applicable laws and regulations whether the animal is a reasonable and appropriate accommodation for the identified disability. Students are encouraged to place their request for use of an ESA in Antioch College within the housing preference deadline advertised by residence life to afford adequate time to make arrangements. Changes in housing placements for students who make requests after the time frame stated above will be subject to availability. However, no ESA may be kept in college housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

B. The Antioch College Assistant Director of Student Success and Academic Resources will require documentation on the letterhead of a treating physician or qualified mental health provider which permits Antioch College to determine that (1) the individual has a disability, (2) the animal is necessary for the individual to have an equal opportunity to use and enjoy their Antioch College residence, and that (3) there is an identifiable relationship between the disability and the assistance that the animal provides. Antioch College also provides disability verification forms as a courtesy that a provider may complete in lieu of submitting a letter.

C. Generally, the sequence of steps includes the following:

1. Submit documentation on letterhead (or a completed Request for Information: Emotional Support Animal form) from a treating physician or mental health provider.
2. Provide up-to-date medical and vaccination records for a requested animal.
3. Complete the Emotional Support Animal Registration and Agreement form.
4. Meet with the Assistant Director of Student Success and Academic Resources to discuss your request, as needed.
5. If approved, the Assistant Director of Student Success and Academic Resources will send a finalized, signed copy of the ESA Registration and Agreement form to Residence Life.