

Franklin Pierce University

Emotional Support Animal Housing Guidelines

Overview

An Emotional Support Animal (ESA) is an animal that provides emotional support which alleviates one or more identified symptoms or effects of an individual's disability. The University recognizes the importance of allowing reasonable accommodations, including approved ESAs, necessary to provide individuals with disabilities an equal opportunity to live in University housing. Unlike a service animal, an ESA does not perform a task for a person with a disability relating to activities of daily living or accompany that person at all times. These guidelines specifically refers to only the University at Rindge. For more information about having a service animal at Franklin Pierce University, please see the Franklin Pierce University Service Animal Statement.

Service Animals vs. Emotional Support Animal

Title XII Public Safety & Welfare Section 167-D:8 II.

It is unlawful for any person to fit an animal with a collar, leash, vest, sign, or harness of the type which represents that the animal is a service animal, or service animal tag issued under RSA 466:8 or to request a service animal tag issued under RSA 466:8 if in fact said animal is not a service animal.

An Emotional Support Animal does not necessarily need to be trained, and is not limited to any specific type of animal. An ESA is subject to restriction from any area with a no-pet policy, this includes but is not limited to dining facilities, staff offices, academic space or athletic facilities.

An individual with a disability may request a reasonable accommodation for an Emotional Support Animal in university housing if the individual can establish the ESA is necessary to afford them an equal opportunity and the presence of the ESA in university housing is reasonable.

Definitions

Emotional Support Animal: ESAs are animals that provide emotional support which alleviates one or more identified symptoms or effects of an individual's existing disability.

Pet: A pet is an animal kept for pleasure and companionship. A pet is not considered an Emotional Support Animal or Service Animal. Individuals are not permitted to keep pets on University property or bring pets into University buildings without authorization. Please refer to the University's pet policy for information regarding approved fish and tank sizes as the only approved pets allowed on campus.

Owner: The owner is the student who has an approved ESA in university housing under these guidelines.

University Housing: A facility owned or operated by Franklin Pierce University for the purpose of housing residential students, whether leased or owned.

Requesting Authorization to Have an ESA at Franklin Pierce University

Please see information here on how to request accommodations including ESAs:

<https://www.franklinpierce.edu/student-experience/support/academics/cae/requirement-documentation.html>

Please Note: *Requests will be processed as quickly as possible allowing for contact with the student and possible follow-up with a 3rd party regarding documentation. All ESAs need to be approved before they are to be brought to campus.*

Having a psychological/emotional disability does not necessarily qualify an individual to have an ESA in University housing as an accommodation. The student must establish that the animal provides emotional support or other assistance that would ameliorate one or more symptoms or effects of a disability.

The approval for an ESA needs to be done annually. For new students to the University, requests for an ESA should be made at the time of completing the New Student Questionnaire. For returning students this request should be made prior to Housing Selection.

Registration of an Emotional Support Animal

If an ESA is a dog, it must be registered with the Town of Rindge under state law (see NH Chapter 466, <http://www.gencourt.state.nh.us/rsa/html/xlv/466/466-mrg.htm>). Students can register said dogs in advance of moving to campus by contacting the Rindge Town Clerk. This process is to be completed annually.

Reasonableness Guidelines

The University, in consultation with the student and other parties, as appropriate, may consider the criteria below in determining whether the presence of the ESA is reasonable in making housing assignments for students:

- Whether the animal poses (or has posed in the past) a direct threat to the individual or others;
 - Whether the animal causes (or has caused) excessive damage to housing beyond reasonable wear and tear;
 - Whether the size of the animal is too large for available assigned housing space. There is a 40-pound maximum weight limit;
 - Whether the animal's presence would force another individual from assigned housing (e.g. serious allergies);
 - Whether the animal's presence violates other residents' right to peace, a healthy, clean and quiet environment; or the animal presents a health or safety risk to the community;
 - Whether the animal is housebroken or is unable to live with others in a reasonable manner.
-
- Out of consideration to both students and ESAs, a maximum of one (1) ESA is allowed per bedroom on campus. If two students living in a room are each approved to have an ESA, they will need to either A) split up as roommates and move to different rooms, or B) work it out between themselves on which roommate will have an approved ESA in the room.

If a request has been granted for an ESA, the approval is applicable only for that specific animal. Requests for a different animal must follow the same procedures as outlined in this policy, and will be determined following the same guidelines.

Conflicting Disability Accommodations

Residential Life will work to address any conflicts related to an ESA and assigned housing prior to and/or during the semester. Students should contact the Office of Student Accessibility Services if they have a medical condition(s), or chronic illness(es), and are concerned that exposure to an ESA will result in a health or safety related concern. If not already registered with the Office of Student Accessibility Services for that condition, the student with the concern will be asked to provide medical documentation that illustrates the condition(s). The Office of Student Accessibility Services will conduct an evaluation process and determine if the condition is disabling and if there is a need for an accommodation. If a need for an accommodation is determined, the Office of Student Accessibility Services will define the appropriate accommodation.

Owner's Responsibilities for an Emotional Support Animal

Students granted the accommodation of an ESA in university housing are subject to the following rules and expectations, in addition to any other university rules and regulations.

- The animal must not be unruly, disruptive, or a direct threat to the health and safety of others. The animal must be under the owner's control at all times (defined as harnessed, tethered, on a leash, or held by the student).
- The ESA is permitted in the student's room. The animal is excluded from other areas, such as common areas, other students' rooms, dining halls, etc. that otherwise prohibit animals.
- ESAs need to be removed so as not to be left unattended during breaks and extended residence hall closures. The student should reside in their residence hall room every night the ESA is present. When the student is gone for 24 hours or more the animal should be gone as well. During repairs to the residence, the student must either be present to manage the animal or make arrangements to have it removed during the period of repair. Residential Life will notify the student of any such repair schedules.
- The student is responsible for any damage(s) caused by the animal. A toileting area and receptacle may be established outside the building if appropriate for the type and size of animal, this will be determined on a case by case basis. The student is responsible for appropriately disposing of the animal's waste into only the green dumpsters around campus.
- The owner is responsible for the care and supervision of the animal, which includes toileting, grooming, feeding, and veterinary care. Residential Life is not obligated to care for or otherwise supervise the animal. In addition, if the ESA is out of control and the student is unable to control/manage it, or if it is not housebroken, the animal may be removed from university housing.
- The ESA will be held to the same behavioral standards as residents (i.e., noise, disruption, destruction). The student will be held responsible for the animal's behavior and any subsequent consequences. The ESA may be removed and prohibited from university housing if the student is unable to control the animal's behavior.
- When the student is not present in the residential room with the ESA, the ESA must be kept in a cage, tank, crate, or be reasonably confined.
- The owner must abide by any applicable local or state ordinance, law or regulation pertaining to licensing, vaccination, and other requirements for animals residing in housing. The University may require documentation demonstrating compliance with such regulations. The student must obtain a license for their ESA if it is a dog. Please see the link below for more information: <https://www.rindgenh.org/town-clerk/faq/where-do-i-license-my-dog>.
- Any incidents must be immediately reported to Residential Life, who will consult with the Office of Student Accessibility Services, the ESA owner, and other parties as appropriate and render a decision on a case-by-case basis.
- If a student determines they no longer need the ESA, they must notify Residential Life that the animal is no longer located in their room.

The student is responsible for any damage caused by the ESA to university property or to the property of others. The University has the right to bill the student's account for any unmet obligations.

The student should request that others avoid petting or addressing, feeding, deliberately startling, or separating or attempting to separate the student from the ESA. To the greatest extent possible, the animal should not:

- Make contact with others or their personal belongings;
- Display any behaviors or noises that are disruptive or aggressive to others; and
- Block an aisle or passageway for fire and/or emergency egress.

Removal of an Emotional Support Animal

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

- The animal's behavior is disruptive, threatening, aggressive, or not under control;
- The animal poses a direct threat to the health or safety of others;
- The animal causes substantial property damage to others, including University property;
- The owner does not comply with the responsibilities set forth in this document;
- The animal or its presence creates an unreasonable disturbance or interference with the University community; or
- If the animal is displaying poor hygiene or consistent ill health.

After an animal has been removed from university housing, the student must complete the following before the ESA is permitted back on campus:

1. Submit a letter to the Office of Residence Life clearly illustrating the readiness of the animal to return. Indicate how the behavior was corrected and what is being done to ensure continuing appropriate behavior if able to return.
2. Meet with a member of the Residential Life staff.

Residence Life will then conduct an evaluation process in order to make a final determination on the ESA returning to campus.

Emergency Situations

Animals can become disoriented and confused from the smell of smoke, fire or from sirens. University personnel and first responders are not responsible for removing an ESA from the residence halls during emergency evacuations for events such as a fire alarm, and may not be held responsible for the care, injury to, or loss of the animal's life. It is the owner's responsibility to remove the animal in the case of an emergency. The animal should remain reasonably contained during emergency response. Keep in mind the first priority of emergency personnel is human life and there may be situations that necessitate leaving an ESA behind in an emergency situation.

Notification of ESA in Housing

The University maintains the right to notify the student's community and necessary university offices that the animal is located within the student's residence. The notification to the community can include a description of the animal and that is approved to reside in the community, the notification will not include specifics related to the accommodation or the student's request. Notification to university offices can include but is not limited to Campus Safety, Facilities, Information Technology and Residential Life. The description of the animal, owners contact information and location of residence may be communicated to necessary offices, but the reason for the accommodation will always remain private.