

Emotional Support Animal

Guidelines and Agreement

Background and Overview

University of Pikeville (“UPIKE” or “University”) recognizes the importance of both “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. UPIKE values the use of Service Animals on campus to facilitate full-participation and equal access to University programs and activities. UPIKE is also committed to permitting Emotional Support Animals to provide individuals with disabilities an equal opportunity to use and enjoy University housing. These Guidelines detail the specific requirements applicable to an individual’s use of an Emotional Support Animal in University housing. These Guidelines apply only to “Emotional Support Animals” as defined below. These Guidelines do not apply to “service animals” as defined by the ADAAA. The University reserves the right to amend these Guidelines and exceptions to this policy are at the discretion of the Executive Director of Residence Life. Animals, other than fish, are prohibited in University housing. However, the University will consider all requests for an Emotional Support Animal’s presence in University housing subject to the guidelines below.

Definitions

- **ESA:** Emotional Support Animals (“ESA” or ESAs”) are a category of animals that provide necessary emotional support to an individual with a 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 UPIKE’s Service Animal Policy. In some cases, Emotional Support Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as ESAs, but other animals are also capable of serving a person with a disability as an ESA.
- **Owner:** The “Owner” is the individual who has requested the accommodation and has received approval to bring the ESA into University housing.
- **Office of Compliance:** The Office for Compliance collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all UPIKE programs and activities.
- **Office of Residence Life:** The Office of Residence is responsible for facilitating the process of students requesting ESA and working with the student on finding appropriate housing; in addition, Residence Life will work with the Office of Compliance and the Disability Resource Center to ensure equal access to all UPIKE resources.

Procedure

To request a reasonable accommodation for an Emotional Support Animal (ESA) through the Office of Residence Life, an individual with a disability must have a licensed physician or mental health professional complete the “ESA Verification Form.” Copies of the Verification Form can be obtained from the Office of Residence Life.

- The University of Pikeville (UPIKE) welcomes and will review requests for reasonable accommodations in its housing at any time. To ensure prompt consideration of such requests, individuals seeking accommodation must submit the completed Verification Form to the Office of Residence Life at UPIKE as soon as possible before moving into University housing. Please note that if a request is made less than 60 days before the intended move-in date, UPIKE cannot guarantee that the individual's accommodation needs will be met during the first semester or term of occupancy.

- If an individual already resides in UPIKE housing and requires an ESA, they should contact the Office of Residence Life and submit the ESA Verification Form as soon as practicable. However, UPIKE cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.
- The ESA Verification Form must be completed by a licensed third party, typically a treating professional in Kentucky or the student's home state, who can verify that the requested accommodation is necessary to provide the individual with equal access to and enjoyment of university housing at UPIKE.
- If the third-party verification is returned without sufficient information for Residence Life to determine whether an accommodation is necessary, the Director of Residence Life will notify the individual in writing of the verification's insufficiency and may request additional information, including speaking directly with the third-party verifier.

Criteria for Submitting Requests:

- University housing may require the assignment of roommates and/or that individuals share a room or suite in certain residence halls. Therefore, to ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of university housing, UPIKE reserves the right to assign or reassign an individual with an ESA to a different room and or building.
- However, the Office of Residence Life shall consult with Disability Resource Center (DRC) and the Office of Compliance and Legal Affairs for all ESA requests to determine on a case-by-case basis whether the animal's presence is reasonable. UPIKE may consider various factors, such as the animal's crate size, financial and/or administrative burden, impact on university housing policies, allergies of other individuals, noise disturbance, housebreaking, vaccination, health risks, safety concerns, aggressive behavior, and excessive damage to housing, including but not limited to:
 - The size of the animal's crate is too large for available assigned housing space;
 - The animal's presence imposes an undue financial and/or administrative burden;
 - The animal's presence fundamentally alters University housing policies;
 - The animal's presence would force another individual from individual housing (e.g. serious allergies);
 - The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
 - The animal is not housebroken or is unable to live with others in a reasonable manner;
 - The animal's vaccinations are not up-to-date;
 - The animal poses health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting;
 - 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
 - The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

UPIKE generally does not restrict room assignments for individuals with an ESA to particular assignments solely based on the animal's presence. However, UPIKE has determined that the residence hall environment is generally not appropriate for raising young puppies. Generally, dogs must be at least 10 months old, and cats must be 5 months old, spayed or neutered, and up-to-date on vaccinations before they can live in university housing.

In most cases, UPIKE will approve the presence of only one ESA per student and one ESA per room.

At UPIKE, Emotional Support Animals (ESAs) must remain within the Owner's personally assigned living quarters, such as their room, suite, or apartment, except when the animal needs to relieve itself outside. When outside the living quarters, the ESA must be in an animal carrier or controlled by a leash or harness. ESAs are not permitted in any University facilities other than the Owner's assigned University residence.

The Owner is responsible for properly housing and restraining the ESA or maintaining control over the animal at all times. The animal should not be allowed to run loose or go at large. If an ESA is found unaccompanied by its Owner, the animal may be confined and removed from UPIKE housing.

Owner's/Student's Responsibilities:

If UPIKE approves an Owner's request to live with an ESA, the Owner assumes sole responsibility for the custody and care of the animal, and must fulfill the following requirements:

- The owner of an approved ESA is solely responsible, both financially and physically, for the animal's care and cannot delegate this responsibility to any other student or roommate on the UPIKE campus for any reason. Students should carefully consider their current and future schedules and whether they have sufficient time and resources to properly care for the animal before applying for an ESA.
- If the owner needs to leave campus overnight or is otherwise unable to care for the animal, the ESA must be taken off-campus with the owner or placed in the care of someone the owner has designated for this purpose. The owner must provide Disability Resources with the off-campus caretaker's contact information and update it as necessary. If the owner experiences a medical emergency and is unable to care for the animal, UPIKE reserves the right to transport the animal off-campus to the designated caretaker or, if unavailable, to a boarding facility at the owner's expense.
- The ESA must accompany the owner when leaving overnight. The animal must be contained appropriately (e.g., caged/crated) when the owner is not present during the day while attending classes or other activities. UPIKE reserves the right to inspect the enclosure to be used in containing the animal.
- The owner must comply with all city, county, and state ordinances, laws, and regulations regarding animal licensing, vaccination, and other requirements. The University may request proof of compliance, including a vaccination certificate and documentation of licensing.
- The owner is responsible for ensuring that the animal does not cause disruption to others or exhibit aggressive or destructive behavior. Students should select an ESA carefully to minimize the chances of adopting an animal that may be disruptive, destructive, or aggressive. The owner will be held financially responsible for any injury or damage to UPIKE property or other students' property caused by the ESA, including replacing floor coverings if the animal eliminates waste on them.
- Unless explicitly noted otherwise, the ESA is only allowed in the owner's residence and is not permitted in other campus buildings such as academic, athletic, or administrative buildings. The animal must remain in the owner's bedroom unless entering or leaving the building and is not allowed in other students' bedrooms or communal areas.
- ESA dogs and cats must be spayed or neutered, and ESA dogs must be housebroken while ESA cats or rabbits must be litterbox-trained.
- Dogs must wear a valid dog license and rabies tag, and cats must wear a valid rabies tag. All animals must wear a tag bearing the student's name and contact information or be chipped if tagging is not possible.
- To change to a different ESA, the owner must complete a new ESA Verification Form, which will be evaluated on a case-by-case basis. If approved, the owner must provide proof of the requirements listed in this policy within thirty days of the new animal residing on-campus.

- The student must inform the Office of Residence Life in writing if the animal is no longer needed or is no longer residing on UPIKE property.
- The owner is responsible for providing a safe and healthy living environment for the ESA. UPIKE reserves the right to contact Animal Control if concerns are raised about the proper and safe treatment of the animal. Additionally, any evidence of mistreatment or abuse may also result in discipline for the responsible individual.
- The Owner must clean up after the animal and dispose of its waste in a safe and sanitary manner.
- The animal's cage/crate or bedding may not be cleaned, and the animal may not be bathed using University facilities.
- UPIKE will not charge an individual with a disability a fee or surcharge for an approved ESA. The owner may be charged for damages caused by the ESA beyond reasonable wear and tear, as well as for pest treatment beyond standard pest management in residence halls.
- The owner must cooperate with university personnel in meeting the terms of this Policy.
- By completing the Verification Form, the Owner is providing written consent for the Office of Residence Life to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal, including Residence Life personnel and potential and/or actual roommate(s)/neighbor(s). The information disclosed must be limited to information related to the animal and cannot include information related to the individual's disability.

Removal of ESA

If UPIKE determines that an animal in university housing is causing any of the following, the individual may be required to remove the animal without advanced notice:

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

The University will make such determinations based on the behavior of the specific animal in question, rather than speculation or fear about potential harm or damages.

If UPIKE determines that an animal must be removed from university housing and the Owner fails to comply within 48 hours, the University may have the animal removed to the nearest, appropriate animal shelter. Failure to comply with the order for removal may result in a referral to the Office of Student Conduct, Rights, and Advocacy for consideration of sanctions.

If an ESA is removed from the premises for any reason, the Owner must still fulfill their housing obligations for the remainder of the housing agreement.

REQUEST FOR INFORMATION – EMOTIONAL SUPPORT ANIMAL					
PART I – TO BE COMPLETED BY STUDENT/OWNER					
Student Name <i>(Last, First)</i>				Student/UPIKE ID	
Semester Applying	Fall _____	Spring _____	Summer _____		
Student Contact #					
UPIKE Email Address					
Classification (Circle One)	Freshmen	Sophomore	Junior	Senior	
	Graduate	Faculty / Staff			
ANIMAL INFORMATION					
Type of Animal				Age of Animal	
Name of Animal				Spayed/Neutered	Yes No
Color/Description of Animal					
TERMS AND CONDITIONS					
<p>According to law, the University must keep a record of individuals with disabilities who live on campus and disclose their condition to the University. If the request for an emotional support animal is approved by the Office of Residence Life or the Disability Resource Center, the student's name will be added to the Minger Act list, which is confidential and will only be used in case of an emergency evacuation. The names on this list will only be revealed to those who are trained to respond to emergencies.</p> <p>Emotional support animals are not trained to perform specific tasks, and there are limitations associated with having them on campus. The Fair Housing Amendments Act governs emotional support animals and their presence in on-campus housing. Since they are considered accommodations rather than for accessibility purposes and are not trained to perform specific tasks, emotional support animals are limited to the owner's living space. Therefore, they are not allowed to accompany their owner to class, to an on-campus job, to the cafeteria, to the library, to other residents' rooms within their assigned residence hall, etc. Emotional support animals are considered domesticated animals that are usually kept in the home for pleasure and provide therapeutic benefits to individuals with mental or emotional disabilities.</p>					
<p>By the signature below, I, the applicant, authorize my medical provider to complete Part II below, and to release information regarding my medical condition. I understand that I can revoke this authorization at any time by submitting a written revocation. A revocation will not apply to information that has already been disclosed in reliance on an authorization. I understand that once the information is disclosed pursuant to this authorization it may be re-disclosed by the recipient and the information will no longer be protected by HIPAA. This authorization will expire six (6) months subsequent to the day executed as indicated below.</p>					
Signature of Applicant				Date	

REQUEST FOR INFORMATION – EMOTIONAL SUPPORT ANIMAL

PART II – TO BE COMPLETED BY MEDICAL PROVIDER

The student named above has identified you as the healthcare provider who recommended that having an Emotional Support Animal (ESA) in their University of Pikeville residence hall would help alleviate one or more symptoms or effects of their disability. We generally accept documentation from healthcare providers licensed in the State of Kentucky or the student's home state, who can provide ongoing care and therapeutic knowledge consistent with their professional obligations. We do not accept letters purchased from the internet as they rarely provide sufficient information to support an ESA request.

The Federal Trade Commission (FTC) has been asked to investigate websites that claim to provide documentation from healthcare providers to support ESA requests. These websites sell unreliable documentation because the operators and healthcare professionals who work with them lack the personal knowledge necessary to make such determinations.

To better evaluate the accommodation request, please answer the following questions:

According to federal law, a person with a disability is someone whose physical or mental impairment substantially limits one or more major life activities. This definition indicates that having a diagnosis does not always mean having a disability with substantial limitations.

Could you please describe how the student's mental health impairment substantially limits their major life activities?

Is the student in need of continuous treatment, and if yes, what does that treatment entail?

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

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

Please note that certain animals may not be approved for the residence hall as an ESA. While the student may be approved for an ESA based on the information provided, it is possible that the specific animal named may not be allowed. **Did you specifically prescribe this animal as part of the student's treatment or do you believe it will have a beneficial effect as a pet while the student is residing on campus?**

What symptoms does the ESA aim to alleviate, and how will the ESA's presence help to alleviate those symptoms?

Has there been any indication that an ESA has provided assistance or benefits to the student in the past or present?	
How crucial do you believe it is for the student's overall well-being to have an ESA in their on-campus residence? What potential effects on the student's disability symptoms could occur if the request for the accommodation is not granted?	
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?	
Yes No	
Have you talked to the student about the responsibilities that come with caring for an animal while attending college and living in campus housing? Do you think these responsibilities could worsen the student's symptoms in any way? If you have not had this conversation with the student, we will address it with them at a later time.	
<p>Thank you for taking the time to complete this form. We may reach out to you for additional information if needed. The student named in this form has provided written consent for us to obtain further information in support of their request for an ESA.</p> <p>We understand the potential benefits of having an ESA for someone with a mental health disorder, but due to limitations in our housing arrangements, we must carefully consider the impact of the request on both the student and the community.</p> <p>Please provide your contact information, sign and date the questionnaire below, and upload to Maxient, the secure portal. Link is available under Housing Resource on upike.edu/housing</p>	
Name	
Address	
Telephone	
Fax and/or Email	
Professional Signature	Date
Type of License	
License #	