



## **Muhlenberg College Office of Disability Services Emotional Support Animal in Residential Housing Policy**

Muhlenberg College is committed to providing reasonable accommodations and an accessible environment for qualified students with disabilities. The College complies with all applicable provisions of the Americans with Disabilities Act (ADA), as amended, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act (FHA).

Under the Fair Housing Act (FHA) and Section 504, individuals with a disability may be entitled to keep an Emotional Support Animal (ESA) as a reasonable accommodation in campus housing facilities that otherwise impose restrictions or have prohibitions on non-service animals in residence. In order for a student with a disability to qualify for such an accommodation, professional documentation of a mental health condition that rises to the level of a disability must be submitted. Documentation must establish the therapeutic need of the animal that is directly connected to the individual's disability, and must establish that the ESA is necessary to afford the individual with a disability an equal opportunity to use a dwelling or to participate in the housing program.

### **Policy:**

Muhlenberg College will consider requests for an Emotional Support Animal as a reasonable accommodation to provide students with disabilities with equal opportunities to use and participate in the campus housing program. An approved ESA may reside in Muhlenberg College housing, including accompanying the person in common areas of the student's residential assignment. Students must receive approval to have an ESA in residential housing prior to bringing the animal to campus.

Requests are considered on a case-by-case basis by the Special Housing Request Committee, which is comprised of representatives from the Office of Disability Services, Office of Residential Services, Counseling Services, and Student Health Services. In order for requests to be considered, students must complete the Student Application and personal interview. The student must also submit the Treating Professional Form, which must document the need for the therapeutic nature of the animal in relation to the student's disability. Completion of the application process does not guarantee approval of the proposed ESA.

### **Application Process:**

The student will need to complete the application components listed below in order for the Special Housing Request Committee to review the student's request.

The student must complete all components of the application process prior to March 15<sup>th</sup> or June 15<sup>th</sup> for the following fall semester, or October 15<sup>th</sup> for the following spring semester.

- 1) Complete the Disability Determination Process with the Office of Disability Services and be approved as a student with a condition that rises to the level of a disability. Guidelines and forms are available on <http://www.muhlenberg.edu/main/aboutus/disabilities/>. Please note that the determination may take several weeks after the student completes all steps. The process includes the following steps:
  - a. Submission of documentation of a mental health condition which rises to the level of a disability
  - b. Completion of an intake interview
  - c. Completion of the Disability Disclosure Document

- 2) Complete and submit the ESA Student Application
- 3) Submit the completed ESA Treating Professional Form, which must support the need for the therapeutic nature of the animal that is connected to the individual's disability
- 4) If the ESA not previous discussed, the student must complete an interview with an ODS staff member to discuss the ESA request

### **Special Housing Request Procedures**

The Committee will consider completed applications once the relevant deadline has passed. Committee decisions will be communicated to the student in writing by the Office of Disability Services.

If an ESA is approved, the student may bring the ESA to campus on the "move in" date set by Residential Services. A Residential Services staff member will contact the student to discuss the residential life options based on the approved accommodation. Students should be aware that housing options may be limited, as Muhlenberg College balances appropriate accommodations to students with disabilities with needs of other student residents who may have allergies and/or animal fears.

The student with the approved ESA accommodation will need to complete the Special Housing Request Student Form every year that the student expects to have the ESA in campus residential housing. These forms are posted on the Office of Disability Services website each year at the beginning of the spring semester. If the student proposes to bring a different ESA than the one that was approved, the student must complete the entire application process again, including providing updated documentation specific to the new proposed ESA.

### **Student Responsibilities for Approved Emotional Support Animals:**

The student is required to ensure the animal is well cared for at all times. Any suspected or observed issues related to animal abuse or neglect will be reported to the proper investigatory authorities and may subject the student to Muhlenberg College disciplinary action. Any evidence of mistreatment or abuse may result in immediate removal of the ESA.

The College retains the right to remove the animal, at the owner's expense, should the animal become a direct threat to the health and safety of others or violates the requirements listed below:

- The student must consult the local and state ordinances and laws regarding the type of animal being requested and comply with any laws pertaining to animal licensing, vaccination and owner identification. <http://www.allentownpa.gov/Public-Works/Animal-Control>
- The student must provide a copy of the ESA's records to the Office of Disability Services.
- The cost of care, arrangements and responsibilities for the well-being of the animal are the sole responsibility of the student at all times.
- The student is responsible for designating an alternative caregiver for the animal if the owner student becomes ill or unavailable. The name and contact information must be kept updated with the Office of Disability Services.
- The ESA must be maintained and in good health (kept clean, free from fleas or ticks, free of illness, crated when left in the residential room alone, etc.).
- To the extent possible, the ESA should be unobtrusive to other students within residential living.
- The student understands that the ESA has been approved for the assigned residence of the student including access to "common" areas.

- The College retains the right to designate a particular area for the ESA to relieve itself and/or for the disposal of its waste.
- The student is expected to fulfill the housing obligations for the remainder of the housing contract if the ESA is removed from the premises for any violation of policies contained in this agreement or should the animal become ill and need to leave the residence.
- The student must be in full control of the ESA at all times. ESAs may not pose a direct threat to the health and safety of persons on the college campus, cause physical damage to property, or fundamentally alter the nature of the College operations.
- The student is responsible for any damage or injuries caused by the ESA and must take appropriate precautions to prevent property damage or injury.