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Emotional Support Animal Policy

Effective Date: 4/26/2023

Last Reviewed/Updated:

Responsible University Officer: Vice President of Finance and Administration

Responsible Office or Committee: Office of Residence Life

Policy Statement

It is the policy of Briar Cliff University to comply with the Fair Housing Act and other applicable Federal and State laws that prohibit discrimination based on an existing disability. In keeping with this obligation, Briar Cliff University has adopted this policy concerning **Emotional Support Animals (ESAs)**. This policy sets forth the procedures for requesting an ESA and the responsibilities of students who have ESAs in University Residence Halls.

Purpose

An **ESA** is an animal providing emotional or other support to ameliorate one or more identified symptoms or effects of an existing disability. An ESA is not a “service animal” as defined by the ADA Amendment Act; nor is it a pet.

Anyone requesting an ESA must have an identifiable disability as determined by a physician or mental health professional. The animal must be necessary to afford the person with a disability an equal opportunity to use and enjoy campus housing. There must be an identifiable relationship between disability and the assistance the animal provides.

Each request for an ESA will be evaluated on a case-by-case basis outlined in this policy considering the individual request and the rules of the University community.

Scope

Briar Cliff University reserves the right to immediately correct potentially harmful situations, including entry into the student’s private residential area and removal of an ESA. In connection therewith, Briar Cliff University retains the right to remove and board the animal at the student’s expense.

ESA application and documentation must be completed each year a support animal is requested.

Briar Cliff University reserves the right to amend this policy as circumstances require.

Definitions

Emotional support animals are companion animals who help their owners cope with the challenges associated with emotional and mental health conditions (such as depression and anxiety) by providing comfort with their presence. Unlike service and therapy dogs, emotional support animals are not expected to perform specific tasks related to their owner's condition, nor must they adhere to any behavior standards or training. Their presence alone is what is thought to provide their owner with solace and therapeutic benefits. Emotional support animals are not allowed in public places, except for air travel, which requires special documentation. The Fair Housing Act requires that most housing units accommodate emotional support animals with appropriate documentation.

Policy Requirements

Requesting Accommodation for an ESA

A person desiring the assistance of an ESA must first provide the following verification to the Office of Residence Life that they have a qualifying disability and that the animal is needed. The person's health care provider, who is familiar with the professional literature concerning the assistive and/or therapeutic benefits of ESAs for people with disabilities, must submit a signed letter on professional letterhead, expressing the following:

1. The provider's recommendation based on the person's condition.
2. The provider's opinion that the condition qualifies as a disability under federal law, including the major life activities which are substantially limited by the disability.
3. The provider must give their professional opinion of how the person's documented disability relates to the necessity of the animal's presence in university housing.
4. The provider's description of what function(s) the animal will specifically provide.

Examples of a "health care provider" may be a licensed therapist/counselor, psychologist, psychiatrist, or primary care provider and must be either from the student's hometown or who has a standing relationship with the student. The letter must be dated less than one year from the request.

1. In addition to the above documentation from a health care provider, the person must provide the following documentation before being considered for the accommodation of an ESA. BCU's Application for an ESA, including an emergency contact person who does not live on-campus at BCU.
2. BCU's ESA Medical Documentation.
3. BCU's ESA Veterinary Documentation.
4. Record of up-to-date Vaccinations of the ESA.
5. A \$500.00 deposit, which will be refunded within 45 days after the room has adequately been reviewed following the student's departure less any damages.
6. BCU's Roommate Agreement Form (below) can be either emailed or attached to the application.
7. BCU's Emergency Contact Form (below) can be either emailed or attached to the application.
8. A clear full-bodied photograph of the ESA (jpg., png., etc.).

The required documentation may be scanned/mailed or delivered (as one full document) in person to The Office of Residence Life. Pictures of documents will not be accepted. Contact information is as follows:

Office of Residence Life
3303 Rebecca Street
Sioux City, Iowa 51106
Phone: 712-279-1715
Email: Residence.Life@briarcliff.edu

Submission of an ESA application must be submitted at least 60 days prior to the student's desired approval date.

The ESA Committee will review documentation and, if the office determines that an ESA will be approved, the Director of Residence Life shall meet with the person requesting that ESA. This policy will be carefully reviewed with the person at that time and an interactive dialogue will take place to determine whether the animal is a reasonable accommodation and the impact of the animal in university housing. If approved, the owner will need to sign a Statement of Acknowledgement of The ESA Agreement. **The Director of Residence Life reserves the right to request additional clinical information from the professional who provided the initial letter of recommendation for the ESA.**

If you have questions about the requirement for documentation, please contact the Office of Residence Life. Approvals are given for the same academic year as requested. If continued assistance is needed by an ESA, a follow-up application will need to be submitted yearly.

If the request is denied, the student may appeal the decision, in writing, to the Associate Provost for Student Success and Student Life or their designee, within five days of the decision.

Expectations

For a student to have an ESA reside with them in on-campus housing for a documented disability need, the student must comply with the following expectations listed below.

Age Requirements

- Age requirements for the following types of animals are in place.
 - Dogs must be at least 2 years old.
 - Cats must be at least 3 months old.
- Please inquire about the age requirements of other animals.

Animal Behavior

- An exception to the animal and pet policy is granted for approved animals provided that their behavior, noise, odor, and waste do not exceed reasonable standards for a well-behaved animal and that these factors do not create unreasonable disruptions for other residents. If the noise (especially when the resident isn't around) from the animal is heard in the room, it can be grounds to terminate the ESA Agreement.
- There must be a prior relationship with the animal for at least 6 months so that the owner is able to attest to the animal's temperament and behavior around other people and animals.

- The exception to the university pet policy is limited to the specified residence hall that the resident resides in. The ESA cannot be taken into classrooms, facilities (football stadium, soccer field, softball/baseball complex, etc.), or other buildings on campus. When a student leaves campus for weekends, breaks, or any other long period of time (approximately more than 4 hours) the ESA must go with the student. ESAs may not be left with friends or roommates who live on campus to take responsibility while gone. Arrangements should be made with a local boarding facility to care for the animal while the owner is away.

Animal Health and Well-Being

- Students must comply with all state laws and local animal ordinances. The animal must have all veterinarian-recommended vaccinations to maintain its health and prevent contagious diseases. Proof of vaccination is required before moving the animal into the residence halls. Any new vaccinations or boosters that the ESA needs throughout the academic year should be submitted to the Office for Residence Life within 2 weeks of being obtained. The university reserves the right to request an updated verification of vaccinations at any time during the animal's residency.
- The Office of Residence Life may place other reasonable conditions or restrictions on the animal depending on its nature and characteristics of the animal.

Animal Cleanliness

- Dogs as ESAs must be "housebroken" and cats as ESAs must be litter box trained. The student is responsible for properly containing and disposing of all animal waste. Animal litter must be placed in a sturdy plastic bag and tied securely before being disposed of in outside trash dumpsters. Litter boxes should be placed on mats, preferably on hard-surfaced floors, so that feces and urine are not tracked onto carpeted surfaces. Other smaller animals (i.e. gerbils, rabbits, guinea pigs, etc.) are not to be left running loose in the student's room.
- The student's residence may be inspected for fleas, ticks, or other pests once per semester or as needed. The Office of Residence Life staff will schedule the inspection. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a university-approved pest control service. The resident will be billed for the expense of any pest treatment above and beyond normally required pest management.

Student Responsibilities

- The student is responsible for assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for residents who reside there. Sensitivity to residents with allergies and to those who fear animals is important to ensure the peace of the residential community.
- The student must put the animal in a kennel or crate whenever the owner leaves the room. This is to ensure the safety of not only the pet itself (to keep from running out when someone walks in) but also to protect students and staff.
- The student is financially responsible for the actions of the animal including bodily injury or property damage including but not limited to any replacement of furniture, carpet,

window, wall covering, etc. The student is expected to cover these costs, when and if incurred.

- The student is responsible for any expenses that are required due to costs incurred for cleaning which are above and beyond a normal cleaning or for repairs to university premises. The university shall have the right to bill the resident's account for unmet obligations.
- The student must effectively always control the animal. Those that are taken out of the residence hall room must be always on a physical leash (no longer than 6 feet in length), including when outside of the residence halls. The animal cannot pose a threat to the health or safety of others. If the student cannot effectively control the animal, or if the animal poses a direct threat to the health or safety of others, the permission to keep that animal in university housing will be rescinded.
- The student is responsible for the behavior of the ESA. Any biting or other aggressive behaviors on the part of the ESA will not be tolerated. This behavior could result in the removal of the ESA from Briar Cliff University.
- Only one ESA is allowed per resident. ESAs in residence halls must be able to tolerate the small room size and other unique aspects of residence hall living and not disrupt the learning environment of the residence halls, or the safety and comfort of other residents. ESAs are not allowed in community lounge areas.
- The student must notify the Office of Residence Life in writing if the animal is no longer needed as an ESA or is no longer in residence. To replace the animal with a different animal, the student must file a new request.
- The Office of Residence Life has the right to relocate the student and the animal as necessary per current contractual agreements.
- All other residential policies apply.
- Any violation of the above rules may result in a fine of \$100 per incident and/or immediate removal of the animal from the university. The incident will be reviewed through the student conduct process and the student will be afforded all rights of due process and appeal as outlined in that process.
- Should the animal be removed from the premises for any reason, the student is required to fulfill one's housing obligations for the remainder of the housing contract. If a single room is being requested, please contact the Office of Residence Life at Residence.Life@briarcliff.edu.

Unregistered Animals

- Unregistered animals found in Briar Cliff housing must be removed immediately and taken home or boarded at the owner's expense. Animal owners will be given a \$500.00 fine.
- If owners would like to pursue officially having an ESA they must follow policy procedures and documentation, including a \$500.00 deposit, and await the next

scheduled ESA committee meeting for approval.

Responsibilities

Office of Residence Life

Forms & Procedures

[Emotional Support Animal Application](#)

Emotional Support Animal Provider Documentation

Licensed Health Care Provider Official Referral Letter

Emotional Support Animal Veterinary Documentation

Briar Cliff University Emotional Support Animal Roommate Agreement Form

Emergency Contact Consent for Emotional Support Animal

Related Policy Information

[Student Handbook](#)

[Family Educational Rights and Privacy Act \(FERPA\)](#)

Fair Housing Act

Exclusions

Not Applicable.

Appendices

Not Applicable.

Revisions

Not Applicable.

Policy Approval Process

Department/Internal Process (when warranted):

Recommend Do Not Recommend Abstention Date:

Representative Signature:

Vice President:

Recommend Do Not Recommend Abstention Date:

Vice President Signature:

President:

Recommend Do Not Recommend Abstention Date:

President Signature:

Board of Trustees (when warranted):

Recommend Do Not Recommend Abstention Date:

Trustee Signature:
