

UNIVERSITY OF WISCONSIN LA CROSSE EMOTIONAL SUPPORT ANIMAL POLICY

The University of Wisconsin La Crosse (“UWL” or “University”) 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. UWL is committed to allowing Emotional Support Animals, necessary to provide individuals with mental health disabilities an equal opportunity to use and enjoy University housing. This Policy explains the specific requirements applicable to an individual’s use of an ESA in University housing. This policy applies solely to ESAs that may be necessary in University housing. It does not apply to “Service Animals” as defined by the ADAAA, and whose presence on campus is explained in the UWL Service Animal Policy.

Although it is the policy of UWL that individuals are generally prohibited from having animals of any type in University housing, UWL will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a mental health disability. However, no ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

I. Definitions

A. Emotional Support Animal

An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support for an individual with a diagnosed mental health disability. 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. Their therapeutic support is a function of their presence and interaction with the person with a disability. ESAs are not pets, but they typically are animals commonly kept in households as pets. An ESA may be a dog, cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated, animal that is traditionally kept in the home for pleasure. Under guidelines from HUD, reptiles (other than turtles), 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.

The question in determining if an ESA will be allowed in University housing is whether or not the ESA is necessary because of the individual’s mental health disability to afford the individual an equal opportunity to use and enjoy University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing, that ESA is not permitted in other areas of the University (e.g., dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.). The Emotional Support Animal is, also, not allowed in other areas in University housing buildings (e.g., common lounges, bathrooms, other residential rooms).

B. Owner

The “Owner” is the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into University Housing.

C. Disability Services Office

The ACCESS Center (“Disability Services Office”) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all UWL programs and activities.

II. Procedures for Requesting Emotional Support Animals in University Housing

The procedure for requesting Emotional Support Animals follows the general procedures set forth in the Reasonable Accommodation Policy for University housing (“Reasonable Accommodation Policy”) and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Reasonable Accommodation Policy, this Policy shall control. The ACCESS Center will provide the student information on the policy and documentation requested. The student will return the completed forms to the ACCESS Center for the ESA requested. The ACCESS Center will present the information to the Housing Accommodations Review Committee and communicate the committee's decision to the student. If the request is approved, the ACCESS Center will notify the student and direct them to meet with a Residence Life staff member before final approval. Until this final step is completed with Residence Life, the ESA is not allowed to be brought to campus. All approvals for ESAs in university housing are subject to review prior to each fall semester.

Approval timeline varies based on the following factors: submission date, available housing occupancy, review of submitted documentation and necessary animal verification. Approval of an Emotional Support Animal does not guarantee immediate housing placement.

If an ESA is denied the owner is afforded the right to appeal the decision. See Section VII.

III. Criteria for Determining If Presence of the Emotional Support Animal is Reasonable

- A. University housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or apartment in certain residence halls. To ensure that the presence of ESAs is not an undue administrative burden or fundamental alteration of University housing, UWL reserves the right to move the individual with an ESA to another room or building.

Further, host roommate(s) desires and needs will be factored into the decision regarding an Emotional Support Animal. Roommate(s) allergies and other considerations may result in a reassignment of an owner seeking an Emotional Support Animal accommodation. ESA owners living in apartment or suite-style residence halls must keep their ESA in their own bedroom when not present in room unless agreed upon by roommates to do so.

- B. For all requests for Emotional Support Animals, the ACCESS Center shall 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. A request for an Emotional Support Animal may be denied as unreasonable if the presence of the animal:
- a. imposes an undue financial and/or administrative burden;
 - b. fundamentally alters University housing policies; and/or
 - c. poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property;
 - d. is deemed a non-domesticated animal.
- C. The animal must meet all recommendations advised by the UWL University Veterinarian, which includes but is not limited to: the animal must be certified and in good health by a Wisconsin licensed Veterinarian and meet (and be up to date on) county and state vaccination and health requirements including: rabies and other congregate living vaccinations, flea and tick preventative, and de-wormer.

In accordance with the UWL University Veterinarian, the following animals require additional, specific, vaccinations beyond those listed in the aforementioned paragraph:

- a. Rabbits: Rabbit Hemorrhagic Disease (RHDV2)

The animal cannot pose health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting. The ESA owner is required to notify UWL of any infectious disease throughout their time on campus.

UWL has determined that the University residential setting, in most cases, is not an appropriate environment in which to raise a young animal.

- b. Dogs: Generally, dogs must be twelve (12) months of age and must be spayed or neutered. Exceptions to this requirement are rare but considered based on extenuating circumstances.
 - c. Cats: Generally, cats must be at least 6 months of age and must be spayed or neutered. Exceptions to this requirement are rare but considered based on extenuating circumstances.
 - d. For other ESA animals, guidance may be provided.
- D. UWL may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Emotional Support Animals:
- a. The space needed for the average expected fully grown animal's cage/crate in which the animal will be housed is too large for available assigned housing space;
 - b. The animal's presence would force another individual from individual housing (e.g., serious allergies);
 - c. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
 - d. The animal is not housebroken or is unable to live with others in a reasonable manner;
 - e. The animal's vaccinations are not up-to-date;
 - f. 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
 - g. The animal causes or has caused excessive damage to housing beyond reasonable wear.
- E. UWL may limit room assignments for individuals with Emotional Support Animals to specific floors, houses, cubes, or wings in order to separate any animals from students with known allergies.
- F. UWL may consider any previously documented ESA policy violations and/or related University policy violations of the ESA Owner or situations where an ESA Owner had an ESA or animal removed from campus, specifically where an ESA policy violation and/or University policy violation or ESA or animal removal has occurred due to negligence on the part of the ESA Owner.

IV. Access to University 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 (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an Emotional Support Animal is outside 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 University facilities other than University residence halls (e.g., dormitories, suites, apartments, etc.) to which the individual is assigned. In addition, Emotional Support Animals are not allowed in other areas in University housing buildings (e.g., common lounges, bathrooms, other residential rooms).

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 University housing.

Emotional Support Animals must be caged/crated when Owner is not present in individual living accommodation.

ESA Owners will take all reasonable precautions to protect individuals who may come in contact with the Emotional Support Animal, as well as the property of the University and other students/residents. All liability for the actions of the Emotional Support Animal (bites, scratches, odors, etc.) is the sole responsibility of the Owner and is financially responsible for any losses or damage caused by their Emotional Support Animal.

V. Owner's Responsibilities for Assistance Animal

If the University grants an Owner's request to live with an Emotional Support Animal, the Owner is solely responsible for the custody and care of the Emotional Support Animal and must meet the following requirements:

A. General Responsibilities

1. 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 University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.
2. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by UWL.
3. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Emotional Support Animal and/or discipline for the responsible individual.
4. UWL will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
5. An individual with a disability may be charged for any damage caused by the 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 living accommodations may also be inspected for fleas, ticks, or other pests if necessary, as part of the University'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 University-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 University shall have the right to bill the Owner's account for unmet obligations under this provision.
6. The Owner must fully cooperate with University 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 feces, etc.).
7. Emotional Support Animals may not be left overnight in University Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Emotional Support Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.

The Owner must provide an emergency contact (name, address, and phone number) who does not reside in University housing, who would be able to remove the ESA from University housing in case of an emergency. It is the expectation that the emergency contact responds to phone calls from the university and picks up the animal immediately upon request. If the emergency contact is unreachable or unable to perform the expected responsibilities, UWL Residence Life will call La Crosse County Animal Control for

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detainment of the animal. Any fees or fines incurred for this service or retrieval of the animal will be the responsibility of the Owner.

8. 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 for individuals who reside there.
9. The animal is allowed in University housing only if it is necessary because of the Owner's disability. The Owner must notify the ACCESS Center 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 and the Reasonable Accommodation Policy when requesting a different animal.
10. UWL 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.
11. The ACCESS Center and Residence Life staff will disclose information regarding the request for and/or 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, roommates/neighbors, facilities, and university police personnel. Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

VI. Removal of Emotional Support Animal

The University may require the individual to remove the animal from University housing if:

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in a fundamental alteration of a University program;
3. the Owner does not comply with the Owner's Responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the University community.

The University 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 damage an animal may cause. Any removal of the animal will be done in consultation with the ACCESS Center Director and may be appealed to the University of Wisconsin La Crosse's Director for Affirmative Action following the procedure set forth in Paragraph 5 of the Reasonable Accommodation Policy. The Owner will be afforded all rights of due process and appeal as outlined in that process. All behavioral concerns and conversations with the Owner about the Emotional Support Animal will be documented by Residence Life personnel and shared in writing with the Owner. Access to these documents will be shared with the ACCESS Center and the Affirmative Action personnel if the removal of the animal is in question.

Should the Emotional Support Animal be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

VII. Non-retaliation Provision

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

Appeal Procedures

A decision to deny approval of an emotional support animal or to remove a previously approved emotional support animal as well as a student with a disability believing they have been discriminated against because of their disability may be appealed to the Office of Affirmative Action. Appeals must state a specific reason(s) for why the owner believes the request should be reconsidered. The College officials may consider records and information relevant to the owner's appeal, whether submitted by the owner or obtained from any university office or staff person.

A decision on emotional support animal appeals shall be issued by the Office of Affirmative Action in writing and shall be the final administrative action of the university.

Should the decision be upheld to remove the currently approved Emotional Support Animal, the owner may begin the request for a replacement animal and will be subject to all steps of the request/approval process.

Modification and Enforcement

The university reserves the right to amend and enforce this policy at its discretion.