

# Emotional Support Animal (ESA) Policy

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## I. PURPOSE

This policy provides the rules concerning employees, students and any visitors or contractual workers who bring their emotional support animal to campus.

## II. SCOPE

This policy applies to all employees of the College, including faculty and staff members; students; alumnae/i, volunteers, donors, business representatives, contractors and others having legitimate business on college property; and to all visitors to the College.

## III. DEFINITIONS

**Emotional Support Animal (ESA):** According to the U.S. Department of Housing and Urban Development (HUD) emotional support animal is any animal that provides emotional support alleviating one or more symptoms or effects of a person's disability. Emotional Support Animals are not trained to perform work or tasks, and they include species other than dogs and miniature horses.

**College Property:** For the purposes of this policy, college property includes all areas owned or controlled by the College, all campus workspaces of college employees, all class sites for students, all event sites for college events and all other venues in which the College controls the site.

**Handler:** A handler is a person with a disability who is the owner and user of an approved ESA on campus.

## IV. PROCEDURES

**Emotional Support Animals in Housing.** Students who reside on college property and who wish to bring an ESA onto college property as an accommodation for a disability must request the College's permission to keep the ESA in college housing by obtaining approval through the [Housing Accommodation Request](#) process in advance of bringing the animal onto college property.

Requests to keep an ESA in the residence halls must include documentation from a licensed physician, mental health provider or other reliable third party that provides sufficient information for the College to determine that:

- The individual qualifies as a person with a disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities).

- The ESA is necessary to afford the person with a disability an equal opportunity to use and enjoy college housing; the documentation must include information about the relationship between the person's disability and the ESA.

**Evaluating Requests for Emotional Support Animal in Housing.** The Office of Accessibility Services, in consultation with the Director of Residence Life and other appropriate college personnel, will determine whether to grant the request for an ESA in campus housing.

- The request will be considered unreasonable and will not be granted if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters college housing policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including college property; and/or (4) is otherwise unreasonable to the operation of the College.

The Director of Residence Life may consider the following factors in determining whether the presence of the ESA is reasonable for individuals with emotional support animal:

- The size of the animal is too large for available assigned housing space.
- The animal's presence could potentially impact other individual's 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 or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or has injured the individual or others.
- The animal causes or has caused excessive damage to property beyond reasonable wear and tear.

**Visitors.** Visitors, including alumni, event attendees, seminar participants, potential students and families on campus tours, vendors and other business visitors to the college property, and all other college property guests, are not allowed to bring ESAs to campus unless they have prior approval. The department or office the visitor wishes to visit, or the office sponsoring the event the visitor wishes to attend, should be contacted in advance if the visitor has any questions about the rules concerning the presence of an ESA at a specific event or in a specific location on campus.

Visitors are not authorized to bring ESAs or pets into any college buildings, or into other controlled spaces on college property.

**Animal Free Zones.** The College reserves the right to designate certain areas, including floors, of the residence halls, as animal-free zones if necessary to accommodate the needs of individuals with disabilities that make it impractical or impossible for such individuals to live near animals, e.g., individuals with allergies and/or fears related to animals.

## **V. RESPONSIBILITIES**

An ESA must be personally supervised by the handler, and the handler must retain full control of the animal while on college property.

The ESA may only be left unattended in the residence hall as determined by the Director of Residence Life. An ESA left for longer than a reasonable period may be impounded in the direction of the Office of Campus Safety. A handler who leaves their ESA unattended for longer than a reasonable amount of time will receive one warning, and if the behavior occurs a second time, the handler will be required to remove the animal from campus and prohibited from bringing the animal back onto college property. Animals may not be tied or tethered to any college property, including buildings, railings, bike racks, fire hydrants, fences, signposts, benches, and trees, and may not be allowed to run loose anywhere on campus.

ESAs must not disrupt or interfere with college activities including teaching, research, service, or administrative activities. If the animal is unruly or disruptive, or if the handler fails to maintain control of the animal, the handler must regain control immediately or remove the animal from the college property. If the improper behavior continues or happens more than once, the handler may be prohibited from bringing the animal onto college property, to be determined on a case-by-case basis by the Director of Campus Safety or designee, or the program/center director responsible for the area, as most appropriate. In the event an ESA is banned, the College will engage as needed in a good faith process with the individual to determine if other accommodations will effectively allow the individual to participate in the program, service, or activity.

College personnel shall not be required to provide care or food for any ESA, 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 an animal and may not be held responsible for the care, injury, or loss of the animal. Additionally, emotional support animals may not be left overnight in college housing to be cared for by any individual other than the handler. If the handler is to be absent from their residence hall overnight or longer, the ESA must accompany the handler. The handler will also be required to designate a third party as an emergency contact to care for the ESA in the event the handler is unable to do so because of a medical, or other emergency.

All handlers are responsible for compliance with state and local laws concerning animals (including registration, vaccinations, and tags), and to show proof of such compliance upon request, for controlling their animals, for cleaning up any waste created by the animal, and for any damage caused by the animal to persons or property while on college property. This includes fees for clean-up and disposal of animal waste or replacement and repair of college or other individuals' assets, including grounds, personal property and improvements, and the remediation of flea infestation. If the handler fails to clean up after the animal or the animal causes damage to property, the handler may be prohibited from bringing the animal onto college property.

## **VI. RESTRICTIONS**

The College may impose some restrictions on, and may even exclude, an ESA in certain instances. Restrictions or exclusions will be considered on a case-by-case basis in accordance with applicable laws, but an animal may be excluded if:

- it is out of control and effective action is not taken to control it,
- it is not housebroken,

- it poses a direct threat to the health or safety of others that cannot be reduced or eliminated by reasonable modifications, and/or
- its presence fundamentally alters the nature of a program, service, or activity.

In considering whether an animal poses a direct threat to the health or safety of others, the College will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine:

- the nature, duration, and severity of the risk,
- the probability that a potential injury will occur, and/or
- whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

## **VII. SANCTIONS**

Any member of the college community who interferes with an ESA may face sanctions under appropriate misconduct charges.

Sanctions for violations of this policy by handlers will be commensurate with the severity and/or frequency of the offense and may include termination of employment, dismissal of a student, or banning an animal from college property.

If an ESA is banned from college property, the individual with a disability will have the right to engage in a deliberative process to determine if effective participation can occur with other appropriate accommodations.

Any handler whose ESA causes damage to property may be charged for replacement and repair of property.

## **VIII. RESPONSIBLE OFFICE**

For more information or if you have questions about this policy, please contact the Office of Accessibility Services at [access@Goucher.edu](mailto:access@Goucher.edu).

## **IX. HISTORY**

Adopted June 2023