

## **Emotional Support Animal Policy-Whitman College**

### **Definitions**

**A. Emotional Support Animal** - An *Emotional Support Animal (ESA)* is an animal that alleviates one or more identified symptoms or effects of a person's disability. An ESA is prescribed to an individual with a disability by a healthcare or mental health professional. An ESA does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times. \* It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or emotional support animal.

**B. Pet:** A *pet* is defined as an animal kept for ordinary use and companionship.

**C. Owner:** The *Owner* is the individual who has requested the accommodation and has received approval to bring an ESA into college housing.

### **II: Housing Policy and Access to College Facilities**

- A.** Residential students are not permitted to keep pets in college housing, other than fish or other fully aquatic pets deemed appropriate by the Residence Life and Housing Office.
- B.** ESAs are approved for college housing only and are not permitted in other college buildings (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.).
- C.** It is not appropriate to have an ESA in public areas of the residence, except for transporting the animal in and out of housing.
- D.** Where applicable, ESAs are permitted in designated outdoor spaces, primarily for natural relief and exercise.
- E.** The ESA 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 college housing.

### **III. Criteria for Determining If The Presence of the ESA Is Reasonable:**

College 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 suite in most college residences. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of college housing, Whitman College reserves the right to assign an individual with an ESA to an alternative housing assignment, including a single room without a roommate.

- A.** For all requests for an ESA, Disability Support Services may consult with Residence Life and Housing in making a determination on a case-by-case basis of whether the presence of an ESA is

reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal: 1) imposes an undue financial and/or administrative burden; 2) fundamentally alters college housing policies; and/or 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.

**B.** Whitman College may consider the following factors, among others, as evidence in determining whether the presence of the ESA is reasonable or in the making of housing assignments for individuals with an ESA:

1. The size of the ESA is too large for available assigned housing space;
2. The ESAs presence would force another individual out of individual housing (e.g., serious allergies);
3. The ESAs presence otherwise violates individuals' right to peace and quiet enjoyment;
4. The ESA is not housebroken or is unable to live with others in a reasonable manner;
5. The ESAs vaccinations are not up-to-date;
6. The ESA poses or has posed in the past a direct threat to the Owner or others, such as aggressive behavior towards or injuring the Owner or others;
7. The ESA causes or has caused excessive damage to housing beyond reasonable wear and tear; or
8. Dangerous, poisonous, oversized, and/or illegal animals are not permitted, as these would not be considered a reasonable accommodation in a community living environment.

#### **IV. Responsibility and Expectations of Owners with Emotional Support Animals (ESAs)**

**A. Permission for an ESA in College Housing:** ESAs may not reside in college housing without expressed approval from both the Disability Support Services (DSS) staff and the Director of Residence Life and Housing.

**B. Care and Supervision:** Care and supervision (custody) of the animal is the sole responsibility of the Owner and must meet the following requirements:

1. An ESA must be contained in the Owner's privately assigned individual living accommodations (room) except to the extent the student is taking the animal out for natural relief, exercise or transportation.
2. The Owner is responsible for ensuring that the ESA is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities. While crating of dogs and cats is not required, it is recommended. When transported outside of these environments, the animal must be on a leash or transported in a carrier.

3. The ESA must be properly housed and restrained or otherwise under the control of the Owner at all times.
4. An ESA may not be left overnight in college housing to be cared for by any individual other than the Owner. If the Owner is to be absent from their residence hall overnight or longer, the animal must accompany the Owner.
5. The Owner must provide contact information for an alternative caregiver/emergency contact who will take responsibility of the ESA and remove it from campus should the Owner be unable to care for it (e.g., hospitalization or accident). The caregiver/emergency contact must reside **OFF** campus and must be available to remove the ESA in a timely manner appropriate for the animal species and needed care. Dogs must be removed within 6 hours. All other animals must be removed in no more than 12 hours. In instances where it is determined the ESA needs care not being provided to ensure immediate health and well-being, the College reserves the right to have the animal removed from college housing. The College may have an ESA removed from college housing if it is not removed in a timely manner as specified in this policy. In instances where Housing and Residence Life staff determine the ESA needs care, they will remove the animal from the premises.
6. The Owner must notify the Residence Life and Housing Office and DSS of any emergency situation during which the Owner is unable to care for the ESA. Notification of such a situation and removal of the ESA must occur in a timely manner appropriate for the animal species and needed care, but may not extend overnight in any case. Failure of timely removal of the animal may result in the animal being removed by local Animal Control.
7. Whitman College personnel and Whitman College students shall not be required to provide food, care or any additional space for any ESA. This includes, but is not limited to, removing the animal during an 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 of, damage to, or loss of the animal.
8. The ESA is allowed in college housing only as long as it is necessary because of the Owner's disability. The Owner must notify DSS in writing if the ESA is no longer needed or is no longer in residence. To replace an ESA, 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 for Housing when requesting a different animal.

**B. Waste Management and Cleaning:**

1. The ESA must be housebroken or housed in species-appropriate cages/crates/habitats. Pee pads are not permitted for toileting.
2. The Owner is responsible for managing all cleaning tasks associated with keeping and caring for their ESA, including hair/fur, waste management, litter and bedding. College housekeeping equipment, facilities and/or supplies may not be used for any ESA cleaning tasks.
3. Owners are responsible for properly cleaning up after, containing and disposing of all animal waste. Solid waste (such as cat litter, soiled bedding, etc.) must be placed in a sturdy plastic bag and tied securely before being disposed of in a designated outside trash can. Litter boxes should be placed on mats so that feces and urine are not tracked onto carpeted surfaces. Owners may not clean litter boxes or cages in any residential facility (e.g., kitchen or bathroom sink, shower, janitorial closet).
4. ESA odor and waste accumulation must not exceed reasonable standards. Litter boxes and cage bedding must be maintained such that odors are not apparent outside of the Owner's living space.
5. For animals which must be toileted outside, the College will designate appropriate areas near the Owner's residential location for regular toileting of their animal. Outdoor animal waste/feces must be immediately cleaned up, contained (placed in a plastic bag and securely tied) and disposed of by the Owner in a designated outside trash can. Improper waste disposal is grounds for the removal of the animal.
6. It is expected that Owners of cats and dogs will follow veterinary recommendations for preventative treatment of fleas and ticks.

**C. Health and Well-being:**

1. The Owner must abide by current city, county and state ordinances, laws and/or regulations pertaining to licensing, vaccination, noise, restraint, at-large animals, dangerous animals and other requirements for animals. It is the Owner's responsibility to know and understand these ordinances, laws and/or regulations. The College has the right to require documentation of compliance with such ordinances, laws and/or regulations, which may include a vaccination certificate. The College reserves the right to request documentation showing that the animal has been licensed.
2. The ESA must be immunized against diseases common to that type of animal.
  - a. Dogs and cats must have proof of current rabies vaccination. A copy of the current licensing documentation for the animal will be kept on file and must be kept current.

- b.** Dogs must wear a license tag (local) and a current rabies vaccination tag.
- 3. An ESA housed in college housing must have an annual clean bill of health from a licensed veterinarian.
- 4. The College reserves the right to mandate that the ESA receive veterinary attention or be removed from College property.
- 5. The Owner is required to ensure the ESA is well cared for at all times. Any suspected or observed issues related to mistreatment or abuse of the ESA will be reported to the proper investigatory authorities, may result in immediate removal of the ESA, and may subject the responsible Owner or other individual to College disciplinary action.

**D. ESA Behavior:**

- 1. The Owner is required to maintain control of the ESA at all times. ESA's must be harnessed, leashed or in a carrier at all times. No Owner shall permit the animal to go loose or run at large.
- 2. The ESA 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. Local and state ordinances and laws regarding animals apply.
- 3. The ESA's behavior and/or noise must not exceed reasonable standards for a well-behaved animal. These factors should not create unreasonable disruptions for other residents. If the noise is excessive as judged by Residence Life and Housing staff, it is grounds to remove the ESA from campus. The ESA may be excluded from the college campus if the ESA behaves in an unacceptable way and/or the student does not control the ESA. Uncontrolled barking, jumping on other people, biting, growling, or running away from the Owner are some examples of unacceptable behavior for an ESA.
- 4. The Owner, not the College, is responsible for the actions of the ESA including bodily injury or property damage. Owners with an ESA are likely to be charged if additional cleaning or damage occurs as a result of having the ESA in college housing. The Owner is expected to pay these costs upon repair or cleaning. In addition, the College retains the right to remove the ESA, at the Owner's expense, should the ESA become a direct threat to the health and safety of others or violate these requirements in any way.

**E. Financial Responsibility:**

- 1. Whitman College will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
- 2. An individual with a disability may be charged for any damage caused by his or her ESA 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 College'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 College-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in college housing. The College has the right to bill the Owner's account for unmet obligations under this provision. The Owner will be required to treat their ESA for any such infestation at their expense.

3. Any cost for the actions of the ESA, including bodily injury, property damage and/or non-standard cleaning, must be met by the Owner. The College reserves the right to bill the Owner's account for charges related to the ESA.

**V. General Responsibilities:**

1. Owners are responsible for feeding and watering their animal within the confines of their personal room. Bowls of food and water should be placed on mats so that water and food do not get on the carpet/floor. If food or water is spilled, the Owner is responsible for cleaning the floor of their residence immediately.
2. Food for the ESA should be kept in a sealed plastic container within the confines of the Owner's room. Open bags of food are not permissible, as they attract bugs.
3. If the ESA becomes sick and vomits and/or becomes incontinent, it is the responsibility of the Owner to make sure it is cleaned up immediately.
4. The ESA should be kept clean and free from odor; however, Owners may not use hall or apartment showers, sinks or baths to clean their ESAs. Local groomers may be an option.
5. 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. Behavior, noise and odor must not exceed reasonable standards for a well-behaved animal and these factors must not create unreasonable disruptions for other residents.
6. If the animal is a dog/cat that has not been spayed, it may be necessary for the animal to wear a diaper while it is in heat.

**VI. Roommate Conflicting Over ESAs**

Should there be conflicting considerations between the student approved for an ESA and the needs of roommate(s), apartment mate(s), or housemate(s), such as health/allergy conditions, either the student requesting the emotional support animal or the non-approving roommate(s), apartment mate(s), or housemate(s) may be moved to a different location based on space availability. Students with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) should contact the DSS if they have a health or safety-related concern about exposure to an ESA. The individual will be asked to provide medical documentation that identifies the condition(s), and will allow determination to be made as to whether the condition is disabling and whether there is a need for an accommodation. Residence Life and Housing and, as appropriate, DSS, will respond in a timely manner and will carefully consider options for all involved students.

#### **VII. Removal of ESA**

Whitman College may require the Owner of an ESA to remove the animal from College property if:

- a. The ESA poses a direct threat to the health or safety of others or causes substantial property damage to the property of others.
- b. The ESA's behavior is unruly or disruptive (e.g., barking, growling, running around, and/or displaying aggressive behavior). If such behavior persists, the Owner may be prohibited from bringing the animal on campus until the Owner takes significant and effective remedial steps to correct the animal's behavioral problems.
- c. The ESA is ill. Animals that are ill or in poor health must not be taken into public areas.
- d. The Owner fails to properly clean up and dispose of the animal's waste.
- e. The ESA is otherwise unclean or unkempt.
- f. The animal or its presence creates an unmanageable disturbance or interference with the College community.
- g. There is evidence of abuse or neglect of the animal by the owner.
- h. The animal's presence results in a fundamental alteration of a College program.
- i. The Owner does not comply with this policy.

When it is determined that an ESA must be removed from College property, the Owner will be notified in person. The ESA must be removed from campus within 24 hours of the notification.

#### **VIII. Non-retaliation Provision**

Whitman College will not retaliate against any individual because that individual has requested or received a reasonable accommodation in college housing, including a request for an ESA.

#### **IX. Procedure for Requesting Emotional Support Animals (ESA) in College Housing**

The procedure for requesting an ESA follows the general procedures set forth in the **College Housing Reasonable Accommodation Policy** ("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.

Approval of an ESA and approval of the particular animal requested by the student is determined on a case-by-case basis. Students must renew their application each academic year to have an ESA in college housing (updated documentation may be required) due to changing residential assignments and settings. Whitman College will accept and consider requests for reasonable accommodation in college housing at any time. The individual making the request for an ESA should complete the steps below as soon as practically possible before moving into college housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into college housing, Whitman College cannot guarantee that it will be able to meet the individual's request for an ESA during the first semester or term of occupancy.

- A. Owner/student will request an ESA through the DSS.
- B. Owner/student will complete **Disability Accommodations Request Form for College Housing** form.
- C. DSS will provide the Owner/student with a copy of the **Emotional Support Animals Residential Policy/Agreement** for review.
- D. The Owner will provide documentation of disability.
- E. **Meeting with Disability Services, Policy Review and Agreement:**
  1. **Intake Appointment:** The Owner will schedule and participate in an appointment with the DSS, during which the student's request to have an ESA in college housing will be discussed.
  2. **Policy Review and Agreement:** The Owner will review the **Emotional Support Animals Residential Policy Emotional Support Animal Agreement**.
  3. The Owner will participate in an interview with the DSS to discuss the relationship between the Owner's disability and the need for the requested ESA in college housing. The DSS will discuss with the Owner the specific application of the ESA policy to the Owner's college housing assignment and the Owner's requested ESA.
- F. **Documentation of Disability:** The Owner will provide a completed **ESA Provider Documentation Form**, available through the DSS. Providers will find useful guidance for completing the form in the document titled **Emotional Support Animal (ESA) Provider Request for Additional Information**.



- G. Other forms of documentation will be accepted, but additional necessary information not provided may be required.
- H. **Animal Information:** The Owner will upload copies of appropriate vaccination documentation and current veterinary Health Certificate.
- I. **Review:** The DSS and the Office of Residence Life and Housing will review the Owner's request and completed forms for the ESA to determine if the request is reasonable. If the DSS and the Residence Life and Housing Office determine the requested ESA accommodation is necessary and is not unreasonable:
- a. The DSS will schedule a meeting with the Owner. The policy and agreement as well as specific information pertaining to the approved ESA will be reviewed and the Owner will be given approval pending housing assignment through the Residence Life and Housing Office.
  - b. The Residence Life Hall Staff for the living area where the Owner/ESA will be notified of the ESA as an accommodation.
  - c. Residence Life staff and Maintenance staff will be notified of the presence of the ESA as appropriate.
  - d. Neighbors, where applicable in residence halls, will be notified the Owner will be living with an ESA as an accommodation.
  - e. Should changes in housing assignment for the Owner or roommates be required, the Office of Residence Life and Housing and/or DSS will meet with the individuals and make arrangements for room assignment changes.
- I. **Denial of Accommodation/Appeal:**
- 1.
    - a. If Disability Services and the Office of Residence Life and Housing determine the request for an ESA accommodation is denied, Disability Services will contact the student and the Office of Residence Life in writing, within ten (10) business days of its determination.
    - b. If the individual is unwilling to accept the denial, Disability Services will provide written notification to the individual and the Office of Residence Life and Housing of the denial, the reasons for the denial, and the right to appeal the decision, and the procedures for that appeals process. The notification shall be in writing and made within ten (10) business days of the notification from the individual of his/her unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.
    - c. All appeals are reviewed by the Whitman College ADA/Section 504 Compliance Officer. If the appeal is denied, Whitman College's ADA/Section 504 Compliance

Officer shall provide written notification of the denial to the individual and a written explanation with all of the reasons for the denial.

2. An individual may also use the grievance procedure provided under the general College anti-discrimination policies. This grievance procedure can be found at:

[Whitman Grievance Policy](#).