

EMOTIONAL SUPPORT ANIMAL (ESA) POLICY

Aurora University is committed to fostering an inclusive environment for all members of its community, including individuals with disabilities who require ESAs. Students are entitled to reasonable accommodations consistent with the Americans with Disabilities Act (ADA) as amended (ADAAA), Section 504 of the Rehabilitation Act, the Fair Housing Act, and other applicable federal and state regulations that require equal access and prohibit discrimination based on disability.

This Policy explains the specific requirements and guidelines applicable to a student's request and use of an ESA on campus. Faculty or staff members with disabilities who wish to request the use of an ESA as part of the University's reasonable accommodation process should contact the Office of People and Culture for more information.

ESAs are a different category of assistance animal from Service Animals. For information regarding the requirements and guidelines applicable to Service Animals, please refer to the ["Service Animal Policy."](#)

It is AU's Policy that ESAs are permitted on campus in accordance with University procedures and policies, appropriate documentation requirements, and applicable law. Accommodation requests are evaluated on an individualized, case-by-case basis. In evaluating such requests, the University intends to provide reasonable accommodation while simultaneously being mindful of health and safety interests of its general community; the guidelines that follow are aimed at balancing the various interests consistent with University policy and applicable law.

DEFINITIONS

- **Disability.** A "disability" is a documented physical or mental impairment that substantially limits one or more major life activities, or a record of such an impairment.
- **Emotional Support Animal.** An "Emotional Support Animal" (ESA) is an animal that provides emotional support or comfort that alleviates one or more identified symptoms or effects of an individual's existing disability. Because ESAs have not been trained to perform a specific job or task, they do not qualify as service animals under the ADAAA or AU's Service Animal Policy. Unlike a service animal, 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. ESAs are sometimes referred to as "assistant animals" or "comfort animals." While dogs are the most common assistance animals, ESAs may be other kinds of small animals commonly kept in households and allowed within state or county regulations

(e.g., cat, rabbit, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure).

- **Service Animal.** A “service dog” or “service animal” is a dog that is individually trained or being trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder during an anxiety attack, or performing other duties. Service dogs are working animals, not pets. The work or task a service dog has been trained to provide must be directly related to the person’s disability. Service dogs are not ESAs. Dogs whose sole function is to provide comfort or emotional support do not qualify as service dogs.
- In some cases under the ADA, a miniature horse that has been individually trained to do work or perform tasks for people with disabilities may be permitted as a service animal. Other animals, whether wild or domestic, do not qualify as service animals. (See the AU Service Animal Policy for more information.)
- **Pet.** A “pet” is an animal kept for pleasure and companionship. A pet is not considered an ESA or a Service Animal and therefore is not covered by this Policy or the Service Animal Policy. Other than fish, pets are not allowed in University housing. (See A-Book for details.)
- **Owner.** An “owner” is a student who uses a service animal to perform work or tasks; uses an approved ESA for emotional support or comfort; or otherwise brings an animal on campus.

ESAS IN PUBLIC AREAS OF THE UNIVERSITY

ESAs are generally not permitted inside public areas of the University.

If an ESA is permitted as an accommodation in public areas of the University, it may be appropriate, in limited instances, to exclude the ESA from certain areas of the University where the ESA’s presence may cause a fundamental alteration to the nature of the service or program provided in the area. The University will decide, on a case-by-case basis, which areas of the University fall into this limited exception. Some examples of areas where ESAs may be excluded include, but are not limited to:

- Sterile rooms (e.g., certain research laboratories);
- Areas where food is prepared;

- Areas where the use of an ESA may compromise the integrity of certain research;
- Areas with research/demonstration animals.

In addition, if permitted as an accommodation, ESAs and their owners are subject to all of the additional requirements and restrictions described in this Policy.

REQUESTS FOR AN ESA ACCOMMODATION

A student wishing to request an ESA accommodation must do so with the AU Disability Resource Office (DRO). Every request is reviewed on an individualized, case-by-case basis, considering the documentation provided and any additional information that may be gained through a dialogue between the student and DRO. Aurora University will consider requests for reasonable accommodations at any time. However, to provide the University with the greatest opportunity to implement an approved accommodation and to minimize delay in the implementation of reasonable accommodations, requests should ideally be submitted to the DRO by [INSERT TIMELINE/DEADLINE HERE].

Please note that a general ESA accommodation request can be approved while a request for a specific animal can be denied. In such cases, the University will engage in a dialogue with the student about the availability of other reasonable accommodations.

Steps for requesting an ESA accommodation:

1. Submit a housing contract to Campus Life, if the ESA accommodation request involves the use of an ESA in a residence hall.
2. Submit a “Request to Determine Accommodations” form to the DRO.
3. Submit documentation to the DRO to verify a disability and the need for an ESA to address that disability.
4. Complete an Access Meeting with the DRO if needed to discuss the request.
5. Await a decision from the DRO.

DOCUMENTATION REQUIREMENTS FOR REQUESTING AN ESA ACCOMMODATION

Documentation must:

- Be completed by a non-relative treating healthcare professional.
- Verify the student as an eligible individual with a disability.
- Discuss symptoms that will be reduced or addressed through the presence of an ESA.
- Discuss the importance of an ESA for the individual’s well-being on campus.
- Discuss consequences that may result if the animal is not approved.

Students may provide a completed “Student ESA Eligibility Verification” form or other sufficient documentation.

ESAS IN RESIDENCE HALLS

Students with disabilities may request the use of an ESA in their residential hall as part of the accommodation process. The determination of whether an animal constitutes an appropriate ESA to reside in campus housing is made by the DRO and the Office of Campus Life on a case-by-case basis, based on an individualized assessment. Initial decisions to permit a particular ESA in residence halls may also be revisited and rescinded if some or all of the factors enumerated below become issues over time, as set forth below. In evaluating such requests or evaluating whether an approved ESA may remain in the residence hall, the University will consider appropriate factors including but not limited to the following:

1. Whether the size of the animal is appropriate to the available housing space.
2. Whether the animal exhibits aggressiveness or makes excessive noise, such that its presence jeopardizes other individuals' rights to peace and quiet enjoyment of the residence hall.
3. Whether the animal is housebroken and has all required vaccinations or licenses pursuant to local law.
4. Whether the animal poses a direct threat to the health or safety of others.
5. Whether the animal threatens to cause or historically has caused substantial damage to the property of others, including that of the University.

In requesting the use of an ESA in a residential hall, a student must submit to the DRO a completed ESA Veterinary Health and Safety Verification Form and all relevant vaccination records.

A request for the use of an ESA in a residential hall may be denied if the University determines, following an individualized assessment, that the use of the ESA would place an undue hardship or burden upon the University and/or fundamentally alter the living environment.

Additional documentation may be required to support a request for a particular animal that is not considered a common household pet.

AU will not limit room assignments for students with an ESA accommodation to any particular building or buildings, but the size, nature, and characteristics of an ESA may affect which housing placements on campus are reasonable and appropriate for use of the ESA. Approval of any ESA does not guarantee a specific room type.

Prior to an ESA being brought on campus, the student must attend a meeting with representatives from DRO and Campus Life to review and sign the ESA Policy.

Upon approval of an ESA in a residence hall, any roommates and suitemates will be informed that an ESA will be living in the shared space and will be asked to sign a roommate acknowledgement and agreement. If one or more roommate(s) or suitemate(s) has concerns

about sharing the space,, then the Office of Campus Life may consider a room change —either for the owner or the objecting roommate(s)—with the agreement of the owner. Such room change decisions will be decided on a case-by-case basis.

Approval for an ESA in a student’s residence hall room is limited to that specific living space. It does not extend to other areas of campus or public spaces within the residence hall. All other buildings and indoor areas of campus—including public areas of the residence hall—are not accessible to ESAs unless prior authorization has been granted by DRO. This includes any location beyond the student’s assigned residence hall room and the necessary pathways for entering and exiting that space.

For any future academic years after initial ESA approval, students are responsible for submitting a housing contract and an updated ESA Veterinary Health and Safety Verification Form with relevant vaccination records prior to the ESA being permitted in on-campus housing. New assistance animal roommate agreements must also be completed for each year.

DECISIONS TO RESCIND APPROVAL OF AN ESA

As indicated above, a student’s approved use of an ESA within the residence hall may be subject to review if any of the approval considerations enumerated above (excessive noise, aggressiveness, etc.) are present or begin to be present. If the University determines it may need to revisit approval of an ESA, it will engage in a dialogue with the student about options for managing the issues identified while maintaining approval of the ESA. If approval of the particular ESA must be rescinded, the University will communicate with the student about the availability of other reasonable accommodations.

OTHER ANIMALS

Because of their potential to disrupt the operations of the University, and because others on campus may be allergic to or disrupted by them, pets are generally not permitted in any campus buildings, including offices, classrooms, public areas, and housing.

When brought to outdoor areas on campus or otherwise, pets and their owners are subject to the same requirements and restrictions described in this Policy that are applicable to ESAs.

CONFLICTING HEALTH CONDITIONS AND AVERSIONS.

Students with medical or mental condition(s) affected by animals (e.g. allergies, asthma, respiratory conditions, zoophobia, etc.) or with other concerns about sharing a room with an ESA should contact the Office of Campus Life. This may, but need not, require providing medical

or other documentation of a medical condition that affects the student's ability to share a room with the ESA.

Employees with medical condition(s) that are affected by animals are asked to contact OPC if they have a health or safety-related concern about exposure to an ESA.

In such instance, the University will reasonably accommodate individuals with medical conditions that require accommodation when living and/or working in proximity to ESAs.

OWNER RESPONSIBILITIES

The University is not responsible for the care, training, or supervision of service, assistance, or other animals. Owners or trainers are responsible for the cost, care, and supervision of service, assistance, or other animals, including compliance with any laws pertaining to:

- animal licensing, vaccination, and owner identification;
- keeping the animal under control and taking effective action if the animal is out of control; and
- properly caring for the animal and disposing of its waste.

Specific responsibilities pertaining to owners of service, assistance, and other animals are detailed below.

- **Care.** The owner is required to ensure the animal is well cared for. Evidence of mistreatment or abuse may result in immediate removal of the ESA and/or discipline for the owner. If the University has reason to believe that an animal is being abused or animal welfare laws are being violated, the University also reserves the right to notify appropriate animal control or law enforcement authorities.
- **Health.** Animals must have an annual clean bill of health from a licensed veterinarian. Students requesting the use of an ESA must submit a completed ESA Veterinary Health and Safety Verification Form and all relevant vaccination records. The University has authority to direct that the animal receive veterinary attention.
- **Vaccinations and Licensing.** The owner must abide by the city of Aurora, Kane County, and State of Illinois ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for the animal. It is the owner's responsibility to know and understand these ordinances, laws, and regulations. Other species of animals must follow legal requirements for vaccinations, and housing/care recommendations. For ESAs, the University reserves the right to request documentation showing that the animal has been licensed by the City in which it resides.

- **Identification.** When applicable, collars and/or tags must be worn by ESAs at all times so that an ESA may be returned to its owner in the event the owner and ESA become separated. A tag identifying the owner and providing contact information in case of emergency must be visible. The University is not responsible in the event an ESA goes missing. University staff are not responsible for removing an ESA during emergency evacuation or to aid in search or retrieval if the ESA escapes or becomes lost.
- **Control.** The owner must be in full control of the animal at all times. For ESAs approved to be in student residence halls, the ESA must remain in the owner's assigned room or in the common area of a suite, except when taken outside for natural relief. When outside the room, the ESA must be on a leash at all times or otherwise properly secured, and may only be off-leash or unsecured when inside the owner's private living space with the door closed. When the owner is not present, the ESA must be properly secured (e.g., in a crate, carrier, or kennel). This will allow AU officials to routinely access the residential facilities for maintenance and other tasks without posing a risk to the safety of either the animal or the employees. ESAs are not permitted in other students' rooms or in any other University building. If an ESA is found roaming freely, it may be captured and removed from University housing immediately. During fire drills or emergency procedures, if present, the owner must take the ESA outside and the ESA must remain leashed, crated, or properly secured at that time. If the owner believes access to other areas outside their assigned room is needed as an accommodation, they must contact the DRO to discuss the request.
- **Supervision.** ESAs 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 their residence hall overnight or longer, the animal must accompany the owner. In the case of an ESA that requires that waste be expelled outdoors, the user must not leave the animal unattended for more than 8 hours at a time.
- **Alternative Caregiver.** The owner will provide emergency contact information for another individual should the owner be unable to care for the ESA. Neither current University students nor University personnel (unless the University personnel are the parents/guardians of the student) may act as Alternate Caregivers.
- **Cleanliness.** The residence hall room must be kept at a reasonable standard of cleanliness, as set forth in the housing contract. ESAs capable of being housebroken must be housebroken. The owner is responsible for properly containing and disposing of animal waste. Owners must immediately retrieve outdoor animal waste, securely tie it in a plastic bag, and dispose of it in outside trashcans. Similarly, all waste from indoor ESAs must be securely tied and disposed of in outdoor trash receptacles. An ESA must

be clean and well groomed, and measures should be taken at all times for flea, tick, and other infestations and odor control. 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, and the owner may be billed for any such services.

- **Damages.** The owner bears sole legal and financial responsibility for the actions of the ESA. This includes responsibility for any odors, noise, excess damage, or other ESA conduct that harms others or damages the premises or personal property. Although no routine fees are required for maintaining an ESA in University housing, the owner is required to pay cleaning fees or fees for repairs should the ESA inflict damage upon others' property or University property beyond ordinary wear and tear. Such issues will be addressed on an individualized, case-by-case basis.
- **Discontinuation.** The owner must notify the DRO and the Office of Campus Life in writing if the ESA is no longer needed or will no longer live in University housing. To request a replacement of a previously approved ESA, the owner must contact DRO to discuss the animal change request and provide a new ESA Veterinary Health and Safety Verification Form and relevant vaccination records, should the new animal be approved.
- **Other Conditions.** For ESAs, the University may place other reasonable conditions or restrictions on the animals depending on the nature and characteristics of the animal.

NON-RETALIATION

AU will not retaliate against any individual because that individual has requested or received a reasonable accommodation, including a request for an ESA.

CONFIDENTIALITY

The DRO and the Office of Campus Life will maintain as confidential the documentation and information exchanged regarding student disabilities and accommodation requests, and other documents, notes, or information generated during an accommodation request, interactive process, or appeal. Only University representatives with a need-to-know will have access to underlying medical information or documentation about requests for accommodation, student disabilities, or assistance animals.

When appropriate, the University may inform certain other University personnel or students that an approved ESA is or may be present in classrooms or other spaces on campus as an accommodation. Such information will be shared only to the extent necessary to prepare for the presence of the ESA and/or address any potential issues associated with the presence of

the ESA. In such cases, the University will not disclose any underlying medical information or documentation regarding the ESA request.

REQUIREMENTS FOR ALL MEMBERS OF THE UNIVERSITY COMMUNITY

All members of the University community are expected to adhere to the following guidelines with regard to service animals and ESAs:

- Service animals must be allowed to accompany their owners or trainers at all times and in all public places on campus, except where service animals are specifically prohibited.
- Individuals should not touch or pet a service animal or ESA without permission by the owner or trainer.
- Individuals should not give treats or otherwise feed a service animal or ESA without permission by the owner or trainer.
- Individuals must not attempt to separate the owner or trainer from the service animal or ESA.
- Harassing or deliberately startling a service animal or ESA is strictly prohibited.
- Individuals should avoid initiating conversations about the student or employee's disability. The nature of a person's disability is a private matter.

REMOVAL OF AN ESA

The University may exclude, remove, or require an owner to remove the animal for the following reasons:

1. The animal poses a direct threat to the health or safety of others or causes substantial damage to the property of others, including University property;
2. The animal's presence poses an undue hardship or results in a fundamental alteration of the living environment;
3. The animal is not housebroken;
4. The animal is physically ill;
5. The University has reason to believe the animal is being abused or animal welfare laws are being violated;
6. The animal attempts to enter a place on campus where the presence of an ESA is prohibited;
7. The animal attempts to enter any place on campus where the animal's safety is compromised;
8. The owner does not comply with the owner's responsibilities set forth in this Policy; or

9. The ESA or its presence creates an unmanageable disturbance or interference with the University community.

Should an ESA be removed from the premises for any reason, the University will, as further discussed below, engage in an interactive process with the owner about alternate accommodation. The owner may be expected to fulfill their remaining housing obligations notwithstanding removal of the ESA for failure to comply with this Policy and may be assessed fees or penalties as determined on a case-by-case basis. If the ESA and/or owner is removed from the residence hall for failure to comply with this Policy, they may also have the right to file an appeal with the Office of Campus Life per the appeal process outlined in the A-Book.

DENIAL OF ACCOMMODATION/AVAILABLE APPEAL

A request for an ESA may be denied if the documentation does not clearly support the need for an ESA or does not support the correlation between the functional limitations of the disability and the support the ESA would provide. A request for an animal as an ESA may be denied if it is determined to be unreasonable.

If the DRO denies a request for an ESA as set forth above, the University will engage in an interactive process with the student to consider alternative accommodations. A student may also appeal a denial decision by following the grievance procedure outlined in the Aurora University Regulations and Policy Catalog.

Acknowledgement and Release of Information Consent Form

I have read and understand the Emotional Support Animal Policy and Agreement, and I agree to abide by the requirements applicable to ESAs. I understand that if I fail to meet the requirements set forth in the Policy, Aurora University has the right to remove the ESA, and I may be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract including paying fees and penalties associated with removal of the ESA.

I furthermore give permission to the Disability Resource Office and Campus Life to disclose to others impacted by the presence of my ESA, including Campus Life personnel, neighbors, roommates, potential roommates, facilities management, and Campus Public Safety, that I will be living with an animal/bringing an animal to campus as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the ESA and/or resolving any potential issues associated with the presence of the ESA. I understand that disclosure of any underlying medical information or documentation will only be made to University personnel and on a need-to-know basis.

I recognize that the presence of the ESA may be noticed by others visiting campus or visiting or residing in University housing. I agree that staff may acknowledge the presence of the animal and explain that under certain circumstances assistance animals are permitted for individuals as reasonable accommodations. I agree to hold the University harmless for any escape, injury, or death of the animal that may occur.

Student/ESA Owner Name

Student Signature

Student ID#

ESA Emergency Contact Name (Print)

Relationship to student

Cell Phone

Parental Consent required if student/owner is under 18 years old

I, _____, the parent or legal guardian of _____, have read, understand, and agree to the Aurora University Emotional Support Animal Policy and, specifically, to the acknowledgements and release set forth above.

Parent Name

Parent Signature

Date