

Aurora University is committed to providing equal access to University housing to all students with disabilities. Students are entitled to reasonable accommodations consistent with the Americans with Disabilities Act (ADA) as amended (ADAAA), Section 504 of the Rehabilitation Act, and other applicable federal and state regulations that require equal access and prohibit discrimination based on disability. As noted in the related Service Animal Policy, animals that constitute trained and qualified “Service Animals” are permitted access to all areas of campus in which the owner may go and are subject to specific standards and approval requirements detailed in that Policy. This Policy, however, deals with “Emotional Support Animals,” which are a different category of assistance animal that may be approved as a reasonable accommodation of a disability for use in University residence halls.

It is AU’s policy that Emotional Support Animals (“ESAs”) are permitted in housing facilities 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.

This Policy explains the specific requirements applicable to an individual’s approved use of an ESA in University housing. Any approval under this policy is valid for one academic year. Students must submit a housing renewal request, updated vaccination information and sign a new ESA Policy Agreement Form for each subsequent year, prior to the general housing placement process.

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. The Americans with Disabilities Act also protects from discrimination someone who is “regarded as” having an impairment.

Emotional Support Animal. An “Emotional Support Animal” (ESA) is a category of animals that may work, provide assistance, or perform tasks to alleviate one or more identified symptoms or effects of an individual’s existing disability. ESAs are not considered service animals under the ADAAA or AU’s Service Animal Policy and no specific certification or formal training of ESAs is required. Any animal may constitute an ESA if its use constitutes a reasonable accommodation in a specific instance.

Service Animal. A “Service Animal” (SA) is individually trained to do work or perform tasks for people with disabilities. The ADA, as amended in 2008, defines an SA as “any dog that is individually trained to do work or perform tasks for an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability.” Miniature horses also fall within the ADA’s amended definition of “service animal.” (See the AU Service Animal Policy for more details about the definition of Service Animal)

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 Aurora University Service Animal Policy. Other than fish, pets are not allowed in University housing (A-Book Section 4.29).

Owner. An “owner” is a student who has requested use of an ESA as an accommodation or who has a SA.

Requesting an Emotional Support Animal

A student wishing to use an ESA must be registered with the AU Disability Resource Office (DRO). Thus, students are required to self-disclose their disability and provide appropriate documentation of a physical or mental impairment that substantially limits one or more major life activities. The documentation must specifically address the need for and value of an ESA (as further discussed in the steps below). The DRO will review and must approve the request before a student is permitted to bring an ESA into a residence hall. Every request is unique and circumstances will be considered on an individualized, case-by-case basis, in light of the documentation provided and any additional information that may be gained through a dialogue between the student and DRO. A request for ESA also requires preparation and return of the following forms related specifically to the student's housing placement:

- Request to Determine Accommodations
- Verification of Disability Form
- Emotional Support Animal Verification Form
- Emotional Support Animal Vaccination Verification form
- Emotional Support Animal Policy Signature form

The specific steps for requesting an Emotional Support Animal are as follows:

1. A signed housing contract with the applicable housing deposit must first be completed and on file with the Office of Residence Life.
2. A student must submit a "Request to determine accommodations"
3. A student should provide a "Verification of Disability Form" and an "ESA Verification Form" from a qualified provider (treating psychiatrist, psychologist, or other mental health professional). This documentation must address the student's functional limitations, the specific support that the ESA provides, and how this relates to and helps accommodate the student's functional limitations.
4. The DRO will notify the student in writing about the disposition of a request for an ESA. They will also communicate with the student if more information is needed or about next steps if an ESA request has been denied.
5. Incomplete applications and documentation are not considered. Questions about the forms or information required should be addressed to DRO.

Aurora University will consider requests for reasonable accommodations at any time. However, in order to provide the University with the greatest opportunity to accommodate a housing-related each request before the student moves into housing, ESA requests should ideally be received by the deadlines specified below:

- For returning resident students, this request should be submitted to the DRO by March 1 for the upcoming academic year.
- For incoming resident students, this request should be submitted by June 15 for the upcoming academic year.
- For current resident students for whom the need for an ESA arises during the course of a semester, this request should be made as soon as possible.

The University does not guarantee space availability for a student and their ESA if the request is not submitted by the specified deadlines.

Criteria for determining Whether ESA is a Reasonable Accommodation

The determination whether an ESA request constitutes a reasonable accommodation is a coordinated effort between the DRO and ORL on an individualized, case-by-case basis. The DRO will determine if the request for an ESA is reasonable based on the documentation provided. The ORL will determine if appropriate space is available and will make assignments. If DRO or ORL has questions, they will reach out to the student for more information and engage in an interactive process. To ensure that the presence of an ESA does not pose an undue hardship or fundamentally alter the living environment, and to make housing assignments for individuals approved to use ESAs, the University will consider appropriate factors including the following:

1. Whether the size of the animal is appropriate to the available assigned housing space.
2. Whether the animal's presence would force another student from individual housing (e.g. serious allergies)
3. 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.
4. Whether the animal is housebroken and has required vaccinations or licenses pursuant to local law.
5. Whether the animal poses a direct threat to the health or safety of others.
6. Whether the animal threatens to cause or historically has caused substantial damage to the property of others, including to the University.
7. Whether permitting the use of the ESA would place an undue hardship or burden upon the University.
8. Whether the presence of the ESA will fundamentally alter the living environment.

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.

Owner Responsibilities for an Emotional Support Animal

Approval. Prior to a student's bringing the ESA onto campus, the student must apply for and obtain approval of use of the ESA using the process set forth above, and the student (and ESA) must be placed in an appropriate housing assignment by the ORL.

Care. The owner is required to ensure the animal is well cared for and in good health at all times. Any 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.

Vaccinations and Licensing. If the owner is residing on the AU main campus, they must abide by Aurora, Kane County, and State of Illinois ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animal. If the owner will be residing at the George Williams College of AU campus, the village of Willams Bay, Walworth County and State of Wisconsin ordinances, laws, and/or regulations are applicable. (See Appendix A)

It is the owner's responsibility to know and understand these ordinances, laws, and regulations. Animals must maintain current vaccinations, and dogs and cats must be spayed or neutered. A current copy of the vaccination certificate must be submitted with the ESA Request Form to the DRO, along with the owner's proof that the animal has been spayed or neutered and any applicable license and registration for the ESA.

Other species of animals must follow legal requirements for vaccinations, and housing/care recommendations.

Identification. 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 accountable in the event an ESA goes missing. University staff is 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 ESA must remain in its owner's University assigned room or in the common space within a suite, except when the owner is taking the animal out for natural relief. The owner must ensure the animal is on a leash at all times, except when the ESA is located in the owner's room/specific living area with the door to that area closed. Small, non-housebroken animals such as gerbils, rabbits, guinea pigs, etc. must be caged and may not be left loose in the owner's room unless the owner is present. ESAs are not permitted in other students' rooms or in any other university buildings. If an ESA is found running at large, the ESA is subject to capture, confinement, and immediate removal from University housing. The owner agrees to take the ESA outside during fire drills and/or emergency preparedness procedures. The ESA must remain in a crate/cage or on a leash during this time. If an owner feels that he or she needs to use the ESA elsewhere in a residence hall as a reasonable accommodation, he or she should discuss this with DRO or ORL.

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 his/her residence hall overnight or longer, the animal must accompany the owner. The owner is responsible for ensuring that an ESA is contained appropriately (e.g. crate, carrier, kennel) when the owner is not present. This will allow AU officials to routinely access the residential facilities for maintenance and other tasks without entry posing risk to the safety of either the animal or the employees. 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 at any time. 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 in a plastic bag, and dispose it in outside trashcans. Similarly, all waste from indoor ESAs must be securely tied and disposed 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.

Residence Life. The owner agrees to abide by all residence life policies. The owner is responsible for assuring that the ESA does not interfere with the operation of the residence, cause undue difficulties for other residents, or fundamentally alter the living environment. Where an owner fails to abide by residence life policies regarding proper use of ESAs, the University will attempt to resolve the matter without removing the ESA or the owner; but, in aggravated circumstances, failure to comply with this Policy may constitute grounds for removal of the ESA and owner from housing and/or for discipline. Such situations, including questions of the assessment or waiver of fees or penalties, will be addressed on a case-by-case basis.

Roommate Agreement. All roommates or suitemates of the owner must sign the agreement form that they agree to live with the approved ESA in the residence hall room. If one or more roommate(s) or suitemate(s) does not approve of the ESA, then the Office of Residence Life will decide on a case-by-case basis which resident(s) will relocate.

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 ORL. This may, but need not, require providing medical or other documentation of a disability that affects the student's ability to share a room with the ESA. The DRO and ORL will work in collaboration to resolve any conflicts related to an ESA by considering the needs and/or concerns of all residents involved and will determine on a case-by-case basis whether an alternative housing placement of any student is appropriate.

Discontinuation. The owner must notify the DRO 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 complete a new ESA Verification Form, ESA Vaccination Verification form and ESA Policy Signature form.

Consent. The owner must provide written consent for the DRO to disclose information regarding the request for, and the presence of, an ESA to those individuals who may be impacted by the presence of the animal, including, but not limited to, Residence Life personnel, other residents in the hall, public safety and facilities management. DRO will not disclose underlying medical information or documentation except to University personnel on a need-to-know basis.

Removal of an ESA

The University may require an owner to remove the animal from University housing for the following reasons:

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage;
2. The animal's presence results in a fundamental alteration of the living environment;
3. The Owner does not comply with the Owner's responsibilities set forth in this policy; or
4. 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; however, the owner may be expected to fulfill his/her 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 student owner is removed from the residence hall for failure to comply with this Policy, he or she may also have the right to file a grievance with ORL.

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 correlation between the functional limitations of the disability and the support the ESA would provide. A request for an ESA may be denied if it is determined to be unreasonable. An ESA may be removed for violation of the Policy set forth above, or if the presence of the ESA does any of the following:

1. Imposes an undue financial and/or administrative burden;
2. Fundamentally alters university 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 University property.

If the DRO denies a request for an ESA, or removes an ESA for failure to comply with the policy requirements as set forth above, the University will engage in an interactive process with the student at the student’s request to consider alternative accommodations. A student may also appeal a denial or removal decision by filing a written grievance with the Dean of Academic Administration.

Confidentiality

The DRO and ORL will maintain as confidential: (i) requests for use of ESAs; (ii) documentation and information exchanged regarding student disabilities and accommodation requests; and (iii) 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 service animals.

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.

Vaccinations for Emotional Support Animals and Service Animals at Aurora University

The care and wellbeing of the assistance animals used to support our student with disabilities as well as the health and safety of the entire university community is of the utmost importance.

Required Vaccinations: Rabies (Dogs/Cats)

Recommended Vaccinations: To insure proper care for animals and to prevent the spread of zoonotic disease, in addition to rabies vaccinations, which are required by law for both dogs and cats in Kane and Walworth counties, animals are recommended to have the following species-specific vaccination and disease prevention treatments. External parasites such as fleas and ticks should also be included in disease prevention for each animal.

DOGS

- Distemper
- Adenovirus
- Kennel Cough
- Spay/Neuter

- Parvovirus
- Parainfluenza
- Leptospirosis
- Heartworm

CATS

- Panleukopenia
- Feline Viral Rhinotracheitis
- Calici virus
- Chlamydia
- Spay/Neuter

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 to disclose to others impacted by the presence of my ESA, including residence life staff, neighbors, roommates, potential roommates, facilities management, and campus public safety, that I will be living with an animal 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 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 of the animal that may occur.

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|------------------------|-------------------|-------------|
| Student/ESA Owner Name | Student Signature | Student ID# |
|------------------------|-------------------|-------------|

| | | |
|------------------------------------|-------------------------|------------|
| ESA Emergency Contact Name (Print) | Relationship to student | Cell Phone |
|------------------------------------|-------------------------|------------|

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|-------------------------|-------------|
| Animal Type (and Breed) | Animal Name |
|-------------------------|-------------|

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|---|------|
| Disability Resource Office Representative | Date |
|---|------|

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|---|------|
| Office of Residence Life Representative | Date |
|---|------|

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 acknowledgments and release set forth above.

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|-------------|------------------|------|
| Parent Name | Parent Signature | Date |
|-------------|------------------|------|