



HOUSING & RESIDENCE LIFE

EMOTIONAL  
SUPPORT  
ANIMALS

**Cleary University**  
**Department of Housing & Residence Life**

**Emotional Support Animals**

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## **Introduction to Emotional Support Animals**

Cleary University (CU) recognizes the importance of emotional support animals (ESAs) for individuals with documented disabilities under the Fair Housing Act (FHA) and is committed to supporting students with ESAs in residence.

This document explains the specific requirements applicable to an individual's use of an ESA in university housing and does not pertain to service animals or pets.

ESAs may not be kept in university housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this document.

CU reserves the right to amend this policy as circumstances require or as the law changes.

## Section 1: 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 licensed professional with expertise in the area of the disability/condition (Therapist, Psychiatrist, Psychologist, Neurologist, etc.). 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.

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

C. **Approved ESA:** Approved Emotional Support Animal (ESA) is an animal that has been permitted in designated areas of residential communities as a reasonable accommodation under this policy.

D. **Pet:** A pet is an animal kept for ordinary use and companionship. A pet is not considered an Emotional Support Animal or a Service Animal. Individuals are not permitted to keep or bring pets in university housing without prior approval with the exception of fish kept in a 10 gallon or less tank.

E. **University Housing:** Any facility owned or operated by the University for the purpose of housing students, whether leased or owned by the University and regardless of location. Housing & Residence Life (HRL) is the department that manages all university housing.

F. **Documented Disability:** Medical documentation/record submitted to the CU Office of Student Accommodations from a student who has a physical or mental impairment that substantially limits one or more major life activities.

## Section 2: Housing Policy and Access to University Facilities

A. Students are not permitted to keep pets in university housing other than fish in a 10 gallon or less tank. Exceptions apply for registered Emotional Support Animals and Service Animals.

B. If a student is approved for an ESA, they are only permitted to have one.

C. ESAs are approved for university housing only and are not permitted in other university buildings (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.).

D. It is not appropriate to have an ESA in public areas of the residential community such as lobbies and lounges, except for transporting the animal in and out of the assigned residence hall room or university apartment.

E. Where applicable, ESAs are permitted in designated outdoor spaces, primarily for natural relief and exercise.

F. Students must register their ESA for the following academic year by July 1st, including providing updated documentation as monitored and required by Housing & Residence Life.

### **Section 3: Criteria for Determining if Presence of the ESA is Reasonable**

A. Housing & Residence Life (HRL) will make 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:

- imposes an undue financial and/or administrative burden;
- fundamentally alters university housing policies; and/or
- 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.

B. Cleary University 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:

- The size of the ESA is too large for available assigned housing space;
- The ESA's presence would force another individual out of their housing (e.g. serious allergies);
- The ESA's presence otherwise violates individuals' right to peace and quiet enjoyment;
- The ESA is not housebroken or is unable to live with others in a reasonable manner;
- The ESA's vaccinations are not up-to-date;
- The ESA 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;
- The ESA causes or has caused excessive damage to housing beyond reasonable wear and tear;
- Dangerous, poisonous, oversized, endangered and/or illegal animals are not permitted, as these would not be considered a reasonable accommodation in a community living environment.

### **Section 4: Responsibility and Expectations of Persons with Emotional Support Animals**

#### **A. Permission for an ESA in University Housing**

ESAs may not reside in university housing without expressed approval from the Director of 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:

- An ESA must be contained in the owner's privately assigned individual living accommodations (room or apartment) except to the extent the student is taking the animal out for natural relief, exercise or transportation.

- The ESA must be properly housed and restrained or otherwise under the control of the owner at all times (i.e. leash, harness, crate, etc.).
- An ESA 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 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, accident). The caregiver/emergency contact must reside OFF campus and must be available to remove the ESA in a timely manner.
- The owner must notify the Director of Housing of any emergency 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.
- CU personnel 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, damage to, or loss of the animal.
- The ESA is allowed in university housing only as long as it is necessary because of the owner's documented disability. The owner must notify the Director of Housing 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 when requesting a different animal.
- HRL staff will alert the incoming roommate of the presence of the ESA. Should the housing situation change during the academic year, the new roommate must be alerted, prior to the student moving into the new setting.
- The owner must comply with all applicable laws regarding the keeping of an animal and is responsible for making sure the ESA does not disrupt the residential community.
- ESAs must be taken out of the building by way of the shortest and most direct path, and must be maintained under standard restraints such as a carrier and/or leash when outdoors, in public areas, or in transit and must be confined to the residence when not in transit.

### **C. Waste Management and Cleaning**

- The ESA must be housebroken or housed in spaces appropriate for that animal such as cages/crates/habitats. Pee pads are not permitted for toileting.

- 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.
- University housekeeping equipment, facilities and/or supplies may not be used for any ESA bathing.
- 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 disposed of in a designated dumpster. Litter boxes should be placed on mats so that feces and urine are not tracked onto carpeted surfaces.
- 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 student's living space.
- For animals that must be toileted outside, the Director of Housing, in consultation with the Director of Facilities, 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.

#### **D. Health and Well-Being**

- 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 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.
- Livingston County requires that all dogs over four months of age obtain a dog license. Proof of licensing must be provided to the Director of Housing. Information can be found at <https://milivcounty.gov/treasurer/dog-licenses/>.
- The ESA must be immunized against disease common to that type of animal. (i.e. 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. Dogs must wear a current rabies vaccination tag.
- Students must annually submit a Clean Bill of Health form for their ESA that is to be completed by a licensed veterinarian, to the Director of Housing to be eligible for consideration of an approval and/or renewal of an ESA.

- 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 individual to disciplinary action.

#### **E. ESA Behavior**

- The ESA may not pose a direct threat to the health and safety of persons on the University campus, cause physical damage to property, or fundamentally alter the nature of the University operations.
- 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. The ESA may be excluded from the university campus if the ESA behaves in an unacceptable way and/or the owner 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.
- The owner, not the University, is responsible for the actions of the ESA including bodily injury or property damage.
- The owner will hold the University blameless in the event the ESA goes missing. University staff is not responsible for the retrieval of the ESA in the event the animal escapes or becomes lost.

#### **F. Financial Responsibility**

- Clearly University will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
- The owner 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 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 University-approved pest control service. The owner will be billed for the expense of any pest treatment beyond standard pest management in university housing.
- The University 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.

- 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 university reserves the right to bill the student's account for charges related to the ESA.
- The owner is responsible for the fees associated with the Livingston County dog license.

### **G. General Responsibilities**

- Owners are responsible for feeding and watering their animal within 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.
- Food for the ESA should be kept in a sealed container within the confines of the owner's room. Open bags of food are not permissible, as they attract insects and rodents. Live feed is prohibited.
- 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.
- 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. Owners are encouraged to find a local groomer.
- When submitting a maintenance request for your room or apartment, ESA owners should note they have an animal in their room. This is for the safety of the animal and Facilities staff.
- All ESAs must be spayed or neutered prior to living on campus. Proof should be provided to the Director of Housing at [chopkins@cleary.edu](mailto:chopkins@cleary.edu).

### **Section 5: Removal of ESA**

Cleary University may require the owner of an ESA to remove the animal from University property if:

- The ESA poses a direct threat to the health or safety of others or causes substantial property damage to the property of others.
- 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. These remedial steps must be documented and submitted to the Director of Housing.
- The ESA is ill. Animals that are ill or in poor health must not be taken into public areas.

- The owner fails to properly clean up and dispose of the animal's waste.
- The ESA is otherwise unclean or unkempt.
- The animal or its presence creates an unmanageable disturbance or interference with the University community.
- There is evidence of abuse or neglect of the animal by the owner.
- The animal's presence results in a fundamental alteration of a University program.
- The owner does not comply with this policy.

When it is determined that an ESA must be removed from University property, the owner will be notified in person and by email. The ESA must be removed from campus within 24 hours of the notification. This determination will be made by the Director of Housing. Housing & Residence Life staff will visit the residence to assure the animal and related supplies are removed. If the animal is not removed, Housing & Residence Life staff will involve local animal control agencies to remove the animal.

### **Section 6: Failure to Comply**

Failure to comply with this document will result in the following:

- An incident report will be created by the observing party. The report will be submitted to the Director of Housing and reviewed.
- The owner may be charged with a violation of the student conduct code.
- As with all violations, students are given an opportunity to discuss the incident(s) with the Director of Housing.
- Continued violations or compounding issues, or reported concerns will escalate the case to the Vice President for Athletics and Student Affairs.
- Outcomes may include determination that the animal must be removed, financial payment, request for animal behavior modification, or formal plan for correction.

### **Section 7: Non-retaliation Provision**

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

### **Section 8: Procedure for Requesting Emotional Support Animals (ESA)**

The procedure for requesting an ESA is below:

A. The owner will complete the ESA Intake form and submit it directly to the Director of Housing at [chopkins@cleary.edu](mailto:chopkins@cleary.edu).

B. The owner will meet with the Director of Housing to review the provided documentation and determine if any additional documentation or steps may be needed to move forward with processing a final decision.

C. The Director of Housing will review the owner's request, information gathered in the consultation, documentation and completed forms to determine if the request is reasonable and necessary for the owner to use and enjoy university housing.

D. The Director of Housing will notify the owner of approval or denial via email and include approved move-in date within seven (7) business days of ESA intake meeting if all documentation is provided.

E. Denials of requests for emotional support animals can be appealed to the Office of Student Accommodations at [studentaccommodations@cleary.edu](mailto:studentaccommodations@cleary.edu) or the Vice President for Athletics and Student Affairs at [lpries@cleary.edu](mailto:lpries@cleary.edu).

### **Acknowledgement**

By my signature below, I verify that I have read, understand, and will abide by the guidelines outlined in this document.

\_\_\_\_\_  
Requester Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Requester Signature

\_\_\_\_\_  
Requester Cell #



Is this animal up to date on shots and vaccinations? YES NO

(Please attached proof of spay/neuter, vaccinations, and required license)

Is this animal free of fleas, ticks, and other parasites? YES NO

Is this animal free of illness/disease that could be spread? YES NO

Does this animal have a temperament safe for community living? YES NO

Has this animal received any type of training? YES NO

If so, what kind? Where? \_\_\_\_\_

**VETERINARIAN INFORMATION**

Veterinarian Name: \_\_\_\_\_

Veterinary Clinic: \_\_\_\_\_

Vet Clinic Address: \_\_\_\_\_

Veterinarian Phone: \_\_\_\_\_

Please note that the Director of Housing may contact your veterinarian to ensure the animal is safe to be in the residential community.

**AUTHORIZATION TO DISCUSS**

I authorize Cleary University to discuss my medical information, reasonable accommodation request for housing, and room assignment with the following person(s) on my behalf.

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## DIRECTIONS FOR HEALTHCARE PROVIDER

To properly evaluate how Cleary University can best meet the student's need for an ESA in University housing, the University requires specific diagnostic information from a licensed clinical professional or healthcare provider who is directly responsible for the treatment of the student's disability, including the intentional use of an ESA to address specific functional limitations that result from the student's physical or psychological condition(s). The provider completing this form cannot be a relative or the student. The provider should provide a written response to the following questions and may attach additional related information.

1. Does the student who you have individually examined and treated have a physical or mental impairment that substantially limits one or more major life activities?

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2. If yes, please describe what major life activities are impaired.

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3. Identify the disability-related need for an ESA, and explain how the animal alleviates one or more of the identified substantially-limiting major life activities (thereby reducing the identified symptoms or effects of this individual's existing disability).

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4. What type of animal is being requested?

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- I am verifying that the named student information is correct, that the student is a patient that I have been treating, and that I am not a relative of the student.

Provider Name: \_\_\_\_\_

License #: \_\_\_\_\_ State: \_\_\_\_\_ Provider Degree: \_\_\_\_\_

Provider Address: \_\_\_\_\_  
\_\_\_\_\_

Provider Signature: \_\_\_\_\_ Date: \_\_\_\_\_