

Concordia University, Nebraska Information and Guidelines for Emotional Support Animals

Concordia University, Nebraska enforces a no-pet policy in its residence halls and campus facilities.

Concordia University, Nebraska is committed to compliance with state and federal laws as they relate to individuals with disabilities. The use of an emotional support animal (ESA) is determined in accordance with these applicable laws and regulations regarding whether such an animal is a reasonable accommodation for a disability.

Definition of Emotional Support Animals (ESA)

Under the Fair Housing Act (FHA), an ESA is defined as an animal that may be kept in residence as prescribed for a person with a diagnosed mental health disability as a reasonable accommodation to provide him/her an equal opportunity to use and enjoy University housing, and is an exception to a “no pets” policy.

The animal is used for the purpose of providing therapeutic benefit through its presence, and helps to alleviate the symptoms of a person’s disability. The animal is not trained to perform specific tasks for a person who suffers from a disability. *An emotional support animal is not granted access to places of public accommodation.*

No ESA may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

Even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing, an ESA is not permitted in other areas of the University (e.g. dining facilities, libraries, residence hall common areas, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

Emotional Support Animals (ESA) are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability. They are not considered Service Animals under the ADA. In most cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA. However, the University reserves the right to restrict the type, breed and/or species of animal allowed within campus housing.

The Disability Support Services (DSS) Coordinator at Concordia University, Nebraska serves as the campus authority for the approval for student requests for an ESA to be present in a university-owned residence. A student who wishes to request bringing an ESA to the campus must initiate contact with the DSS Coordinator and provide appropriate information and documentation for consideration. The student is required to submit proof of disability and proof from the treating physician or mental health provider, that the presence of the animal is medically necessary as a reasonable accommodation for their disability.

Concordia University will accept requests for reasonable accommodation in University housing at any time. However, generally requests related to housing which are made in the middle of a semester would be considered for the upcoming semester. The student making the request for accommodation should complete and provide the Request Form to Disability Support Services as soon as practicably possible before moving into University housing. *However, if a request for an ESA is made fewer than 60 days before the student intends to move into University housing, it may not be possible to fulfill that request for the upcoming semester.*

If the need for the accommodation arises when an individual already resides in University housing, he/she should contact Disability Support Services and complete the Request Form as soon as practicably possible. However, requests for ESAs received during a given term of residence may not be possible to fulfill during that cycle.

Approval Process to Request an Exemption to the General Policy

Before an ESA can move into campus housing with a person with a disability, a Request Form must be submitted to Concordia's Disability Support Services office, and approval must be granted.

- The owner must have completed the requirements outlined in these guidelines.
- The owner must complete the following forms included in these guidelines:
 - ESA Student Request for Emotional Support Animal
 - Release of Information for the student's mental health provider
 - Agreement for Emotional Support Animal in University Housing
- Disability Support Services must have **all** of the above completed items from the student, and also have:
 - ESA Verification Form completed by the student's mental health provider

Requests for ESAs in University housing will be reviewed under the University's policy and provided to the Disability Support Services Coordinator. The DSS Coordinator may meet with the VP for Student Life & Athletics, the Director of Student Development, the Housing Coordinator, and/or others as appropriate, to determine if the animal in question will be allowed to be present and/or live on campus.

If an exception is granted, it is in effect for one semester. Approval for registration must be sought each semester. If approved, Buildings & Grounds and other applicable University personnel will be notified of the approved ESA.

- If approved, the student must then complete/provide:
 - ESA Housing Agreement
 - Owner Statement for ESAs
 - Current immunization records and/or clean bill of health for the animal from a veterinarian, as applicable with the animal's type/species
 - ESA Roommate Agreement form(s), if applicable
- Approved requests are considered an exception to the University's "no pets" policy, and are considered strictly on a case-by-case basis. The needs of the student will be balanced with the impact that the animal has on programs or other members of the campus community.

Please note: Sufficient information and documentation from a legitimate, **reliable** third party is required to determine whether an individual qualifies to have an ESA under the applicable law.

Documentation must be provided on the letterhead of a licensed mental health provider with whom the student has an ongoing therapeutic relationship (not just a one-time visit), and must address the following:

- The individual has a documented disability for which the animal is needed;
- How the animal assists the individual, including whether the animal has undergone any training;
- The relationship between the individual's disability and the assistance the animal provides.

If the third party returns the ESA Provider Verification Form without sufficient information for Disability Support Services to determine whether an accommodation is necessary, Disability Support Services will inform the individual in writing of the verification's insufficiency and may request additional information, including speaking directly with the individual supplying the third-party verification, within seven (7) business days of receiving the verification.

The individual making the request for accommodation must cooperate with Disability Support Services in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

As a general rule, information from online counseling services is not considered sufficient to support an ESA request. Letters purchased from the internet for a set price rarely provide the information necessary to support an ESA request.

Concordia University reserves the right to enforce all relevant guidelines for the use of animals through the Student Code of Conduct. **The University also reserves the right to revoke permission granted for the campus presence of any ESA whose owner fails to follow the requirements set forth in these guidelines.**

If approval is not granted the student may follow the grievance protocol for Disability Support Services to request another review of the application.

Requirements of the Owner and Animal

The owner of any emotional support animal on the Concordia University - Nebraska campus is solely responsible for the animal's supervision, behavior, health, safety and care at all times, and must comply with the following requirements. Concordia University - Nebraska takes no responsibility for the behavior, health, safety or care of any ESA on its campus.

- No ESA may be kept in University housing at any time prior to the individual receiving approval pursuant to this policy.
- The animal must be registered with the Disability Support Services Office.
- An approval for an ESA is for one (1) animal ONLY.
- The University believes that campus housing is not an appropriate setting to raise a young puppy/kitten. Generally, dogs must be at least ten months of age, and cats at least six months of age, and be spayed or neutered, before being allowed to live in-residence.
- Animals that pose health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting generally will not be approved.
- The animal must be immunized against diseases common to its species and appropriately documented (e.g. current vaccination against rabies and wear a rabies vaccination tag). A copy of the documentation shall be given to Disability Support Services.
- The animal must be clean, well-groomed, free of offensive odor, and in good health. The animal must have an annual clean bill of health from a licensed veterinarian and a copy given to Disability Support Services.
- The animal must be registered in accordance with the City of Seward regulations (if applicable with its species and breed), and wear current license tags at all times.
- An approved animal must be spayed or neutered, and not pregnant.
- The owner must ensure that the animal is on a leash or contained in a carrier/crate at all times when outside of the student's room.

- The owner must keep the animal within the privately assigned individual living quarters (e.g., room, suite, apartment) except to the extent the owner is taking the animal out for natural relief.
- ESAs are not permitted in other University facilities (e.g. dining facilities, libraries, residence hall common areas, academic buildings, athletic buildings and facilities, classrooms, labs, etc.).
- The owner must ensure that the animal is contained in a cage or crate when the owner is not present during the day while attending classes or other activities.
- The animal must be housebroken.
- The owner is responsible for prompt cleanup and sanitary disposal of the animal's waste in outside trash containers only, and must toilet the animal in a University-designated area.
- The owner may not use any University facilities for bathing or cleaning the animal. The owner can make arrangements for such locally, at the owner's expense.
- The owner may not leave the animal 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, or the owner must make off-campus arrangements for the animal's care.
- In the case of the owner suffering an emergency, being hospitalized or otherwise indisposed, an off-campus emergency contact person must be available to pick up and care for the animal. The owner must identify the off-campus contact person prior to having the animal in campus housing.
- Alternately, the owner may make arrangements for the animal (if appropriate) to be boarded in the area, at the owner's expense.
- The owner is solely responsible for any property damage caused by the animal and will be billed accordingly.
- If the owner obtains a new or different animal to be used under the provisions of this ESA procedure, the new or different animal must be registered and approved.
- In the event of an emergency, Concordia University is not responsible for evacuating any ESA in the absence of the owner.
- The University reserves the right to place other conditions or restrictions, depending on the nature and characteristics of the animal.
- *****Covid-19***** If the owner must be quarantined or placed in isolation, the animal must be removed from campus within 12 hours to the designated off-campus emergency contact person, and must remain off-campus until the student is no longer quarantined.

Conflicting Disabilities

It is possible for a member of the campus community, who does not use an ESA, to have a disability or condition that precipitates an allergic reaction to animals. Persons who wish to make an asthmatic, allergic or medical complaint must show medical documentation to support that complaint. Action will be taken to consider the needs of both the complainant and the owner of the ESA in order to resolve the problem as efficiently and expeditiously as possible.

Exclusions

Concordia University may require the owner to remove the animal from University Housing in the timeframe determined by University personnel if:

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in a fundamental alteration of a University program;

3. the animal poses health risks from zoonotic disease or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting;
4. the Owner does not comply with any of the Owner's responsibilities set forth above; or
5. the animal or its presence creates a display of unruly or disruptive behavior, an unmanageable disturbance or interference with the University community (examples include but are not limited to, the animal being unruly or disruptive, such as barking, howling, biting, growling, aggression).

This policy may be updated at any time at the University's discretion.