



PROCEDURE

Emotional Support Animal Procedure

Procedure Administrator : Vice President for Student Affairs

Authority: Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et seq.*;

Section 504 of the Rehabilitation Act of 1973; N.J.S.A. 4:19-15.2 and 15.2a;

N.J.S.A.10:5-29.3; I-55 – Campus Code of Conduct; Guide to Residential Life

Effective Date: May 12, 2016; March 16, 2021

Index Cross-References: Policy I-125: Service Animal and Emotional Support Animal;

Procedure 6880 Domestic Animal and Pet Solid Waste

Procedure File Number: 3991

Approved By: Dr. Harvey Kesselman, President

I. DEFINITIONS

Emotional Support Animal: An emotional support animal (ESA), also referred to as an assistance, therapy, or comfort animal, is a type of assistance animal that is recognized as a reasonable accommodation for a person with a documented disability under the federal Fair Housing Act (FHA), 42 U.S.C.A. 3601 *et seq.* An ESA is neither a service animal nor a pet according to the U.S. Department of Housing and Urban Development (HUD). An ESA is not trained to perform work or tasks and may include species other than dogs and miniature horses as outlined in Procedure 3990.

Handler: A student who owns, trains or has charge of an animal. The individual must be in full control of the animal at all times. The individual must follow the Galloway Township ordinance, which specifically states that dogs and cats are not to run loose within the Township, nor are they to be left unattended outside University buildings or meeting areas.

Pet: A pet is a domesticated animal that only serves a role in providing leisure companionship to its handler. Pets are not the same as ESAs and pets are not permitted inside University facilities.

II. PROCEDURE:

A. A request to have an ESA reside in the residence halls constitutes an accommodation request and must follow the general principles applicable to all accommodation requests. Persons with disabilities may request a reasonable accommodation for an ESA, under both the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 given the following conditions:

- The person has a documented disability;
- The animal is part of an existing and ongoing treatment plan

developed by the licensed practitioner that is treating the student for the condition which the animal was prescribed (e.g., a psychiatrist treating a student for generalized anxiety disorder);

- The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling;
- There is an established relationship or nexus between the disability and the assistance the animal provides; and
- The animal has proven to reduce symptoms that are consistent with the treatment plan.

B. Some restrictions may be placed on the type of animal that can be approved for residential housing depending on assignment; it is possible the student may be approved for an ESA, based on the information provided, but may not be allowed to bring the specific animal named into the residence hall.

C. A student must complete the following steps to request an ESA accommodation:

- Register with the Learning Access Program as a student with a disability.
- Complete the Emotional Support Animal Request Form available on the Learning Access Program website under Policies and Procedures.
- Submit the animal's health records from a licensed veterinarian dated within a year of the request. Health records must contain current vaccinations and licensing, if the animal meets the licensing requirements for the requester's permanent resident municipality and Galloway Township requirements.
 - Proof of health records and current inoculations must be submitted on an annual basis. Animals required to have rabies shots must wear a rabies vaccination tag.
- Upon receipt of completed documents, schedule an appointment with the Learning Access Program to review the Request Form and to confirm the details of the request.

All student requests will be reviewed by the Housing Committee (members include representatives from the Learning Access Program, Residential Life, and a licensed counselor). All documentation is maintained by the Learning Access Program.

The review and approval process requires at least 45 days, after which the student will be notified via email of the outcome. If the need for an ESA arises after the student has already been assigned housing, the student may need to wait until the next semester to bring the ESA into housing.

The Office of Residential Life will send out roommate notifications when applicable to inform residents of the pending ESA. A time frame will be provided for roommates/apartment-mates to submit concerns or counter-documentation.

- Roommate conflicts and concerns as a result of an ESA must be directed to Residential Life;

- If there is an allergy or medical concern, the affected person must direct the complaint to the Learning Access Program and provide medical documentation to support the claim; and
- The needs of all parties will be considered to resolve the problem.

When confirmation is received, or the notification timeline passes, the student requesting the ESA will meet with a designee from the Office of Residential Life to review housing expectations and standards for having an animal on campus and in the Residence Halls.

Students must provide updated documentation supporting an ESA accommodation request on an annual basis for the following academic year because approval of an ESA accommodation request is based on the student's current need.

- D. An ESA request is only approved for the animal originally requested. If a student wants to change an ESA, the student must complete a new *Emotional Support Animal Request Form* and follow the ESA accommodation process.

III. RENEWAL PROCEDURE

- A. Students approved for an ESA will need to renew the request each academic year. An email will be sent with a renewal form to be completed. Updated health records for the animal must be submitted with the renewal form.
- B. Approval of an ESA does not guarantee a housing assignment.
- C. Students will have the option to be placed in a housing assignment with the student's approved ESA individually through the accommodation renewal process. This placement will provide the student and the ESA a housing assignment prior to the Residential Life Housing Renewal Process but provides no option to select or request specific roommates.
- D. A student has the option to join a roommate group with the student's approved ESA, declining the accommodation renewal process. This option requires the students' group leader to select a housing assignment for the group of students through the Residential Life Housing Renewal Process, but does not guarantee the selected housing assignment.

IV. UNIVERSITY STANDARDS

- A. ESAs may reside in a student's individual bedroom if approved by the Housing Committee. ESAs are not allowed in any non-residential buildings, and are not allowed in residential common areas except in transit, and are not allowed in or on residence hall floors, the apartment living room, another student's assigned bedroom, etc.
- B. The ESA request may be denied or revoked if the animal poses a direct threat to the health, safety and wellbeing of others; causes substantial damage to the campus residence; poses an undue financial or administrative burden; is disruptive to the University community, or fundamentally alters the nature of the University's operations.
- C. Students approved for an ESA must comply with the same University rules

regarding noise, safety, disruptions, and cleanliness as others within on-campus housing. Complaints regarding an ESA residing in on-campus housing must be made to a representative of the Office of Residential Life.

- D. The animal must be well-groomed and measures should be taken for flea/tick and odor control, as applicable.
- E. The University will not require any surcharges for ESAs, however, a student is subject to charges for damage caused by the student's ESA.
- F. An ESA must be housebroken. Additional information can be found in Procedure 6880 Domestic Animal and Pet Solid Waste.
- G. Students residing in the Residence Halls/Apartments should ensure that they are using the relief areas identified by Residential Life.
- H. The student is responsible for the cost, care and supervision of the ESA, which includes compliance with animal licensing, vaccinations, and/or certificates; physical restraint of the animal and taking effective action should the animal become out of control; and feeding, walking, and disposing of its waste.
- I. The handler is not permitted to leave an ESA unattended overnight, and the ESA must vacate the on-campus residence during breaks and when the student is no longer residing on-campus.
- J. The student must follow the Galloway Township ordinance in cleaning up the animal's waste. The ordinance requires the student to:
 - Always carry equipment sufficient to clean up the animal's waste whenever the animal is on campus property;
 - Never allow the animal to defecate on any property, public or private, unless the student immediately removes the waste; and
 - Properly dispose of animal waste by flushing or burial. Specifically marked waste receptacles for feces may be used when provided.
- K. A student may be asked to mitigate the behavior of, or remove, an ESA if the animal's behavior poses a direct threat to the health and safety of others and/or if the animal is not housebroken. Mitigation may include muzzling a barking animal, obtaining refresher training for both the ESA and the student, or other appropriate measures. If removal of the ESA is necessary, the student will have the option to continue to live on-campus without the ESA on premises, and/or alternate accommodations may be discussed. If a compromise is not possible, the student may appeal to the Director of Residential Life for cancellation of the residential contract.
 - Examples of actions that may require the removal of an ESA:
 - Excessively sniffing people, tables in eating areas, or personal belongings of others;
 - Excessive barking, whining, or growling;
 - Spraying or marking individuals or property;
 - Off a leash and/or uncontrolled.
- L. If a student is required to remove the ESA from University property, the student may appeal the decision in writing to the Office of Institutional Diversity and Inclusion within seven (7) days of the exclusion.

M. Residents should not:

- Pet an ESA without permission from the handler;
- Feed an ESA without permission from the handler;
- Deliberately startle, tease or taunt an ESA;
- Separate or attempt to separate a handler from their ESA;
- Feed an ESA drugs or alcoholic beverages.

N. Violations of this Procedure, or any related provisions in the Guide to Residential Life, must be reported to a representative of the Office of Residential Life. Infractions will be reviewed on an individual basis and are subject to the University Code of Conduct.

O. In an emergency, personnel who respond should be informed that an ESA is present in the residence halls. The ESA may become disoriented from the smell of smoke in a fire, from sirens or wind noise, or from shaking and moving ground. The student and/or ESA may be confused in a stressful situation. The team should be aware that the ESA is trying to be protective and, in its confusion, is not to be considered harmful. The team should make every effort to keep the ESA with the student. Emergency personnel will be notified of residences that have ESAs on premise.

P. The student must provide the Office of Residential Life with a written emergency plan regarding the evacuation of the ESA should the handler become unable to care for the ESA. This plan must include the name, contact information and plan for removal of the ESA.

V. CAMPUS CONTACTS

For questions about these procedures, contact one or more of the following offices:

- Learning Access Program, Main Campus J-204, 609-652-4988
- Office of Residential Life: Lakeside Lodge, 609-652-4697
- Dean of Students Office, Campus Center Suite 243, 609-652-4645
- Office of Care and Community Standards, F-107, 609-626-3585
- Office of Diversity and Inclusion, 110 West Quad, 609-652-4695

Review History:

	Date
Procedure Administrator	01/13/2021
Divisional Executive	01/15/2021
General Counsel	02/27/2021
Cabinet	03/15/2021
President	03/16/2021