

Emotional Support Animal Policy

The Office of Housing and Residence Life

Ball State University

In compliance with the Fair Housing Act, and other applicable local, state, and federal laws, Ball State University generally permits students in University housing to have an emotional support animal if it is shown to be necessary to afford a student with a documented disability an equal opportunity to use and enjoy campus housing. This policy applies only to emotional support animals and does not apply to service animals, as defined by the Americans with Disabilities Act. Service animals are permitted in all campus areas, including housing, and there is no formal request process for service animals.

Ball State University recognizes the importance of emotional support animals to individuals with disabilities and has established this policy to assist Ball State University students with disabilities. This policy serves to ensure that students residing in campus housing who require the use of an emotional support animal as a reasonable accommodation will receive the benefit of the support provided by such animals.* Specific requirements and guidelines concerning emotional support animals in campus housing are set forth below. The University reserves the right to amend this policy at any time, as circumstances may require.

***Accommodations for Employees:** Ball State University employees who reside in campus housing may also receive an accommodation for an ESA. Employees should contact Ball State University Human Resource Services for approval. Employees who receive approval will be required to comply with the “Owner’s Responsibilities” above.

Definitions

Disability – 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 (“ESA”) – An animal that provides emotional support, comfort, or therapy that alleviates one or more identified symptoms or effects of a person’s disability. Such animals may also provide assistance, or perform tasks for the benefits of a person with a disability. An ESA need not be individually trained or certified to perform any disability-related task.

Owner – A student with a disability requesting and possessing an emotional support animal.

Policy

Owners are permitted to keep an ESA in on-campus housing, including both residence halls and apartments, on a case-by-case basis as a reasonable accommodation for a documented disability after prior approval.

Owners must first seek approval for their ESA through the Office of Disability Services. The Owner should contact the Office of Disability Services as early as possible to allow time to gather and review all necessary documentation. If possible, the Owner should make their request at least 30 days prior to the start of the academic term (Fall, Spring, and/or Summer). If the disability is not obvious and further information beyond that presented by the Owner is needed to determine eligibility for a reasonable accommodation, the Owner will be asked to provide documentation of a disability and that the ESA would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability. This documentation would be from a treating professional, such as a physician, psychiatrist, social worker, or other mental health professional who is familiar with the Owner. The Office of Disability Services contact information is:

Student Center (SC), Room 116
Ball State University
Muncie, IN 47306
Phone: 765-285-5293
dsd@bsu.edu

Once the Owner's ESA has been approved, the Office of Housing and Residence Life will work with the Owner to provide the accommodation. Ball State University and the Office of Housing and Residence Life have the discretion to determine where an Owner will be housed (hall, room, etc.). If a request is made after an initial housing assignment has been made, or during the academic term, the Owner may be required to relocate to a different room and/or building in order to accommodate their request.

The Office of Housing and Residence Life, in consultation with the Owner and other parties, as appropriate, will make an individualized assessment in determining whether the presence of the ESA is reasonable in the making of housing assignments, including, but not limited to the following factors:

- Whether the ESA poses or has posed in the past a direct threat to the Owner or others;
- Whether the ESA causes or has caused excessive damage to housing beyond reasonable wear and tear;
- Whether the size of the ESA is too large for available assigned housing space;
- Whether the ESA's presence otherwise violates residents' right to peace, quiet and an educational environment;
- Whether the ESA is housebroken or is able to live with others in a reasonable manner; and
- Whether the ESA's vaccinations are up-to-date.

The Owner must provide written consent for the Office of Housing and Residence Life to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by its presence. This includes but is not limited to,

Residence Hall or Apartment staff and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the ESA and shall not include information related to the Owner's disability.

Owner's Responsibilities

Owners granted a reasonable accommodation for an ESA shall be subject to the following rules, in addition to any other University rules and regulations not specifically related to ESAs.

1. Owners will be held to the same standards as any other resident regarding cleanliness and community disruption. The room must be kept clean, odor-free and damage free, and the Owner must meet the ESA's daily needs. Failure to comply with residence hall or room cleaning standards may result in damage charges and/or immediate removal of the ESA from University housing.
2. An Owner may be charged for any damage caused by the ESA beyond reasonable wear and tear to the same extent that the University 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 Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall have the right to bill the Owner's account for unmet obligations under this provision.
3. The Owner is responsible for ensuring that the ESA does not interfere with the orderly operation of the residence hall or cause difficulties for other residents or employees of the community. Sensitivity to residents and employees with allergies, personal views of animals living in a residence hall community, and to those who fear animals is important to ensure a positive residence hall community. No Owner shall permit the ESA to go loose or run at large. If an ESA is found running at large, the ESA is subject to capture and confinement and immediate removal from University housing.
4. Owners should purchase their own cleaning supplies (mops, brushes, vacuum cleaners, etc.) so that residents and employees will not be negatively impacted by possible animal odor, hair or dander, etc.
5. Upon the approval of the ESA request, the Owner must update the ESA's immunization records. This agreement and the immunization records must be renewed every year and will be kept on file in the residence hall office. All ESAs must be neutered/spayed as well as consistently free of fleas and other parasites.
6. Anytime the ESA is transported outside the Owner's room, within the residence hall and outside the confines of the Owner's room, the ESA must be in a carrier,

or on a leash or harness. The ESA should only be outside the confines of the residence hall room for transportation or hygiene care. ESAs are not allowed in any University facilities other than the University room or apartment to which the Owner is assigned.

7. ESAs are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their Owners who have responsibility for the control and care of the ESA. The ESA should be kept only in the Owner's room and is not allowed in other residence hall rooms, lounges, lobbies, restrooms, or other residence hall or dining facilities. ESAs are not to be used as entertainment for other residents. ESAs must be social and not be a nuisance (i.e. excessive barking, howling, meowing, crying, scratching of doors or facilities, making unwanted contact, biting, escaping the room). Any injuries caused by the ESA will be the responsibility of the Owner.
8. Any time the Owner leaves campus for an extended period of time (overnight, a weekend, breaks, etc.), they must take the ESA with them or find someone to care for the ESA off campus. The Owner is required to ensure the ESA is well cared for at all times. Any evidence of mistreatment, abuse, neglect, or leaving the ESA unattended for unreasonably long periods of time may result in immediate removal of the ESA and/or discipline for the Owner pursuant to the University Student Code of Conduct and/or any housing- related sanctions within the Office of Housing and Residence Life.
9. At no time does the ESA become the responsibility of a roommate, University staff or other residence hall students. University personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the ESA during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the ESA and may not be held responsible for the care, damage to, or loss of the ESA.
10. If the ESA goes missing for more than a period of two hours, the Owner must notify the Residence Hall staff IMMEDIATELY.
11. All ESA waste must be disposed of in a timely fashion, secured in a plastic bag and placed in an outside public dumpster. Waste should not be placed in any in hall waste containers. Owners must take their ESAs to a pre-designated area(s) to relieve waste.
12. If the Owner decides that the ESA can no longer live with them, they must notify the residence hall office immediately and then undergo an inspection to assess for any damages and cleaning.
13. The ESA is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Office of Disability Services in writing if the ESA is no longer needed or is no longer in residence.

Removal of the ESA

The University may require the Owner to remove the ESA from University housing if

- The ESA poses a direct threat to the health or safety of others or causes substantial property damage to the property of others, including University property;
- The ESA's presence results in a fundamental alteration of a University program;
- The Owner does not comply with the Owner's Responsibilities set forth above; or
- The ESA or its presence creates an unmanageable disturbance or interference with the University community.

The University will base such individualized determinations upon the consideration of the behavior of the particular ESA and Owner on a case-by-case basis, in consultation with the Office of Housing and Residence Life, the Owner, and other parties as appropriate. The University will not base this determination on speculation or fear about the harm or damages an ESA may cause.

Appeal Process

The removal of an ESA may be appealed in accordance with the following procedures. To submit an appeal of a decision of an Assistant Director of Housing and Residence Life to remove an ESA from University housing, the Owner may submit a written appeal of the decision via BSU email or hard copy format within three (3) business days of the receipt of the original removal decision. Appeals must be directed to the Associate Director of Housing and Residence Life.

An Owner's appeal may be based on one or more of the following reasons:

- new information of a substantive nature sufficient to alter the decision;
- an unduly harsh decision; and
- a procedural error that affected the outcome, such as substantiated bias or material omission of a critical matter.

The Associate Director's decision is final.

Should the ESA be removed from University housing for any reason, the Owner is expected to fulfill their housing contract obligation.

Please note under Indiana Code § 22-9-7-12, which took effect on July 1, 2018, falsely representing the need for an ESA is a Class A infraction.

I have read this document and agree to abide by all policies to support my emotional health and the welfare of the residence hall community. I am aware that the ESA is my sole responsibility and that all information and documents given to the University to support my ESA are accurate and truthful. Failure to meet the requirements in the ESA

policy may result in the removal of the ESA.

_____/_____
STUDENT/OWNER SIGNATURE DATE

STUDENT'S/OWNER'S PRINTED NAME

FOR OFFICE USE 01/20

HALL _____ Room Number _____

HRL Initials/Signature _____