

## **TCU STUDENT DISABILITY SERVICES EMOTIONAL SUPPORT ANIMAL POLICY AND PROCEDURES FOR UNIVERSITY RESIDENCE HALLS**

### **PART I: DEFINITIONS**

For purposes of this policy (“ESA Policy” or “Policy”) the following definitions apply:

#### **Pet:**

A “pet” means an animal kept for ordinary use and companionship, which is not an Emotional Support Animal or Service Animal (see definitions below).

Residents are not permitted to keep pets, other than fish, in University Housing, except as otherwise required by law.

#### **Emotional Support Animal (“ESA”):**

An ESA is different from a pet. Instead, an ESA provides necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms or effects of the individual’s disability. Some ESAs are professionally trained or certified, but others are not. Dogs and cats are commonly used as ESAs but other common household animals may also qualify. If a dog qualifies as a Service Animal<sup>1</sup> under TCU’s Service Animal Policy, TCU and the Student should proceed under the TCU Service Animal Policy and not under this ESA Policy.

Non-domesticated animals and/or animals that carry the risk of zoonotic diseases cannot be approved to live as an ESA in TCU residence halls, rooms, suites, or apartments.

#### **Service Animal (“SA”):**

A Service Animal is different from a pet. Service Animal is generally defined as any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of “Service Animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. For the full definition, see the TCU Service Animal Policy.

#### **ESA Request:**

A request by an Owner with a disability under this Policy that TCU permit the Owner to have an ESA in University Housing, as an accommodation for that disability.

#### **Owner:**

The “Owner” is the student who has made an ESA Request.

#### **University Housing:**

Includes Residence Halls and any other housing provided by TCU.

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<sup>1</sup> It is at least possible that a dog, which meets the qualification for being a Service Animal under TCU policy, might also meet the criteria of an ESA. In that situation, the Student and TCU should proceed under the TCU Service Animal policy rather than this ESA Policy.

## **TCU General Practice for an Accommodation Request by a Student with a Disability:**

TCU's general practice for processing requests for accommodation, for students with disabilities ["General Practice"] is described on the TCU web site. Under that General Practice, the student with a disability communicates with TCU Student Disability Services [DS], and is required to present relevant, verifiable professional documentation pertaining to the disability and its functional limitations that meets the University's guidelines. DS gathers pertinent information, consults with the student, analyzes the request, and a decision is made about accommodations. Generally, only one Animal will be approved within a given housing bedroom space. Each request is considered on an individualized, case-by-case basis. This General Practice applies when a student with a disability requests that TCU consider an ESA as an accommodation, i.e., a variance from TCU's "no pets" policy for University Housing; however, to the extent a requirement or procedure in this ESA Policy conflicts with the General Practice, this ESA Policy controls.

### **PART II: CONTACTING THE TCU STUDENT DISABILITY SERVICES OFFICE**

The TCU Student Disability Services office ["DS Office"] is located in Sadler Hall, Room 1010. The DS office is usually open Monday-Friday 8 AM-5 PM. The phone number for DS is 817-257-6567. An e-mail address for the DS Office is [disabilityservices@tcu.edu](mailto:disabilityservices@tcu.edu). The mailing address is Texas Christian University, Student Disability Services, TCU Box 297710, Fort Worth, TX 76129.

### **PART III: TCU POLICY ON EMOTIONAL SUPPORT ANIMALS**

TCU recognizes the importance of ESAs that provide physical and/or emotional support to individuals with disabilities. TCU is committed to allowing ESAs necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing. This Policy explains the specific requirements applicable to an individual's use of an ESA in University Housing. TCU reserves the right to amend this Policy as circumstances require. This Policy applies to ESAs which may be necessary in University Housing, and it does not apply to SAs, which are addressed in TCU's separate Service Animal Policy.

Although it is the policy of TCU that individuals are generally prohibited from having animals in University Housing, TCU will consider a request by an individual with a disability for a variance from this prohibition, to allow an ESA that is necessary because of a disability and that would be a reasonable accommodation. **However, no ESA may be kept in University Housing at any time prior to the individual receiving approval from the DS Office as a reasonable accommodation pursuant to this Policy.**

The DS Office is designated by TCU as the only office to evaluate a student's ESA Request. In evaluating an ESA Request, the DS Office considers whether the student is an individual with a disability and whether the animal alleviates one or more symptoms or limitations caused by a student's disability. TCU permits an ESA in a student's residence hall room as accommodation to that student's disability when (1) the student has presented the DS office with sufficient documentation of a mental or psychiatric disability, and (2) the DS Office has granted approval for the ESA as a reasonable housing accommodation and determined the ESA is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy TCU housing and its presence in TCU housing is reasonable.

Upon receiving an ESA Request, the TCU DS Office may consult with appropriate individuals, including personnel in TCU Housing and Residential Life ["HRL"], in making 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: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing policies or constitutes a fundamental alteration of the nature of TCU's HRL; 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 property of the University.

TCU may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with ESAs:

1. The size of the animal is too large for available assigned housing space. An ESA dog cannot weigh over 25 pounds at its full grown size;
2. The size of the animal's containment equipment (crate or cage) is too large for the assigned housing space;
3. The animal's presence would force another individual from individual housing (e.g. serious allergies);
4. The animal is not a common household animal;
5. The animal is non-domesticated;
6. The animal carries the risk of zoonotic disease(s);
7. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
8. The animal is not housebroken or is unable to live with others in a reasonable manner;
9. The animal 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; or;
10. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
11. The animal's vaccinations are not up-to-date;
12. The animal is not fully vaccinated. (***Generally, a dog must be at least 9 months of age to live on campus to assure that the dog is reliably housebroken, not disruptive to other residents, and has all of the shots necessary to make it safe to be around humans and other animals that may be in residence.***);
13. Generally, only one animal will be approved to be in residence in a single housing bedroom.

Even if the individual with a disability establishes necessity for an ESA and it is allowed in University housing to which the individual is assigned, the accommodation does not extend to other University facilities (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

TCU will not limit room assignments for individuals with ESAs to any particular building or buildings because the individual needs an ESA due to a disability.

University housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain residence halls.

#### **PART IV. HOW AND WHEN TO MAKE AN ESA ACCOMMODATION REQUEST; ADVANCE REGISTRATION FOR USE OF AN ESA IN UNIVERSITY HOUSING**

Any student who desires to bring an ESA to live in University housing is required to make an ESA Request and register with the DS Office in advance of bringing the animal to campus. At the same time the student contacts the DS office, the student should also advise the HRL office that the student is making an ESA Request. **If the request is made fewer than 60 days before the individual intends to move into University housing, HRL cannot guarantee that it will be able to meet the request during the first semester or term of occupancy.** Advanced notice allows the DS Office time to evaluate the request and HRL to make appropriate arrangements. Additionally, advance registration allows time for notification of roommates to be completed in a timely manner. In consideration of a roommate with a disability, such as a severe allergy to dog dander, DS staff and HRL staff need time to review and arrange alternate housing placements so that each student's disability(ies) is/are reasonably accommodated.

The student will receive the following forms prior to or during the Intake Interview appointment:

1. *Emotional Support Animal "ESA" Policies and Procedures for University Residence Halls;*
2. *Disability Accommodation Request for Emotional Support Animal in University Housing.* This form contains the ESA Request;
3. *Emotional Support Animal Registration Form;*
4. *Checklist for Requesting Emotional Support Animal in TCU Housing.*

The student must additionally provide TCU with the following information as part of the ESA Request process:

- (a) Up-to-date veterinary records certifying that the animal has all recommended vaccinations/shots to maintain its health and prevent contagious diseases (must be updated annually). If bringing a dog, the Owner must provide proof of the following vaccinations: Parainfluenza, Leptospirosis, Parvo Virus, two (2) strains of Adenovirus, and Distemper;
- (b) Verification that the animal has been spayed or neutered;
- (c) A picture of the animal;
- (d) Contact information for the alternate caregiver who lives in the DFW Metroplex and within 25 miles of the University, but not in TCU housing;
- (e) Pet license issued by the City of Fort Worth (must be updated periodically), to the extent the City requires a license for the animal. Licenses are available at the Animal Care and Control Center. Information on licenses can be found at <http://www.fortworthgov.org/animals/default.aspx?id=8860> or the animal must be microchipped;
- (f) Relevant, verifiable professional documentation pertaining to the student's disability and its functional limitations that meets the

University's guidelines. The Student's **current qualified diagnostic and treatment professional** (including, but not limited to, a licensed psychologist, psychiatrist, or other professional with training and expertise in the diagnosis of mental health disorders) must sign and submit a letter/documentation on the professional's letterhead directly to the DS Office. The letter must contain sufficient information whereby TCU can assess the professional's qualifications and it must **address and include the items listed in 1-5 below:**

- (1) Verification that the student has a **mental or psychiatric disability** including a description of the student's **functional limitation(s)**.
- (2) When did you last treat this individual? When is your next scheduled appointment? Have you treated this student on a regular basis? How long have you been treating this student?
- (3) Verification that the animal is an ESA, i.e., that it provides emotional support that alleviates one or more of the identified symptoms or effects of the student's existing mental or psychiatric disability.
- (4) Verification that the student can responsibly **care** for the ESA.
- (5) Information on whether the ESA has helped the student in the past, and if so, how.

It is helpful if the student brings the above information to the Intake Interview with the DS Office. When the DS Office has made a decision regarding the student's request for an ESA accommodation, the DS office will send the student an e-mail requesting that the student schedule an appointment with a Disabilities Specialist to discuss the decision. If the ESA Request is approved, the DS Office writes and issues a *Letter of Housing Accommodation* for an ESA to the HRL Director, and the DS Office places a copy in the student's file. After approval, but before the ESA is allowed in University Housing, the student must sign an *Owner Statement and Agreement for Student with Emotional Support Animal*, and provide this to the DS Office and to the Hall Director. If The DS Office denies the request, the student may appeal by following the procedure in TCU's General Practice.

All documentation submitted to the DS office, in connection with an ESA Request, is maintained confidentially in the student's file in the DS office, and is kept separate from the student's official academic record. The *Letter of Housing Accommodation* is sent electronically to HRL, if the student wishes to obtain a copy for a personal file, he/she may request a copy from the DS Office.

In a timely manner after approval, the DS Office will schedule a meeting with the student, the HRL Associate Director, the Hall Director, and the Disabilities Services staff member to finalize the approval process and to address any concerns before the student is able to bring the animal in residence.

Students must re-apply each year for housing and housing accommodations. Students may be required to submit updated, current documentation to DS annually.

## **PART V: OWNER'S RESPONSIBILITIES FOR ESA**

If the University grants an Owner's ESA Request, the Owner is solely responsible for the custody and care of the ESA and must meet the following requirements:

### **A. General Responsibilities:**

1. The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, 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 current pet license from the City of Fort Worth. The University reserves the right to request documentation showing that the animal has been licensed and spayed or neutered.
2. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner.
3. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and/or discipline for the responsible individual.
4. TCU will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
5. An individual with a disability may be charged for any damage caused by his or her ESA beyond reasonable wear and tear to the same extent that TCU 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, at its option, TCU may provide that the residence will be treated using approved fumigation methods by a University-approved pest control service. 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.
6. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and requirements for care of the animal (e.g., cleaning the animal, feeding/watering the animal, disposing of feces, etc.). The ESA must not be bathed in an on-campus facility or on TCU property. The student must make arrangements for bathing the ESA at an off-campus location.
7. 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 the ESA is contained (in a crate or cage), as appropriate, when the Owner is not present during the day or at other times when the Owner is not present, such as attending classes or other activities.
8. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
9. The animal is allowed in University Housing only as long as it is necessary because of the Owner's disability.
10. TCU personnel shall not be required to provide care or food for any ESA including, but

not limited to, removing the animal during emergency evacuation for events such as a fire alarm. During an emergency, 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.

11. The student must provide written consent for the DS or HRL office to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal including, but not limited to, HRL personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

**B. Reminder About Other Rules:**

The TCU Student Code of Conduct ["SCOC"] applies to our students generally, and examples of some SCOC sections which may be pertinent to students with an ESA on campus are:

1. Actual damage to or destruction to property of others, regardless of whether this occurs intentionally or otherwise, is prohibited. Section 3.2.3, SCOC.
2. Infliction of bodily harm to another student is prohibited. Section 3.2.1, SCOC.
3. In residence halls, students must adhere to behaviors that allow others to live comfortably in the environment. Excessive noise is prohibited. Section 3.3.3 of the SCOC.
4. Disorderly conduct is prohibited Section 3.2.13, SCOC.
5. Compliance with University authority is required. Section 3.2.9, SCOC. The student must timely and appropriately address and respond to any health, safety, or other legitimate University concern related to the animal, to the extent required by law.
6. The SCOC (Section 3.2.14) as well as the student handbook requires student compliance with City of Fort Worth ordinances. These require, among other things, that an ESA --
  - (a) must display at all times a valid city combined license/rabies tag;
  - (b) must be properly restrained;
  - (c) must be properly cared for (including food, water, shelter, and veterinary care to prevent suffering);
  - (d) must be kept according to appropriate sanitary standards;
  - (e) must not be a nuisance; and;
  - (f) must not violate the city's barking/noise ordinance.

8. The SCOC (Section 3.2.14) as well as the Student Handbook requires student compliance with Texas state law which, as of 9/18/15 provides:
  - (a) A person who habitually abuses or neglects to feed or otherwise neglects to properly care for his or her ESA is subject to seizure of the animal. Subchapter B, Chapter 821, Health and Safety Code.
  
14. The Student Handbook (see Residential Information Section) provides rules for those who live in University Housing. These include:
  - (a) Food should not be left out in the open or unpackaged. When something is thrown away, it should be put in the large, lined containers in the hallways where it can be removed daily. Food should not be disposed of by placing food in the drains or sinks;
  - (b) Hall staff check student rooms to assess safety or health issues;
  - (c) Unsanitary conditions, for example in a student's room, are prohibited;
  - (d) A "Quiet Hours" rule is in effect in residence halls from 10 p.m. until 10 a.m.;
  - (e) At all times, residents are expected to respect the needs of others to sleep or study;
  - (f) Concerning smells/odors should be avoided;
  - (g) Rooms must be maintained at an acceptable level of cleanliness;
  - (h) See also Campus Housing License; and;
  - (i) Damage beyond normal wear and tear to a room is charged to the student. Upon checkout, the room must be cleaned and returned to its original condition.

Additionally, in determining whether an ESA poses a direct threat to health and safety, and whether the animal fundamentally alters a TCU program or service, among other things the following may be considered:

- (a) Whether all shots are kept current. At all times, the ESA must wear any tags required by the City of Fort Worth (current rabies vaccination tag/tag issued to licensee) and another tag showing the Owner's contact information;
- (b) Whether flea and tick control is being addressed, and adequate preventative measures are being taken. If a flea or tick problem develops, it should be dealt with immediately in an effective manner;

- (c) Whether the student is taking appropriate steps to address the animal's odor and cleanliness. Daily grooming in combination with regular baths are recommended to keep odor to a minimum;
- (d) Whether the student is meeting responsibilities to properly contain and dispose of all animal waste, including fecal waste and cat litter box contents. Animal waste, such as feces and cat litter box contents, must be immediately retrieved by the Owner, placed in a plastic bag and securely tied before being disposed of in outside trash dumpsters. Animal waste may not be disposed of in any indoor trash receptacle or through the sewer system inside any building at TCU. Animals should not be allowed to relieve themselves inside buildings, on sidewalks, or on concreted area. Litter boxes must be placed in the Owner's private individual living space. They must be regularly and properly maintained. The litter box must be changed with new cat litter regularly as outlined by the litter manufacturer. When the student will be away from University Housing overnight or otherwise, the litter box must be cleaned before leaving campus with the ESA. Regular and routine cleaning of floors, kennels, cages and litter boxes must be maintained by the Owner;
- (e) Whether the ESA is being taken to dining halls.

#### **PART VI: ACCESS TO UNIVERSITY FACILITIES BY ESAs**

Except to the extent the individual is taking the animal out for natural relief, an ESA must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, apartment) or in common areas of the Owner's residence hall while under the supervision of the Owner. ESAs are prohibited in community kitchens and bathrooms and private offices in the residence halls. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESAs are not allowed in any University facilities other than University residence halls (e.g. dormitories, suites, apartments, etc.) to which the Owner is assigned.

Notwithstanding the restrictions set forth herein, the ESA must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, TCU may take appropriate action, including but not limited to capturing and confining the animal and immediately removing it from University housing.

#### **VII. REMOVAL OF ESA, OTHER APPROPRIATE ACTIONS**

The University may require the student to remove the animal from University Housing and/or take other appropriate action(s) 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 Owner does not comply with the Owner's Responsibilities set forth above or applicable rules referred to in Part V above; or;

4. the animal or its presence creates an unmanageable disturbance or interference with the University community.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Except in emergency situations, any removal of the animal will be done in consultation with the DS office and removals may be appealed in writing within 14 days to TCU's Affirmative Action/Equal Employment Opportunity Officer, whose decision shall be final.

Should the ESA be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract. Removal is not TCU's sole remedy, and TCU may take other appropriate action, including disciplinary action or the loss of University Housing for the student, in lieu of or in addition to removal.

### **PART VIII: EMERGENCY**

In the event of an emergency, the emergency response team (ERT) will, first and foremost, address the student's emergency-related needs. Although the ERT will attempt to keep the ESA and the owner together, it is possible that the two may become separated. Therefore, the ESA's collar with the required ID tag and contact number should be kept up-to-date and on the ESA, even when the ESA is in the student's University Housing room or apartment.

### **PART IX: OTHER ACCOMMODATION REQUESTS**

#### **Requests for Academic Accommodations/Services:**

It is possible that a student who seeks an accommodation to have an ESA in University Housing may also desire academic accommodations/services based on a disability. In this situation, the student should specifically let DS know that academic accommodations/services are also being requested. (For information on contacting DS, see Part II above). The request will be considered under the University's General Practice for Students with Disabilities. The student may be required to provide additional documentation. In other words, a student making a request pertaining to an ESA must take additional action in order to seek academic accommodations/services.

### **PART X: REQUIRED NOTIFICATION TO TCU OF CHANGED CIRCUMSTANCES PERTAINING TO AN ESA**

If an approved ESA is no longer needed or is no longer on the campus, the student must notify DS. (For information on contacting DS by e-mail, see Part II above).

If the student plans to replace a previously approved ESA the student must file a new request even if the owner previously obtained permission for an emotional support animal. The student must otherwise follow the procedures in this policy, including providing advance notice. (For information on contacting DS, see Part II above, and for information on ESA Request forms and registration forms, see Part IV above).

## **PART XI: NON-RETALIATION**

It is against TCU policy to retaliate against any person because that individual has requested or received a reasonable accommodation in University Housing, including an ESA Request.

## **PART XII: REQUEST FOR VARIANCE FROM TERM OF THIS POLICY AS AN ACCOMMODATION**

A student with a disability who requests, as an accommodation, a variance from a term or requirement in this Policy should make the request to the DS Office. Such a request will be handled under TCU's General Practice. Additional documentation may be required by TCU.