



ESA POLICY & AGREEMENT



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Florida Southern College (FSC) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Emotional Support Animals” under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. FSC is committed to allowing Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to access College housing. This Policy explains the specific requirements applicable to an individual’s use of an Emotional Support Animal in College housing. FSC reserves the right to amend this Policy as circumstances require. This policy applies solely to “Emotional Support Animals” which may be necessary in College housing. It does not apply to “Service Animals” as defined by the ADAAA.

Although it is the policy of FSC that individuals are generally prohibited from having animals of any type in College housing, FSC will consider a request by an individual with a disability for reasonable medical accommodation from this prohibition to allow an Emotional Support Animal that is necessary and reasonable because of a disability. However, no Emotional Support Animal may be kept in College housing at any time prior to the individual receiving approval as a reasonable medical accommodation pursuant to this Policy.

I. DEFINITIONS

A. EMOTIONAL SUPPORT ANIMAL

“Emotional Support Animals” are a category of animals that may work, provide aid, or perform physical tasks for an individual with a disability and/or 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, but which are not considered Service Animals under the ADAAA and FSC’s Service Animal Policy. Some Emotional Support Animals are professionally trained, but in other cases Emotional Support Animals provide the necessary support to individuals with disabilities without any formal training or certification. It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or assistance animal.

The question in determining if an Emotional Support Animal will be allowed in College housing is whether or not the Emotional Support Animal is necessary because of the individual’s disability to afford the individual an equal opportunity to access College housing and its presence in College housing is reasonable. However, even if the individual with a disability establishes necessity for an Emotional Support Animal and it is allowed in College housing, an Emotional Support Animal is not permitted in other areas of the College (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

B. OWNER

The “Owner” is the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into College housing.

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C. STUDENT DISABILITY SERVICES OFFICE

The Student Disability Services office (SDS) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all FSC programs and activities.

II. PROCEDURES FOR REQUESTING EMOTIONAL SUPPORT ANIMALS IN COLLEGE HOUSING

The procedure for requesting Emotional Support Animals follows the general procedures set forth in the FSC Housing Reasonable Accommodation Policy and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the FSC Housing Reasonable Accommodation Policy, this Policy shall control.

III. CRITERIA FOR DETERMINING IF PRESENCE OF THE EMOTIONAL SUPPORT ANIMAL IS REASONABLE

A. College 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. To ensure that the presence of Emotional Support Animals is not an undue administrative burden or fundamental alteration of College housing, FSC reserves the right to assign an individual with an Emotional Support Animal to a single room without a roommate.

B. However, for all requests for Emotional Support Animals, Student Disability Services shall nonetheless consult with Residence Life in deciding on a case-by-case basis of whether the presence of an Emotional Support Animal is reasonable. A request for an Emotional Support Animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters College housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial damage to the property of others, including College property.

C. FSC 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 Emotional Support Animals:

1. The size of the animal is too large for available assigned housing space;
2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
4. The animal is not housebroken or is unable to live with others in a reasonable manner;
5. The animal's vaccinations are not up-to-date;
6. 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
7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

FSC will not limit room assignments for individuals with Emotional Support Animals to any particular building or buildings because the individual needs an Emotional Support Animal because of a disability.

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IV. ACCESS TO COLLEGE FACILITIES BY EMOTIONAL SUPPORT ANIMALS

A. EMOTIONAL SUPPORT ANIMALS

An Emotional Support Animal must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an Emotional Support Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Emotional Support Animals are not allowed in any College facilities other than College residence halls (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned.

B. DOMINION AND CONTROL

Notwithstanding the restrictions set forth herein, the Emotional Support Animal 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. The animal must be harnessed, leashed, or tethered. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from College housing.

V. OWNER'S RESPONSIBILITIES FOR EMOTIONAL SUPPORT ANIMAL

If the College grants an Owner's request to live with an Emotional Support Animal, the Owner is solely responsible for the custody and care of the Emotional Support Animal and must meet the following requirements:

A. GENERAL RESPONSIBILITIES & REQUIREMENTS OF THE ESA AND OWNER

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 College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The College reserves the right to request documentation showing that the animal has been licensed.
2. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by FSC.
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 Emotional Support Animal and/or discipline for the responsible individual.
4. FSC will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
5. An individual with a disability may be charged for any damage caused by his or her Emotional Support Animal 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 College'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 a College-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 College shall have the right to bill the Owner's account for unmet obligations under this provision.

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6. The Owner must fully cooperate with College personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
7. Emotional Support Animals may not be left overnight in College Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from their residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Emotional Support Animal is contained (crated or kenneled), as appropriate, when the Owner is not present during the day while 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 College housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Student Disability Services office in writing if the Emotional Support Animal is no longer needed or is no longer in residence. To replace an Emotional Support Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy and the FSC Housing Reasonable Accommodation Policy when requesting a different animal.
10. FSC personnel shall not be required to provide care or food for any Emotional Support Animal including, but not limited to, removing the animal during 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.
11. The individual must complete the Consent Waiver Form for Student Disability Services to disclose information regarding the request for and presence of the Emotional Support Animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life 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.

VI. REMOVAL OF EMOTIONAL SUPPORT ANIMAL

The College may require the individual to remove the animal from College housing if:

1. the animal poses a direct threat to the health or safety of others or causes substantial damage to the property of others;
2. the animal's presence results in a fundamental alteration of a College program;
3. the Owner does not comply with the Owner's Responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the College community.

The College 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. Any removal of the animal will be done in consultation with the Associate Vice President for Student Support and may be appealed to the Florida Southern College's ADA/Section 504 Coordinator following the procedure set forth in Paragraph 5 of the FSC Housing Reasonable Accommodation Policy. The Owner will be afforded all rights of due process and appeal as outlined in that process.

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A. MAJOR VIOLATIONS

Major violations may result in immediate removal of the animal. These could include: animal lunging, growling, or biting; failing to maintain dominion and control over the animal; excessive barking, not being housebroken, or evidence of mistreatment or abuse of the animal. This includes abandoning the animal to the care of another for 24 or more hours.

School Breaks and Holidays: The ESA Owner is expected to keep the animal with them during college breaks and holidays, including Spring, Summer, and Winter breaks.

B. MINOR VIOLATIONS

Minor violations: The first verified occurrence of a minor violation, such as whining or flea and pest infestation, will result in a meeting with the Office of Student Conduct. If the event is verified, this will result in a “Failure to Comply” charge against the Owner. The Owner must supply a written agreement to remain in compliance with the College’s ESA Policy & Agreement including a plan for preventing this, or any other, violation. The student will be placed on probation with the condition that a second verified incident may result in the animal’s removal from campus.

C. STUDENT CONDUCT TIMETABLE

A student notified by the Office of Student Conduct of an ESA violation will receive email notification to set up a Conduct meeting, generally within 48 hours or at the college’s direction.

The college reserves the right, in its discretion, to modify ESA sanctions, including fines or other reasonable determinations.

D. REASSESSMENT OF ANIMAL STANDING AS AN ESA

By definition, Emotional Support Animals are medically necessary to mitigate the Owner’s disability symptoms. If the Owner leaves the Emotional Support Animal on campus for 24 hours or longer, either without care or under the care of a College community member, the college may reassess the animal’s medical necessity and standing as a bona fide ESA.

If the animal is dismissed from the College, or is determined to have lost standing as an ESA, the animal becomes a “pet”. Pets are not permitted at the College and consequences associated with a pet violation may be implemented.

Should the Emotional Support Animal be removed from the premises for any reason, the Owner is expected to fulfill their housing obligations for the remainder of the housing contract.

VII. NON-RETALIATION PROVISION

FSC will not retaliate against any person because that individual has requested or received a reasonable accommodation in College housing, including a request for an Emotional Support Animal.

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ACKNOWLEDGEMENT AND RELEASE OF INFORMATION CONSENT FORM

By my signature below, I verify that I have read, understand and will abide by the requirements outlined here and I agree to provide the additional information required to complete my request for a medical accommodation under the College's Emotional Support Animal Policy for College Housing.

I have read and understand the Emotional Support Animal Policy and Agreement and I agree to abide by the requirements applicable to Emotional Support Animals. I understand that if I fail to meet the requirements set forth in the Policy, FSC has the right to remove the Emotional Support Animal and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to the Student Disability Services office to disclose to others impacted by the presence of my Emotional Support Animal (e.g., Residence Life staff, potential and/or actual roommate(s)/neighbor(s)) that I will be living with an animal as a medical accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Emotional Support Animal and/or resolving any potential issues associated with the presence of the Emotional Support Animal.

I further recognize that the presence of the Emotional Support Animal may be noticed by others visiting or residing in College Housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances Emotional Support Animals are permitted for persons with disabilities.

Name (Print)

Signature

Date

ESA CHECKLIST

REQUIRED DOCUMENTATION FOR ANIMAL APPROVAL

Before an animal will be approved to reside on campus, Student Disability Services must evaluate the following up-to-date documentation:

- Current examination records from a licensed veterinarian
- Record of rabies vaccine (applies to dogs and cats only)
- Proof of flea or other relevant pest control
- License certificate and tags - Usually through Polk County Sheriff's Office (applies to dogs and cats only)
- Full body photo of the animal
- Proof of ownership by student or family/guardian
- Emergency contact: the name, address, phone number, and alternate phone number for an emergency contact.
This party cannot reside on campus and must be close enough to take over the care of the animal within 12 hours, in case of an emergency (e.g. hospitalization, quarantine, etc.) or a student's departure from campus.
- Signed ESA Policy
- Photo of required crate or kennel