



Service and Emotional Support Animals Policy

I. Introduction

In compliance with Section 504 of the Rehabilitation Act of 1973 and the Minnesota RISE Act, Saint Mary's University of Minnesota ("the university") generally allows service animals in its buildings, classrooms, residence halls, meeting rooms, dining areas, recreational facilities, and at events. A service animal must be accompanied by an individual who indicates that the animal is trained to provide, and does provide, a specific service to them that is directly related to their disability.

The university cannot allow service animals that pose a substantial and direct threat to personal or public health or safety, or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. The university will make those determinations on a case-by-case basis.

Emotional Support Animals (ESAs) are companion animals that provide a therapeutic benefit. Because they have not been trained to perform a specific job or task, they are not considered service animals. In compliance with federal Housing and Urban Development (HUD) guidelines, ESAs are generally allowed in campus housing only.

II. Definitions

Disability is defined as a physical, mental, or medical condition or impairment that limits one or more of a person's major life activities or is demonstrable by medically accepted clinical or laboratory diagnostic techniques. These limitations may include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.

A **service animal** is 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.

The work or tasks performed must be directly related to the individual's disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post



Service and Emotional Support Animals Policy

Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a service animal has been trained to provide must be directly related to the person's disability.

The emotional support, well-being, comfort, or companionship provided by an animal does not constitute work or tasks for purposes of this definition.

An **emotional support animal** does not perform work or tasks that qualify them as a service animal. An emotional support animal (ESA) is a companion animal that provides a therapeutic benefit, such as alleviating or mitigating some symptoms of a disability, to an individual with a mental or psychiatric disability. ESAs are typically dogs and cats, but may include other animals.

An ESA may be necessary to afford a person with a disability an equal opportunity to use and enjoy university housing, pursuant to the federal Fair Housing Act. To be afforded an ESA for campus housing, a person must meet the federal definition of disability and must have a statement from a physician or other medical professional stating that the person has that disability and that the ESA provides a benefit for the individual with the disability. An animal does not need specific training to become an ESA.

A **pet** is any animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a service animal or an emotional support animal, and therefore, it is not covered by this policy. Students are not allowed to have pets on university property.

Owner/Handler is the student with a disability that a service animal or an emotional support animal assists.

III. Policy Regarding Service Animals

If it is readily apparent that the individual has a disability and that the animal is a service animal, no further information will be requested about the individual's disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).



Service and Emotional Support Animals Policy

If it is not readily apparent that the animal is a service animal, an individual may be asked:

1. Is this service animal required because of a disability? and
2. What disability-related work or task does the animal perform?

The university does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Responsibilities of Service Animal Owners

1. Students who wish to bring a service animal to campus are strongly encouraged to partner with Access Services, especially if other academic accommodations are required. Additionally, students who plan to live with a service animal in on-campus housing should inform Residence Life of their plans. Staff and faculty with service animals are encouraged to contact Human Resources.
2. The cost of care, arrangements, and responsibilities for the well-being of a service animal are the sole responsibility of the owner at all times.
3. The owner is financially responsible for the actions of the service animal, including bodily injury or property damage. The owner's responsibility covers, but is not limited to, replacement of furniture, carpet, window, wall covering, and the like. The owner is expected to cover these costs at the time of repair and/or move-out.
4. The owner's residence area may be inspected for physical damage, fleas, ticks, or other pests as needed by university personnel. Residence Life will schedule any inspection. If fleas, ticks, or other pests are detected through inspection, the residence or work area 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.
5. The owner's residence may be inspected to ensure it is being properly cleaned and that sanitary and safe conditions are being maintained. If required, the owner will be billed for the expense of the additional cleaning required.



Service and Emotional Support Animals Policy

Service Animal Control Requirements: An owner of a service animal must be in full control of the animal at all times, including taking measures to ensure that the animal does not exhibit disruptive or aggressive behavior or block an aisle or passageway.

Service animals may travel freely with their owners throughout the university.

Care and Supervision: Care and supervision of the animal is the sole responsibility of the owner.

When the animal is being transported outside, the animal must be leashed.

It is recommended that the animal wear some type of commonly recognized identification symbol, identifying the animal as a working animal but not disclosing the disability.

Service Animal Waste Cleanup Rule

Cleaning up after a service animal is the sole responsibility of the owner. If the owner is not physically able to clean up after the animal, it is then the responsibility of the owner to hire someone capable of cleaning up after the animal. The person cleaning up after the animal should abide by the following guidelines:

1. Always carry sufficient equipment or materials for cleaning up the animal's feces whenever the animal is on campus.
2. Properly dispose of waste and/or litter in appropriate containers.

Service Animal Etiquette

Service or emotional support animals may not create unreasonable disruptions to the residential or learning community at any time. The animal's behavior must be congruent with reasonable standards of well-behaved animals relating to behavior, noise, odor, and waste. Excessive disruption of the residential or learning community, as determined by appropriate staff, is grounds for immediate removal of the animal.

To the extent possible, the owners should ensure that the service animal does not:

1. Sniff people, dining tables, or the personal belongings of others.
2. Display any behaviors or noises that are disruptive to others, unless as part of the service being provided to the owner.



Service and Emotional Support Animals Policy

3. Block an emergency exit, aisle, or passageway.

Areas Off Limits to Service Animals

The university may prohibit the use of service animals in certain locations because of health and safety restrictions (e.g. where the animals may be in danger, or where their use may compromise the integrity of research). Restricted areas may include, but are not limited to, the following: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research/demonstration animals, areas where protective clothing is necessary, wood and metal shops, motor pools, rooms with heavy machinery, and areas outlined in state law as being inaccessible to animals. Exceptions to restricted areas may be granted on a case-by-case basis by contacting Access Services and the appropriate department representative; the person directing the restricted area has the final decision.

Public Etiquette Toward Service Animals

Members of the university community are expected to abide by the following practices:

1. Allow a service animal to accompany its owner at all times and in all places on campus, except where the presence of the service animal would present an unreasonable threat to health or safety.
2. Do not touch or pet a service animal.
3. Do not feed a service animal.
4. Do not deliberately startle a service animal.
5. Do not separate or attempt to separate an owner from his or her service animal.
6. Do not ask for details about a person's disabilities. The nature of a person's disability is a private matter.

Removal of Service Animals

Service animals may be ordered removed by Residence Life or Access Services for the following reasons:

Service and Emotional Support Animals Policy

1. **Out of Control Animal:** An owner may be directed to remove an animal that is out of control, especially if or when the owner does not take effective action to control it. If improper animal behavior happens repeatedly, the owner may be prohibited from bringing the animal into any university facility until the owner can demonstrate that significant steps have been taken to mitigate the behavior. Out of control behaviors include, but are not limited to, barking, growling, damaging university property, jumping on people, taking food from tables, taking or damaging personal belongings of individuals other than the owner, running around, or displaying aggressive behavior.
2. **Non-housebroken Animal:** An owner may be directed to remove an animal that is not housebroken.
3. **Direct Threat:** An owner may be directed to remove an animal that the university determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like certain laboratories or mechanical or industrial areas.
4. **Fundamental Alteration:** The animal's presence results in a fundamental alteration of the university's program.
5. **Owner Non-Compliance:** The owner does not comply with the expectations outlined herein.

When a service animal is removed pursuant to this policy, Access Services will work with the owner to determine reasonable alternative opportunities to participate in a service, program, or activity without having the service animal on the premises.

IV. Emotional Support Animal In Campus Housing Policy

The university is committed to reasonably accommodating persons with disabilities who require the assistance of emotional support animals (ESA) in university housing.

Process to Request an ESA: A person requesting an ESA must provide Residence Life with appropriate documentation at least 60 days before prospective housing will be needed.



Service and Emotional Support Animals Policy

Residence Life requires a 60-day notice period in order to do its due diligence by gathering and verifying the necessary documentation for the student. This documentation includes, but is not limited to:

1. verification of a disability.
2. verification that a link exists between an ESA and the student's disability. Emotional distress resulting from having to give up an animal because of a "no pets" policy does not qualify a person for an accommodation under federal law.
3. proof of the animal's age. An ESA must be at least 12 months old to be eligible to reside in campus housing.
4. verification of all vaccinations and the health of the ESA, including all the necessary licensing.

If the need for the ESA arises after a student is already placed in housing for the year, he or she should provide the documentation to Residence Life at least sixty (60) days prior to the date the student would like to bring the ESA to the residence hall. Students making requests after housing has already been selected should note that even if the ESA is approved, he or she may need to wait until the following semester to bring the ESA to campus, depending on his or her current housing arrangements.

A student is not permitted to live with an ESA until expressly approved to do so by Residence Life.

The student seeking an ESA must register with Access Services and have a documented disability on file.

The student must complete an Emotional Support Animal Request Form that includes information about the student and the requested ESA.

The student must submit the Healthcare Provider Statement for an Emotional Support Animal. The form is to be completed by the current diagnosing professional (physician and/or licensed psychologist, psychiatrist, social worker, or neurologist). The provider should not be related to the student. The form must be signed by the provider and include the office seal.



Service and Emotional Support Animals Policy

The student must execute a signed Information Release Form allowing a university representative to correspond with the diagnosing clinician about the documentation accompanying the Request. This is optional; however, the failure to provide it may result in the request being denied if the documentation provided by the diagnosing professional is not sufficient.

Residence Life, after consultation with Access Services, will review the documentation and, if it determines a qualifying disability exists, it will determine the appropriate housing accommodation. Residence Life may consult with appropriate staff in the Jay Johnson Wellness Center on the issue of a qualifying disability and the appropriate accommodation. The Dean of Students may meet with the student requesting that an ESA be housed in university housing. This policy will be carefully reviewed with the student at that time, and an interactive dialogue will take place to determine the appropriate housing accommodation, considering alternative accommodations and the impact of the ESA on the university housing program.

The university may assign the student to a specific building and/or room.

The university may relocate the student as necessary.

The university reserves the right to prohibit specific animals from the residence halls as ESAs, i.e., exotic animals that pose a disease risk to humans. Any ESA must be approved, and a thorough review of the traits and tendencies of any proposed ESA will be conducted. A final decision will be made by the university prior to allowing move-in of the ESA.

The accommodation of an ESA is valid for one academic year.

Responsibilities of ESA Owners

ESAs may not create unreasonable disruptions to the residential community at any time. The animal's behavior must be congruent with reasonable standards of well-behaved animals relating to behavior, noise, odor, and waste. Excessive disruption, determined by residence life staff, is grounds for immediate removal of the animal.



Service and Emotional Support Animals Policy

Control: The owner of an ESA must be in full control of the animal at all times, including taking measures to ensure that the animal does not exhibit disruptive or aggressive behavior or block an aisle or passageway.

The ESA must wear an owner identification tag including the owner's name and contact information.

Care and Supervision: Care and supervision of the ESA is the sole responsibility of the owner. An ESA is not allowed in any area of the residence hall other than the student's room, including but not limited to community/shared bathrooms, lounges, dining rooms, indoor recreational rooms, computer labs, and study rooms, except when the animal is being transported outside.

Any transport of the ESA outside must include the animal being leashed, and the shortest route must be taken. The ESA cannot be taken into classrooms or other buildings on the university's campus.

The owner is responsible for ensuring the cleanup of the ESA's waste and, when appropriate, must toilet the animal in areas designated by the university.

An owner must not leave an ESA alone in a room or apartment for an extended period of time. The ESA must be contained (crated or caged) whenever the student is not in their room. In the event that the ESA is left alone in a room or apartment for an extended period of time and is not being properly cared for, Residence Life will attempt to contact the owner or the emergency contact to remove the ESA. If this is not successful, Residence Life may notify the appropriate authority and seek to have the ESA removed. All costs associated with removing the ESA shall be the responsibility of the owner.

ESAs may not be left overnight in university housing without their owner present. Neither service animals nor ESAs may be cared for by another student.

Registration: The owner of an ESA is responsible for registering the ESA with the Office of Residence Life.



Service and Emotional Support Animals Policy

Health and Safety: The owner of an ESA must submit a statement regarding the animal's health from a licensed veterinarian dated within the past year. The statement should include proof that the animal has received all required vaccinations. Proof of good health and vaccination must be provided on an annual basis. Students should submit the records to the Office of Residence Life. The university reserves the right to request updated vaccination records at any time.

Licensing: The ESA must meet the licensing requirements set by the City of Winona. For students who are not residents of the City of Winona, a pet license from their home state, county, or city may be accepted in lieu of the City of Winona's license as long as similar requirements are met. Students should submit the records to the Office of Residence Life and update them as needed.

Other Conditions: In response to a particular situation, the university may impose other reasonable conditions or restrictions, if necessary to ensure the health, safety and reasonable enjoyment of others.

The student must notify the Office of Residence Life, in writing, if the animal is no longer needed or is no longer in residence.

Damages

The owner is financially responsible for the actions of the Approved Animal, including bodily injury or property damage. The owner's responsibility covers, but is not limited to, replacement of furniture, carpet, window, wall covering, and the like. The owner is expected to cover these costs at the time of repair and/or move-out.

The owner's residence and/or work area may be inspected for physical damage, fleas, ticks, or other pests as needed by university personnel. Residence Life will schedule any inspection. If fleas, ticks, or other pests are detected through inspection, the residence or work area 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.



Service and Emotional Support Animals Policy

The owner's residence and/or work area may be inspected to ensure it is being properly cleaned and that sanitary and safe conditions are being maintained. If required, the owner will be billed for the expense of the additional cleaning required.

The owner is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to university premises that are assessed after the student and animal vacate the residence. The university shall have the right to bill the student account of the owner for unmet obligations.

Removal of an ESA

ESAs may be ordered removed by Residence Life or Access Services for the following reasons:

1. **Out of Control Animal:** An owner may be directed to remove an animal that is out of control, especially if or when the owner does not take effective action to control it. If improper animal behavior happens repeatedly, the owner may be prohibited from bringing the animal into any university facility until the owner can demonstrate that significant steps have been taken to mitigate the behavior. Out of control behaviors include, but are not limited to, barking, growling, damaging university property, jumping on people, taking food from tables, taking or damaging personal belongings of individuals other than the owner, running around, or displaying aggressive behavior.
2. **Non-housebroken Animal:** An owner may be directed to remove an animal that is not housebroken.
3. **Direct Threat:** An owner may be directed to remove an animal that the university determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like certain laboratories or mechanical, or industrial areas.
4. **Fundamental Alteration:** The animal's presence results in a fundamental alteration of the university's program.
5. **Owner Non-Compliance:** The owner does not comply with the expectations outlined herein.



Service and Emotional Support Animals Policy

Conflicting Disabilities

Residence Life staff will make a reasonable effort to notify residents in the residence hall where the ESA will be located. Students with medical conditions that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact Access Services if they have a health- or safety-related concern about exposure to a service or emotional support animal.

The university is prepared to assist with medical conditions that require accommodation due to living in proximity to service or emotional support animals. Access Services will resolve any conflict in a timely manner. Access Services will consider the conflicting needs and/or accommodations of all persons involved. Access Services may use the Wellness Center as a resource for information on health issues. In the event that an agreement cannot be reached, Access Service's decision is final and not subject to appeal.

Notice to Campus Community

If an ESA resides with the student on campus, the Office of Residence Life and/or Access Services may need to provide notice to certain members of the campus community living or working in close proximity to the animal. This information will be limited to notice about the animal's presence as an accommodation to a student with a disability, and should not include information about the student's disability or the specific reason the animal is required. The number of people to whom a notice will be provided will depend on the type of animal and the type of housing in which the student is living each academic year.



**Saint Mary's
University**
of MINNESOTA

Service and Emotional Support Animals Policy

By my signature below, I verify that I have read, understand and will abide by the requirements outlined here.

Owner Signature

Date

Access Services Representative

Date

Residence Life Representative

Date

Section XII. Roommate/Suitemate Acknowledgement

(Only Applicable to Residences in Residence Halls and/or Apartment Shares) By my signature below, I understand that I will share the common areas of my assigned residential space with the animal approved by this agreement. Should I have any concerns regarding the care and control of the approved animal, I will discuss my concerns with the approved animal's owner and then with Residence Life at 507. 457.1640 if the approved animal owner and I cannot come to an agreement.

Resident's Name

Date

Resident's Name

Date

Resident's Name

Date

Resident's Name

Date