

## Juilliard Emotional Support Animal Policy and Procedure

Title:	Emotional Support Animal Policy and Procedure
Policy Owner:	Office of Academic Support and Disability Services
Contact Information:	Office of Academic Support and Disability Services Room 233 Main Building Phone: (212) 799-5000, ex. 213 Email: <a href="mailto:oass@juilliard.edu">oass@juilliard.edu</a>
Applies to:	Residents in On-Campus Housing
Effective Date:	November 15, 2015

In accordance with the Fair Housing Act (FHA) and Section 504 of the Rehabilitation Act, an individual with a disability may be entitled to keep an emotional support animal in housing facilities that otherwise do not allow pets. An emotional support animal—which can include animals other than dogs—may be permitted as a reasonable accommodation when an individual with a disability requires the animal in order to have an equal opportunity to use and enjoy the housing. The Juilliard School recognizes the importance of assistance animals to individuals with disabilities. Juilliard’s Office for Academic Support and Disability Services (OASDS) engages in a collaborative process in order to determine eligibility for reasonable accommodations, including the need for an emotional support animal, as defined in this policy. OASDS is responsible for implementing this policy and for guiding individuals with disabilities in documenting their specific requests for accommodation, as appropriate. Each request will be evaluated on a case-by-case basis, with due consideration given to the needs of the individual and the concerns of the Juilliard community.

### Definitions

#### **Emotional Support Animal**

An emotional support animal (“ESA”) is a domesticated animal that provides therapeutic support and comfort to an individual with an identified disability. Unlike service animals, which are defined in and provided for under the federal Americans with Disabilities Act, ESAs are not individually trained to perform work or assist with daily living tasks and, therefore, do not accompany the person with a disability at all times. ESAs are only permitted in the individual’s assigned residential room and outdoor spaces, where appropriate, under proper handling. These animals are not permitted in other campus buildings, including the Irene Diamond Building. Individuals seeking more information are encouraged to contact OASDS.

#### **Individual with a Disability**

An individual with a disability is a person who a) has a physical or mental impairment that limits one or

more major life activities, or b) has a record of having, or being perceived as having, such an impairment.

## Policy

Under the FHA, a person may keep an ESA in her/his residence hall room as a reasonable accommodation if:

1. The individual has a disability;
2. The animal is necessary to afford the individual an equal opportunity to use and enjoy campus housing; and
3. There is a direct identifiable relationship between the disability and the assistance the animal provides.

In determining whether to permit an ESA, The Juilliard School will also consider other factors including, but not limited to, the nature and extent of the person's disability and the limits it imposes on a major life activity; and whether the individual possesses veterinary verification of routine care of the ESA, including appropriate vaccinations.

An ESA is not required to have special training, certification or be licensed as an assistance animal; however the ESA must be under the control of its owner at all times. When the animal is transported outside the individual's assigned residential room, the ESA must have a harness, leash, other tether, or cage unless either a) the individual is unable because of a disability to use a harness, leash, other tether or cage; or b) the use of a harness, leash, other tether or cage would interfere with the ESA's safe, effective performance of assistance. In such case, the animal must be otherwise under the individual's control by voice commands, hand signals or other effective means.

An individual may be asked to remove an ESA from campus housing if the animal is not under control and the individual does not take effective action to control it, or if the animal a) poses a direct threat to the health and safety of others, b) causes substantial physical damage to the property of others, or c) poses an undue financial and administrative burden on the School.

## Procedure for Requesting an ESA Accommodation

An Individual with a disability who feels it necessary to have an ESA with him or her in the residence hall must first register as a person with a disability with OASDS in order to begin the authorization process. OASDS works in collaboration with Residence Life on all ESA requests and requires a 30-day advance notice period in order to gather and verify the necessary documentation. To make a request, the individual must contact the OASDS and provide appropriate and timely documentation as required under this policy. This policy will be carefully reviewed with the individual at that time. An ESA will not be permitted in the residence hall until both OASDS and Residence Life have approved the request for an ESA, and the individual has reviewed and signed a Service or Emotional Support Animal Owner Agreement and an Approved Service or Emotional Support Animal Registration Form. Individuals seeking to have an ESA in the residence hall must submit a request for review of the need for the ESA each academic year.

## Required Documentation

An individual requesting an ESA must provide OASDS with appropriate medical documentation from his or her treatment provider. The documentation must include a signed statement, on professional letterhead, from a qualified and credentialed practitioner (usually a treating physician or mental healthcare provider). The physician or mental healthcare provider must be familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities.

At a minimum, the statement from the treating medical professional must include the following:

1. The credentials and contact information of the treating medical professional;
2. A diagnostic statement identifying the disability and its impact on a major life activity;
3. A description of the diagnostic methodology used;
4. A description of the individual's current functional limitations;
5. A description of the expected progression or stability of the disability;
6. A description of current and past accommodations, services and/or medications;
7. A statement clearly identifying how the ESA serves as an accommodation for the verified disability and a description of the support/relief the ESA will provide;
8. A statement on how the need for the ESA relates to the ability of the individual to use and enjoy on-campus housing;
9. Any additional information that OASDS may reasonably need to understand the basis for the professional opinion.

The required statement must be dated within the last 12 months. In order to determine eligibility, the OASDS staff member may need to speak directly to the individual's physician or mental healthcare provider. Under such circumstances, the individual will need to sign a release allowing OASDS access to that information.

## Responsibilities of ESA Owners

- Owners of ESAs ("Owners") are solely responsible for the care, health and well-being of their ESAs, including maintaining regular dietary requirements, veterinary care, exercise, grooming, flea and tick removal, and companionship, as needed by the type of animal.
- The ESA must have a health statement, including vaccination record, from a licensed veterinarian dated within the past year. This record must be provided prior to the Owner moving into the residence hall. Proof of good health from a veterinarian must be provided on an annual basis.

- The residence may be inspected for fleas, ticks and other unwanted pests once a semester, or as needed. The Owner is responsible for covering the costs of any necessary fumigation or other treatment method used by Juilliard to remove unwanted pests.
- ESAs may not be left overnight in the residence hall without the Owner. Arrangements for off-premises care must be made if the Owner will be away from School overnight.
- If the Owner fails to remove the ESA due to vacation or extended leave, the School reserves the right to remove and board the animal, at the Owner's expense, until the Owner returns to the residence hall.
- The Owner must comply with all New York City laws and ordinances pertaining to the animal including, but not limited to, licensing and tag laws. (New York City requires that all dogs, with the exception of service animals, be licensed. Service animals are addressed in a separate Juilliard policy.)
- The Owner is responsible for ensuring that the ESA does not unduly interfere or adversely affect the routine activities of other residents or pose a threat to the health, safety, or property of anyone in the community.
- The Owner is responsible for ensuring the cleanup of the ESA's waste (e.g., urine, excrement, fur, cage shavings, etc.) in an approved area. The Owner must clean up after the ESA in public places immediately, by using a plastic bag and disposing of it in an outside trash receptacle. The Owner must remove cat or other small animal waste to an approved waste removal area using a heavy duty plastic bag. All non-caged animals must be house trained or their waste must be contained in a cage or litter box. The animal's belongings must be laundered off campus.
- Dogs and cats must be spayed or neutered.
- The ESA is not allowed outside the residence hall room without being attended by the Owner. The ESA may accompany the Owner to residence hall common areas (e.g. laundry rooms, lounges) if the ESA is under the Owner's control (on a leash or in a carrier) and if the presence of the animal does not substantially interfere with other residents' reasonable use and enjoyment of the common areas.
- The Owner is responsible for any and all damage to person or property caused by the ESA.
- For Owners with roommates: All roommates or suitemates of the Owner must sign an agreement acknowledging that the approved ESA will be in residence with them. In the event that one or more roommates or suitemates later do not approve, either the Owner and ESA or the non-approving roommates or suitemates, as determined by the OASDS and Residence Life, may be moved to a different location.
- The Owner agrees to continue to abide by all other School policies, including housing policies. Any violation of this policy may result in immediate removal of the ESA from the School. Reported violations may also be reviewed by an appropriate School official for possible disciplinary action.
- Should the ESA be removed from the premises for any reason, the Owner is still required to fulfill his or her housing obligations for the remainder of the housing contract term.

## Removal of an Emotional Support Animal

- The Owner must notify OASDS in writing if the ESA is no longer needed or is no longer in residence. To replace an ESA, the Owner must file a new Emotional Support Animal Accommodation Request Form.
- An ESA may be removed from the premises if the animal's health or safety are negatively impacted, if the animal is a direct threat to the health or safety of others, if the animal's presence would result in substantial physical damage to the property of others, or if the animal substantially interferes with the reasonable enjoyment of the housing by others.

## Appeals

If a decision is made to deny a request or remove an ESA, the Owner may request an appeal of the decision in writing to the Vice President for Enrollment Management and Student Development. Appeal requests must state a specific reason for reconsideration. Appeals will be reviewed by an ad hoc committee including any relevant personnel.

*November 2015*