

University Housing Emotional Support Animal Policy

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Functional Owner: University Housing

Executive Sponsor: ADA Coordinator, Office of Compliance

Policy Contact: Director, Residential Operations, University Housing

The University of Wisconsin – Madison (UW – Madison) recognizes the category of “Assistance Animals” under the Fair Housing Act (henceforth referred to as an Emotional Support Animal or ESA) that provide emotional support to individuals with disabilities. UW – Madison 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. No ESA may be kept in University Housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy. UW – Madison reserves the right to amend this policy at any time as circumstances require.

This policy does not impose any limitations on “service animals” as defined by the federal regulations implementing the Americans with Disabilities Act, 28 C.F.R. s. 35.104. or the Wisconsin Open Housing Law, Wis. Stats. s. 106.50. For information about the rights of individuals who utilize service animals, see <http://adac.wisc.edu/physical/servicedog.html>.

This policy applies to University Housing only. Employees requesting an ESA as a workplace accommodation should contact the Office for Equity & Diversity, Disability Coordinator/Employment at disability.coordinator.employment@mailplus.wisc.edu, (608) 263-2407. Students requesting an ESA as a classroom accommodation should contact the McBurney Disability Resource Center. mcburney@studentlife.wisc.edu (608) 263-2741.

Definitions

An ESA is defined as an animal that alleviates one or more identified symptoms or effects of a person’s disability. A “pet” is defined as an animal kept for ordinary use and companionship. Residents are not permitted to keep pets in University Housing except as expressly permitted by University Housing policies: Residence Halls: <https://www.housing.wisc.edu/residencehalls-assignments-contract.htm>
University Apartments: <http://www.housing.wisc.edu/apartments-leasing.htm>

The presence of an ESA is a disability accommodation approved for University Housing only. An ESA is not permitted in other University buildings or outdoors spaces except as permitted under UWS Chapter 18.08.

A disability is defined under Section 504 of the Rehabilitation Act (1973) and the Americans with Disabilities Amended Act (2008) as a physical or mental impairment that **substantially limits** one or more major life activities. Major life activities may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working, among others.

Process Overview

The approval of an ESA and the particular animal requested by the resident are determined on a case-by-case basis through an interactive process involving the individual requesting the accommodation and relevant campus personnel to ensure the ESA (1) is necessary to provide an individual with a disability an equal opportunity to use and enjoy University Housing; and (2) the animal will not cause a fundamental alteration of University services, pose an undue financial and/or administrative burden, pose a direct threat to the health or safety of other individuals, or cause substantial damage to the property of other individuals or the University. This may require the University to assess the impact of an ESA on other campus residents, patrons, or programs.

UW – Madison will accept and consider a request for an ESA at any time. The individual making the request for an ESA should complete the process with the appropriate campus resource as soon as possible *prior to moving into University Housing*. If the request for an ESA is made fewer than 60 days before the individual intends to move into University Housing, UW-Madison cannot guarantee that it will be able to meet the ESA request during the first semester of the term of occupancy.

If the need for an ESA arises when the individual already resides in University Housing, UW-Madison will work with the individual but cannot guarantee that the ESA request can be met during the semester in which the request is received.

An ESA may not be brought into University Housing without expressed approval from a designee of the Director of Housing. As part of the ESA approval process, a Housing representative will liaise with appropriate campus disability representatives at the McBurney Disability Resource Center, Office of Equity and Diversity (OED), and the ADA Coordinator in the Office of Compliance. The disability representatives will provide the Housing representative with the following information:

1. Whether the ESA accommodation is approved.
2. ESA species and all other relevant information (e.g., age, weight, height, housebroken status, venomous or non-venomous, etc.)

All requests for an ESA in University Housing may be subject to an annual review.

Request Process

Residents requesting an ESA should:

1. Complete the [ESA Request Form](#)
2. Provide disability documentation specifying the impairment and limitations from the impairment that support the request for an ESA.
3. Contact one of the following to schedule an intake appointment:
 - a. STUDENTS: McBurney Disability Resource Center mcburney@studentlife.wisc.edu, (608) 263-2741

- b. EMPLOYEES: Office for Equity & Diversity
disability.coordinator.employment@mailplus.wisc.edu (608) 263-2407
- c. VISITORS/FAMILY MEMBERS: ADA Coordinator ada_coordinator@wisc.edu, (608) 265-6018

Residents are **NOT** permitted to have an emotional support animal in University Housing prior to approval. If not approved, the animal is not considered an ESA and is therefore subject to the terms and consequences of the housing contract.

Criteria for Determining Reasonability

University Housing is unique in several respects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room in certain residence halls. To ensure that the presence of an ESA is not an undue administrative burden or fundamental alteration of University Housing, UW-Madison reserves the right to assign an individual with an ESA to a single room without a roommate.

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 services; (3) poses a direct threat to the health and safety of others; and/or (4) would cause substantial damage to the property of others, including University property.

UW-Madison may consider the following factors, among others, in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with an ESA:

1. The size of the animal is too large for available assigned housing space;
2. The animal's presence otherwise violates other individuals' right to peace and quiet enjoyment of University Housing;
3. The animal is not housebroken or is unable to live with others in a reasonable manner;
4. The animal's vaccinations are not up-to-date;
5. The animal poses or has posed in the past a direct threat to others, such as aggressive behavior towards or injuring humans;
6. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear; or
7. The animal's presence would force another individual from individual housing (e.g. severe allergies).

UW-Madison will not limit room assignments for individuals with an ESA to any particular building or buildings because the individual needs an ESA on the basis of disability.

Responsibilities of University Housing

1. If University Housing receives an accommodation recommendation from the McBurney Disability Resource Center or the ADA Coordinator or the Office of Equity and Diversity for an ESA:

- a. The Housing Liaison to the McBurney Disability Resource Center, ADA Coordinator, or OED will notify University Housing staff (e.g. Residential Life Coordinator, Resident Manager) that an ESA has been approved, as appropriate.
- b. The Housing Staff will arrange a meeting with the resident to carefully review the resident's responsibilities pertaining to having an ESA in University Housing.
- c. Should there be conflicting considerations between the resident approved for an ESA and the needs of the roommate(s) and/or others in the Residence Halls, such as health/allergy conditions or fear of the animal, the resident requesting the ESA may be moved to a different location based on space availability. This may occur at the initial approval stage of this process or if a conflict arises in the future. University Housing staff will respond in a timely manner and will carefully consider options for all involved residents.
- d. University Housing staff may conduct additional health and safety checks as needed.
- e. University Housing assumes no responsibility/liability for the care of a resident's ESA.
- f. University Housing may place reasonable conditions or restrictions on an approved ESA, depending on the nature and characteristics of the ESA.

Resident Responsibilities

1. The approved ESA may not reside in University Housing until the following forms and additional information have been submitted:
 - a. ESA agreement;
 - b. Roommate Agreement (if applicable);
 - c. Current verification from a veterinarian that the animal has a clean bill of health, including all veterinary-recommended vaccinations necessary to maintain the animal's health and prevent contagious disease and as required by local ordinances and regulations; and
 - d. A copy of the animal's license, when appropriate for the animal.
2. The ESA is the responsibility of the resident, who is required to maintain full control of the animal at all times.
3. University personnel shall not be required to remove the animal during emergency evacuation for events such as a fire alarm.
4. In the Residence Halls the resident will notify their roommate(s), as appropriate, to obtain their written agreement to have a specific ESA housing in their living environment. Written agreement needs to be submitted to the resident's on-site Housing Staff member.
5. The ESA must be contained in the resident's room and must be on a leash or transported in a carrier or cage when outside of the resident's room or apartment.
6. The ESA, unless expressly noted in the accommodation recommendation, is not allowed within the University Dining facilities.
7. The resident must provide appropriate food, water, and shelter for the ESA.
8. The resident is responsible for ensuring proper cleanup (i.e. no disposing of waste in the bathroom or internal trash cans) of all ESA waste (both indoors and outdoors) in a timely and effective manner.

9. The resident must not allow the ESA to be neglected or abused and is solely responsible for the care and supervision of the ESA; University Housing assumes no responsibility for the care of a resident's ESA.
10. In the Residence Halls an ESA must be appropriately kenneled or caged when unattended by the resident in the resident's room. If an ESA is found running at large, the ESA is subject to immediate and permanent removal from University Housing.
11. No ESA may be left unattended overnight. If the resident with an ESA is gone overnight, the ESA must be taken with the resident or be cared for off-campus.
12. An ESA may not become the responsibility of another resident living on campus, including residence hall roommates (if applicable).
13. The resident is responsible for ensuring that the ESA does not disturb, annoy, or interfere with routine activities of the residence or cause difficulties for other residents.
14. The resident is responsible for maintaining a clean and healthy living environment including, but not limited to, property damage, pest control, non-standard cleaning, and any other health or safety issues.
15. State and local ordinances, laws and regulations regarding animals apply to an ESA. Dogs and cats must wear a license tag and a current rabies vaccination tag. The resident must provide requested verification of all veterinarian recommended vaccinations as well as proof of absence of communicable diseases, fleas and parasites (as needed). The resident has the responsibility to know and understand these ordinances, laws and regulations.
16. University Housing will not charge any surcharge or fees for ESAs. However, any cost for the actions of the ESA including, but not limited to, bodily injury, property damage, pest control and/or non-standard cleaning—must be paid by the resident. UW-Madison reserves the right to bill the resident's account for such charges related to an ESA.
17. The resident should note that an approved ESA is in the resident's room when placing a Maintenance Request.
18. The resident must notify the appropriate disability office (i.e., McBurney Disability Resource Center, ADA Coordinator, OED) if there is a change in disability symptomology or if there is a change in the species of the ESA.
19. The resident should notify the on-site Housing Staff member if there is a change in species of the ESA or if ESA is no longer in residence.
20. The resident may be required to remove the ESA from campus (1) if there are any violations of resident responsibilities; (2) the animal poses a direct threat to the health or safety of others; and/or (3) other situations arise that fundamentally alter the campus environment or pose an undue financial or administrative burden on the University.
21. Should the ESA be removed from the premises for any reason, the resident is expected to fulfill any housing obligations for the remainder of the resident's housing contract or lease.

Non-Retaliation Provision

UW-Madison will not retaliate against any person because that individual has requested or received a reasonable accommodation in University Housing, including an ESA.