

Mississippi State University Emotional Support Animal (ESA) Application and Agreement

Mississippi State University (MSU) recognizes the importance of Emotional Support Animals (ESAs) as supported by the Fair Housing Act. Mississippi State University is committed to allowing ESAs that are necessary to provide individuals with mental health disabilities the opportunity to use and enjoy University housing. This Application and Agreement explains the specific requirements applicable to an individual's use of an ESA in University housing. MSU reserves the right to amend this Application and Agreement at any time as circumstances require. This Application and Agreement applies solely to ESAs that may be necessary in university housing. It does not apply to Service Animals as defined by the Department of Justice under the Americans with Disabilities Act.

Although it is the policy of Mississippi State University that individuals are generally prohibited from having animals of most types in university housing, Mississippi State University will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an ESA that is reasonable and necessary because of a mental health disability. However, **no ESA may be kept in university housing at any time prior to the individual receiving approval** as a reasonable accommodation pursuant to this Application and Agreement. If an unapproved animal is brought into university housing, the student will be required to remove the animal immediately, even if the student has submitted a request for an ESA that has yet to be approved or denied. Bringing an unapproved animal to campus is a violation of housing regulations and the student will be subject to disciplinary measures. The Disability Resource Center makes the determination on whether the request for an ESA will be approved. Any requests for animals in campus housing for individuals with disabilities that are neither service animals nor ESAs should be directed to the Disability Resource Center.

Definition: Emotional Support Animal (ESA)

An Emotional Support Animal (ESA) is an animal that provides therapeutic emotional support for an individual with a diagnosed mental health disability. Unlike service animals that are trained to perform specific tasks that are important to the independence or safety of their disabled handlers, ESAs are generally not trained to perform disability-specific tasks. Their therapeutic support is a function of their presence and interaction with the person with a disability. ESAs are not pets, but they typically are animals commonly kept in households as pets. An ESA may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure. Under guidelines from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals. Generally, only one animal is approved as an ESA. Exceptions to these guidelines regarding animals serving as ESAs will be considered on a case-by-case basis.

There are important questions that need to be answered in considering requests for ESAs. Is an ESA necessary to afford a person with a disability the opportunity to use and enjoy university housing? Is the presence of the ESA in university housing reasonable? However, even if the individual with a disability establishes necessity for an ESA and it is allowed in university housing, an ESA is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, etc.). The ESA must be contained in the owner's assigned living accommodation (e.g., room, suite) except to the extent that the individual is taking the animal out for natural relief and necessary exercise.

Timing of Requests and Decisions

Mississippi State University will accept and consider requests for reasonable accommodation in university housing at any time. The individual making the request for accommodation should apply and submit the accommodation request to the Disability Resource Center as soon as practicably possible before moving into university housing. However, if the request for the accommodation is made fewer than 60 days before the individual intends to move into university housing, Mississippi State University cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy.

If the need for the accommodation arises when an individual already resides in university housing, he/she should contact Disability Resource Center and apply for the accommodation and provide all required documentation as soon as practicably possible. Mississippi State University cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

Some Possible Reasons an ESA Request is Not Approved, or Approval is Revoked

Mississippi State University has the authority to temporarily or permanently exclude an emotional support animal from its grounds or facilities. The following are some, but not all, reasons that an emotional support animal may not be approved, or the approval of the accommodation may be revoked:

- Space needed for the cage/crate in which the animal will be housed is too large for available assigned housing space
- Animal would force another individual from housing (possibly due to a severe allergy)
- Animal violates others' rights to a peaceful and quiet enjoyment
- Animal not housebroken or unable to live with others reasonably
- The animal poses health risks from zoonotic diseases or safety concerns regarding containment that cannot be sufficiently mitigated for inclusion in the communal living setting.
- Animal's vaccinations are not up to date
- Animal poses or has posed a direct threat (aggressive behavior or injuring others). If the animal is responsible for a single occurrence of a bite to a person or animal, it will be required to be removed from campus.
- Animal causes/has caused excessive damage (beyond what would be considered normal wear & tear in university housing)
- Improper care or treatment of the animal could result in revocation of approval of the emotional support animal accommodation.
- Inadequate documentation
- Animal is too young to be successfully integrated into the communal housing setting that includes ongoing noise and distractions, and long periods of time being alone while caged/crated.
- Animal behavior is unruly or disruptive
- Animal is in ill health or habitually unclean
- Animal is out of control and the student approved for the ESA does not take immediate and effective action to control it.

Denial of Accommodation

The DRC may determine that the request for an ESA should be granted, but not approve the specific animal identified as a potential ESA. In the case that the request for an ESA will not be approved, DRC will contact the individual in writing within seven (7) business days of its determination. The DRC will offer to engage in the interactive process with the individual to

determine if there are alternative accommodations that might effectively meet the individual's disability-related needs.

If the individual is unwilling to accept any alternative accommodations offered by the DRC or there are no alternative accommodations available, DRC will provide a verbal explanation and written notification to the individual of the denial, the reasons for the denial, the right to appeal the decision, and the procedures for the appeals process. The notification shall be in writing and made within seven (7) business days of the notification from the individual of his/her/their unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.

Appeal Procedure

All appeals should first be sent by email to the Director of the Disability Resource Center (DRC) at Mississippi State University. Following the decision of the DRC Director decision, a person may submit an appeal to the Director of Federal Regulatory Compliance for Mississippi State University.

Non-Retaliation

Mississippi State University will not retaliate against any individual because that individual has requested or received a reasonable accommodation in university housing.

Necessary Information in the Application for an ESA Accommodation

1. Submit request for accommodation to the Disability Resource Center. See "How to Apply" at <http://www.drc.msstate.edu/>
2. Submit completed **Emotional Support Animal Request Form**
3. Submit completed **Mental Health Provider Information Form** or submit separate letter or report including answers to all information requested on the Mental Health Provider Information Form. The provider should not be a family member.
4. As appropriate to the animal chosen, a **Certification of Health of Animal** from licensed veterinarian (completed within 60 days of request): must include an annual health check-up, description of pest treatments, confirmation of current vaccinations for cats and dogs or any other animals requiring vaccinations.
5. Written consent allowing DRC/Housing and Residence Life staff to disclose info regarding the request for and presence of the ESA to those who may be impacted by the presence of the ESA, including Residence Life staff, actual and potential roommate(s), neighbor(s). Information will be limited to details about the animal.

Note: Any student requesting an emotional support animal in campus housing should complete and return all necessary application items in their entirety to the Disability Resource Center at least sixty (60) days prior to receiving a housing accommodation for the specific emotional support animal. If the request for the accommodation is made fewer than 60 days before the individual intends to move into university housing, Mississippi State University cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy.

Responsibilities of the Student After an ESA has been Approved

- a. ESA only permitted in student's room: The animal is only permitted in the assigned living accommodation (e.g., room, suite) of the student approved for the ESA. The ESA is not permitted in other student's rooms or in the common spaces of the residence hall, except to go in and out for necessary waste relief or exercise.
- b. Control of the animal: The student approved for the ESA is solely responsible for the behavior, supervision, and care of the animal and must maintain control of the animal. Roommates, other students, or people not living in the residence hall are not responsible for care and control of the ESA.
- c. Enclosure for ESA: If the student approved for an ESA leaves the room, the ESA must be confined in a safe and appropriate enclosure (e.g. tank, terrarium, cage, crate, or kennel). Mississippi State University Residence Life staff has the right to inspect the enclosure for the animal to ensure it is present and is the appropriate size and type of enclosure needed for the animal.
- d. Waste disposal: The student is responsible for cleaning up all animal waste (indoor and outdoor) and disposing of that waste only in designated outdoor dumpsters. Under no circumstances is animal waste to be disposed of in indoor trash receptacles or flushed down a toilet.
- e. Washing/bathing ESA: The ESA and the cage/crate/container for the ESA cannot be bathed/washed in Housing and Residence Life facilities.
- f. Student away from campus overnight: The ESA is not permitted to stay on campus and must be taken by the student approved for the ESA when that student will not be on campus overnight.
- g. Maintain current vaccinations and wear identification tags: Dogs and cats approved as ESAs must be current with vaccinations while in campus housing and wear a tag indicating the current vaccination status. The ESA dog or cat must wear a collar with an identification tag with the animal's name and student's cell phone number.
- h. Payment for damages: The student approved for an ESA will be responsible for the cost to repair any damage to university property caused by the emotional support animal, including, but not limited to, cleaning, repair, or extermination costs.
- i. Approval only for one academic year: A student approved for an ESA is only approved for one academic year (Fall semester marks the beginning of an academic year). A student must resubmit a request for an ESA prior to each academic year. The student must submit updated provider documentation and will require updated certification of animal health and vaccination information. Failure to resubmit a request in at least 60 days prior to the start of a semester when the approval is desired may mean that the ESA accommodation will not be determined for that upcoming semester.
- j. Removal of ESA: If it is determined that an ESA must be removed, it must occur within 72 hours of the decision.
- k. Fulfillment of Housing Contract if ESA is Removed: The student approved for an ESA is expected to fulfill their housing obligation for the remainder of the contract should the ESA be removed.

Emotional Support Animal Request Form

Student Information:

Student Name: _____

Student Home Address:

Student Cell Phone Number: _____

Student Net ID: _____

Student Residence Hall: _____ Room Number: _____

Names of roommate(s) and roommate(s) net ids:

	<u>Roommate Name</u>	<u>Roommate Net ID</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Animal Information:

Type (species) of Animal: _____

Breed of Animal: _____

Sex of Animal: _____

Age of Animal: _____

Description of Animal (size, color, other appearance details):

Daily Care Schedule of Animal:

Times of Day for feeding: _____

Times of day for exercise: _____

Times of day for waste relief: _____

Describe plan for cleanup of feces/urine/litter/etc.:

Local (Starkville area, not living on campus) Emergency Contact Information:

Name of Person: _____

Cell Phone of Emergency Contact: _____

Email of Emergency Contact: _____

Address of Emergency Contact:

Local animal shelter/boarding (e.g., local veterinarian, kennel, or caregiver) agreeing to accept this emotional support animal in case of an emergency:

Name of organization and/or individual:

Phone Number: _____

Address:

Emergency Contact Number: _____

I, _____, agree to house and attend to the needs of this student's ESA in case of an emergency.

Signature: _____ Date: _____

Student's authorization to leave animal in care of boarding provider: In the event I am unable or unavailable to care for my emotional support animal as determined by Mississippi State University Housing and Residence Life staff or other University authority (e.g., police), and there is a need for emergency care for the ESA, I will be financially responsible for all costs of care provided to the animal. My signature indicates my agreement to this financial responsibility.

Signature of Student

Date

Demonstrated knowledge of MSU Housing Designated Sanitation/Waste-Relief Sites and Outdoor Waste Disposal Dumpsters: This student met with me and I attest that the student has been shown the proper procedure and locations for providing for waste relief for the animal and the appropriate manner and location for disposing of animal waste.

Signature of MSU Housing Staff

Date

Student Agreement to ESA Policy and

I acknowledge that I have read and understand the Mississippi State University Emotional Support Animal Policy and Agreement document. If my request for an ESA is approved, I agree to uphold all requirements stated as part of the policy. I agree to permitting MSU Residence and Housing staff and/or DRC staff to contact my roommate(s)/possible roommate(s) or nearby neighbors to gather their acceptance/concern about residing with/near the emotional support animal being requested.

Student Printed Name

Student Signature

Date Signed

NOTE TO STUDENT:

Send a recent photo of the proposed emotional support animal to drc@saffairs.msstate.edu

Mental Health Provider Information Form
Re: Emotional Support Animal (ESA) at Mississippi State University

(The health care provider need not use this specific form, but all the information requested here is necessary for the institution to have in order to consider the request for an ESA; the form is provided as a convenience.)

STUDENT

Please sign this form before providing it to your mental health provider to complete

By signing below, I consent to allowing my health care provider to share any information relevant to my need for an ESA as an accommodation, as shown on this form, with personnel from the DRC office for the next 60 days.

1. _____
Student's Signature

2. _____
Student's Printed Name

3. _____
Date

4. Student's Name: _____

Re: Proposed ESA (if identified):

5. Name of animal: _____

6. Type of animal: _____

7. Age of animal: _____

PROVIDER

The above-named student has indicated that you are the health care provider who has suggested that having an Emotional Support Animal (ESA) in the residence hall will have therapeutic benefit in alleviating one or more of the identified symptoms or effects of the student's mental health disability. Generally, we prefer documentation from providers in the State of Mississippi or the student's home state who have personal knowledge of the student, consistent with their professional obligations. Letters purchased from the internet for a set price rarely provide the information necessary to support an ESA request.

The Federal Trade Commission (FTC) has been asked to investigate websites that purport to provide documentation from a health care provider in support of requests for an ESA. The websites in question offer for sale documentation that is not reliable for purposes of determining whether an individual has a disability or disability-related need for an ESA because the website operators and health care professionals who consult with them lack the personal knowledge that is necessary to make such determinations.

So that we may better evaluate the request for this accommodation, please answer the following questions:

Information About the Person's Disability

Federal law defines a person with a disability as someone who has a physical or mental impairment that **substantially limits** one or more major life activities. That suggests that a diagnosis (label) does not necessarily equate with a disability (substantial limitation).

8. What is the nature of the student's mental health impairment? That is, how is the person **substantially limited** in one or more major life activities?

9. Does the person require ongoing treatment?

10. When did you first meet with the person regarding this mental health diagnosis?

11. What was the context of the meeting(s) (that is, was it a face-to-face meeting or a virtual (telehealth) interaction)?

12. When did you last interact with the person regarding this mental health diagnosis?

13. How many sessions have you had with this person?

Information About the Proposed ESA

(Please note that there are some restrictions on the kind of animal that can be approved for the residence hall; it is possible the student may be approved for an ESA, based on the information you provide here, but may not be allowed to bring the specific animal named.)

14. Is the animal named here one that you specifically prescribed as part of treatment for the person, or is it a pet that you believe will have a beneficial effect for the person while in residence on campus?

15. What specific symptoms will be reduced by having an ESA, and how will those symptoms be mitigated by the presence of the ESA?

16. Is there evidence that an ESA has helped this person in the past or currently?

Importance of ESA to Person's Mental Health

17. In your opinion, how important is it for the person's mental health that an ESA be in residence on campus?

18. What consequences, in terms of disability symptomology, may result if the accommodation is not approved?

19. This person requesting the ESA was provided with a copy of the rules and restrictions surrounding the presence of an animal in residence in the University housing. Have they shared the university rules and restrictions with you? Yes_____ No_____

20. Have you discussed the responsibilities associated with properly caring for an animal while engaged in typical college activities and residing in campus housing?

21. Do you believe those responsibilities might exacerbate the student's symptoms in any way?

Thank you for taking the time to complete this form. If we need additional information, we may contact you. The named student has signed this form indicating written permission to share additional information with us in support of the request.

Please provide contact information, sign and date this questionnaire (below)

Contact information of Provider:

22. Address:

23. Telephone:

24. Email address:

25. Fax Number:

26. Professional Signature:

27. Professional Printed Name:

28. Type of License:

29. License #:

30. Date:

Submit completed information to:

Disability Resource Center Staff
P.O. Box 806
Mississippi State, MS 39762
Fax: 662-325-8190
Email: drc@saffairs.msstate.edu