

## **POLICY ON REASONABLE ACCOMMODATIONS AND ASSISTANCE ANIMALS IN UNIVERSITY HOUSING**

Notre Dame de Namur University is committed to granting a reasonable accommodation(s) to its rules, policies, practices, or services when such accommodations may be necessary to afford people with disabilities an equal opportunity to use and enjoy their dwellings, to the extent required by federal, state, and local law. A reasonable accommodation may include a change or exception to a rule or policy that is needed because of a person's disability, or it may be a physical change to a unit or common area. It is Notre Dame de Namur University's general policy to provide a reasonable accommodation(s) to individuals with disabilities whenever an individual has a disability and there is a disability-related need for the requested accommodation. A disability-related need for a requested accommodation exists when there is an identifiable relationship, or nexus, between the requested accommodation and the individual's disability such that the requested accommodation will enhance the individual's quality of life by ameliorating the effects of his or her disability.

Notre Dame de Namur University receives reasonable accommodation requests from persons with disabilities and those acting on their behalf. Reasonable Accommodation Request forms are available at the Counseling and Health, Disability Services office, the Department of Housing and Residence Life, and the Department of Human Resources (for employees) and may be returned to either office when complete. If you require assistance in completing the form, please contact the Disabilities Services Specialist at 650-508-3670 or [drc@ndnu.edu](mailto:drc@ndnu.edu). If you wish to make the request orally, please contact the Disabilities Services Specialist at 650-508-3670 or [drc@ndnu.edu](mailto:drc@ndnu.edu). Notre Dame de Namur University will keep a record of all requests.

We will make a prompt decision on your request. If the request is of a time-sensitive nature, please let us know and we will expedite the decision-making process. In the event we need additional information to make a determination, we will promptly advise you of the information needed. It is Notre Dame de Namur University's policy to seek only the information necessary to verify whether you are a person with a disability and/or to evaluate if the reasonable accommodation is necessary to provide you an equal opportunity to use and enjoy Notre Dame de Namur University housing. If we grant the request, you will receive a letter so indicating.

Notre Dame de Namur University may deny the requested accommodation if providing it would impose an undue financial and administrative burden on the University or fundamentally alter the nature of the University's operations. If we deny the request, we will provide you with a letter stating all of the reasons for our denial. If we believe that the requested accommodation poses an undue financial and administrative burden or a fundamental alteration to the nature of the University's operations, we will schedule a meeting at a mutually convenient time to discuss possible alternative accommodations that would not impose such a burden or result in a fundamental alteration.

The University will not require you to accept an alternative accommodation if you do not agree it meets your disability-related needs. We recognize that an individual with a disability is generally in the best position to know whether or not a particular accommodation will be effective in meeting his or her needs. If agreement on an alternative accommodation is not

reached, we will send you a letter providing Notre Dame de Namur University's decision on your requested accommodation and a detailed explanation of our reasons for a denial or decision to grant an alternative accommodation.

If an individual with a disability believes that the request has been denied unlawfully or a response has been unreasonably delayed, he or she may file a complaint with the following:

U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity 600 Harrison Street, 3rd Floor San Francisco, CA 94107-1387 (415) 489-6524 (800) 347-3739 TTY (415) 436-6594 <a href="https://www.hud.gov/">https://www.hud.gov/</a>	California Department of Fair Employment and Housing 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758 (800) 884-1684 TTY (800) 700-2320 <a href="mailto:contact.center@dfeh.ca.gov">contact.center@dfeh.ca.gov</a> <a href="https://www.dfeh.ca.gov/">https://www.dfeh.ca.gov/</a>
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### **Assistance Animals**

One common type of reasonable accommodation may be allowing a person with a disability to keep an *assistance animal* in their university housing. An assistance animal is any animal that works, provides assistance, performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Notre Dame de Namur University recognizes the importance of allowing assistance animals that are necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing.

An assistance animal does not necessarily need to be trained and is not limited to any specific type of animal. An assistance animal is restricted to the residence of the individual and may not accompany the resident to other areas of the University without permission, unless that animal qualifies as a service animal as defined by the Americans with Disabilities Act (*see* 28 C.F.R. § 35.104).

### **Requesting an Assistance Animal**

Although it is the policy of Notre Dame de Namur University that individuals are generally prohibited from having animals other than fish in any type of University housing, the University will consider a request by an individual with a disability for a reasonable accommodation from this prohibition to allow an assistance animal. However, no assistance animal may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

A resident wishing to request an assistance animal should follow the general procedures for requesting an accommodation, which can be found on the University's disability services and housing resources webpages <http://ndnu.smartcatalogiq.com/en/2016-2017/Student->

Handbook/University-Standards-Policies-and-Procedures. The University may require a statement from a reliable third party indicating that the resident has a disability and that the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability. A “reliable third party” is someone who is familiar with the individual’s disability and the necessity for the requested accommodation. A reliable third party includes, but is not limited to, someone who provides medical care, therapy, or counseling to persons with disabilities, including, but not limited to, doctors, physician assistants, psychiatrists, psychologists, or social workers.

Notre Dame de Namur University, in consultation with the resident and other parties as appropriate, may consider the criteria below in determining whether the presence of the animal is reasonable in the making of housing assignments for individuals with assistance animals:

- Whether the animal poses or has posed in the past a direct threat to the individual or others;
- Whether the animal causes or has caused excessive damage to housing beyond reasonable wear and tear;
- Whether the size of the animal is too large for available assigned housing space;
- Whether the animal’s presence would force another individual from individual housing (e.g. serious allergies);
- Whether the animal’s presence otherwise violates individuals’ right to peace and quiet enjoyment; and
- Whether the animal is housebroken or is unable to live with others in a reasonable manner.

The individual must provide written consent for the University to disclose information regarding the request for and presence of the assistance animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Housing and Residential 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. Notre Dame de Namur University reserves the right to assign an individual with an assistance animal to a single room without a roommate upon availability.

### **Owner’s Responsibilities**

Owners of assistance animals who are granted the accommodation of an assistance animal in their residence unit shall be subject to the following rules, in addition to any other University rules and regulations not specifically related to assistance animals. The owner must:

- **Keep the Animal in Residence Unit.** An assistance animal must be contained within the owner’s privately assigned individual living accommodations except to the extent the individual is taking the animal out for natural relief. When an assistance animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Assistance animals that do not qualify as service animals under the ADA are not allowed in any University facilities other than the portion of University housing to which the resident is assigned as occupant.

- **Keep the Animal under Control.** The assistance 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. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University housing.
- **Abide by Laws and Policies.** 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 University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed. Additionally, the owner must abide by all equally applicable residential policies, 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.
- **Ensure the Animal is Well Cared-For.** The owner is required to ensure the animal is well cared-for at all times. Any evidence of mistreatment, abuse, neglect, or leaving the assistance animal unattended for unreasonably long periods of time may result in immediate removal of the assistance animal and/or discipline for the responsible individual pursuant to any applicable handbooks. The University will not base this determination on speculation or fear about the harm or damages an animal may cause. University personnel shall ***not*** be required to provide care or food for any assistance 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. Additionally, assistance animals may not be left overnight in University housing to be cared for by any individual other than the owner. If the owner is to be absent from his/her residence overnight or longer, the animal must accompany the owner. The owner is responsible for ensuring that the assistance animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.
- **Be Responsible for Property Damage.** 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 the University. An individual with a disability may be charged for any damage caused by his or her assistance animal beyond reasonable wear and tear to the same extent that the University 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 University's standard or routine inspections. If fleas, ticks, or other pests are detected through inspection, the owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The University shall have the right to bill the owner's account for unmet obligations under this provision.
- **Notify the University if Assistance Animal is No Longer Needed.** The animal is allowed in University housing only as long as it is necessary because of the owner's disability. The

owner must notify the Disabilities Specialist and the Department of Housing and Residential Life or the Department of Human Resources for employees in writing if the assistance animal is no longer needed or no longer in residence. To replace an assistance animal, the new animal must be necessary because of the owner's disability and the owner must follow the procedures in this policy when requesting a different animal.

### **Removal of the Assistance Animal**

The University may require the owner to remove the assistance animal from University housing if:

- The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others, including University property;
- The animal's presence results in a fundamental alteration of a University program;
- The owner does not comply with the owner's responsibilities set forth above; or
- The animal or its presence creates an unmanageable disturbance or interference with the University community.

The University will base such individualized determinations upon the consideration of the behavior of the particular animal and resident on a case-by-case basis, and in consultation with the Department of Housing and Residential Life, the resident, and other parties as appropriate. The University will not base this determination on speculation or fear about the harm or damages an animal may cause. Any removal of the animal may be appealed pursuant to the grievance procedure found <http://ndnu.smartcatalogiq.com/en/2016-2017/Student-Handbook/University-Standards-Policies-and-Procedures/Student-Grievance-Process>. The owner will be afforded all rights of due process and appeal as outlined in that process.

Should the assistance animal be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

### **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 reasonable accommodation under the University's Policy on Reasonable Accommodations and Assistance Animals in University Housing.

I have read and understand the Policy on Reasonable Accommodations and Assistance Animals in University Housing and I agree to abide by the requirements applicable to assistance animals. I understand that if I fail to meet the requirements set forth in the Policy, Notre Dame de Namur University has the right to remove the assistance animal and I will be required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract, nonetheless.

I furthermore give permission to the University to disclose to others impacted by the presence of my assistance animal (e.g., Housing and Residence Life staff, potential and/or actual

roommate(s)/neighbor(s)) that I will be living with an animal. I understand that this information will be shared with the intent of preparing for the presence of the assistance animal and/or resolving any potential issues associated with the presence of the assistance animal. I will hold Notre Dame de Namur University harmless from any liability for disclosing such information.

I further recognize that the presence of the assistance animal may be noticed by others visiting or residing in University housing and agree that staff may acknowledge the presence of the animal and explain that under certain circumstances assistance animals are permitted for persons with disabilities.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
University Representative

\_\_\_\_\_  
Date