



Name of Policy: Service Animals (SA) and Emotional Support Animals (ESA)
Responsible Department: Academic Affairs/Student Accommodations and Support Services (SASS)
Responsible Administrator: VP of Academic Affairs
Effective Date: Upon approval
Reviewed / Updated Date: August 24, 2022
Date of next scheduled review: August 1, 2023

I. PURPOSE

In accordance with the Americans with Disabilities Act (ADA) of 1990, Americans with Disabilities Act as Amended (ADAA) of 2008, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act (FHA), Elms College makes every effort to provide reasonable accommodations to students with documented disabilities who meet the College's eligibility and verification requirements. All accommodations for students with disabilities are handled via the office of Student Accommodations and Support Services (SASS), a division of the Center for Student Success (CSS).

Under the Massachusetts disability rights law and the federal Americans with Disabilities Act (ADA), people with disabilities may bring their service dogs to all "public accommodations", including stores, businesses, motels, restaurants, theaters, schools, and more.

These laws do not apply to emotional support animals, therapy dogs, or pets. The laws on housing, however, may allow a student to have an emotional support animal in an on-campus residential setting, such as a residence hall room.

Below are guidelines and responsibilities for the student/handler regarding their Service Animal (SA) and Emotional Support Animal (ESA), as related to Elms College. Elms College reserves the right to modify and update this policy as deemed necessary.

II. SCOPE

This policy applies to all students.

III. DEFINITIONS

Definitions of Service Animals and Emotional Support Animals under Title III of the ADA

Services Animals (SA)

A service animal is any dog that is 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. Tasks performed can include, but are not limited to, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button.

Examples of animals that fit the ADA's definition of "service animal" because they have been specifically trained to perform a task for the person with a disability:

- Guide Dog or Seeing Eye Dog is a carefully trained dog that serves as a travel tool for persons who have severe visual impairments or are blind.
- Hearing or Signal Dog is a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.
- Psychiatric Service Dog is a dog that has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service animals may include reminding the handler to take medicine, providing safety checks or room searches, turning on lights for persons with Post Traumatic Stress Disorder, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.
- SSigDOG (sensory signal dog or social signal dog) is a dog trained to assist a person with autism. The dog alerts the handler to distracting repetitive movements common among those with autism, allowing the individual to stop the movement (e.g. hand flapping, slapping, head banging).
- Seizure Response Dog is a dog trained to assist an individual with a seizure disorder. How the dog serves the individual depends on their specific need(s). The dog may stand guard over the individual during a seizure or the dog may go for help. A few dogs have learned to predict a seizure and warn the individual in advance to sit down or move to a safe place.

Emotional Support Animals (ESA)

While ESAs are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under Title II and Title III of the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist individuals with disabilities.

IV. PROCEDURE (OR PROCESS)

Individual Documentation Requirements

Service Animal (SA):

If the student/handler resides on campus, the student/handler is encouraged to provide the documentation outlined under ESAs to the Elms College Public Safety Department and/or the office of Student Accommodations and Support Services (SASS) prior to the arrival of their animal on campus. Although not required by law, providing the below documentation can help to ensure that emergency staff know to look for service animals during an emergency evacuation process.

Only when the individual's disability is not obvious, staff may ask the following two questions to determine whether an animal is a service animal:

Two questions may be asked of the student/handler:

- 1.) Is the animal required because of a disability?
- 2.) What work or task has the animal been trained to perform?

Emotional Support Animal (ESA):

For ESAs, the below outlined documentation must be provided directly to SASS along with the SASS designated formal accommodation request form(s). Approval of an ESA is required by SASS prior to bringing the animal on campus and into residence hall(s), and then annually or as requested by a College official.

Additional Documentation Requirements for ESAs:

- ❖ A Picture of the Animal: To allow College personnel to be able to identify an animal appropriately in the case of emergency, animals left unattended or who are lost, and during other routine administrative and housing-related work it is the student's responsibility to bring the approved animal to the Office of Student Affairs to have an Elms College ID issued within the first week of being on campus.
- ❖ Proof of Licensure: If the animal resides on-campus it must meet the city of Chicopee, Massachusetts and state of Massachusetts licensing requirements, and wear tags designating this license.
 - If the animal resides off-campus, the animal must meet the licensing requirements of the SA or ESA student/handler's residential town and wear tags indicating this licensing when on campus.
- ❖ Proof of Vaccinations: All dogs must wear a rabies vaccination tag. All animals residing or coming onto campus on a regular basis must be up to date with vaccinations in accordance with state and local laws and regulations.
- ❖ Proof of Annual Veterinary Care: The student must provide evidence that the animal is receiving annual, routine veterinary care.
- ❖ Proof of Service-Animal-in-Training Status (where applicable): The student/handler of a service animal may be asked to provide the College with evidence that the animal is a service dog candidate and/or being trained in collaboration with a certified service animal training organization.
- ❖ Insurance: It is recommended that the student/handler have, and provide evidence of, current insurance coverage for damages and/or any injuries the animal may cause to a third party. **The College does not take legal or financial responsibility for the impact of any animals on campus.**

The student/handler must notify the office of Student Accommodations and Support Services (SASS) in writing if the SA or ESA is no longer needed or is no longer living in on-campus housing.

To replace a previously approved ESA, the student/handler must complete a new accommodation request form and any other related forms through SASS and Residence Life.

Control Responsibilities

The animal may not pose a risk of health or safety to others and may not create unreasonable interference for others.

The ADA requires a service animal to be under the control of the student/handler by using a harness, leash, or other tether. However, in cases where the student/handler is unable to hold a tether because of a disability, or its use would interfere with a service animal's safety and/or effective performance of work or tasks, the service animal must be under the handler's control by some other means, such as voice control.

The student/handler must be in full control of their ESA at all times (i.e. leash, harness, or



crate). The ESA must wear a collar and tags at all times. Dogs or cats must be kept on a leash at all times when not in the student/handler's residence hall room.

The student/handler must notify Residence Life **immediately** by calling the RA on-duty phone number (413-374-7145) if the animal has escaped its confines and is unable to be located.

The College will assume no liability in the event the SA or ESA is missing or lost. College staff (i.e. Public Safety, Residence Life, etc.) are not responsible for the retrieval of the animal in the event the animal escapes or becomes lost.

Location Awareness

While SAs are allowed to accompany the student/handler throughout the campus, an ESA is to remain in the student/handler's assigned residence hall room and is not permitted in other student's rooms or the common areas of the residential facilities, along with other areas of the College such as classrooms, academic buildings, administrative buildings, restrooms, libraries, dining service areas, fitness center, gymnasium, etc.

Care Responsibilities

Elms College requires humane treatment of all animals. The student/handler is solely responsible for their animal's well-being, care and cleaning. This includes but is not limited to regular feeding, bathing, grooming, daily care and veterinary services. The animal is not permitted to be bathed on the Elms College campus or its related facilities.

The student/handler will take all reasonable precautions to protect employees, residents, and guests, as well as the property of the college. It is recommended that SA's and ESA's student/handler wash their own hands after touching their animal and before entering public spaces. Clothing should be cleaned as much as possible or changed before entering public spaces.

When SAs or ESAs are left unattended in a student's room, they are required to be contained in a Residence Life approved crate, carrier, or kennel. This containment will allow Elms College officials to gain access to the residential facilities for maintenance and other routine tasks without posing a risk to the animal or themselves.

In the event of a fire alarm or other type of evacuation, the student/handler is solely responsible for the evacuation of their animal. All animals must be secured by leash or animal carrier (for cats and other small animals) in order to be included in evacuation and/or reunification procedures. It is recommended that the SA/ESA student/handler practice evacuating their animal during routine fire drills. If emergency housing is necessary for the Elms College community, ESAs may need to be temporarily housed with an emergency animal shelter provider (SAs stay with their handler).

If the student/handler's absence will impose an inhumane amount of time for the animal to be confined, the student/handler must make alternative arrangements off-campus for appropriate care of the animal. SAs and ESAs are not permitted to be left under the control and care of anyone other than their approved student/handler.

Upon leaving for residence hall break periods (e.g. Thanksgiving break, winter break, spring break, etc.) and final check-out the student/handler must take the animal with them.

Violations concerning any of the aforementioned may result in the student/handler finding



alternative off-campus housing (within 24 hours) for the animal and, as warranted, may also result in disciplinary action which could include loss of on-campus housing for themselves.

Waste Responsibilities

Dogs must be "house broken" and cats must be litter box trained. The student/handler is responsible for cleaning up their animal's waste. Animal urine, feces, or other bodily fluids within the residence hall room must be immediately cleaned up using appropriate cleaning products supplied by the student/handler.

ESAs must be taken out of the building by the shortest and most direct path and must be maintained under standard restraints such as a carrier and/or leash when outdoors or in transit and must be confined to the student/handler's residence hall room when not in transit.

Fecal matter deposited on College grounds or within the facilities need to be removed immediately, placed in a plastic bag (preferably one that can be securely closed) and disposed of in designated outdoor waste containers. Animal feces may not be disposed of in any indoor trash receptacle or through the sewer system. If the student/handler is unable to remove the fecal matter immediately due to their disability, it is their responsibility to ask for assistance. Please note, such assistance may be from peers and/or someone in the vicinity.

Students with emotional support cats must properly maintain litter boxes. In consideration of the health of the cat and occupants of the residence hall, cat litter box contents must be cleaned and disposed of daily. The litter box must be changed with new cat litter regularly as outlined by the manufacturer.

Financial Responsibilities

The student/handler will be financially responsible for expenses incurred for damages, losses, liability, claims, and harm to others caused by the SA or ESA. The college strongly encourages the student/handler to acquire renters or homeowners liability insurance to cover any damage caused by the SA or ESA.

Regular and routine cleaning of floors, kennels, and cages must occur. The student/handler has an obligation to ensure that their residence hall room is as clean as the original standard. The student/handler will be responsible for replacement or repair of damaged items caused by the animal, along with any extraordinary cleaning. The odor of an animal emanating from the residence hall room is not acceptable and is grounds for removal. **Any repairs or extraordinary cleaning is to be carried out or arranged by Elms College staff according to Elms College standards at the student/handler's expense.**

In addition to regular Residence Life room checks, the SA or ESA student/handler's residence hall room may be inspected for fleas, ticks, pests, and/or damage to the residential facilities once a semester or as needed. The office of Residence Life will schedule the inspection and notify the resident in advance of the scheduled inspection. If fleas, ticks, or other pests are detected through inspection, the residence hall will be treated using fumigation methods by a college-approved pest control service. The student/handler should take precautionary measures such as flea and tick medications, collars, or baths prescribed by a veterinarian. The student/handler is expected to promptly notify Elms College Residential Life staff, who will then arrange for any necessary cleaning and/or extermination services. **Elms College will then bill the student/handler for the expense of the cleaning and/or extermination.** Because of the possible sensitivity of others, student/handlers are not permitted to use chemical agents and insecticides to treat infestations on their own.



Elms College may use pesticides, fertilizers, pest control devices, de-icing materials, cleaning supplies, and other substances and materials for the maintenance and operation of the campus, some of which may not be safe for animals. **Elms College is not liable for any harm to the animal caused by such substances and materials.**

Emergency Situations

Appropriate facilities and campus public safety staff may be notified of residence hall rooms with animal inhabitants in case of need for entry, repair, or emergency. In the event of an emergency, on campus personnel designated to respond are expected to recognize service animals and their role in communicating their handler's need for assistance.

The student/handler and/or animal may be confused or disoriented in a stressful situation due to smoke, sirens, wind noise or by shaking and moving ground. The response personnel should be aware that animals may be protective in their confusion and should not be considered harmful. The responders should make every effort to keep the animal with its student/handler.

The student/handler should make every effort to control the animal during an emergency situation and be prepared to muzzle or restrain the animal as needed. Students who are with SAs and ESAs regularly on campus are required to develop an individual evacuation plan within the first week of each semester with the Director of Residence Life.

Public Etiquette for Other Students/Staff/Faculty/Administrators on Campus

SAs and ESAs are not pets. Accordingly, the College asks that students and their visitors adhere to the following good practices when interacting with service animals and emotional support animals.

Individuals should NOT:

- Assume that the animal is a pet.
- Pet/touch an emotional support animal or service animal without asking the handler's permission. Petting distracts them from their responsibilities.
- Make assumptions about the necessity of the emotional support animal or service animal.
- Ask the handler about their specific condition.
- Prioritize the needs of another individual over the needs of an individual with an emotional support animal or service animal. For example, we cannot restrict the access of a service animal fearing another member of the community may have an allergy. If such a conflict arises, the animal's handler and the affected party should seek immediate remediation through the conflict resolution process.
- Feed a service animal or an emotional support animal.
- Deliberately startle, tease or taunt an emotional support animal or service animal.
- Separate or attempt to separate an animal from their handler.
- Hesitate to ask the student/handler if they would like assistance if the animal and/or handler seem confused about a direction in which to turn, an accessible entrance, the location of an elevator, etc.

Elms College Internal SA and ESA Grievance Procedure

All concerns and complaints related to SAs and ESAs are to be directed to the office of Student



Accommodations and Support Services (SASS), in writing. The complainant is to include their name, date, phone number, Elms College email address, a detailed statement explaining the concern/complaint, their physical signature, and any supporting documentation to support their claim. More information may be requested by SASS to assist with the investigation.

Submit information and statement to:

Director of SASS

Email: sass@elms.edu

Phone: 413-265-2333

Fax: 413-474-7188

Elms College

Attn: SASS Director

291 Springfield Street

Chicopee, MA 01013

Service Animal (SA) External Complaint Process

Title III of the ADA and Section 504 Complaints - The Office for Civil Rights (OCR) in the Department of Education enforces Title III of the ADA and Section 504 as they apply to education. Those who have had access denied due to a service animal may file a complaint with OCR or file a private lawsuit in federal court. An OCR complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended for good cause. Before filing an OCR complaint against an institution, an individual may want to find out about the institution's internal grievance process and use that process to have the complaint resolved. However, an individual is not required by law to use the institutional grievance process before filing a complaint with OCR. If someone uses an institutional grievance process and then chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process. For more information contact:

U.S. Department of Education

Office for Civil Rights

400 Maryland Avenue, S.W.

Washington, DC 20202-1100

Customer Service: 800-421-3481 (voice)

800-877-8339 (TTY)

E-mail: OCR@ed.gov(link sends e-mail)

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>(link is external)

Title III Complaints – These may be filed with the Department of Justice.

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Civil Rights Division

Disability Rights Section – NYA

Washington, DC 20530

<http://www.ada.gov/>(link is external)

800-514-0301 (v)

800-514-0383 (TTY)

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Civil Rights Division

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800-514-0383 (TTY)

Emotional Support Animal (ESA) External Complaint Process

The Fair Housing Act (FHA), as amended in 1988, applies to housing. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in all housing programs and activities that are either conducted by the federal government or receive federal financial assistance.

Complaints – Housing complaints may be filed with the Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity.
<http://www.hud.gov/fairhousing/>(link is external)
800-669-9777 (voice)
800-927-9275 (TTY)

V. COMPLIANCE

Students who fail to comply with the requirements of the policy may be subject to a judicial review as outlined in the student conduct policy.

VII. MISCELLANEOUS