



Policies and Procedures Manual

Title: Service Animal and Assistance Animal Policy
Policy Administrator: Director of Human Resources
Effective Date: December 20, 2019
Approved by: General Counsel

Purpose:

The purpose of this policy is to provide the College community with requirements and guidelines for the use of Service Animals and Assistance Animals by individuals with disabilities on College property.

Policy:

Individuals are not permitted to bring animals to the College of the Holy Cross (the "College") except for (a) Service Animals and Assistance Animals (each as defined below) in accordance with this policy; (b) pets in accordance with the College's Pets policy; and (c) animals as otherwise required by law or as approved in connection with College sanctioned programs (e.g., approved programs where a third-party provides stress relief animals).

I. Definitions

A. Service Animals

Pursuant to Title III of the Americans with Disabilities Act ("ADA"), 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. The work or tasks performed by a Service Animal must be directly related to the Owner's disability (e.g., guiding individuals with impaired vision, alerting individuals with impaired hearing to the presence of people or sounds, pulling a wheelchair, assisting individuals during seizures, helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behavior, among other types of work). Dogs whose sole function is to provide emotional support, comfort, companionship, or a crime deterrent effect do not qualify as Service Animals pursuant to Title III of the ADA. Other types of animals do not qualify as Service Animals; provided, however, that (i) in some instances a miniature horse will qualify as a Service Animal and (ii) the College may consider other types of

animals with respect to employees as reasonable accommodations in the employment context as required pursuant to Title I of the Americans with Disabilities Act.

B. Assistance Animals

An “Assistance Animal” is an animal that provides emotional support, which alleviates one or more identified symptoms or effects of a person's disability, and has been approved as a reasonable accommodation for a student or employee with a disability who resides in College housing by the Office of Accessibility Services (students) or Human Resources (employees), as applicable or as otherwise approved as a reasonable accommodation for an employee.

An Assistance Animal is not the same as a Service Animal. Some, but not all, Assistance Animals are professionally trained. Other Assistance Animals are trained by their Owners. In some cases, no special training is required.

Individuals with disabilities who reside in College housing must request the presence of an Assistance Animal in College housing as a reasonable accommodation as described in Section III. Approved Assistance Animals are only permitted in the Owner's College housing, but they are not permitted in any other College owned or leased building, structure, or facility (e.g., library, academic buildings, classrooms, dining areas, labs, work areas, student centers, etc.).

C. Pet

A “Pet” is an animal kept for ordinary use and companionship. A Pet is not considered a Service Animal or an Assistance Animal. Individuals are not permitted to bring or keep Pets on College property other than Pets approved in accordance with the College's Pets Policy. This includes all special events and conferences on college grounds. In the event that an animal is brought to campus, the Department of Public Safety (DPS) should be notified so they can make sure the animal is removed by the owner.

D. Approved Animal

An “Approved Animal” is (a) a Service Animal under this policy or (b) an Assistance Animal that has been approved as a reasonable accommodation to reside with an individual with a disability in College housing pursuant to this policy.

E. Owner

The “Owner” is the individual who will bring the Service Animal or Assistance Animal onto College property, including the student, employee, or other person with a disability with a Service Animal or Assistance Animal, handler of the Service Animal or Assistance Animal, or Service Animal trainer.

Procedures:

II. Procedures for Having a Service Animal on College Property

In accordance with the ADA and other applicable laws, individuals with disabilities are permitted to bring Service Animals into all College facilities (including, but not limited to, classrooms, libraries, dining halls, and College housing) except where specifically prohibited due to environmental, health, or safety hazards or applicable law (e.g., certain research laboratories, mechanical rooms, custodial closets, areas where protective clothing is necessary, and areas where there is a danger from or to the animal).

Students with disabilities and visitors to campus requiring Service Animals are permitted to have Service Animals on College owned or leased property without making a formal reasonable accommodation request. To accompany an individual on College property, a Service Animal must be trained specifically to perform a service function directly related to the individual’s disability. If it is not readily apparent that an animal is trained to do work or perform tasks for an individual with a disability, the College may ask: (1) if the individual requires the animal because of a disability; and (2) what work or task the animal has been trained to perform. The College will not ask about the nature or extent of an individual’s disability, or for proof of certification or training as a Service Animal. However, the College requests that all students who will bring Service Animals regularly to College property or reside with a Service Animal in College housing, meet with the Office of Accessibility Services to review this policy and its requirements and acknowledge reading and receipt of the policy.

Employees with disabilities requiring Service Animals must make a reasonable accommodation request to Human Resources.

Under certain circumstances, the College may remove or ban a Service Animal from the College property as set forth in this policy, including, but not limited to, failure to meet the definition of a Service Animal or failure to meet the requirements set forth in this policy, including, without limitation, those set forth in Sections IV or V.

A. Service Animals to Reside in Residence Housing

In the event that student with a disability desires to have a Service Animal reside with them in College housing, the College asks that those students meet with Office of Accessibility Services. Employees who reside in College provided housing should make an accommodation request to Human Resources. In each

case, the appropriate office will inform the Office of Residence Life & Housing and building staff, including RAs, as well as other appropriate College personnel (including, but not limited to, Facilities and Public Safety personnel) that an individual in that building has a Service Animal. In addition, with the consent of the Owner, the College will notify roommate(s) or suitemate(s) and other residents of the building, as appropriate, that the Service Animal will be residing in the building or shared assigned living space.

B. Miniature Horses

An individual with a disability requesting the use of a miniature horse to perform work or tasks in connection with the disability must contact the Office of Accessibility Services (students) or Human Resources (employees or others) and provide appropriate documentation so that the office can make a determination regarding the use of the miniature horse on College property. The College will make reasonable modifications in its policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and otherwise meets the requirements of a service animal under applicable law. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the College will consider: (1) the type, size, and weight of the miniature horse and whether the College can accommodate those features; (2) whether the Owner has sufficient control of the miniature horse; (3) whether the miniature horse is housebroken; and (4) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

III. Assistance Animals.

An Assistance Animal may be requested as a reasonable accommodation in accordance with this policy for an individual with a disability who resides in College housing. Assistance Animals that are approved as a reasonable accommodation may reside with their Owner in the Owner's assigned College housing or as specifically approved as a reasonable accommodation for an employee. However, Assistance Animals are not permitted in any other College building, structure, or facility (e.g., library, academic buildings, classrooms, dining areas, labs, work areas, student centers, etc.) or portion thereof absent specific express written approval as an accommodation for an employee. Animals that cannot be imported into the United States may not be approved as Assistance Animals.

A. Procedures for Requesting an Assistance Animal

1. Request for Reasonable Accommodation

Individuals with disabilities living in College housing may request that they be permitted to have an Assistance Animal reside with them in College housing as a reasonable accommodation. Such requests should be submitted to the Office of Accessibility Services (students) or Human Resources (employees), as appropriate. The College must approve the use of an Assistance Animal as a reasonable accommodation prior to the animal being allowed in housing.

To request a reasonable accommodation to keep an Assistance Animal in College housing for the following academic year, the individual must: (1) meet with a staff member from the Office of Accessibility Services (students) or the Human Resources (employees), as applicable, to discuss the requested accommodation; and (2) provide documentation of his/her disability as described below no later than April 1st and prior to the Housing Selection Process; provided, however, that newly admitted students may make a request by June 1st. Documentation must be submitted annually thereafter for subsequent academic years. Although requests for Assistance Animals submitted after these dates will be considered, the College cannot guarantee that it will be able to meet late applicants' needs for Assistance Animals, including any needs that develop during the semester.

2. Documentation

Recent documentation to the College from a physician, psychiatrist, social worker, or other mental health professional including: (a) verification of the individual's disability, if such disability is not readily apparent; (b) statement regarding how the animal serves as an accommodation for the documented disability, if not readily apparent; and (c) statement regarding how the need for the Assistance Animal relates to the ability of the individual to use and gain benefit from College housing. Please check with Office of Accessibility Services (students) or Human Resources (employees) for requirements regarding documentation.

3. Review and Notification

The Office of Accessibility Services or Human Resources, as appropriate, will review the documentation and arrange a meeting with the individual requesting the accommodation. If the request is approved, this policy will be reviewed carefully with the individual at that time, and the individual must acknowledge review and receipt of this policy, must provide confirmation of immunization and licensure of the animal, and provide a copy of such acknowledgement to the Office of Accessibility Services (students) or Human Resources (employees).

Upon the approval of an Assistance Animal to reside in College housing, the College will notify the Office of Residence Life & Housing as well as other appropriate College personnel (including, but not limited to, Facilities and Public Safety personnel) that an individual in that building has a Assistance Animal. In addition, with the consent of the individual, the College will notify roommate(s) or suitemate(s) and other residents of the building, as appropriate, that the Assistance Animal will be residing in the building.

Any change, addition or replacement of an Assistance Animal will require a new request and approval.

4. Appeal

If the College denies a request for an Assistance Animal, the individual can appeal the decision by sending a written appeal citing the reasons for the appeal and the desired outcome to the Chief Diversity Officer within ten (10) days of receipt of the decision of the Office of Accessibility Services or Human Resources, as applicable.

Under certain circumstances, the College may remove or ban an Approved Animal from the College property as set forth in this policy, including, but not limited to, failure to meet the requirements in this Section, Section IV, or Section V.

IV. Requirements of Approved Animals and Their Owners

The following requirements apply to all Approved Animals and their Owners unless written permission for a variance has been granted by the Office of Accessibility Services (students) or Human Resources (employees and others) or as otherwise required by law:

A. Care, Supervision, and Control

The Owner is responsible for the proper care, nourishment, supervision, and control of the Approved Animal. The College is not responsible for the care or supervision of any Approved Animal. The animal may not be left overnight in College housing to be cared for by another individual. An Approved Animal must be taken with the Owner if the Owner leaves campus overnight or for a prolonged period.

The Owner must be in full control of the Approved Animal at all times. At any time that the Approved Animal is in shared or common areas of the Owner's assigned housing, and when traveling through public areas, the Approved Animal must be in a crate or cage, or on a harness, leash, or other tether, unless in the case of a Service Animal only, either the Owner is unable because

of a disability to use a crate, cage, harness, lease, or other tether or the use of a crate, cage, harness, lease, or other tether would interfere with the Service Animal's safe, effective performance of work or tasks in which case the Service Animal must be otherwise under the Owner's control with other effective means (e.g., via voice control or signals).

Assistance Animals that are approved as a reasonable accommodation may reside with their Owner in the Owner's assigned College residence. Assistance Animals are not permitted in any other College building, structure, or facility (e.g., library, academic buildings, classrooms, dining areas, labs, work areas, student centers, etc.) or portion thereof.

To the extent possible, Approved Animals should not make contact with other individuals or their personal belongings, display any behaviors or noises that are disruptive to other individuals, or block an aisle or passageway for fire and/or emergency egress.

The Owner must notify the Department of Public Safety immediately if the Approved Animal escapes.

The Owner is responsible for ensuring that the Approved Animal does not unduly interfere with the routine activities of the College, including but not limited to, College housing or cause difficulties for individuals who reside therein.

The Owner is responsible for providing emergency contact numbers (for Owner and one backup contact) in the event that there is an emergency and the Owner is separated from the Approved Animal.

B. Licensure, Health, Immunization and Identification

The Approved Animal must be in good health. All Approved Animals must be licensed and immunized, as required under applicable laws. The Owner is solely responsible for assuring that the Approved Animal is licensed and immunized, including being up-to-date on rabies and distemper vaccines. Similarly, Owners of Approved Animals must comply with all state and local animal laws unless the Owner is entitled to a reasonable accommodation under which such compliance is not required. The College may require Approved Animals to wear identification tags if the Approved Animal's size permits. Owners must immediately report, and the College is permitted to take appropriate action for, any Approved Animal that carries a zoonotic disease.

C. Waste Elimination and Cleanup

The Approved Animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) unless such animal resides in a holder or vessel that contains the animal's waste in which case Owner shall conduct regular cleaning of such holder.

The Owner is responsible for the cleanup of the Approved Animal's waste and disposal of the waste in areas and methods designated by the College. This includes, but is not limited to, carrying equipment sufficient to clean up the animal's feces, not allowing the animal to defecate on any property, public or private, unless the Owner immediately removes the waste, and being responsible for the proper disposal of the animal's feces and for any damage caused by the waste or its removal.

D. Responsibility for Damage and Injury

The Owner is solely responsible for the actions of the Approved Animal including, but not limited to, any and all damage or injury to persons or property caused by the animal. This includes but is not limited to:

- i. Where pests are detected in Owner's residence in College housing and pest treatment is required, pest treatment expenses incurred above and beyond standard pest management in the residence hall.
- ii. Cleaning and repair expenses incurred above and beyond standard cleaning and repair to any College property (e.g., abatement for fleas or other pests and odor, replacement of furniture). Owners shall take reasonable precautions to avoid flea, tick or pest infestations for applicable Approved Animals.
- iii. Bites, scratches, running away, or other damage or injury.

The Owner will be billed in accordance with standard College policies and procedures (including, but not limited to, Residence Life & Housing procedures, the Residence Life & Housing Agreement, and the Code of Student Conduct for students). ***The College strongly encourages Owner to consider obtaining appropriate liability insurance (such as Renter's Insurance).***

E. Notification if Approved Animal Is No Longer Needed or Replaced

The Owner must notify the Office of Accessibility Services (students) or Human Resources (employees and others) in writing if the Approved Animal is no longer needed or is no longer in residence. If the Owner wishes to bring a new animal to campus, he/she must follow the procedures for Service Animals or Assistance Animals, as appropriate.

F. Compliance with Other Policies

Owner must continue to abide by all other College policies, rules, and procedures including, without limitation, as applicable, Residence Life & Housing procedures and rules, the Residence Life & Housing Agreement and the Code of Student Conduct. An Approved Animal does not constitute an exception to other applicable College policies. This includes, but is not limited to, the following:

1. The Owner is responsible for the cleanliness and good order of their room and the residence hall and the Approved Animal. Students who damage property are responsible for making financial restitution and may be subject to disciplinary action. Student room damage are always the responsibility of the occupants. Any excess cleaning and repairs will be billed to the student.
2. The Owner's residence may be inspected on a monthly basis.
3. Quiet Hours.

The College may relocate Owner and the Approved Animal in College housing in accordance with applicable College policies and procedures, including the Residence Life & Housing Agreement and applicable Residence Life & Housing policies, procedures and rules, as applicable. Should an Approved Animal be removed or excluded from College housing, the Owner may be expected to fulfill his/her housing obligations for the remainder of the Residence Life & Housing License Agreement; provided, however, under certain circumstances, the Owner may petition for release from the Residence Life & Housing License Agreement (see Residence Hall Policies and Procedures – Withdrawal from Housing).

Failure to abide by any of the requirements of this policy may result in the removal of an Approved Animal or sanctioning of the Owner pursuant to the Student Code of Conduct.

V. Removal of Approved Animals

Under the following conditions, the College may require that an Approved Animal be removed from the College.

1. The Approved Animal is out of control and the animal's Owner does not take effective action to control it. This includes excessive noise (including, but not

- limited to, excessive barking) and, with respect to a Service Animal, disruptive behavior hindering the learning of other students in academic settings; or
2. The Approved Animal is not housebroken or is excessively unclean or unkempt; or
 3. The Approved Animal poses a direct threat (including, but not limited to, engaging in aggressive or threatening behavior or biting);
 4. The Approved Assistance Animal causes substantial injury to a person or substantial physical damage to the property of others; or
 5. The Approved Animal poses an undue financial or administrative burden; or
 6. The presence of the Assistance Animal fundamentally alters the nature of the services, programs, or activities provided by the College; or
 7. The Owner fails to comply with this policy or submit required documentation annually for an Assistance Animal as required by Section III(A).

If a report is made that one or more of the conditions outlined in this Section V exists, the Office of Accessibility Services (students) or Human Resources (employees and others) may order the removal of the animal. If there is a finding that the animal must be removed, the Owner will be notified of the decision.

In the event of an imminent direct threat posed by an Approved Animal or the animal has been unduly disruptive, the College may immediately remove the animal; however, the Owner will have an opportunity to address the evidence and provide additional information.

VI. Relating to Approved Animals and Their Owners

In relating to Approved Animals and their Owners, employees and students should:

1. Allow a Service Animal to accompany the Owner at all times and everywhere on College property, except areas where Service Animals are specifically prohibited due to environmental, health, or safety hazards or applicable law (e.g., certain research laboratories, mechanical rooms, custodial closets, areas where protective clothing is necessary, and areas where there is a danger to or from the animal). Approved Assistance Animals are only permitted in the Owner's assigned College housing, but they are not permitted in any other College owned or leased building, structure, or facility facility (e.g., library, academic buildings, classrooms, dining areas, labs, work areas, student centers, etc.) or portion thereof.
2. Always speak to the Owner first. Service Animals are working and should not be distracted.
3. Refrain from petting, picking up, feeding, or deliberately startling an Approved Animal.

4. Immediately report any disruptive or threatening behavior of any animal or any unattended animal to the Department of Public Safety (911 or (508) 793-2222 in an emergency or (508) 793-2224 in a non-emergency).
5. Any questions regarding Approved Animals or their Owners should be directed to the Office of Accessibility Services at (508) 793-3693 (Hogan 215A) (students), or Human Resources at (508) 793-3391 (O'Kane 72) (employees and others).

VII. Conflicting Health Conditions Related to Approved Animals

Individuals who may have a health (e.g., respiratory diseases, asthma, severe allergies) or safety related concern about exposure to an Approved Animal should contact the Office of Accessibility Services (students) or Human Resources (employees and others). The College will provide reasonable accommodations to individuals with disabilities if an accommodation is required as a result of the presence of an Approved Animal.

The College will consider the conflicting needs and/or accommodations of all persons involved, and develop a resolution.

The College may use pesticides, cleaning supplies, and other materials for the operation and maintenance of College housing. The College is not responsible for any resulting harm to Approved Animals.

Forms:

Owner Acknowledgement

I received and have read the Service Animal and Assistance Animal Policy. I understand the potential consequences of violation of the requirements and conditions set forth in the policy. I agree that I am solely responsible for my Approved Animal, including, but not limited to, any and all damage or injury to persons or property caused by the animal.

Print Name

Signature

Date

Emergency Contact for Owner: _____

Backup Emergency Contact if Owner is unavailable: _____

Related Information:

Title
Title

Policy #
Date of Last Review December 20, 2019