

ELIZABETHTOWN COLLEGE ASSISTANCE ANIMAL POLICY

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), and the Fair Housing Act (FHA), Elizabethtown College seeks to accommodate persons with disabilities requiring the assistance of a qualified service or therapy animal. Students should make requests regarding service or therapy animals to the Director of Disability Services, 228 Baugher Student Center, Elizabethtown College, at least 30 days prior to the start of the semester for which the request is being made. Determinations will be made on a case by case basis, and in accordance with applicable laws and regulations, whether such animal is a reasonable accommodation on campus. Where it is not readily apparent an animal is a service animal as defined by ADA, or an assistance animal under the FHA, Disability Services may require sufficient documentation to determine whether the animal qualifies. This process may include additional conversations between Disability Services and the requesting student.

Definition: Service Animal

Under ADA, a public accommodation shall modify policies, practices, or procedures to permit the use of service animals by an individual with a disability. ADA defines a service animal as a dog individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether trained or untrained, are not considered service animals (with the exception of miniature horses). The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, assisting during a seizure, alerting to the presence of allergens, and preventing or interrupting impulsive or destructive behaviors.

Documentation and Inquiries regarding Service Animals: The College is able to make the following inquiries to determine whether an animal qualifies as a service animal:

- Is the animal required because of a disability?
- What work or tasks has the animal been trained to perform?

When it is not readily apparent the individual has a disability or an animal is a service animal, the college may require the student to submit documentation from the treating health care provider with the following information in order to make a determination:

- the individual has a disability for which the animal is necessary
- how the animal assists the person, including whether the animal has undergone any training
- the relationship between the disability and the assistance the animal provides

Responsibilities of the Student with the Service Animal: The service animal must be under the control of its handler. A harness, leash, or other tether must be used unless the handler is unable because of the disability to use a harness, leash, or other tether, or if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of the work or task. In such cases, the service animal must remain under the student's control, such as voice control.

The student must provide care and supervision of the service animal. The College is not responsible for the animal's care or supervision. All students are responsible to clean up after and properly dispose of their animal's feces while on campus.

The animal must not be placed in a location blocking access for others.

It is the handler's responsibility to ensure that the service animal is in good health, clean, free of fleas and ticks, and is at all times in compliance with all Pennsylvania State laws and requirements associated with licensing, vaccinations, and other health regulations.

Exceptions: Elizabethtown College may ask a student with a disability to remove a service animal from the premises if the animal is out of control and the student does not take effective action to control it, or if the animal is not housebroken. If Elizabethtown College properly excludes a service animal, it must give the student the opportunity to obtain goods, services, and accommodations without having the service animal on college property.

Definition: Assistance Animal

Assistance Animals are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability and alleviates one or more identified symptoms of an individual's disability. Assistance Animals are not considered Service Animals under the ADA or Elizabethtown College's Service Animal Policy. Some Assistance Animals are professionally trained, but in other cases they provide the necessary support to individuals with disabilities without any formal training or certification. Any animal may serve a person with a disability as an Assistance Animal, and students may choose to refer to them as a companion animal, therapy animal, or an emotional support animal.

The question in determining if an Assistance Animal will be allowed in college housing is whether or not the Assistance Animal is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy college housing and its presence in college housing is reasonable. If the individual with a disability establishes necessity for an Assistance Animal in college housing, the Assistance Animal is not permitted in other areas of the campus (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

However, no animal may be kept in college housing prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

Owner

The "Owner" is the individual who has requested the accommodation and has received approval to bring an Assistance Animal into college Housing.

Disability Services

The Office of Disability Services collaborates with students, faculty, and staff to ensure that individuals with disabilities have equal access to all programs, services, and activities

Procedures for Requesting Assistance Animals in College Housing

The procedure for requesting Assistance Animals follows the general procedures in the Request for Residential Accommodations established through Disability Services. Students requesting Assistance Animals as a reasonable accommodation under FHA should submit [documentation](#) from the treating health care provider with the requested information so the college can make a determination whether the accommodation is reasonable.

Criteria for Determining If Presence of the Assistance Animal is Reasonable

College housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain residence halls. To ensure that the presence of an Assistance Animal is not an undue administrative burden or fundamental alteration of college housing, Elizabethtown College reserves the right to assign an individual with an Assistance Animal to a single room without a roommate. However, for all requests for Assistance Animals, Disability Services will consult with Residence Life in making a determination on a case-by-case basis whether the presence of an Assistance Animal is reasonable. A request for an Assistance Animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters college housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including college property.

Elizabethtown College may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Assistance Animals:

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

Elizabethtown College will not limit room assignments for individuals with Assistance Animals to any particular building or buildings because the individual needs an Assistance Animal because of a disability.

Access to College Facilities by Assistance Animals

An Assistance Animal must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, apartment) 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 are not allowed in any college facilities other than college residence halls (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned. Assistance Animals 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 college housing.

Owner's Responsibilities for Assistance Animal

If the college grants an Owner's request to live with an Assistance Animal, the Owner is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

General Responsibilities

1. 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 college has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The college reserves the right to request documentation showing that the animal has been licensed.
2. 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 Elizabethtown College.
3. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment, abuse, neglect, or failure to care for the Assistance Animal may result in immediate removal of the Assistance Animal and/or discipline for the responsible individual.
4. Elizabethtown College will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Assistance Animal.
5. 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 it 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 colleges standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a college-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The college shall have the right to bill the Owner's account for unmet obligations under this provision.
6. The Owner must fully cooperate with college personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.). 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.

7. Assistance Animal may not be left overnight in college housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner or be boarded at an off campus facility. It is the responsibility of the student to contact and make arrangements with off-campus pet care resources in the event this service is needed. 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.

8. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability 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.

9. The animal is allowed in College housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Disability Services Office in writing if the Assistance Animal is no longer needed or is 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 and the Reasonable Accommodation Policy when requesting a different animal.

10. Elizabethtown College 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.

11. The individual must provide written consent for Disability Services 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, Residence 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.

Removal of Assistance Animal

Elizabethtown College may require the individual to remove the animal from college housing if:

- 1) The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- 2) The animal's presence results in a fundamental alteration of a college program;
- 3) The Owner does not comply with the Owner's Responsibilities set forth above; or
- 4) The animal or its presence creates an unmanageable disturbance or interference with the College community.

The College will base such determinations upon the consideration of the behavior of the particular animal, and not on speculation or fear about the harm or damages an animal may theoretically cause.

Any removal of the animal will be done in consultation with the Director of Disability Services and may be appealed to the Grievance Procedure on the Disability Services website: http://www.etown.edu/offices/disability/Grievance_Procedure.aspx. The Owner will be afforded all rights of due process and appeal as outlined in that process. The Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract if the Assistance Animal is removed from college housing.

Non-retaliation Provision

Elizabethtown College will not retaliate against any person because that individual has requested or received a reasonable accommodation in college housing, including a request for an Assistance Animal.

***Please provide contact information for off-campus pet care resources in the even this service is needed:**

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 Colleges Assistance Animal Policy for College Housing.

I have read and understand the Assistance Animal Policy and Agreement 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, Elizabethtown College has the right to remove the Assistance Animal and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to the Office of Disability Services to disclose to others impacted by the presence of my Assistance Animal (e.g., Residence Life staff, Facilities, Campus Security, potential and/or actual roommate(s)/neighbor(s)) that I will be living with an animal as an accommodation. 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 animal. I further recognize that the presence of the Assistance Animal may be noticed by others visiting or residing in College Housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances Assistance Animal are permitted for persons with disabilities.

Owner's Signature / Date

Director of Disability Services / Date

Director of Residence Life / Date