

Elizabethtown College Policy Regarding Animals on Campus for Disability-Related Needs

Effective August 1, 2019

This policy statement provides information to individuals using animals to assist with disability related needs at Elizabethtown College. The use of animals on campus falls into two categories: service animals and assistance animals:

Service Animals

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), Elizabethtown College seeks to accommodate persons with disabilities requiring the assistance of a qualified service animal. We encourage individuals with service animals to share this information with the Office of Disability Services.

Definitions: Service Animal

Under the ADA, a public accommodation shall modify policies, practices, or procedures to permit the use of service animals by an individual with a disability. The 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 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?

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. Elizabethtown 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.

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, if the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by reasonable modifications to other policies, practices, and procedures (must be an individualized assessment), 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.

Grievance Procedures

Students who wish to appeal a denied request for use of a Service Animal may file a grievance utilizing the College's Grievance Procedure.

Assistance Animals

An Assistance Animal (AA) is an animal that provides security, calming influence, emotional support, or otherwise assists the student in managing or relieving a symptom associated with a mental or emotional condition. While the College may be required to reasonably accommodate an Assistance Animal in a residence hall or campus apartment, the institution is not required to allow that student to bring the animal to other areas or buildings on campus unless the animal also qualifies as Service Animal under ADA and section 504 of the Rehabilitation Act.

Although the campus welcomes approved assistance animals, under no circumstances may a student bring an assistance animal to campus **without the College's express written approval.**

Requests for Assistance Animals

Students wishing to make a request for the reasonable accommodation an Assistance Animal must do so by contacting the Director of Disability Services, 228 Baugher Student Center, Elizabethtown College, at least 60 days prior to the start of the semester for which the request is being made. Requests submitted after that date may be considered but may not be granted based on available housing and other circumstances. Requesting Students must complete the Request for Assistance Animal as a Reasonable Housing Accommodation Form and submit supporting documentation from their treating health care provider. Determinations will be made by a review committee on a case-by-case basis, and in accordance with applicable laws and regulations, as to whether the animal in question qualifies as an assistance animal for the requesting student. This process may include additional conversations between Disability Services, the requesting student, and, with the student's consent, the treating health care provider. If the student does not consent to the College communicating with the student's provider, the College may not be able to determine whether the student qualifies for an assistance animal and whether the requested animal is suitable as an assistance animal. Approval for an Assistance Animal may be situationally dependent on factors including whether the animal will be disruptive in student housing and whether the animal is suited to live within the confines and restrictions of student housing. Due to the unique issues that apply to residential living on a college campus, the College may defer the effective date of any approval of an assistance animal until the beginning of the next semester.

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 students and the mandate that students must share a room or suite in certain residence halls.

Elizabethtown College does not limit room assignments for individuals with an Assistance Animal to any particular building or buildings. Nonetheless, the College may reserve certain buildings or wings as free from animals in order to ensure that others are not adversely impacted (e.g., to accommodate allergies, phobias, religion, etc.). The College reserves the right to assign an individual with an Assistance Animal to a single room without a roommate to ensure that the presence of an Assistance Animal does not present an undue administrative burden or fundamental alteration of college housing.

A request for an Assistance Animal may be denied as unreasonable on the basis of the following considerations (which is not an exhaustive list):

1. The size of the animal and accompanying cage or crate is too large for the currently assigned or other available housing space
2. The animal is not crate trained or otherwise accustomed to being in a cage
3. The presence of the animal imposes an undue financial and/or administrative burden
4. The presence of the animal fundamentally alters college housing policies
5. The presence of the animal poses a direct threat to the health or safety of others or would cause substantial property damage to the property of others, including college property
6. The resident has failed to abide by the guidelines for managing the Assistance Animal, including but not limited to permitting the animal to be disruptive to others in the housing community.

Conflicting Disabilities and Other Concerns

Allergic and other adverse reactions to animals are common. For this reason, we may notify the other residents that one or more students residing in the hall have been approved to have an animal in accordance with College policy without disclosing the nature of the policy or the presence of a disability. Please inform all persons entering your room of the presence of the animal. Persons who have asthma, allergies, or other medical conditions affected by the presence of any animal should contact Disability Services to request an accommodation. The person impacted by the presence of the animal may need to provide verifiable medical documentation to support their claim. The College will consider the needs of all individuals affected by the presence of an animal in resolving any dispute or conflict.

The College appreciates that some residents, who may not have a disability or need for religious accommodation, have a strong preference against residing with an animal. The College will entertain timely raised concerns and make a good faith effort to work with all interested parties for a mutually agreeable outcome.

Safety Concerns

Animals attacking, biting, or nipping at other animals or humans is not permitted. The College reserves the right to immediately remove from any animals that exhibits (or has exhibited) any behavior that threatens the safety or wellbeing of any member of the College community. Any

species of animal that is prohibited by any applicable law is not a reasonable accommodation and may not be possessed by a student as an assistance animal.

Access to College Facilities by Assistance Animals

An Assistance Animal must be contained within the Student 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 unit (residence hall room, apartment), it must be in an animal carrier or controlled by a leash or harness. An Assistance Animal is not allowed in any college facilities other than college residence halls (e.g. individual residence hall rooms, suites, apartments, etc.) to which the individual is assigned. No Student Owner is permitted to bring the animal into common areas outside the resident's own immediate living quarters (e.g., not permitted in dining halls, laundry facilities, study areas, lounge areas, etc.) No Student Owner shall permit the animal to go loose or run at large outside of their individually assigned residence hall room. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from college housing. The Student 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. Understanding the limited access to campus facilities under the FHA, students are encouraged to carefully consider both the advantages and disadvantages of the campus environment for their particular assistance animal.

Student Owner's Responsibilities for Assistance Animals

If the college grants an Student Owner's request to live with an Assistance Animal, the Student Owner is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements. The Student Owner is responsible for ensuring that the Assistance Animal is contained in a crate, cage or similar restricted physical space when the Student Owner is not present while attending classes or other activities. An Assistance Animal is not permitted in common areas such as lounges in traditional residence halls. Animals may, with the permission of roommates, be in common living areas in campus owned apartments. The Student Owner must abide by the colleges requirements in meeting current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Student Owner's responsibility to know and understand these ordinances, laws, and regulations <http://www.padoglicense.com/> . The following items must be presented to the Office of Disability Services in hardcopy, email, or fax: a current record of vaccinations completed and a copy of the pet ID tags and county license tags for dogs. Dogs and cats must have an ID tag on at all times that identifies its name and the name and phone number of the

Student Owner. Dogs must wear county license tags. All cats and dogs entering human-inhabited dwellings who are three months or older are required by law to have a rabies vaccination.

Care of the Animal

The Student Owner is required to ensure the animal is well cared for at all times. All dogs and cats must be housebroken before arriving on campus. Under no circumstances are animals allowed to run inside or outside unsupervised or unleashed. Animals cannot be tied up, leashed to an object or building when outside or in a hallway/area while the Student Owner is not present. 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 disciplinary sanctions through Campus Security, Student Rights and Responsibilities, and other external agencies as appropriate for the responsible individual. Elizabethtown College personnel are not required to provide care or food for any Assistance Animal.

The Student Owner is required to clean up after animal waste. All animal waste and litter must be disposed of in an outdoor receptacle. Student Owners must consult their Area Coordinator if they require assistance locating a designated outdoor receptacle. When provided, animals must use animal relief areas designated by Elizabethtown College. Animals are not permitted in residence hall bathrooms.

All food must be properly sealed in airtight containers to minimize attracting pests. Food containers are to be rinsed out or other measures undertaken to reduce residual odors. Any pet products that require cleaning (e.g., dog beds) may only be laundered in designated washing machines. Under no circumstances may the Student Owner clean their animal in residence facilities, including the Student Owner's residence (e.g., sink, shower, etc.)

By accepting this accommodation of an assistance animal, the Student Owner understands and agrees that they are solely responsible for the wellbeing and actions of their animal. Student Owners further agree that neither the Trustees of Elizabethtown College nor any of its employees/agents are responsible for any loss, damage, injury or death caused by their animal or sustained by their animal, even if such loss, damage, injury or death is caused by the college or its employees/agents. An individual with a disability may be charged for any damage caused by their Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Student Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the college's 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 Student 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 Student Owner's account for unmet obligations under this provision.

The Student Owner must fully cooperate with college personnel concerning any term of this Policy and caring for the animal (e.g., cleaning the animal, animal cage and bedding, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.)

Student Owners must notify Facilities Management there is an animal in the room when requesting work orders. For the safety and wellbeing of their animal and facilities staff or other contracted technicians animals must be crated or Student Owners must be present during contracted work.

Evacuations & Fire Drills

In the event campus needs to be evacuated, all animals must be removed from campus as part of the emergency evacuation procedures. Student Owners are reminded that during an evacuation, no one remains on campus and power may be disconnected; therefore abandoned animals may suffer from hunger and be subjected to discomfort. Student Owners are required to develop a personal disaster plan that addresses the removal of any Assistance Animal in the event of evacuation. Students found responsible for abandoning an animal will be referred to the Office of Student Rights and Responsibilities and may lose the opportunity to have an assistance animal. During fire drills, assistance animals must be appropriately controlled by leash or cage, then removed to the designated meeting place. In the event that a drill occurs during a Student Owner's absence, College staff will remove assistance animals from the Student Owner's room. 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.

Campus Breaks

If the Student Owner will be absent from their residence hall for 10 hours or more--including official College breaks (e.g. Thanksgiving break, winter break, etc.) or a sunset to sunrise period of time—the animal must be removed from campus until the Student Owner returns. It is the responsibility of the student to contact and make any necessary off-campus arrangements. It is not permitted for Student Owners to make arrangements for their Assistance Animal to reside with another student in College-owned student housing or to request that a roommate/suitemate care for the animal.

Student Owners found in non-compliance will forfeit their accommodation of an Assistance Animal. If a student has been given permission by Residence Life staff to remain on campus

during a College Break period (Fall, Thanksgiving, Winter, Easter, or Spring Break) all College policies regarding assistance animals apply.

Removal of Assistance Animal

An assistance animal may remain in College housing only to the extent that the animal is needed, and supported by the Student Owner's healthcare provider, because of the Student Owner's disability. The Student 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 student must submit a request for an accommodation, and must establish that the animal is an assistance animal. The Student Owner must follow the procedures in this Policy and the Reasonable Accommodation Policy when requesting a different animal. Students are cautioned not to presume that a replacement animal will be approved and may not bring the animal to campus prior to such approval.

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

1. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior directed at or resulting in injury to the individual or 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 Student Owner fails to comply with the Student Owner's Responsibilities set forth above
4. The animal or its presence creates an unmanageable disturbance or interference with the College community, including, but not limited to, disruptive noise, physical harm, or an objectively reasonable perception of harm to humans or other animals/pets, or destruction of property.
5. The animal's presence would displace another individual from individual housing (e.g. serious allergies).
6. The animal's presence otherwise violates an individual's right to peace and quiet enjoyment.
7. The animal is not housebroken or is unable to live with others in a reasonable manner.
8. The animal's vaccinations are not up-to-date.
9. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear

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. Aggressive animals will be immediately removed from campus and the student may be referred to the Office of Student Rights & Responsibilities. The Student Owner will be responsible for securing a placement for his/her animal. In the event the College has determined the animal must be removed from the campus the Emergency Contact will be notified and asked to assist if necessary. If Elizabethtown College properly excludes an assistance animal, it will give the individual with the disability the opportunity to obtain goods, services, and accommodations without having the animal on college property.

Complaints

Any member of the Elizabethtown College community may file a written complaint with Disability Services or Residence Life regarding the presence or conduct of an animal permitted by the College. When a complaint relates to an alleged threat of health or safety to a member of the College community, or the threat of property damage, the College may require the immediate removal of an animal from campus until the complaint is resolved. In cases where the College requires immediate removal, the Student Owner shall make all arrangements, and take all necessary actions, to immediately remove the animal from campus.

If the College deems a complaint to be appropriate for informal resolution, the College will contact all interested parties in an attempt to mediate a resolution that is acceptable to the individual who submitted the written complaint (the "Complainant"), the student owner of the animal in question (the "Respondent"), and the College. The College will consider each complaint on a case-by-case basis in determining whether a complaint is appropriate for informal resolution. The College will consider factors such as the severity of the alleged situation, potential remedies, and relative positions of the Complainant and Respondent, plus any witnesses, in determining whether a complaint is appropriate for informal resolution. In the event that the College does not deem a complaint to be appropriate for an informal resolution, or if informal resolution does not yield consensus, the College will resolve the complaint via a formal investigation.

The Vice President for Student Life, or their designee (the "Investigator"), will conduct the formal investigation as follows:

1. In conducting the investigation, the Investigator will collect evidence and perspective from the Complainant and Respondent. The Investigator may interview witnesses, meet with the Complainant and Respondent, receive oral or written information, and make other

appropriate inquiry. Within thirty (30) business days of the submission of the Complaint, the Investigator will make a decision on the merits of the complaint and any appropriate remedy. If resolution is not possible within thirty (30) business days, the Investigator shall inform the interested parties of the reasons for delay.

The Investigator shall memorialize their decision in writing, together with all bases for it, and contemporaneously submit it to the Director of Disability Services, the Complainant, and Respondent—all via their official College email addresses.

The Complainant or Respondent may appeal the Investigator's decision or remedies only by filing a written grievance under the below Grievance Procedure within seven (7) days after receipt of the Investigator's written decision. At the discretion of the Vice President for Student Life, the College will immediately implement any remedy deemed appropriate by the Investigator, despite any appeal.

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. Nor will the College permit retaliation against anyone who has in good faith filed a complaint against a Student Owner with respect to their use of an Assistance Animal.

Emergency Contact: Every Assistance Animal Student Owner is expected to identify an emergency condition of approval for such animal. Please provide the name and contact information of a person you designate to take care of your animal should you need to leave campus and/or be unable to care for your animal. This person may not be another student who resides in the college residence halls. This person must remove your animal from your residence hall within a reasonable amount of time and in consultation with Residence Life staff. By listing an emergency caretaker, you are giving permission for college personnel to contact this person in the event that you leave campus or are unable to care for your animal. In the event that the emergency contact is unable to take your animal in a timely manner, the college may take steps to have your animal boarded at a local animal facility and you will be responsible for any financial charges._

Grievance Procedures

Students who wish to appeal a denied request for use of an assistance animal may file a grievance utilizing the College's Grievance Procedure.

Grievance Procedure for Students in Cases of Alleged Discrimination on the Basis of a Disability

Elizabethtown College will make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified individual (as those terms defined in the American with Disabilities Act). If you have a disability which requires an accommodation, please contact Lynne Davies, Director of Disability Services (BSC 216, 717.361.1227). Students and the Director will engage an interactive process to determine reasonable accommodations. For more information about the process for requesting a reasonable accommodation, please consult the Disability Services web page.

Elizabethtown College policy and federal law prohibit discrimination on the basis of a disability. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 require that a grievance procedure be available to a student who wishes to contest an administrative or faculty decision regarding documented disability-related accommodations or issues.

Informal Resolution

When a student wishes to contest an administrative or faculty decision regarding disability related accommodations or issues, the student should make every attempt to resolve the problem through informal discussions with the person claimed to be responsible for the contested decision or act. If the student is unable, or chooses not, to resolve the issue directly with that person, the student should involve the Director of Disability Services for advice or help in negotiating a solution. The student may also contact that person's supervisor to assist in the informal resolution process.

Attempts to informally resolve the contested decision or act should occur within thirty (30) business days of the contested decision or act. If the issue cannot be resolved by communication, education, or negotiation to the student's satisfaction through the informal process, the student may follow the formal process set forth below.

Formal Resolution

The student may file in writing a formal grievance with the Dean of the Faculty (for academic issues) or Vice President for Student Life (for student life issues) – hereafter referred to as "the VP or Dean." The grievance statement should be as specific as possible regarding the decision or action(s) that precipitated the grievance: date, place, and people involved; efforts made to settle the matter informally; and the remedy sought.

1. The VP or Dean shall **forward a copy** of the grievance statement to all parties involved within one week of the receipt of the statement. The VP or Dean will also provide a copy of the grievance statement to the Director of Disability Services who will be involved in resolution of the grievance as appropriate.
2. The VP or Dean shall **investigate** the matter set forth in the grievance statement. In conducting the investigation, the VP or Dean may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance and may request a written response to the grievance from appropriate individuals in the College. The VP or Dean may also choose to interview witnesses, to meet with concerned parties, to receive oral or written information, and to make other appropriate inquiry. Within thirty (30) business days of the submission of the grievance statement, the VP or Dean will make a decision on the merits of the student's grievance and the appropriate resolution of the situation. If resolution is not possible within thirty (30) business days, the VP or Dean shall inform the student of the reasons for delay.
3. **Copies of the decision** by the VP or Dean will be sent to the student and the Director of Disability Services. A copy may also be sent to the department or persons whose actions (or inactions) are the subject of the grievance, as appropriate. In the event that any party is not satisfied with the VP or Dean's resolution of the grievance, a written appeal may be made to the President within (5) business days of the student's receipt of the VP or Dean's resolution. The President's resolution is final.
4. **A record of all formal grievances** filed under this procedure will be maintained in the office of Disability Services, The Center for Student Success.

ADA/504 Compliance Officer for Employees is the Director of Human Resources, Myer Hall, 717.361.1406. The ADA/504/ Title II Compliance Officer for Students is Lynne Davies, Director of Disability Services, Baugher Student Center 216, 717.361.1227.

For further information on non-discrimination, visit <http://www2.ed.gov/about/offices/list/ocr/index.html>, or contact the Philadelphia Office of the Office for Civil Rights, U.S. Department of Education, Suite 515, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3323.

OCR.Philadelphia@ed.gov or 215-656-8541

Consent from the emergency caretaker and proof of current vaccinations is required prior to approval; this information must be updated prior to each academic year.

Vaccination records must be affixed to the animal's cage or crate in the event the information is needed for emergency off campus boarding

As a condition of being approved for an Assistance Animal, I consent for Disability Services and/Residential Life 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, Campus Security, Facilities Management 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 although the College will reveal that the animal has been approved for disability-related purpose.

Signature: _____ Date: ____/____/____

I understand and accept the terms of Elizabethtown College's Assistance Animal Policy.

Signature: _____

Printed Name: _____

Date: ____/____/____