**ASSISTANCE ANIMAL POLICY FOR STUDENTS**

Worcester State University (WSU) strives to cultivate a welcoming and inclusive learning, living, and working environment. The University recognizes that students may seek the accommodation of an assistance animal to have an equal opportunity to use and enjoy University housing. No assistance animal may be kept in University residence at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

The purpose of this Policy is to provide the University community with guidelines for the presence and use of assistance animals on campus. This Policy will assist in understanding the rights of students with disabilities who utilize assistance animals, identify types of assistance animals, and provide a framework for managing approved assistance animals on campus. This Policy addresses:

1. **Definitions**
2. **Procedure for Resident Students to Request an Assistance Animal in University Housing**
3. **Review Process and Determination**
4. **Appeal Process**
5. **Areas off Limit to Assistance Animals**
6. **Responsibilities of Owners of Approved Assistance Animals**
7. **Standards for Maintaining an Assistance Animal**
8. **Removal of an Assistance Animal**
9. **Conflicting Disabilities**
10. **Responsibilities of the Campus Community towards Approved Assistance Animal**
11. **Emergency Situations**
12. **Contact Information**

This Policy does not apply to University sponsored programs involving animals, such as the use of therapy dogs during exams.

1. **DEFINITIONS**
	1. **Disability**

The ADA defines disability as a mental or physical impairment that substantially limits one or more major life activities, including seeing, hearing, eating, sleeping, walking, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

* 1. **Assistance Animals**

An “assistance animal” (also referred to as a therapy animal, emotional support animal, or comfort animal) **IS NOT A PET.** It is an animal whose sole function is to provide emotional support, comfort, therapy, companionship, or promote emotional well-being. To be approved by the University, an Assistance Animal must be prescribed by a licensed, qualified professional with whom the student with a disability has an ongoing relationship. Under federal law, an Assistance Animal is defined as:

* a reasonable accommodation for a person with a disability;
* necessary to alleviate one or more of the identified symptoms of a person’s disability; and/or
* necessary as a reasonable accommodation to afford an individual an equal opportunity to use and enjoy University housing.

Examples of assistance animals might include:

* A dog that is necessary to alleviate the symptoms of a student’s anxiety.
* A cat that is necessary to reduce the effects of a student’s depression.
* Although assistance animals are not pets and state and federal law does not restrict assistance animals to certain species, they are typically animals that are commonly kept as household pets. An assistance animal may be a dog, cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small domesticated animal that is traditionally kept in the home for pleasure. Under guidelines from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals. Owners may be asked to vaccinate their assistance animal if the Department of Health determines that rabies is a threat to the campus community.
	1. **Approved Animal**

An “approved animal” is an assistance animal that has been recognized by the University as a reasonable accommodation under this Policy.

* 1. **Owner**

An “Owner” is an individual accompanied by an approved assistance animal. The Owner is the individual with primary responsibility for the approved animal.

1. **PROCEDURE FOR RESIDENT STUDENTS TO REQUEST AN ASSISTANCE ANIMAL IN UNIVERSITY HOUSING**

Students who have been granted University housing may request that they be permitted to bring an assistance animal to their residence hall. Such requests must go through SAS and the Housing Accommodations Committee. Unlike the use of a service animal, the University must approve the use of an assistance animal as a reasonable accommodation. A determination to approve or disapprove an assistance animal request will be based on an individualized assessment of the request and the supporting documentation. The approval of an assistance animal in housing must be reviewed on an annual basis; housing accommodations are not routinely carried from one academic year to the next.

* Any student requesting an assistance animal in housing accommodation must:
	+ If not already registered with SAS, submit a completed Registration Form and attend an interactive intake meeting with the Assistant Director of SAS
	+ Submit a completed Housing Accommodation/Assistance Animal Student Request Form
	+ Submit a completed Housing Accommodation/Assistance Animal Licensed Professional Form. When a student requests this form, SAS will email it to them. Please note, the licensed professional must be in Massachusetts or in the student’s home state. Additionally, the student must have an on-going relationship with the licensed professional and documentation must be dated within the last six months.

Student forms can be found at - <https://emr.worcester.edu/titaniumweb_sas> and must be submitted by the deadline for housing accommodations. Licensed professional forms can be requested through the above link.

1. **REVIEW PROCESS AND DETERMINATION**

Please note: While requests submitted after the deadline will be accepted and considered, the University cannot guarantee that it will be able to meet the needs of late applicants. **Requests that are submitted during a term of residence may not be able to be accommodated until the following term of residence. For example, if a request is received in October, and if approved may not take effect until the spring semester.**

* The Housing Accommodations Committee will review housing/assistance animal requests during its scheduled meeting. SAS will notify the student of the Committee’s decision.
* If the Committee **conditionally** approves the request, prior to bringing an approved assistance animal the student will:
	+ Meet with Residence Life and Housing staff to discuss housing and roommates/suitemates selection. Residence Life and Housing will communicate with all roommates/suitemates/apartment-mates to determine if there are conflicting disabilities. This process must be completed prior to bringing an approved assistance animal to campus.
	+ The student will also meet with SAS to complete an Assistance Animal in Residence Agreement form and the student will provide SAS with all necessary veterinary information (varies by breed of animal).
* The Committee may deny a request for an assistance animal on campus if:
	+ The request does not include documentation from a licensed professional that demonstrates that the assistance animal is a reasonable and necessary accommodation to alleviate the identified symptoms of the person’s disability;
	+ Supporting documentation is incomplete, inadequate, or insufficient;
	+ The request is from a licensed provider outside of the student’s home state or Massachusetts;
	+ The licensed professional does not have an ongoing relationship with the student;
	+ Documentation has been completed in a fraudulent way;
	+ The requested accommodation would constitute an undue financial or administrative burden on the University;
	+ The requested accommodation would fundamentally alter the nature of the housing the University provides.
1. **APPEAL PROCESS**

If the University denies a student’s request for an assistance animal, the student has the opportunity to appeal the decision.

* Appeals must be received in writing by Julie Kazarian, Dean of Students and Chief Student Affairs Officer or their designee at jkazarian@worcester.edu within seven (7) business days of communication of the Committee’s decision. The Dean of Students and Chief Student Affairs Officer or their designee will review the written appeal and all relevant information.
* The Dean of Students and Chief Student Affairs Officer or their designee will notify the student in writing of the University’s final decision. The appeals process will be completed within thirty (30) business days from the time the appeal is referred to the Dean of Students and Chief Student Affairs Officer.
* The decision of the Dean of Students and Chief Student Affairs Officer or their designee is final.
* If a request for an assistance animal is denied, the student may submit a new request if they obtain new or updated information documenting a change in diagnosis or circumstances.
1. **AREAS OFF LIMITS TO ASSISTANCE ANIMALS**
* Assistance animals may be considered for access to University housing, however they are not permitted in other areas of the campus (e.g., libraries, academic buildings, classrooms, labs, student center, dining areas, etc.)
* Assistance animals are not permitted in any area other than the resident’s on-campus assigned residential bedroom. For example, common areas and study lounges are off limits.
* When the Owner is not in their residential bedroom, their assistance animal must be crated or in a cage. Assistance animals are not permitted to roam in their Owner’s bedroom unless the Owner is present.
* Assistance animals are only allowed in other residential common indoor areas (i.e., lobbies) as needed to enter or exit the building.
1. **RESPONSIBILITIES OF OWNER’S OF APPROVED ASSISTANCE ANIMAL WITHIN WSU HOUSING**

 Students with approved assistance animals must abide by the Responsibilities outlined below.

* Owners are responsible for assuring that their assistance animal does not unduly interfere with the routine activities of the residence hall or cause difficulties for students who reside there.
* Owners are financially responsible for any harm to others caused by their assistance animal. Owners agree to indemnify WSU from any claims related to harm or damage caused to a third party by their assistance animal.
* Owners are financially responsible for the actions of their assistance animal, including property damage. Their responsibilities include, but are not limited to, replacement of furniture, carpet, window, wall covering, and the like. Owners are expected to cover these costs at the time of repair and/or move-out.
* Owners are responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to WSU premises that are assessed after the Owner and their assistance animal vacate the residence hall. WSU shall have the right to bill the Owners account for unmet obligations.
* The Owner’s residence may be inspected for fleas, ticks or other pests once a semester or as needed. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a WSU-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 Owner’s assistance animal must be housebroken. Cats must be litter box trained. D**ogs who use training pads** **are not considered housebroken**.
* If an Owner no longer needs their assistance animal or their assistance animal is no longer in residence, they must notify SAS and Residence Life and Housing in writing. To replace an assistance animal, the Owner must submit a new request for accommodations with SAS.
* The Owner’s assistance animal may not be left overnight in WSU housing to be cared for by another student. The Owner’s assistance animal must be taken with them if they leave campus overnight or for a prolonged period. Prolonged periods vary depending on the type of animal. For example, dogs must not be left alone for more than **8 consecutive hours** **at a time. If the dog is a puppy, they may need to relieve themselves outdoors more frequently.**
* Residence Life and Housing has the ability to relocate an Owner and their assistance animal as necessary according to current housing license agreements.
* The Owner agrees to continue to abide by all other Residence Life and Housing policies. While an accommodation in the form of an assistance animal may constitute an exception to a housing policy, the accommodation does not constitute an exception to any other policy.
* Any violation of the above rules may result in immediate removal of an assistance animal from WSU and may be reviewed through the conduct process.
* Any student who brings an animal into their University residence without the requisite approval may face disciplinary action pursuant to University policy.
* Should the assistance animal be removed from the premises for any reason, the Owner is expected to fulfill their housing obligations for the remainder of the housing license agreement.
1. **STANDARDS FOR MAINTAINING AN ASSISTANCE ANIMAL**

The following standards apply to all assistance animals and their Owners.

* 1. **Care and Supervision**
	+ Care and supervision of an assistance animal is the responsibility of the individual/Owner who was approved to have an assistance animal as an accommodation and who benefits from the assistance animals use. The Owner is required to maintain control of the animal at all times.
	+ Owners are responsible for properly containing and disposing of all of their assistance animal’s waste.

Indoor animal waste, such as cat litter, must be placed in a sturdy bag and tied securely before disposal in outside trash receptacles. Litter boxes must be placed on mats so that the waste is not tracked into other areas.

* + Outdoor animal waste, such as dog feces, must be immediately retrieved by the Owner, placed in a plastic bag and securely tied before being disposed of in outside trash receptacles.
	1. **Animal Health and Well-Being**
	+ Assistance animals must have a tag that identifies the Owner and contact information in case of emergency.
	+ Assistance animals must be immunized against diseases common to that type of animal. Routine maintenance of the animal is expected and includes flea and tick prevention, de-worming, and annual examinations. The assistance animals’ health must be documented annually by a licensed veterinarian. WSU has the authority to direct that the assistance animal receives veterinary attention.
	+ Dogs and cats must have current vaccination against rabies and wear a rabies vaccination tag. Local licensing is also required for all dogs. WSU reserves the right to request documentation showing that the animal has been licensed (Massachusetts law requires that every dog be licensed).
	+ Assistance animals must be housebroken. Cats must be litterbox trained. Dogs who use training pads are not considered house broken.
	+ WSU reserves the right to request proof of obedience training for dogs.
	+ WSU reserves the right to request proof of existing relationship between the assistance animal and Owner.
	+ Assistance animals must be under the Owner’s control at all times. An approved animal should be kept under control by a harness, leash, or other tether, unless such a tether would interfere with the animal’s duties.
	+ SAS and/or Residence Life and Housing may place other reasonable conditions or restrictions on the assistance animal depending on the nature and characteristics of the animal.
	+ Owners must give permission to SAS and/or Residence Life and Housing to contact their animal’s veterinarian to request additional medical documentation if needed.
	1. **Animal Abuse and Cruelty is defined by Massachusetts’ law and reporting animal abuse follows the protocol below:**

An Owner of an animal must provide (1) proper food and water, (2) shelter or protection from the weather, (3) veterinary attention needed to reduce or end suffering from disease or injury, and (4) a sanitary environment. An Owner of an animal is prohibited from (a) willfully abandoning an animal, (b) carrying or causing an animal to be carried in or on a vehicle in a manner that endangers that animal including transport of an improperly secured animal, or (c) willfully permit an animal to be subjected to unnecessary torture, suffering, or cruelty.

Violators may be forced to forfeit their animal and/or be subject to a sentence of up to five years in state prison, or up to 2.5 years in state prison and/or a fine of up to $2,500.

* 1. **WSU Expectations**
	+ WSU is not responsible for the care and supervision of an approved animal.
	+ If an approved animal is not properly housebroken or cannot be controlled by its Owner, WSU reserves the right to exclude the animal from campus facilities.
	+ An approved animal must have up-to-date vaccinations as required by state and local laws and documentation of this must be provided to the University.
	+ An approved animal may not pose a direct threat to the health and safety of University community members.
	+ Approved animals that pose a direct threat may be removed from campus.
	+ If an approved animal causes damage to any campus facilities, the Owner may be required to reimburse the University for this damage.
	+ The Owner agrees to hold harmless WSU for any damage or injury to others caused by an approved animal.
1. **REMOVAL OF AN ASSISTANCE ANIMAL**

If an Owner does not abide by the responsibilities outlined in this Policy, the animal may be excluded or removed from housing or the campus, at the Owner’s expense. The University is not required to permit or accommodate an animal if:

* The Owner cannot provide adequate care and supervision of the animal;
* The Owner cannot properly control the animal;
* The animal is not housebroken or cannot be toileted in a sanitary way;
* The animal poses a direct threat to the health and safety of others;
* Accommodating the animal would pose an undue financial and administrative burden; or accommodating the animal would require a fundamental alteration to the nature of the University’s operations.
1. **CONFLICTING DISABILITIES**

Residents with medical condition(s) who are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact SAS if they have a health or safety related concern about exposure to an assistance animal. WSU is prepared to also reasonably accommodate individuals with documented medical conditions that require accommodation when living in proximity to assistance animals.

Residence Life and Housing and/or SAS will resolve any conflict in a timely manner. Staff members will consider the conflicting needs and/or accommodations of all residents involved.

1. **RESPONSIBILITIES OF THE CAMPUS COMMUNITY TOWARDS APPROVED ASSISTANCE ANIMALS**

Members of the University community are required to abide by the following practices regarding assistance animals:

* Allow the assistance animal to accompany its Owner at all times in the Owner’s bedroom. The assistance animal will not be given access to common indoor spaces except as needed to enter and exit the building.
* Do not touch or pet the assistance animal unless invited to do so.
* Do not feed the assistance animal.
* Do not deliberately startle the assistance animal.
* Do not separate or to attempt to separate an assistance animal from its Owner.
* Do not care for the assistance animal.
* Do not inquire for details about the Owner’s disabilities. The nature of a person’s disability is a private matter.
1. **EMERGENCY SITUATIONS**

WSU 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 assistance animal and may not be held responsible for the care, damage to, or loss of the S assistance animal.

1. **COMPLAINTS AND APPEALS**
	1. **Appeals Regarding the Removal of an Assistance Animal**

If the University approves the removal of an assistance animal, the Owner has the opportunity to appeal the decision.

* Appeals must be received in writing by Julie Kazarian, Vice President of Student Affairs at jkazarian@worcester.edu within seven (7) business days of communication of the decision. The Vice President of Student Affairs will review the written appeal and all relevant information.
* The Vice President of Student Affairs will notify the student in writing of the University’s final decision. The appeals process will be completed within thirty (30) business days from the time the appeal is referred to the Vice President of Student Affairs.
* The decision of the Vice President of Student Affairs Officer is final.
* Owners whose appeal has been denied may make a new request for an assistance animal provided that request is supported with substantially new documentation regarding a changed diagnosis or changed circumstances.
	1. **All Other Complaints**
* Other disputes or disagreements about a disability determination, appropriateness of an accommodation, service quality, or an animal restriction should first be raised with Student Accessibility Services.
* Any person dissatisfied with a decision concerning an assistance animal may file a grievance by in writing for review of the objection. The request should be filed with the Executive Director of Affirmative Action & Equal Opportunity Chief Diversity & Equity Officer Maria Gariepy mgariepy1@worcester.edu who shall first seek to mediate the grievance and thereby effect an informal resolution of the matter within five (5) class days of a written request. If an informal resolution is not obtained, a formal grievance process will be held. The student will meet in person with Maria Gariepy who will collect all information. Within ten (10) class days of the conclusion of the grievance process and/or hearing, a summary of the proceedings, findings, and recommendations will be made in writing and provided to all appropriate parties.
* Owners also have the right to file a complaint with the U.S. Department of Justice, Civil Rights Division or the Department of Education’s Office for Civil Rights if they believe they have been subject to discriminatory treatment. Individuals have 180 days from the date of the incident to file a complaint with the Department of Justice.

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| U.S. Department of Justice950 Pennsylvania Avenue, NWCivil Rights DivisionDisability Rights Section – 1425 NYAWashington, D.C. 20530Fax: (202) 307-1197ADA.complaint@usdoj.govADA Information Line: 800-514-0301 or 800-514-0383 (TTY) | U.S. Department of EducationOffice for Civil Rights33 Arch Street, 9th FloorBoston, MA 02119-1424OCR.Boston@ed.gov(617) 289-0111Fax (617) 289-0150TDD (877) 521-2172 |

**CONTACT INFORMATION**

Any students with questions concerning this Policy should contact Sharon de Klerk, Assistant Director, Student Accessibility Services, at (508) 929-8284 or sdeklerk@worcester.edu

(Worcester State University reserves the right to amend this Policy as circumstances require, June 30, 2022)