**SERVICE ANIMALS ON CAMPUS**

Worcester State University (WSU) strives to cultivate a welcoming and inclusive learning, living, and working environment. The University recognizes that some community members will require the assistance of a service animal to participate fully in the University’s programs and activities and to access campus spaces on a fair and equitable basis. WSU has developed this Policy consistent with the Americans with Disabilities Act, the Rehabilitation Act and applicable state laws.

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

1. **Definitions & Requirements**
2. **Service Animals for Non-Resident Students**
3. **Service Animals for Resident Students**
4. **Service Animals for Visitors**
5. **Responsibilities of Owners of Service Animals**
6. **Responsibilities of Community Members toward Service animals**
7. **Conflicting Disabilities**
8. **Emergency Situations**
9. **Complaints and Appeals**
10. **Contact Information**

This Policy does not apply to University sponsored programs involving animals.

1. **DEFINITIONS and REQUIREMENTS**
	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. **Owner or Handler**

An “Owner” or “handler” is an individual accompanied by an approved service animal. The Owner/handler is the individual with primary responsibility for the service animal.

* 1. **Service Animal**

The ADA defines a “service animal” as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability”. Miniature horses may also serve as service animals, if they have been individually trained to do work or perform tasks for the benefit of a person with a disability. Other animal species are not considered service animals under the ADA.

Service animals are working animals, not pets. The work or tasks performed by a service animal must be directly related to the person’s disability. Examples of such work or tasks may include but are not limited to:

* Assisting a person who is blind or vision-impaired with spatial navigation;
* Alerting a person who is deaf or hard of hearing to the presence of people or sounds;
* Pulling a wheelchair;
* Assisting a person who has a seizure disorder;
* Retrieving items such as medication or the telephone;
* Providing physical support and assistance with balance and stability to individuals with mobility impairments; and
* Helping a person with a sensory processing disorder manage overwhelming sensory information.
* Individuals requiring a service animal are not required to provide documentation to verify that the service animal has been specially certified, trained, or licensed as a service animal. In cases where it is not obvious that the dog or miniature horse is a service animal, federal law provides that the University may ask only two specific questions:

(1) Is the dog or miniature horse a service animal because of a disability?

(2) What work or task has the service animal been trained to perform?

* State and federal laws do not require students or visitors to engage in the interactive process to bring a service animal to campus, and service animals may accompany their Owners in all areas of the University where members of the public, students, faculty, and staff are allowed access.
* Service animals may be excluded from certain areas of the University if the animal’s presence interferes with legitimate health or safety requirements. Such restricted locations include, but are not limited to, food preparation areas, certain research laboratories, mechanical rooms/custodial closets, wood/metal/machine shops, classrooms with demonstration/research animals, areas where protective clothing is necessary, and/or other areas where the animal's presence may constitute a danger or a fundamental alteration of the program or activity conducted in the area.
* Access to restricted areas may be granted on a case-by-case basis by contacting the appropriate department/area head and Student Accessibility Services (SAS). The University will pursue an interactive process to determine whether or not admission of the service animal will be granted or denied. The person directing the work in the restricted area will make the final decision regarding access based on the nature of the activities occurring in the area and the best interest of the animal.
* When the Owner of a service animal must be in one of the restricted areas for academic or job requirements, alternate arrangements will be considered to provide access if it does not alter the fundamental requirements of the course.
* Consistent with applicable laws, WSU may make modifications to these requirements for a service animal, if the animal has been specially trained to assist a person with a disability and has met other relevant criteria for a service animal.
1. **SERVICE ANIMALS FOR NON-RESIDENT STUDENTS**
* For health and safety reasons, the University requests (but does not require) that non-resident students with service animals register with SAS so that relevant campus personnel are aware of the animal’s presence and emergency responders will be better able to assist the student and the animal in the event of an emergency or a campus evacuation.
* A non-resident student may register the service animal with SAS by completing a Voluntary Service Animal Registration Form. This form may be requested electronically via email to SAS@worcester.edu.
* A non-resident student is NOT required to submit documentation of a disability, but the student must abide by the appropriate guidelines and responsibilities in this Policy.
* The University may require a non-resident student to provide proof that the student’s service animal has received all vaccinations required by law.
1. **SERVICE ANIMALS FOR RESIDENT STUDENTS**
* Students who reside on-campus and have a Service Animal that needs to reside with them in campus housing are not required but are encouraged to register with SAS.
* In advance of bringing a service animal to live on-campus, however, the student must follow the steps below:
	+ The student must submit a Service Animal Housing Registration Form along with their Housing Application by the due date as indicated on the Residence Housing and Life website. This allows the University to assign the student to the most appropriate housing location with their animal in consideration of their access needs and preferences. While applications submitted later than the due date will be accepted and considered, WSU cannot guaranty that it will be able to meet late applicant’s needs.
	+ The form requests information such as: A current veterinarian report including proof of necessary vaccinations; dogs must wear a current rabies vaccination tag; a copy of the appropriate animal license from the City of Worcester or local municipality; the size of the animal; and the breed of animal.
	+ If the student’s disability and/or the work or tasks performed by the service animal are not readily apparent SAS may ask (1) whether the service animal is required because of a disability; and (2) what work or tasks the animal has been trained to perform.
	+ The student’s prospective roommate(s), suitemate(s) or other nearby neighbors may be notified that the service animal will be residing in a shared space or nearby.
	+ Residence Life and Housing will review the student’s housing assignment for access needs related to space in relation to the size of the animal and the impact to roommates based on any verified factors related to conflicting disabilities or health conditions.
	+ Residence Life and Housing, SAS staff, University Police and other pertinent University offices and administrators may be notified of the housing assignment as appropriate.
* A resident student planning to bring their service animal into University housing must submit a new Service Animal Housing Registration Form each year; housing assignments are reviewed on an annual basis.
* Resident students with service animals must abide by the appropriate guidelines and responsibilities in the Policy.
1. **SERVICE ANIMALS FOR VISITORS**
* Campus visitors and guests are permitted to have service animals on campus. University employees must allow service animals to access the same areas on campus that their Owners are permitted to access. University personnel are only permitted to ask two questions of someone with a service animal:

(1) Is the dog or miniature horse a service animal because of a disability?

(2) What work or task has the service animal been trained to perform?

* University personnel may not request proof of a disability or certification of the service animal’s training. All visitors to campus with service animals are expected to adhere to the same service animal control and behavior guidelines as students set forth in this Policy.
1. **RESPONSIBILITIES OF OWNERS OF SERVICE ANIMALS ON CAMPUS**

These guidelines apply to all service animals and their Owners/handlers, unless the nature of the documented disability of the Owner precludes adherence to these guidelines, and permission for a variance has been granted.

* A service animal must be housebroken and must be under the effective control of its Owner at all times. A service animal should be kept under control by a harness, leash, or other tether, unless such a tether would interfere with the animal’s working duties (see below).
* WSU is not responsible for the care and supervision of a service animal. If a service animal is not properly housebroken or cannot be controlled by its Owner, WSU reserves the right to exclude the animal from campus facilities. A service animal must have up-to-date vaccinations as required by state and local laws and documentation of this must be provided to the University. A service animal may not pose a direct threat to the health and safety of University community members. Service animals that pose a direct threat may be removed from campus (see below).
* If a service animal causes damage to any campus facilities, the Owner/handler may be required to reimburse the University for this damage
	1. **Care and Supervision**
* Care and supervision of a service animal is the responsibility of the individual/Owner. The Owner is required to maintain control of the service animal at all times.
* The Owner is responsible for immediately retrieving the animal’s waste and placing it in a sturdy bag, tying it securely and disposing in an outside trash receptacle.
* The individual requiring a service animal has full responsibility for the care and feeding of a service animal, while the animal resides at the University. The Owner is responsible for ensuring that the animal is not left unsupervised for long periods of time (no longer than eight consecutive hours at a time). If the service animal is a puppy, they may need to relieve themselves outdoors more frequently. The Owner is responsible for ensuring that the animal is kept under reasonable control at all times. The Owner is responsible for ensuring that the animal does not cause an undue disturbance or unmanageable interference to other University residents or personnel.
* The Owner is subject to charges to repair any physical damage to University housing facilities or furnishings caused by a service animal. The Owner may be subject to charges to replace furniture, carpet, flooring, windows, window coverings, appliances, or other items damaged by the animal. The Owner is subject to charges for any cleaning needed to restore University housing facilities or furnishings to a standard state due to unsanitary conditions caused by a service animal.
* The Owner agrees to hold harmless WSU for any damage or injury to others caused by a service animal.
	1. **Animal Health and Well-Being**
* **Vaccination:** The Owner is responsible for ensuring that the service animal is free of diseases, has all up-to-date required and recommended vaccinations and treatments, and receives regular care from a licensed veterinary provider. Dogs must have current vaccinations against rabies and wear a current rabies vaccination tag.
* **Veterinary Care:** The Owner is responsible for ensuring that the service animal receives any other needed veterinary care in a timely manner from a licensed veterinarian. The University can require that the Owner provide veterinary care for an animal that is sick or requires vaccinations or other treatment. Animals that are sick or require vaccinations or other treatment can be removed from University housing, at the expense of the Owner.
* The Owner is responsible for ensuring that the animal is bathed or groomed regularly and reasonably free of pests and that the animal has effective protection against fleas, ticks, or other pests.
* **Exercise and Feeding:** The Owner is responsible for ensuring that the service animal is regularly fed a nutritious diet and receives any needed regular exercise.
* **Licensing:** The Owner is responsible for ensuring that the service animal is licensed, according to state and local laws, and WSU reserves the right to request documentation showing that the service animal has been licensed. Note: Massachusetts law requires that every dog be licensed and provides that service dogs are exempt from the license fee.
* **Obedience/Behavioral Training:** Service animals must be properly trained.
* **Other conditions:** SAS and/or Residence Life may place other reasonable conditions or restrictions on the service animal depending on the nature and characteristics of the animal. The Owner assumes any other reasonable responsibilities for the care, supervision, and feeding of the animal, consistent with federal, state, and local laws and University policies.
	1. **Removal of a Service Animal**

If an Owner does not abide by the responsibilities outlined in this Policy, the service animal may be excluded or removed from University housing or 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; and/or
* Accommodating the animal would require a fundamental alteration to the nature of the University’s operations.
1. **RESPONSIBILITIES OF THE CAMPUS COMMUNITY TOWARDS SERVICE ANIMALS**

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

* They are to allow a service animal to accompany its Owner at all times and in all places on campus, except where service animals are specifically prohibited.
* They are not to touch or pet a service animal unless invited to do so by the Owner.
* They are not to feed a service animal without permission from the Owner.
* They are not to startle or to attempt to separate an Owner from their service animal.
* They are not to inquire for details about the Owner’s disabilities. The nature of a person’s disability is a confidential matter.
1. **CONFLICTING DISABILITIES**

It is likely that persons at the University may have a disability that precipitates an allergic reaction to animals. Individuals who have asthma, allergies or other medical conditions are to be directed to SAS. This individual will be asked to provide medical documentation that identifies the condition(s) and will allow determination to be made as to whether the condition is disabling and whether there is a need for an accommodation. Action will be taken to consider the needs of both or all persons to resolve the problem as efficiently and effectively as possible. In the event that an agreement cannot be reached, the University’s decision is final and not subject to appeal.

1. **EMERGENCY SITUATIONS**

WSU shall not be required to provide care or food for any Service 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 Service Animal and may not be held responsible for the care, damage to, or loss of the Service Animal.

1. **COMPLAINTS AND APPEALS**

If the University approves the removal of a Service Animal, the Owner has the opportunity appeal the decision.

* 1. **Appeals Regarding the Approval or Removal of a Service Animal**
* 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.
	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.

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| * 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 |

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1. **CONTACT INFORMATION**

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

Any employee or visitor with questions concerning this Policy should be directed to Fran Manocchio, Assistant Dean for Student Affairs and Director, Student Accessibility Services at (508) 929-8238 or fmanocchio@worcester.edu.

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