

Massachusetts College of Art and Design

Policy Regarding

Service Animals, Emotional Support Animals, and Pets on Campus

Massachusetts College of Art and Design recognizes the importance of Service Animals and Emotional Support Animals to individuals with disabilities. This Policy ensures that people with disabilities, who require the use of Service Animals or Emotional Support Animals as a reasonable accommodation, receive the benefit of the work or tasks performed or the therapeutic support provided by such animals. This Policy applies to all members of the MassArt community, including, students, faculty, staff, vendors and visitors.

MassArt is committed to allowing people with disabilities the use of a Service Animals or Emotional Support Animal on campus to facilitate their full participation in and equal access to the College's programs and activities. At the same time, MassArt has an obligation to be attentive to the health and safety of other individuals within the College community. This Policy and its procedures are focused on meeting these dual obligations.

Set forth below are the procedures the College uses in determining an individual's eligibility for a Service Animal or Emotional Support Animal, as well as the specific requirements and guidelines concerning the appropriate use of and protocols associated with having Service Animals and Emotional Support Animals on campus for students, Housing and Residence Life has additional requirements for Service Animals and Emotional Support Animals due to the factors associated with on-campus living.

MassArt reserves the right to amend this Policy as circumstances require.

SECTION I. SERVICE ANIMALS

A. Definition

A "Service Animal" is a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. A disability is a mental or physical impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, breathing, working and learning. In some cases, a miniature horse may be permitted as a Service Animal. All other animals, whether wild or domestic, do not qualify as Service Animals. Examples of the work or tasks performed by Service Animals include:

- guiding people with low vision or who are blind;
- alerting people who are deaf or hard of hearing;
- pulling a wheelchair or stabilizing a person's gait;
- retrieving items such as medicine, food or a phone;
- alerting and protecting a person who is having a seizure;
- reminding a person with mental illness to take prescribed medications;
- calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack; or
- informing individuals who may be experiencing flashbacks of emotional trauma.

Service Animals are working animals; Service Animals are not pets. The work or task a Service Animal has been trained to provide must be directly related to the person's disability. If a dog meets this

definition, it is considered a Service Animal regardless of whether it has been licensed or certified by a state or local government or a training program.

Dogs whose sole function is to provide comfort or emotional support do not qualify as Service Animals (see other Sections of this Policy for information concerning Emotional Support Animals).

B. Owner

The “Owner” is the student, staff member, faculty member, vendor, visitor or other community member who requires the use of a Service Animal to perform tasks or work related to the individual’s disability.

C. Service Animals in Training

Under Massachusetts law, individuals qualified to train animals to aid and guide persons with disabilities are afforded the same rights to those individuals who require the assistance of a Service Animal. If you are training an animal to aid and guide persons with disabilities, you comply with the requirements set forth in this Policy. If you live in on-campus housing and are training a Service Animal in accordance with Massachusetts law, you must contact Student Accessibility Services and the Housing Office and comply with the requirements set forth in this Policy.

For the purpose of this Policy, all references to Service Animals are meant to also refer to Service Animals in training.

D. Campus Access for Service Animals

Subject to certain limitations set forth below, Service Animals may accompany students, faculty, staff, vendors and throughout campus. When an individual’s disability is obvious, MassArt does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Individuals accompanied by a Service Animal on campus who do not need any other disability-related accommodations are not required to register with the Academic Resource Center or the Executive Director for Human Resources.

Additionally, when an individual’s disability is obvious, federal law does not require the individual to provide documentation that an animal has been trained as a Service Animal. The College may, however, ask two questions:

1. Is the animal required because of a disability?

and

2. What work or task has the dog been trained to perform?

If the answer to the first question is yes, and the answer to the second question is some work or task related to the disability, then the animal is a Service Animal.

When an individual’s disability is obvious, the College may not: ask about the nature/extent of the individual’s disability; require documentation that the dog is trained or is a Service Animal, and/or ask the dog to perform the work/task.

When it is not obvious that a dog is a Service Animal, or other circumstances arise which would justify evaluating the presence of a dog, the College may engage in the interactive process with the Owner to determine if the Owner has a disability and whether the dog is trained to perform certain tasks related to the individual's impairment.

If you are unsure if your dog is a Service Animal, students should make an appointment with Academic Resource Center and employees should contact the Executive Director for Human Resources office.

A Service Animal is permitted to accompany an owner anywhere the Owner goes on campus except in certain locations where the animal's health and safety may be compromised. These areas include, but are not limited to:

- Mechanical/custodial rooms/closets. These locations can have chemicals or machinery that could potentially harm a service animal; and service animal may cause disruptions to services.
- Any room, studio, or classroom with sharp metal cutting or glass shards on the floor, hot machinery or hot materials such as molten metal or glass; excessive dust or moving machinery.
- Any area in which protective closing is required.

When the Owners of Service Animals must be in one of these restricted areas for a course or a job requirement, alternative arrangements will be considered to provide access if it does not alter the fundamental requirements of the job or course requirement.

E. Service Animals in College Housing

Students planning to bring their Service Animals to reside in College housing must follow the steps outlined below:

1. The student should submit his or her Housing Application no later than May 1 so that the student can be assigned to the most appropriate housing location with their Service Animal, taking into consideration the student's needs and preferences.

While applications submitted after these dates will be accepted and considered, MassArt cannot guarantee that it will be able to meet late applicants' accommodation needs, including any needs that develop during the semester.

2. A student's request for a Service Animal in housing does NOT require documentation of disability unless the student's disability is not obvious.

4. Upon determination of the student's room assignment, the College shall notify the appropriate residential building staff that there will be a Service Animal assigned to the room.

5. Upon determination of the student's room assignment, the student's prospective roommate(s) or suitemate(s) will be notified (if applicable) to solicit their acknowledgement of the presence of the Service Animal in the shared assigned living space.

F. Emergencies on Campus

In the event of an emergency on campus, emergency personnel must be informed about the presence of all Service Animals in order for the Owners and their Service Animals to be evacuated safely.

SECTION II. EMOTIONAL SUPPORT ANIMALS

A. Definition

An Emotional Support Animal (“ESA”) is an animal whose sole function is to provide emotional support, comfort, therapy, companionship, or promote personal. An ESA is not a Service Animal or a Pet for the purposes of this Policy.

ESAs may also be referred to therapy animals, comfort animals or assistance animals. Unlike Service Animals, ESAs are not required to be trained to perform work or tasks, and they include species other than dogs and miniature horses.

Bats, poisonous animals, wild animals and domestic stray animals are prohibited from MassArt for safety reasons. Owners may be asked to vaccinate their ESAs if the Department of Health determines that rabies is a threat to other community members.

B. Owner

The “Owner” is the student, staff member, faculty member, vendor, visitor or other community member whose ESA has been approved by the College as a reasonable accommodation for the individual’s disability.

C. Training

Some, but not all, ESAs are professionally trained. Other ESAs are trained by their owners. In some cases, no special training is required. The question is whether or not the ESA provides the benefit needed as a reasonable accommodation by the person with the disability. Unlike a Service Animal, an ESA does not assist a person with a disability with activities of daily living, and it may not need to accompany its Owner at all times.

C. ESAs for Students in College Housing

Students requesting to reside with an ESA in College Housing must engage in the interactive accommodation process with the Academic Resource Center and follow the procedures set forth below. Students are not permitted to bring ESAs into College housing without documentation of a disability and the College’s the approval of the presence of the ESA as a reasonable accommodation for the student’s disability.

1. A person requesting permission to keep an ESA in College housing must make a formal request to the Academic Resource Center. To do so, the person should submit the appropriate Request for Accommodation form, as well as supporting documentation of their disability. The request should be directed to the Associate Dean of the Academic Resource Center and the forms are available online at: [STUDENT ACCESSIBILITY SERVICES](#).

Current (dated within the last 6 months) documentation of the need for an ESA should generally include the following information:

- a. Verification of the individual’s disability from a physician, psychiatrist, social worker, or other health professional;
- b. Statement on how the animal serves as an accommodation for the verified disability; and

c. Statement on how the need for the animal relates to the ability of the resident/student or live-in family member to use and enjoy the living arrangements provided by the College.

2. The following deadlines for requesting an ESA as a housing accommodation apply:

MassArt incoming students:

Submitted with housing application but no later than May 1 for the fall semester and no later than December 15 for the spring semester.

All other MassArt students:

Submitted with housing application but no later than May 1 for the fall semester.

While applications submitted after these dates will be accepted and considered, MassArt cannot guarantee that it will be able to meet late applicants' accommodation needs, including any needs that develop during the semester.

3. If approved as a reasonable accommodation and determination of the student's room assignment, the College shall notify the appropriate residential building staff that there will be an ESA assigned to the room.

4. Upon determination of the student's room assignment, the student's prospective roommate(s) or suitemate(s) will be notified (if applicable) to solicit their acknowledgement of the presence of the ESA in the shared assigned living space.

5. A student whose request for an ESA is not approved will have the opportunity to submit an appeal to the Vice President of Student Development, who shall consult with the appropriate College personnel to consider the appeal.

D. Campus Access for All Other ESAs

Outside of Campus Housing, ESAs are generally not allowed to accompany persons with disabilities in any academic or public areas of campus without the College's prior approval of the animal as a reasonable accommodation.

All persons (other than resident students) seeking to bring an ESA to campus must make a formal request the ESA as a reasonable accommodation for a disability. Commuter/nonresident students should make their request to the Associate Dean of the Academic Resource Center an appointment with Academic Resource Center. Employee and other community members should direct their request to the Executive Director for Human Resources. The College is entitled to request documentation of the individual's disability and discuss the requested accommodation for an ESA through the interactive process as it would for any other requested accommodation.

E. Emergencies on Campus

In the event of an emergency on campus, emergency personnel must be informed about the presence of all ESAs in order for the Owners and their ESAs to be evacuated safely.

SECTION III. RESPONSIBILITIES OF OWNERS OF SERVICE ANIMALS AND ESAs ON CAMPUS

While on campus, the Owner, not the College, is responsible for the animal's care and supervision.

The owner must feed and walk the animal, and properly dispose animal waste. When appropriate, the Owner must toilet the animal in areas designated by the College consistent with the reasonable capacity of the Owner. Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash dumpsters. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces.

The Owner must keep the animal under control at all times outside of a residence hall bedroom – via a harness, leash, tether - unless the Owner's disability precludes the use of a restraint or if the restraint would interfere with the service animal's safe, effective performance of work or tasks.

Reasonable behavior is expected from the animal at all times. If an animal exhibits unacceptable behavior, the Owner is expected to employ the proper training techniques to correct the situation.

The animal must be housebroken and must be free from offensive odors and display habits appropriate to the environment.

The animal may not engage in behavior that endangers the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services. The endangerment, however, may not be remote or speculative, such as a mere belief or a fear that the animal might bite someone or annoy others.

All animals must meet the licensing requirements and health requirements imposed by the Commonwealth of Massachusetts, the City of Boston or other local authorities, and the College may require documentation of compliance.

Individuals with disabilities who are accompanied by Service Animals or ESAs must comply with the same College rules regarding noise, safety, disruption, and cleanliness as persons without disabilities.

The College does not require any surcharges or fees related to presence of Service Animals or ESAs. Owners, however, may be charged for damage caused by any animal.

SECTION IV. REMOVAL OF SERVICE ANIMALS AND ESAs FROM CAMPUS

All Owners shall promptly comply with any College directive to remove their animal from an area in which it was previously authorized if:

The Owner does not comply with the above requirements in Section III;

The animal or its presence creates an unmanageable disturbance or interference with the MassArt community; and/or

The animal is in ill health.

Generally, allergies and fear of dogs may not be valid reasons for denying access to Owners with Service Animals or ESAs, without attempting to accommodate the parties through a separation or other arrangements. An individualized assessment is required for each situation.

SECTION V. CONFLICTING HEALTH CONDITIONS

Housing personnel will make a reasonable effort to notify resident students in College housing where the Service Animal or ESA will be located.

Community members with documented medical condition(s) that are affected by the presence of animals (*e.g.*, respiratory diseases, asthma, severe allergies) are asked to contact either Academic Resource Center or the Executive Director for Human Resources office, as appropriate, if they have a health or safety related concern about exposure to a Service Animal or ESA. The College is prepared to reasonably accommodate such individuals.

The College will attempt to resolve any such conflict in a timely manner. The College will consider the conflicting needs and/or accommodations of all persons involved.

SECTION VI. PETS

A “Pet” is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an ESA. Members of the community are not permitted to bring or maintain pets on campus property or in campus buildings.

SECTION VII. COMPLAINTS AND APPEALS

Any person who is dissatisfied with a decision concerning a Service Animal, ESA or pet may file a complaint pursuant to the Complaint Investigation and Resolution Procedures contained in the College’s Equal Opportunity, Diversity and Affirmative Action Plan, a copy of which can be found on the College’s website at: [Equal Opportunity, Diversity and Affirmative Action Plan](#).

If the College has ordered an Owner to remove an animal from campus, an expedited appeal may be to the Academic Resource Center or the Executive Director for Human Resources office, as appropriate. In such cases, a detailed, written appeal must be submitted within five (5) business days after notification that the animal must be removed. The Owner must specifically address the reason(s) for the appeal. An appropriate committee will review the appeal and respond to the Owner within five (5) business days of the receipt of the appeal.