

DCC Service and Emotional Support Animals Procedures

Dutchess Community College is committed to reasonably accommodating persons with disabilities who require the assistance of Service Animals as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of emotional services animals that provide physical and/or emotional support to individuals with disabilities under the Fair Housing Amendments Act (FHAA) of 1988.

The Fair Housing Amendments Act of 1988 protects the right of people with disabilities to keep animals for emotional support, even when there is a general “no pets allowed” policy.

An emotional support (assistance/comfort) animal is not a service animal and unlike service animals, ESAs may not need or be permitted to accompany the individual with the disability at all times.

Animals that provide comfort or support do not qualify as service animals under the ADA but may qualify under the FHAA.

Although it is the policy of DCC that individuals are generally prohibited from having animals of any type in DCC Housing, requests will be considered by an individual with a disability for reasonable accommodation from this prohibition to allow an emotional service animal that is necessary because of a disability. However, no ESA may be kept in DCC housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy.

The College is also mindful of the health and safety concerns of the campus community. Thus, the College must balance the need of the individual with the disability with the potential impact of the animal on other campus patrons. The successful implementation of the policy requires the cooperation of students and staff.

Requests must be submitted at least 60 days prior to need. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into housing, DCC cannot guarantee that it will be able to meet their accommodation needs during the first semester or term of occupancy.

All requests for ESAs in College housing are subject to annual review.

Definitions

Disability:

“Disability” is defined as a physical, mental or medical condition or impairment that limits one or more of a person’s major life activities or is demonstrable by medically accepted clinical or laboratory diagnostic techniques. These limitations may include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.

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Service Animal:

A “service animal” is any animal trained to do work or perform tasks for the benefit of an individual with a disability. The tasks a service animal provides include but are not limited to: guiding individuals with impaired vision; alerting individuals who are hearing impaired to intruders or sound; providing minimal (non-violent) protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; or fetching dropped items. Link to ADA website for discussion of service animals: [Service Animals | ADA.gov](https://www.ada.gov/service-animals/)

Emotional Support Animal:

An “emotional support animal” (“ESA”) is an animal that provides necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Service Animals under the ADA and DCC’s Service Animal Policy. Some ESAs are professionally trained, but in other cases ESAs provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as ESAs, but any animal may serve a person with a disability as an ESA.

If the Individual with a disability establishes necessity for an emotional service animal, and it is allowed in DCC housing, an ESA is not permitted in other areas of the college (eg: dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, individual centers, etc.)

Owner: The “owner” is the individual who has requested the accommodation and has received approval to bring the ESA into DCC housing.

Pet: A pet is an animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a service animal or an emotional support animal, and therefore, it is not covered by this policy. Students are not allowed to have pets on College property.

Determination: The determination of whether a comfort animal will be permitted in College housing is made on a case-by-case basis, through an interactive process involving the individual requesting the accommodation and relevant campus personnel. In all cases, the needs of the individual are balanced with the impact of an animal on other campus residents and patrons.

In order for an ESA to be considered a reasonable accommodation in College housing, there must be current verification of need from a physician, psychiatrist, licensed clinical social worker, or licensed psychologist provide to the Office of Accommodative Services which:

1. Verifies that the student has a physical or mental impairment that substantially limits one or more major life activities;
2. Describes the need for the requested accommodation;

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3. Identifies the relationship between the student's disability and need for the support animal.

College Housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in our residence halls. To ensure that the presence of ESAs are not an undue administrative burden or fundamental alteration of DCC housing, DCC reserves the right to assign an individual with an ESA to a single room without a roommate.

However, for all requests for ESAs, the Office of Accommodative Services shall nonetheless consult with Academic Housing in making a determination on a case-by case basis of whether the presence of an ESA is reasonable. A request for an ESA may be denied as unreasonable if the presence of the animal:

- (1) imposes an undue financial and/or administrative burden;
- (2) fundamentally alters DCC housing policies; and/or
- (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including DCC property.

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

1. The size of the animal is too large for available assigned housing space;
2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
4. The animal is not housebroken or is unable to live with others in a reasonable manner;
5. The animal's vaccinations are not up-to date;
6. The animal poses or has posed in the past, a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others;
7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
8. DCC will not limit room assignments for individuals with ESAs to any particular building or buildings because the individual needs an ESA because of a disability.

Process:

The procedure for requesting ESAs follows the general procedures set forth in DCC's special housing and accommodation request form.

IV Access to DCC Facilities by ESAs

An ESA must be contained within the Owner's privately assigned individual living accommodations (e.g. room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an ESA is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. When Owners are not in the living area, the ESA must be contained in a crate or animal carrier to ensure safety of the animal. ESAs are not allowed in any DCC facilities other than DCC residence halls to which the individual is assigned.

The ESA must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from DCC housing.

V Owner's Responsibilities for ESAs:

The owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Owner's responsibility to know and understand these ordinances, laws and regulations. DCC has the right to require documentation of compliance with such ordinances, laws, and/or regulations which may include a vaccination certificate. DCC reserves the right to request documentation showing that the animal has been licensed.

Care and Supervision:

1. Care and supervision of the animal is the sole responsibility of the student who benefits from the animal's use. The student is required to maintain control of the animal at all times.
2. The owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and /or discipline for the responsible individual.

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3. DCC will not ask for or require an individual with a disability to pay a fee or surcharge for an approved ESA.
4. The student is responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated by the College.
5. General grooming of the animal is expected to avoid significant odors and or to manage shedding. Owners may not use human showers/tubs within DCC's residential community to bathe or clean their ESA.
6. Owners are responsible for taking effective precautions to avoid flea and tick infestations. If the ESA is found to have fleas or ticks, the owner will be responsible for eliminating the fur coat infestation, laundering all pet bedding, and treating carpet and upholstery in the owners living space according and related costs. The Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of DCC'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 owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The College shall have the right to bill the Owner's account for unmet obligations under this provision.
7. ESAs **may not be left** overnight in DCC Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner.
8. The Owner must name an emergency contact (other than a student in residence) should someone else need to care for the ESA unexpectedly.
9. The owner agrees, as all students do, to continue to abide by all other Residence Life policies. Having an ESA does not preclude the owner from following all other guidelines found in the Housing Agreement and Student Code of Conduct.
10. The animal is allowed in DCC housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Accommodative Services Office in writing if the ESA is no longer needed or is no longer in residence. To replace an ESA, the new animal must be necessary because of the Owner's disability and the owner must follow the procedures in the Policy when requesting a different animal.

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11. DCC Personnel shall not be required to provide care or food for an ESA including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal. Students must be prepared for the possibility that emergency personnel will not rescue their ESA. Students will not be permitted to enter the building to rescue them during emergency evacuations.
12. The individual must provide written consent for the Accommodative Services Office to disclose information regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal including, but not limited to Conklin Hall 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.

Health and Safety: The student is responsible to ensure that the health and safety of others is not threatened by an emotional support animal. Similarly, animals authorized to live in College housing must not interfere with others' enjoyment of the residential space (e.g., by barking, creating an unsanitary condition, etc.).

Other Conditions: In response to a particular situation, DCC may impose other reasonable conditions or restrictions, if necessary to ensure the health, safety and reasonable enjoyment of others.

VI. Expectations of Faculty, Staff, Students, and Other Members of College Community

Members of the College community are expected to abide by the following practices:

1. Allow a service animal to accompany its owner at all times and in all places on campus, except where the presence of the service animal would present an unreasonable threat to health or safety. In extraordinary situations or settings, such as animal research laboratories and areas housing research or teaching animals, it may be necessary to ban service animals. In those situations, the College will work with the individual to determine other options for the individual to receive the benefit of the College's program.
2. Do not touch or pet a service or emotional support animal.
3. Do not feed a service or emotional support animal.
4. Do not deliberately startle a service or emotional support animal.
5. Do not separate or attempt to separate an owner from his or her service or emotional support animal.

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6. Do not inquire for details about a person's disabilities. The nature of a person's disability is a private matter.

VII. Removal of Service or Emotional Support Animal

The owner of a service or emotional support animal may be asked to remove the animal from College facilities if the owner or animal fails to comply with this policy. The timeliness of removal will be determined by the seriousness of the behavior/condition. Failure to respond to request to remove animal may result in DCC student conduct review.

The following describes behaviors which may result in the removal of the animal.

Disruptive Behavior: An animal may be removed if its behavior is unruly or disruptive (e.g., barking, growling, damaging College property, jumping on people, taking food from tables, taking or damaging of personal belongings of individuals other than the owner, running around, or displaying aggressive behavior). The owner may be prohibited from bringing the animal on campus until the owner takes significant and effective remedial steps to correct the animal's behavioral problems.

Poor Health: Animals with health conditions that pose a threat to others are not permitted.

Uncleanliness: The animal must be kept clean and free of pests. Owners who fail to properly clean up and dispose of the animal's waste may be required to remove the animal from University property. Owners of animals that are otherwise unclean or unkempt may be required to remove the animal from University property. An animal that becomes wet from walking in the rain or mud, but is otherwise clean, is considered a clean animal.

DCC will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Accommodative Services Coordinator and may be appealed to the DCC ADA/Section 504 Compliance Officer as set forth on page 67 of the Student Rights and Responsibilities handbook.

Should the ESA be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

VIII. Non-Retaliation Provision:

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DCC will not retaliate against any person because that individual has requested or received a reasonable accommodation in DCC housing, including a request for an ESA.

IV. Documentation Requirements:

A student requesting an emotional support animal should provide the Office of Disability Services and the Academic Housing Office with as much advance notice as possible. A student is not permitted to live with an emotional assistance animal until expressly approved to do so by these departments.

The student should provide a signed letter, on professional letterhead, from the person's physical or mental healthcare licensed provider or therapist. The provider or therapist should be familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities. A form has been created to assist mental health providers to support the recommendation. If the provider opts to use write a letter rather than use the form,

At a minimum, the letter should include the following items:

- a. The provider's professional opinion that the individual's condition qualifies as a disability and the basis for that opinion.
- b. The provider's opinion that the emotional support animal is required to help alleviate symptoms associated with the person's disability and to allow the person use and enjoy DCC's housing services.
- c. A description of the comfort or assistance that the animal will provide.

The Office of Accommodative Services (OAS) will review documentation and, if OAS determines a qualifying disability exists, it will forward a recommendation to the Academic Housing. Academic Housing staff will meet with the student requesting that an emotional support animal be housed in College housing. This policy will be carefully reviewed with the person at that time.

Campus Security will be notified of the presence of ESA/Service Animal; members of physical plant or housekeeping may need to be notified of animal in dorm room on as needed basis.

Service Animals in Areas other than a Residential Unit

If it is readily apparent that the individual has a disability and that the animal is a service animal, no further information will be requested. If it is not readily apparent that the animal is a "service animal", the individual will be asked if the service animal is required because of a disability and to explain the work or task that the animal has been trained

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to perform. The animal will not be required to demonstrate this task and no documentation of training will be required.

Conflicting Disabilities

The Academic Housing Office (AHO) will make a reasonable effort to notify students in the residence hall where the animal will be located of the existence of a service or emotional support animal in the building.

Students with medical condition(s) that are affected by animals (respiratory diseases, asthma, severe allergies) should alert Residence Life if they have a health or safety-related concern about exposure to a service or emotional support animal. The 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.

The AHO will resolve any conflict in a timely manner, considering the conflicting needs and/or accommodations of all persons involved. The AHO may use the Health Center as a resource for information on health issues. In the event an agreement cannot be reached, the request will be referred to the Dean of Students to determine whether to forward to the ADA compliance officer.

Questions

Questions or concerns related to these procedures should be addressed to:

Office of Accommodative Services

Orcutt Student Services Building, Room 103

Poughkeepsie, NY 12601.

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