

*Bridgewater State University***POLICY REGARDING ANIMALS ON CAMPUS**

Bridgewater State University recognizes the importance of Service Animals and Emotional Support Animals (“ESAs”) to individuals with disabilities. This Policy ensures that people with disabilities receive the benefit of the tasks performed or therapeutic support provided by such animals. This Policy applies to all members of the University community, including, students, faculty, staff, vendors and visitors.

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

The University reserves the right to amend this Policy as circumstances require.

Students should address all questions regarding the Policy to the Office of Student Accessibility Services.

Employees should address all questions regarding the Policy to the Office of Equal Opportunity.

SECTION I – PETS

A “pet” is an animal kept for ordinary use and companionship. Pets are not permitted anywhere on campus. Service animals and ESAs are not pets under the law or this Policy.

SECTION II - SERVICE ANIMALS

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.”¹ 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.² Other animal species are not Service Animals under the ADA.

A disability is a mental or physical impairment that substantially limit one or more major life activities, including seeing, hearing, eating, sleeping, walking, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.³

Service Animals are working animals; animals whose sole function is to provide comfort or emotional assistance are not Service Animals. 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:

- Assisting a person who is blind or vision-impaired with spatial navigation and other tasks;
- 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;
- Helping to alleviate the symptoms of Post-Traumatic Stress Disorder and assisting an individual with PTSD;
- Helping a person with a sensory processing disorder manage overwhelming sensory information.

Under Massachusetts law, a person accompanied by and engaged in the raising or training of a Service Animal shall have the same rights and privileges as an Owner of a Service Animal.⁴ Individuals training a Service Animal must comply with the requirements set forth in this Policy. For the purpose of this Policy, all references to Service Animals include Service Animals in training.

¹ 28 CFR 35, App. A.

² 28 CFR 35.136 (i).

³ ADA 1990, Title 42, Ch. 126, sec. 12102(2)(a); 28 CFR 35.108.

⁴ MGL c. 129, s.39F.

An “Owner” is an individual accompanied by a Service Animal on campus. The Owner is the individual with primary responsibility for the animal.

SECTION III - EMOTIONAL SUPPORT ANIMALS

An ESA is an animal prescribed by a licensed, qualified professional for a person with a disability. According to federal law, an ESA is:

- 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,
- Necessary as a reasonable accommodation to afford an individual an equal opportunity to use and enjoy a dwelling.⁵

For safety reasons, poisonous/venomous animals, wild animals, domestic stray animals, or animals that may pose a risk to community health and safety are prohibited. Bridgewater State University is never required to accept snakes, reptiles, ferrets, rodents, sugar gliders, birds or spiders since these animals cannot meet vaccination requirements to be certified disease free. Furthermore, in the absence of truly extraordinary circumstances, animals other than common household animals will not be considered as ESAs.

As a reasonable accommodation, ESAs are an exception to the University’s policy prohibiting animals in University housing. As set forth in Section IV, however, the University requires documentation to support a request for an ESA as a reasonable accommodation.

An “Owner” is an individual who has requested the accommodation and received approval to have an ESA in their University residence or in certain areas of campus. The Owner is the individual with primary responsibility for the ESA.

SECTION IV – SERVICE ANIMALS AND ESAS LIVING IN RESIDENCE HALLS

A. Service Animals

Students requiring a Service Animal while in residence at the University should contact the Office of Residence Life and Housing to arrange appropriate housing accommodations and to review the expectations for the animal’s care and behavior while on campus. Requests for Service Animals in University housing do not require documentation of a disability. Owners, however, must abide by appropriate guidelines and responsibilities. (See Section VI below.)

B. Emotional Support Animals

Students who wish to have an ESA in their University residence hall room must make a formal request to the University’s Office of Student Accessibility Services and supply appropriate supporting documentation. Only ESAs that have been approved will be permitted in the student’s University residence hall room. Any student who brings an animal into their University residence without the requisite approval will be referred to the Office of Community Standards and may be subject to sanctioning under the University’s [Student Code of Conduct](#).

A determination to approve or disapprove an ESA request will be based on an individualized assessment of the request and the supporting documentation.⁶ Documentation supporting or prescribing the use of an ESA from mental health care professionals that have had no contact with the student except for limited encounters specifically intended to produce an ESA letter will not be considered, as the professional – client relationship in those cases will often lack diagnostic rigor and the level of familiarity with the functional

⁵ 42 USC § 3604(3)(b); FHEO Notice: FHEO-2013-01.

⁶ FHEO Notice: FHEO-2013-01.

limitations arising from the diagnosis to support robust recommendations. ESAs do not require special training or certification, but must be under the control of the owner.

Unlike Service Animals, ESAs approved for residence halls are not generally permitted in University academic buildings, classrooms, restrooms, dining halls, publicly accessible residential areas, performance areas, academic offices, or other areas of the campus unless specifically authorized by the Office of Student Accessibility Services. An ESA must be able to reasonably live and be cared for within a University residence room. The University reserves the right to disallow animals that cannot be reasonably confined and cared for within a student's own room. Students with ESAs must abide by the Owner Guidelines and Responsibilities established by the University. (See Section VI below.)

C. Process for Requesting an ESA on Campus

1. If the student has not yet done so, register with the Office of Student Accessibility Services and submit appropriate, up-to-date documentation from a qualified professional to verify the disability and the need for an ESA. For more information on documentation requirements, see <https://studentbridgew.sharepoint.com/sites/SAS/SitePages/Documentation-Guidelines.aspx>
2. Submit an ESA Request Form to the Office of Student Accessibility Services including proof of license and current vaccination (as applicable) which can be found at: https://cm.maxient.com/reportingform.php?BridgewaterStateUniv&layout_id=14
3. Meet with a staff member from the Office of Student Accessibility Services to discuss the requested accommodations.
4. If the request for an ESA is approved, meet with the Office of Student Accessibility Services to review the Owner guidelines and responsibilities.

By submitting an ESA request, the student gives permission to the University to verify any information and documentation submitted in support of the request.

ESA requests should be submitted to allow sufficient time for the University to review completed requests and to make appropriate arrangements for an approved animal to be housed in University housing. Requests may take up to 15 business days to be reviewed and for University staff to make a final determination regarding the request, exclusive of holidays and college closings.

The University has the following suggested deadlines to ensure timely review and approval of ESA requests:

- For new students: Submitted no later than June 30 for fall semester and no later than December 15 for spring semester, or the next business day thereafter.
- For returning students: Submitted no later than June 30 for fall semester and no later than December 15 for spring semester, or the next business day thereafter.
- For summer students: Submitted no later than May 15 for all summer programs and conferences, or the next business day thereafter.

If the need for an ESA arises after the start of the semester deadlines above, students who would like to request an ESA may submit the request at any time during the academic year.

An ESA request may be denied by the University if:

- The request does not include documentation from a qualified practitioner which demonstrates that the ESA is a reasonable and necessary accommodation to alleviate the identified symptoms of the student's disability;
- Supporting documentation is incomplete, inadequate, insufficient or not current;
- Documentation has been completed in a fraudulent way;

- The requested accommodation would constitute an undue financial or administrative burden on the University;⁷
- The requested accommodation would fundamentally alter the nature of the housing the University provides.⁸

If a request for an ESA animal is denied, the student may submit a new request if they obtain new or updated information documenting a change in diagnosis or circumstances.

D. Process to Appeal Denial of an ESA in the Residence Halls

1. Resident students may appeal the University decision's regarding the denial of a request for an ESA by submitting a detailed, written document within 5 business days of notification of the decision. In the appeal, the Owner should outline the complaint and specifically address the reason for the appeal. Appeals should be submitted to the Housing, Meal Plan, and Parking Exception Committee.
2. Appeals will be reviewed by the Housing, Meal Plan, and Parking Exception Committee in consultation with the University's Section 504/ADA Coordinator. Resident students filing an appeal will be notified of the University's decision within 15 business days from submission of their written appeal. The response will include a summary of the findings and a rationale for the resulting decision.
3. The decision regarding an appeal is final.

SECTION V – CAMPUS ACCESS FOR SERVICE ANIMALS AND ESAs

A. Service Animals

Individuals accompanied by a Service Animal on campus who do not need any other disability-related accommodations are not required to register with the Office of Student Accessibility Services (student), or the Office of Equal Opportunity (employee).

When an individual's disability is obvious, Bridgewater State University does not require documentation for a Service Animal, such as proof that the animal has been certified, trained, or licensed as a Service Animal. The University, however, may ask two questions:

1. Is the animal required because of a disability?
- and
2. What work or task has the animal 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 University may not:

- Ask about the nature/extent of the individual's disability;
- Require documentation that the dog is trained or is a Service Animal; or
- Ask the animal to perform the work/task.

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

⁷ FHEO Notice: FHEO-2013-01.

⁸ FHEO Notice: FHEO-2013-01.

If one is unsure if one's animal is a Service Animal, a student should make an appointment with the Office of Student Accessibility Services. Employees should contact the Office of Equal Opportunity.

Subject to certain limitations set forth below, 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 are permitted to accompany their Owners in the University academic buildings, classrooms, restrooms, dining halls, publicly accessible residential areas, performance areas, and academic offices.

Service Animals may be excluded from certain areas of the University if the animal's presence interferes with campus operations or legitimate health and/or safety requirements, or where the animal's health and safety may be compromised. These areas include, but are not limited to:

- Mechanical/custodial rooms/closets;
- Any room, lab, or classroom with sharp metal cuttings or glass shards on the floor, hot machinery or hot materials such as molten metal or glass, chemicals, excessive dust or moving machinery;
- Medical facilities;
- Food preparation areas; and
- Any area in which protective clothing or equipment is required.

When the Owner 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.

B. Emotional Support Animals

Non-resident students seeking an ESA as a reasonable accommodation for disability must register with the Office of Student Accessibility Services and make a request for an accommodation with that office. A non-resident student requesting an ESA as an accommodation must provide appropriate, up-to-date documentation from a qualified professional verifying the disability and the need for an ESA. A determination to approve or disapprove an ESA request will be based on an individualized assessment of the request and the supporting documentation.

An employee seeking an ESA as a reasonable accommodation for disability must make a request for an accommodation to the Office of Equal Opportunity/Section 504/ADA Coordinator by using the following link: https://cm.maxient.com/reportingform.php?BridgewaterStateUniv&layout_id=18. An employee requesting an ESA as an accommodation must provide appropriate, up-to-date documentation from a qualified professional to verifying the disability and the need for an ESA. A determination to approve or disapprove an ESA request will be based on an individualized assessment of the request and the supporting documentation.

More information about the accommodation process may be obtained from the Office of Student Accessibility Services for students and the Office of Equal Opportunity for employees and/or may be found in the University's [Equal Opportunity, Diversity and Affirmative Action Plan](#) ("EO Plan"). Employees and non-resident students whose requests for an ESA accommodation for a disability is denied may file a complaint pursuant to the procedures set forth in the EO Plan.

ESAs are excluded from the same areas of campus as Service Animals as set forth above in Paragraph A.

Additionally, as an ESA for an employee is a reasonable accommodation, the University may reasonably restrict the presence of the ESA on campus to those areas in which the ESA allows the employee to perform the essential functions of the employee's position.

SECTION VI – GUIDELINES AND RESPONSIBILITIES REGARDING SERVICE ANIMALS AND ESAS

The following guidelines and responsibilities apply to Service Animals and approved ESAs and their Owners, unless the nature of the documented disability of the Owner precludes adherence to these guidelines, and permission for a variance has been granted.

A. Owner Responsibilities

1. Care and Supervision

The individual requiring a Service Animal or ESA has full responsibility for the care, supervision, and feeding of an approved assistance animal, while the animal is on campus. Animals in University housing may not be left unsupervised or cared for by another student overnight. Additionally, the Owner must take the animal with them if they leave campus for a period of 24-hours or longer. The Owner is responsible for ensuring that the animal is kept under reasonable control at all times. When the Owner leaves the room, the animal must be appropriately secured within the room. The Owner is responsible for ensuring that the animal does not cause an undue disturbance or unmanageable interference to other University residents or personnel. When the animal is taken out of the Residence Halls by the Owner, it must be kept on a leash or in an otherwise contained cage or container.

The Owner is responsible for ensuring that the animal is housebroken, and that the animal's waste is removed and disposed of in an appropriate way as outlined by Facilities Management. The Owner will need to identify an individual who can pick up and care for their animal in the event that the Owner is unable to care for it.

2. Animal Health and Well-Being

- a. The Owner is responsible for ensuring that the 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. Resident students may be required to vaccinate an ESA if the Massachusetts Department of Health determines that rabies is a threat to the community.
- b. The Owner is responsible for ensuring that the animal receives any other needed veterinary care in a timely way from a licensed veterinary provider. The University can require that the Owner provide veterinary care for an animal that is sick or requires vaccinations or other veterinary treatment. Animals that are sick or require vaccinations or other veterinary treatment can be removed from University housing, at the expense of the Owner.

The Owner is also responsible for ensuring that the animal is bathed or groomed regularly and has effective protection against fleas, ticks, or other pests. Animals are prohibited from all common area bathrooms for grooming and bathing purposes, including but not limited to residence hall bathrooms, locker-rooms, other university restrooms.

- c. The Owner is responsible for ensuring that the animal is regularly fed a nutritious diet and receives any needed regular exercise.
- d. The Owner is responsible for ensuring adequate living conditions to support the animal's health and safety.

3. Licensing and Training

- a. Licensing. The Owner is responsible for ensuring that the animal is licensed, according to state and local laws, and the University reserves the right to request documentation showing that the approved animal has been licensed. *Note:* Massachusetts law requires that dogs be licensed and provides that Service Animals are exempt from the license fee.

- b. Behavioral Training. Service Animals and ESAs must be properly trained so as to not cause an unreasonable disruption to the living/learning environment, including Residence Life and Housing staff.

4. Other Conditions

The Office of Student Accessibility Services, the Office of Equal Opportunity and the Office of Residence Life and Housing may place other reasonable conditions or restrictions on an ESA depending on the nature and characteristics of the animal. The Office of Residence Life and Housing may relocate the Owner and the ESA as necessary according to the terms outlined in the Residence Life License Agreement.

5. Damages

The Owner agrees to hold harmless the University for any damage or injury to others caused by a Service Animal or approved ESA. The Owner is subject to charges to repair any physical damage to University property or personal or public property caused by the animal. The Owner is subject to charges for any cleaning needed to restore University property to a standard state due to unsanitary conditions caused by the animal.

B. Guidelines for Faculty, Staff, Students and Other Community Members

Members of the University community are required to abide by the following practices regarding Service Animals and ESAs:

1. 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.
2. They are to allow an approved ESA to reside in an Owner's residence hall room and to accompany an Owner at all times and in all places on campus permitted by the Office of Student Accessibility Services and the Office of Equal Opportunity, except where Service Animals and ESAs are prohibited under this Policy.
3. They are not to touch or pet a Service Animal or ESA unless invited to do so by the Owner.
4. They are not to feed a Service Animal or ESA without permission from the Owner.
5. They are not to startle or to attempt to separate an Owner from the Service Animal or ESA.
6. They are not to inquire about the Owner's disability, which is a confidential matter.

C. Removal of a Service Animal or ESA

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

- The Owner cannot provide adequate care and supervision of the assistance animal;
- The Owner has been found to have abused and/or neglected the animal⁹;
- 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.

⁹ The University reserves the right in instances of animal abuse, neglect, or cruelty to refer the matter to the Office of Community Standards and/or other internal or external agencies, such as the police or animal control, for further investigation.

If the University requires the removal of the animal the Owner will have 48 hours to comply with the removal. If the Owner fails to comply within 48 hours, Animal Control will be notified to remove the animal. However, if the animal has caused physical injury it will be subject to immediate removal. All removals will be administered at the owner's expense.

D. Process to Appeal the Removal of a Service Animal or ESA

1. Owners may appeal the University decision's regarding approval or removal of an assistance animal. To submit an appeal, a detailed, written document must be submitted within 5 business days of notification of the decision. In the appeal, the Owner should outline the complaint and specifically address the reason for the appeal. Appeals from students should be submitted to the Housing, Meal Plan, and Parking Exception Committee and appeals from employees should be submitted to the Office of Equal Opportunity for referral to an appeal officer.
2. Student appeals will be reviewed by the Housing, Meal Plan, and Parking Exception Committee in consultation with the University's Section 504/ADA Coordinator. Employee appeals will be reviewed by an appeal officer not within the Office of Equal Opportunity. Owners filing an appeal will be notified of the University's decision within 15 business days from submission of their written appeal. The response will include a summary of the findings and a rationale for the resulting decision.
3. The decision regarding an appeal is final.

SECTION VII – CONFLICTING HEALTH CONDITIONS OR DISABILITIES

A. Animals in Residence Halls

1. The Office of Residence Life and Housing personnel, in coordination with the Office of Student Accessibility Services, will make a reasonable effort to notify resident students in the residence area where the Service Animal or approved ESA will be located.
2. Students with medical conditions that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the Office of Residence Life and Housing if they have a health or safety related concern about exposure to a Service Animal or approved ESA.
3. The University will also reasonably accommodate individuals with such medical conditions that require accommodation when living in proximity to assistance animals.
4. The Office of Residence Life and Housing, working with the Office of Student Accessibility Services, will resolve any conflict in a timely manner. Staff members will consider the conflicting needs and/or accommodations of all persons involved. In the event that an agreement cannot be reached, the University's decision is final and not subject to appeal.

B. Animals Elsewhere on Campus

1. The Office of Equal Opportunity will make a reasonable effort to notify employees in the area where the Service Animal or approved ESA will be located.
2. Employees with medical conditions that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the Office of Equal Opportunity if they have a health or safety related concern about exposure to a Service Animal or approved ESA.
3. The University will also reasonably accommodate individuals with such medical conditions that require accommodation when in proximity to assistance animals.
4. The Office of Equal Opportunity, working with Section 504/ADA Coordinator, will resolve any conflict in a timely manner. Staff members will consider the conflicting needs and/or

accommodations of all persons involved. In the event that an agreement cannot be reached, the University's decision is final and not subject to appeal.

SECTION VIII – COMPLAINTS

Any person dissatisfied with a decision concerning a Service Animal or ESA may use the complaint procedure found in the University's EO Plan. Information on the complaint process can be obtained at https://cm.maxient.com/reportingform.php?BridgewaterStateUniv&layout_id=17

Individuals also have a right to file a complaint with the U.S. Department of Justice, Civil Rights Division, or the U.S. Department of Education, Office for Civil Rights, if they believe they have been subject to discriminatory treatment. More information can be found at www.ada.gov/complaint and <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>.

SECTION IX – CONTACT INFORMATION

For additional questions or information about this Policy, please contact any of the following:

Office of Equal Opportunity/Section 504/ADA Coordinator, at 508-531-2744 or eo@bridgew.edu
Boyden Hall, room 206
<https://my.bridgew.edu/departments/affirmativeaction/SitePages/Home.aspx>

Office of Student Accessibility Services, at 508-531-2194 or SAS@bridgew.edu
Maxwell Library, room 001
<https://my.bridgew.edu/departments/SAS/SitePages/Welcome.aspx>

The Office of Residence Life and Housing, at 508-531-1277 or reslife@bridgew.edu.
DiNardo Hall, room 100
<https://my.bridgew.edu/departments/RLH/SitePages/Home.aspx>