

Benedictine College
Student Service Animal and Emotional Support Animal Policy

I. Statement of Policy

Benedictine College supports the use of service animals and emotional support animals on campus by students with disabilities in appropriate circumstances and in accordance with this policy. Those with questions about the use of service animals or emotional support animals should refer to this policy and/or contact the ADA/Section 504 Coordinator. The ADA/Section 504 Coordinator's contact information is as follows: Katie Howard, Student Success Center, Room 105, 913.360.7517, khoward@benedictine.edu.

II. Definitions

- A. **Service Animals** are defined under the Americans with Disabilities Act (“ADA”) as dogs that are individually trained to do work or perform tasks for people with disabilities. Service animals are working animals, not pets. The work or tasks performed must be directly related to the individual’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals.
1. Examples of work or tasks that service animals perform include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as books or the telephone, alerting a person to a sudden change in blood sugar levels, providing physical support and assistance with balance and stability to individuals with mobility disabilities, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
 2. Miniature horses may also be considered service animals in certain situations.
- B. **Emotional Support Animals** – An emotional support animal is a companion animal which provides therapeutic benefit, such as alleviating or mitigating symptoms of a person’s disability. Emotional support animals are not service animals. However, emotional support animals will be permitted in residential facilities with prior approval from Katie Howard, ADA/Section 504 Coordinator, pursuant to the procedures and standards outlined below.
- C. **Owner** – A student who has an approved emotional support animal in residential housing.
- D. **Handler** – A person with a disability that a service animal assists or a personal care attendant who handles the animal for a person with a disability.

III. Specific Procedures for Students

- A. **Service Animals** – Students with disabilities who wish to bring a service animal to the Benedictine campus – including residential facilities, classrooms, and other College buildings – may do so without prior approval. However, they are *strongly encouraged* to reach out to Katie Howard, ADA/Section 504 Coordinator, to ensure that their experience bringing the animal to campus is smooth. Additionally, students with service animals who plan to live in residential facilities are also *strongly encouraged* to inform the Residence Life Staff that they plan to have a service animal living with them. Advance notice of a service animal in residential facilities may allow more flexibility in meeting a student's needs.
- B. **Emotional Support Animals** – Students who wish to bring an emotional support animal into residential facilities as an exception to the “no pet” policy must go through the reasonable accommodation process with Katie Howard, ADA/Section 504 Coordinator. While accommodation requests will be accepted and considered at any time, requests should be made as far in advance as is reasonably possible before the student intends to bring the animal to campus in order to ensure timely consideration. An emotional support animal will not be allowed until formal approval has been received.
1. Upon receipt of request for an emotional support animal, Katie Howard, ADA/Section 504 Coordinator, will engage in communication with the student to determine if the use of the animal is a reasonable accommodation. This is an individualized assessment and determinations will be made on a case-by-case basis.
 2. In order for an emotional support animal to be considered as a reasonable accommodation for a student with a disability, supportive documentation should be from a professional healthcare provider (on letterhead) and generally include the following information:
 - i. A current diagnostic statement that identifies the disability, including date of initial and most current diagnosis, any evaluations/testing that support the diagnosis, and a description of the functional limitation of the disability;
 - ii. Information regarding the relationship between the disability and the relief the animal provides; and
 - iii. Information that demonstrates the animal is necessary in order for the student to use and enjoy his/her living arrangement.
 3. In addition, an owner with an approved emotional support animal must keep the animal within the owner's residence. Students are not permitted to bring emotional support animals into classrooms, meetings, or other College facilities and events.

IV. General Standards for the Removal of Service Animals or the Disapproval/Removal of Emotional Support Animals

- A. Decisions to remove a service animal or disapprove/remove an emotional support animal will be made on a case-by-case basis, taking into account all surrounding circumstances. However, the following general standards reflect reasons why an animal may be removed or disapproved:
1. The animal poses a direct threat to the health or safety of others. For example, the animal displays vicious behavior towards others or has a serious illness.
 2. The animal causes or would cause substantial physical damage to the property of the College and other community members, including but not limited to students, faculty, staff, and visitors.
 3. The animal poses an undue financial and administrative burden to the College.
 4. The animal would fundamentally alter the nature of the College's housing and/or general operations.
 5. The animal is out of control and the handler/owner does not take effective action to control it. If the out of control behavior happens repeatedly, the handler/owner may be prohibited from bringing the animal into College facilities until the handler/owner can demonstrate that he/she has taken significant steps to mitigate the behavior.
 6. The animal is not housebroken.
 7. The handler/owner does not abide by his/her responsibilities as outlined in Section V of this policy.
- B. When an animal has been properly removed pursuant to this policy, Benedictine will work with the handler/owner to determine reasonable alternative opportunities to participate in the College's services, programs, and activities without having the animal on the premises.

V. Responsibilities of Handlers/Owners

- A. **Laws, Ordinances, and Policies** – Handlers/owners are responsible for complying with all state laws and local animal ordinances and are subject to all College policies and guidelines regarding Residence Life.
- B. **Proper Identification** – All animals are subject to local licensing and registration requirements.
- C. **Health and Vaccination** – Animals must be immunized against diseases common to that type of animal. All vaccinations must be current. These animals must wear a rabies vaccination tag and, in the case of emotional support animals, vaccination documentation must be provided to Katie Howard, ADA/Section 504 Coordinator, prior to the animal being allowed into any residence hall.

- D. **Caring for the Animal** – The cost of care, arrangements and responsibilities for the well-being of the animal are the sole responsibility of the handler/owner at all times. Benedictine will accept no responsibility for the care of any animal covered by this policy.
1. Animals must be well groomed (residential facilities such as showers, tubs, sinks, and the like may not be used for this purpose). Animals cannot be left unattended overnight at any time. If the handler/owner must be away, they must either take the animal with them or make arrangements for the animal to be cared for elsewhere off campus. Animals cannot be confined to a vehicle, tethered or abandoned at any time. Regular and routine cleaning of floors, kennels, cages, etc. must occur. The odor of an animal emanating from a residence hall room is not acceptable.
- E. **Keeping the Animal Under Control** – The animal should respond to voice and/or hand commands at all times, and be fully controlled by the handler/owner.
- F. **Being Responsible for Damage Caused by the Animal** – Handlers/owners are personally responsible for any damage caused by their animals and must take appropriate precautions to prevent property damage. The handler/owner will be required to pay for any damages caused by the animal.
1. An individual with an animal covered by this policy in a residence hall has an obligation to make sure that his/her residence is as clean and damage-free as the original standard, excepting normal wear and tear. When the individual moves out of residential housing or no longer owns the animal, the residence will be assessed to determine if damage to College property or extraordinary cleaning costs are attributable to the animal. If so, the owner will be financially responsible for associated costs. The College maintains the right to conduct facility inspections for the purpose of assessing damage caused by the animal or otherwise determining the owner's compliance with this policy.
- G. **Being Responsible for Waste** – Cleaning up after the animal is the sole responsibility of the handler/owner and it must be done so immediately. In the event that the handler/owner is not physically able to clean up after the animal, it is then the responsibility of the handler/owner to hire someone capable of cleaning up after the animal.
- H. **Leash Requirements** – Service animals should be on a leash at all times, unless the owner is unable to use a leash due to a disability or the use of the leash would interfere with the animal's ability to perform its duties. Emotional support animals must be on a leash or in a crate when leaving a residence hall to go to an off campus location.
- I. **Observing Good Animal Etiquette** – To the greatest extent possible, the handler/owner should ensure that the animal does not display behaviors or make noises that are disruptive or frightening to others, unless it is part of the service being provided to the handler (e.g., barking to alert the handler of danger). The animal must possess friendly and sociable characteristics.

- J. **Other Conditions and Restrictions** – In response to a particular situation, Benedictine reserves the right to impose other reasonable conditions or restrictions on the use of service animals and emotional support animals as necessary to ensure the health, safety, and reasonable enjoyment of College programs and activities by others.

VI. Other Information Specifically Related to Service Animals

A. Permitted Inquiries

1. In general, members of the Benedictine community should not ask about the nature or extent of a person's disability. However, as permitted by the ADA, if it is not obvious that the animal is required because of a disability, the handler may be asked:
 - a. If the animal is required because of a disability, and
 - b. What work or task the animal has been trained to perform.
2. The handler should not be asked for documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, Benedictine community members should not make inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., if the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

B. Areas Off Limits to Service Animals

1. While service animals are generally allowed to go anywhere on campus that the handler is allowed to go, there are certain areas where the presence of a service animal fundamentally alters the nature of a program or activity or is disruptive. Examples of the areas that are off limits to service animals include:
 - a. Research Laboratories: The natural organisms carried by service animals may negatively affect the outcome of the research. At the same time, the chemicals and/or organisms used in the research may be harmful to service animals.
 - b. Mechanical Rooms/Custodial Closets: Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.
 - c. Food Preparation Areas: Food preparation areas are off limits to service animals per health codes.
 - d. Areas Where Protective Clothing is Necessary: Any room where protective clothing is worn is off-limits to service animals. Examples impacting students include the kiln, chemistry laboratories, and metal/machine shops.

- e. Areas Where There is a Danger to the Service Animal: Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there is hot material on the floor (e.g., molten metal or glass); where there is a high level of dust; or where there is moving machinery is off-limits to service animals.
2. Questions regarding areas that are off limits to service animals should be directed to Katie Howard, ADA/Section 504 Coordinator, or in the laboratory setting, the laboratory instructor. Exceptions may be granted in some circumstances.

VII. Additional Matters

- A. **Roommates** – Upon approval of an emotional support animal, or if a student intends to have a service animal in residential housing, the student’s roommate(s) will be notified (if applicable) to notify them that the approved animal will be residing in shared assigned living space and to solicit their acknowledgement of such.
 1. All roommates must sign an agreement allowing the approved animal to be in residence with them. In the event that one or more roommates do not approve, Sean Mulcahy, Director of Residence Life, will consult with all of the individuals involved and, based on the circumstances, determine the appropriate course of action, including a possible switch in housing assignments.
 2. If at a point later in time there is a conflict between roommates regarding the animal that cannot be resolved amongst the individuals involved, Sean Mulcahy, Director of Residence Life, should be contacted. Appropriate parties will be consulted in order to reach a solution.
- B. **Animal No Longer Necessary** – Katie Howard, ADA/Section 504 Coordinator, should be notified when an animal covered by this policy will no longer be in residence or, in the case of emotional support animals, is no longer needed as an accommodation.
- C. **Conflicting Disabilities** – Some people may have allergic reactions, asthma, respiratory diseases, etc. to animals that are substantial enough to qualify as disabilities. Benedictine will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities to resolve the problem as efficiently and expeditiously as possible. Students requesting allergy accommodations should contact Katie Howard, ADA/Section 504 Coordinator.
- D. **Concerns** – Concerns regarding an animal covered by this policy can be brought to the attention of Sean Mulcahy, Director of Residence Life.
 1. Also, individuals with animals covered by this policy in residential housing should understand that issues may arise with other residents. The individual with the

animal should be receptive to these concerns and, if necessary, contact Sean Mulcahy, Director of Residence Life, for assistance in resolving the situation.

2. Other residents with minor concerns about an animal in their residence hall may discuss the matter with the owner/handler or talk with a representative of the Residence Life Staff. Major concerns should immediately be brought to the attention of Sean Mulcahy, Director of Residence Life.

VIII. Grievance Procedure Related to Disability Accommodations

Students who believe they have not been granted an accommodation they are entitled to or otherwise have a grievance related to disability accommodations can contact Linda Henry, Vice President for Student Life, at 913-360-7520 or lhenny@benedictine.edu. If the accommodation at issue is an academic accommodation, the matter will be referred to the Dean of the College who will review the situation, consult with appropriate personnel, and make a final determination on the matter. For all other types of accommodations (e.g., use of an emotional support animal in the residence halls), the Vice President of Student Life will review the situation, consult with appropriate personnel, and make a final determination on the matter.

Roommate Acknowledgement

By my signature below, I understand that I will share my assigned residential space with an approved animal. Should I have any concerns regarding the care and control of the approved animal, I will discuss my concerns with the approved animal's owner and then with Sean Mulcahy, Director of Residence Life, if the approved animal owner and I cannot come to an agreement.

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