

Service Animals

Policy Date: 8/2019

I. SCOPE

This policy applies to all faculty, staff, students, visitors and guests of Hellenic College Holy Cross (HCHC).

II. POLICY STATEMENT

Animals may pose a real or perceived threat to other members of the HCHC community and may disrupt HCHC activities. Consequently, animals brought into campus buildings present a liability for the HCHC that is not normally associated with HCHC operations. In order to promote a safe, non-threatening and healthy work environment for the members of the HCHC community and to protect the HCHC's physical assets, HCHC prohibits animals in campus buildings. (Exceptions are defined in the Policy below.)

III. DEFINITIONS

Campus Building - Any HCHC controlled and/or managed building including any dormitory or housing facility.

Emotional Support/Assistance Animals – As defined by the Fair Housing Act, an emotional support/ assistance animal may provide physical assistance, emotional support, calming, stability, and other kinds of support. The presence of the animal must be necessary in order to provide the resident with a disability the use and enjoyment of the dwelling. There must be an identifiable relationship or nexus between the disability and the assistance or support the animal provides. Emotional support/ assistance animals do not perform work or tasks that qualify them as “Service Animals” under the Americans with Disabilities Act. **Please see separate Policy on Emotional Support/Assistance Animals.**

Owner - Any person having an interest in or right of possession to a service animal, or any person having control, custody, or possession of an animal.

Service Animal – As defined by the Americans with Disabilities Act (ADA), a service animal is any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (In some instances, as set out in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.) The work the dog has been trained to do must be directly related to the person's disability.

IV. POLICY

In general, animals are not permitted in HCHC controlled and managed buildings, except for the animals listed in this Policy, the Policy on Emotional Support/Assistance Animals and as defined above.

It is the policy of HCHC to afford individuals with disabilities who require the assistance of a **service animal** equal opportunity to access HCHC property, courses, programs, and activities.

This policy complies with the Americans with Disabilities Act (ADA) of 1990 as amended; Section 504 of the Rehabilitation Act of 1973 (P.L. 93-11) as amended; and the Fair Housing Act of 1968 as amended.

A. Where Service Animals Are Allowed

Generally, owners of service animals are permitted to be accompanied by their service animal in all areas of HCHC facilities and programs where the owner is allowed to go. Such areas include public areas, public events, classrooms, and other areas where HCHC programs or activities are held. Limited exceptions for service animal access are noted in Section F.

B. Assessing Service Animal Status

(1) Permitted Inquiries

HCHC personnel must permit service animal access to an event or activity with its owner when it is readily apparent that the animal is trained to do work or perform tasks for its owner. Examples include a dog guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

If the need for the service animal is not apparent, HCHC personnel may only ask the following of service animal owners:

- Whether the service animal is required because of a disability; and
- What work or task the animal has been trained to perform.

If the owner states that the animal is required because of a disability and that the animal has been trained to do work or a task for the owner, then the service animal must be admitted. (See Section F for areas where a service animal may be excluded.) If there is any doubt that an animal is a service animal, HCHC personnel should admit the animal and then consult with the Title IX Coordinator.

Service animal owners must not be asked about the nature of their disability or for medical documentation of it, except as provided in Sections G and I. Owners may not be asked

for a special registration, identification card, license, or other documentation that the animal is a service animal, or to demonstrate the animal's ability to perform work or tasks

(2) HCHC Assistance

Service animal owners are not required to register their service animal with HCHC. Service animal owners, including students and guests, who regularly access HCHC buildings are encouraged to contact the designated disability services office (see Section J). The disability services office can then assist the owner by providing advance notice to HCHC personnel, such as faculty, advisors, building coordinators, etc., that the owner and service animal are entitled to access. Employees with service animals should follow the process outlined in Section I.

C. Service Animal Owners' Responsibilities

Service animal owners are responsible for complying with State and local regulations and ordinances and HCHC policy, including:

- Keeping the service animal under their direct control at all times, such as by a harness, leash, or other tether; however, if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice control, signals, or other effective means;
- Ensuring the service animal does not disturb or disrupt normal academic or administrative functions;
- Immediately cleaning up after the service animal and properly disposing of the service animal's waste or other debris;
- Preventing the service animal from entering any pond, fountain, or stream located on HCHC premises; and
- Complying with any relevant city, Town, and/or state license and leash laws while the service animal is on HCHC premises.

The owner is responsible for damage or injury caused by the service animal.

D. Removal of Service Animals from HCHC Facilities

HCHC personnel may only ask service animal owners to remove their service animal from HCHC premises or from the immediate area as follows:

- If the service animal is not under the owner's direct control or the service animal is disturbing or disrupting the normal administrative, academic, or programmatic routine, then the owner must first be given an opportunity to get the animal

under control. If the disruption or disturbance continues, then the owner may be asked to remove the animal; or

- If the presence, behavior, or actions of the service animal constitutes an immediate risk or danger to people or property, the owner can be asked to immediately remove the animal and 911 (emergency assistance) may be contacted;

If asked to remove the service animal, the owner must be offered the opportunity to return to the HCHC premises or the immediate area without the service animal and be provided with reasonable assistance at that time to participate in the HCHC service or program.

A service animal may only be excluded for an individual event based on its or the owner's behavior at that event. The service animal or its owner cannot be excluded from future events based on a problem at a past event, except as provided in Section E.

Owners with concerns about the removal of their service animal should contact the Academic Services Coordinator or ADA Coordinator.

E. Violations of Policy

Depending on the seriousness of the animal's conduct or repeated conduct, service animals may be excluded from HCHC property temporarily or permanently. The Dean of Students is responsible for conducting the necessary assessments regarding ongoing or permanent removal of a service animal. If a service animal is excluded, the designated disability services offices are available to assist in evaluating reasonable accommodations for the owner.

Owners who violate this policy or disregard an instruction to remove or exclude a service animal from HCHC property may be subject to additional penalties, including banning from any HCHC property, or other fines or penalties under applicable city, town, or state rules, regulations, or laws. Violations of this policy by an owner who is a HCHC student or employee may be referred for corrective or disciplinary action.

F. Restrictions on Access for Service Animals

A service animal may be restricted from specific areas of the HCHC when consistent with other HCHC policies, state, and/or federal laws/regulations. Examples of these areas may include:

- Food preparation areas;
- Medically sensitive patient and clinic areas; and
- Biologically sensitive or hazardous sites.

If a service animal is restricted from certain areas, the designated disability services offices are available to assist in evaluating reasonable accommodations for the owner.

G. Service Animals in HCHC Housing

Requests to use service animals in HCHC housing must be made through the Office of Student Life.

H. Service Animals in HCHC Food Establishments

Only service animals are permitted in HCHC food establishment, defined as HCHC cafeteria that also serves the general public without restriction. HCHC residential housing kitchens and food preparation areas located in common use areas for residents are not considered HCHC food establishment, but are part of residential housing and are covered in Section G.

I. Employees with Service Animals

HCHC employees who require the use of a service animal in the workplace should make a request for an accommodation. For more information and to make a request for a workplace accommodation, contact the Disability Services Office.

J. Designated Disability Services Offices

Office of Student Life: For members of the public and all HCHC employees:

Dean of Students : Fr. Antonios Papathansiou

Director of Human Resources: David Volz

Title IX Coordinator: Fr. Philip Halikias

K. Requirements for Members of the HCHC Community

Members of the HCHC community are required to abide by the following practices:

- They are to allow the service animal to accompany its Owner at all times unless otherwise provided herein.
- They are not to touch or pet the service animal unless invited to do so.
- They are not to feed the service animal.
- They are not to deliberately startle the service animal.
- They are not to separate or attempt to separate an Owner from service animal.
- They are not to inquire for details about the Owner's disabilities. The nature of a person's disability is a private matter.

L. Complaint Resolution Resources

Individuals who wish to make a complaint that a HCHC employee may have violated the HCHC's nondiscrimination and/or non-retaliation policies, including a failure to permit access to a service animal under this policy, may do so by:

Students: Email to osl@hchc.edu

Employees and members of the public: Contact the Human Resources Director

Individuals who wish to file allegations of discrimination also may contact the following:

Office for Civil Rights
US Department of Education
Boston Office
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: 617-289-0111
FAX: 617-289-0150; **TDD:** 800-877-8339
Email: OCR.Boston@ed.gov

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
Website: www.eeoc.gov.
Online system: <https://publicportal.eeoc.gov/portal/>.