



## **Simon's Rock Policy on Emotional Support Animals in Student Housing**

Animals, including pets, are not permitted in Simon's Rock student housing, with the exception of service dogs. Simon's Rock is committed to providing reasonable accommodations to qualified students with disabilities who require an emotional support animal (also referred to as an ESA) and may permit these animals to live in a student's personal residence, provided that they comply with Simon's Rock policies regarding such animals.

This policy describes the procedure for requesting an emotional support animal to live in the student's residence, the approval process, and the rules and regulations for housing an emotional support animal on campus. Simon's Rock complies with the Fair Housing Act in allowing students the use of emotional support animals that are approved as an accommodation to the residential life program. An animal may be excluded from campus if it causes disruption, threatens the health or safety of others, or otherwise fails to meet the criteria set forth in this policy.

As further described below, students seeking to bring an emotional support animal into residential housing must first submit a written request for approval to the Director of Accessibility and Academic Support (the "Director of Accessibility").

The Director of Accessibility will determine, on a case-by-case basis, in consultation with the Director of Campus Life whether to approve a student's request for an Emotional Support Animal.

The animal must not be in residence prior to approval by the Director of Accessibility and the Director of Campus Life. The approval of a request is animal-specific and is not transferable to another animal.

Students seeking to have an emotional support animal in student housing must submit a new request each academic year.

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## Definitions

**Emotional Support Animals (ESA)** are animals commonly kept in a household that provides emotional support which alleviates *or mitigates* one or more identified symptoms or effects of an individual's existing disability. An emotional support animal must be required by an individual with a disability, in their residence, in order to have an equal opportunity to use and enjoy the residence/dwelling.

Dangerous, poisonous, and illegal animals are not permitted as emotional support animals. **Animals whose sole function is to provide comfort or emotional support are emotional support animals, not service animals.**

**Pets** are animals kept for ordinary use and companionship. A pet is not considered a service or an emotional support animal. Individuals are not permitted to keep or bring pets on Simon's Rock property or in student housing.

**Approved Emotional Support Animals**, as defined by the Fair Housing Act, are animals that have been permitted in designated areas of student housing as a reasonable accommodation under this policy.

**Owner/Handler** is the resident student who has received written permission from Simon's Rock to keep an approved emotional support animal in student housing under this policy.

## Application and Approval Process

A student seeking to keep an emotional support animal in student housing must first make a written request (email [jaltshuler@simons-rock.edu](mailto:jaltshuler@simons-rock.edu)) to the Director of Accessibility providing or followed by medical or psychological documentation on the letterhead of a **treating** physician, psychiatrist, social worker, or other mental health professional, stating a disability as defined by the ADA, and the reason an emotional support animal is necessary. **There must be an identifiable and clearly established relationship between the individual's disability and the assistance the animal provides.** Documentation must be dated within the last 12 months and **must state the date of recent diagnostic visits as well as provide confirmation that this is an established patient.**

Documentation should be sent to: Jean Altshuler, Director of Accessibility, Bard College and Bard Academy at Simon's Rock, 84 Alford Road, Great Barrington MA 01230; Fax 413-644-4287; or email [accommodationdocumentation@simons-rock.edu](mailto:accommodationdocumentation@simons-rock.edu). After receiving completed documentation for an emotional support animal the Director of Accessibility will arrange to meet with or speak to the requesting student. This policy will be reviewed with the student at that time. At the time of the meeting the student will also sign a release allowing the Director of Accessibility to communicate with the Director of Campus Life and other relevant Campus Life staff. The Director of Accessibility will make an individualized assessment of each emotional support animal request. Campus Life is responsible for determining on a case-by-case basis if a proposed animal is appropriate for a specific residential program or setting. The student must have an already established relationship and be living with the emotional support animal before bringing the approved ESA to campus.

**Students should submit the written request at the same time as the application for housing.** While applications submitted after the application for housing will be accepted and considered, Simon's Rock cannot guarantee that it will be able to meet late applicants' accommodation requests. ***Any approval under this policy is for one academic year.*** Students planning to bring their approved emotional support animal to campus the following academic year must renew their requesting during the spring housing process.

**When an ESA request is approved after housing is assigned Campus Life generally needs at least 30 days to determine if a placement can be made.**

### **Notification and Appeal Rights**

The Director of Accessibility is responsible for notifying the student if the request for an emotional support animal is approved or not approved or if more information is needed. When an ESA is approved the Director of Campus Life will then contact the student in order to discuss housing options or indicate the housing assignment. If appropriate housing is available at that time Simon's Rock will notify the owner/handler who will be required to sign this policy. Failure or refusal to sign this policy will result in a revocation of the approval.

Once the student has signed the policy, Campus Life staff will make a reasonable effort to notify the other residents in the student housing where the approved ESA will be located. This notice will be limited to information about the approved ESA's presence as an accommodation to a student with a disability: **there will be no disclosure of the student's disability.** Other resident students with medical condition(s) who are affected by an approved ESA (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the Director of Accessibility if they have a health or safety related concern about exposure to an approved ESA. Such affected students may be eligible for a disability accommodation when living in proximity to an approved ESA. The Directors of Accessibility and Campus Life will collaborate, as necessary, to resolve conflicts related to an approved ESA. Staff will consider the needs and/or accommodations of all resident students involved.

All roommates or suitemates of the owner/handler must acknowledge in writing that the approved ESA will be in residence with them as early as possible in the housing assignment process. In the event that one or more roommates or suitemates do not approve, either the owner/handler and the approved ESA or the non-approving roommates or suitemates, as determined by Campus Life staff, may be moved to a different location. Written acknowledgement from a parent or guardian is required for roommates or suitemates under age 18.

**The requesting student may appeal a denial of a request for an ESA within five business days to the Dean of Students and Equitable Community, Sarah Porter-Liddell [spoterliddell@simons-rock.edu](mailto:sporterliddell@simons-rock.edu) or their designee.** Students must appeal the denial in writing. The decision of the Dean of Students or their designee is final.

### **Owner/Handler's Responsibilities for Approved Emotional Support Animals in Student Housing**

The owner/handler must comply with the following provisions regarding behavior and care of approved ESAs:

**Control:** The owner/handler is responsible to attend and be in full control of the approved ESA at all times. The animal must be on a leash, harness, tether, or be transported in an appropriate enclosure whenever it is outside of the residential room, where it will be housed.

**Room:** The emotional support animal must be in an appropriate container/crate if the owner is not in the room when maintenance of other staff need to enter.

**Care:** The owner/handler is responsible for daily care of an emotional support animal. The owner/handler may not leave the emotional support animal unattended for an unreasonable length of time, including but not limited to overnight. The owner/handler is responsible for complying with local and state licensing laws including wearing a rabies vaccination tag if appropriate.

**Licensing Requirements:** The owner/handler is responsible for meeting any and all state and local licensing requirements for the ESA. Animals residing on campus must also meet the town of Great Barrington and/or Massachusetts licensing requirements and wear tags designating this license, as applicable.

**Vaccination:** In accordance with local ordinances and regulations, the approved ESA must receive all required and/or recommended immunizations against diseases. Simon's Rock may request an updated verification regarding an approved ESA's vaccinations at any time during the animal's residency.

**Health:** Approved ESAs must be in good health as documented annually by a licensed veterinarian. Simon's Rock has authority to direct that the approved ESA receive veterinary attention in appropriate circumstances. The care and health of an emotional support animal, including transportation to a veterinarian and other facilities, is the responsibility of the owner/handler and cannot be provided by Simon's Rock staff.

**Cleanliness:** It is the owner/handler's responsibility to remove and properly dispose of the approved ESA's waste (e.g. urine, excrement, fur, cage shavings, etc.), which must be placed in a sturdy plastic bag before disposal. An approved

ESA must be clean and well groomed, and measures should be taken at all times for flea and odor control. The owner/handler will be held responsible for any room damages, including excess cleaning and/or replacement of the carpet.

**Cost:** The owner/handler is responsible for the costs of care necessary for the ESA's wellbeing. The arrangements and responsibilities for the care or an ESA are the sole responsibility of the owner/handler at all times, including regular bathing and grooming as needed.

## Other Conditions

- **The emotional support animal must not be in residence prior to approval by the Director of Accessibility *and* the Director of Campus Life.** The approval of a request is animal-specific and is not transferable to another animal.
- **Approved ESAs may not be left overnight in student housing without the owner/handler.** Approved ESAs must be taken with the owner/handler if the owner/handler leaves campus overnight. The owner/handler must make proper arrangements for the care of an animal while the residence halls are closed for breaks. The need to care for an approved ESA is not on its own a valid reason for permission to stay on campus over a break.
- Campus Life may place other reasonable conditions or restrictions on the approved ESA depending on the particular facts and circumstances, including the nature and characteristics of the animal.
- The owner/handler is responsible for assuring that the approved ESA does not unduly interfere or adversely affect the routine activities of student housing or other residents. In addition, the approved ESA must not pose a threat to the health, safety, or property of anyone in the Simon's Rock community.
- The care and supervision of the approved ESA is solely the responsibility of the owner/handler. The owner/handler is responsible for ensuring the safety of an approved ESA and the Simon's Rock community. If Simon's Rock determines that an animal is being neglected or mistreated, or has been abandoned, Simon's Rock may remove the animal from its owner. A warning may not be given before an animal is removed from its owner due to safety concerns.
- The owner/handler is financially responsible for the approved ESA, including for any bodily injury or property damage caused by the approved ESA. The owner's financial responsibility may include replacement of furniture, carpet, window, wall covering, and costs of damage to other Simon's Rock owned property. The owner/handler is expected to cover these costs at the time of repair and/or move-out.

- If the emotional support animal voids on the floor or carpet anywhere inside a residence hall, the owner/handler is responsible to clean up promptly to the best of their own ability, as well as submit a work request with the facilities department for the area to be properly disinfected. The owner/handler must pay all costs associated with such clean up. Dogs must be housebroken and accidents should be infrequent.
- The owner/handler agrees to continue to abide by all other Simon's Rock policies including student housing policies. Any violation of this policy may result in immediate removal of the approved ESA from Simon's Rock. Reported violations will be reviewed by the Dean of Students. Simon's Rock may ask an owner/handler to remove their approved ESA when it is out of control and the owner/handler does not take action to control it, when it is not housebroken, or when it poses a threat to health and safety.
- From time to time, Simons Rock may use pesticides, pest control devices, de-icing materials, cleaning supplies, and other materials for the maintenance and operation of student housing. Simon's Rock is not responsible for any harm to an approved ESA caused by such materials.

### **Important Considerations**

- **Emotional Support Animals are only approved for the student's individual residential unit** and may not be in other areas of a residence hall unless they are using the hallway to exit and enter the building with the owner using the closest egress. Emotional Support Animals are not permitted in other campus buildings or at public events.
- The owner/handler must notify the Director of Accessibility if the animal is no longer needed or is no longer residing on Simon's Rock property. If the animal will be replaced, the owner/handler must submit a new request.
- The owner/handler must provide the name and address of an **emergency contact** person who is able and willing to take responsibility for the approved emotional support animal in the case that the owner/handler is unable to care for it. This individual should be at least 18 years of age, cannot reside in campus housing, and must be able to travel to campus to retrieve the emotional support animal from the owner/handler's residence within 8 hours, in the case of an emergency.

- Approval of an ESA does not impact housing assignment. An ESA must be able to live comfortably in typical Simon's Rock Residential rooms. Students with ESAs are not given priority for singles.
- To promote responsible pet ownership, dogs and cats generally should be spayed or neutered before they are allowed on campus.

### **Revocation of Approval**

Simon's Rock will take appropriate measures, up to and including revocation of approval for an emotional support animal if, among other reasons:

- The owner/handler violates any terms of this policy, after notice and reasonable opportunity to cure when possible;
- The approved ESA is no longer needed to assist with a disability;
- Simon's Rock determines that the approved emotional support animal threatens the health, safety, or property of anyone in the Simon's Rock community, or that the approved emotional support animal is adversely affecting Simon's Rock programs and activities or
- Simon's Rock discovers that false or misleading information was provided in the owner/handler's application for approval of an emotional support animal. Simon's Rock reserves the right to make an interim accommodation while determining appropriate measures.

The requesting student may appeal revocation of approval for an emotional support animal within five business days of the notice of revocation to the Dean of Students. The student must do so in writing. The decision of the Dean of Students is final.

### **The process for handling disruptions to the community is as follows:**

An owner/handler will receive a written warning if a complaint(s) is received regarding the approved emotional support animal. Following the first warning, the owner/handler will have the opportunity to rectify the situation and correct the behavior. If a second complaint is received, Campus Life will conduct a further assessment of the situation and the extent of impact to the community. At this point, it is possible that the student with the emotional support animal will be asked to switch rooms if there is availability on campus. Following a third complaint or incident, the animal will need to be removed from campus.

Owner/Handlers must identify a person who can come to campus to remove the animal if needed within a reasonable amount of time. This person must be identified during the approval process. The individualized assessment of each incident may lead to escalation of this process, up to and including removal of an animal from campus after a first complaint, depending on the severity of any incident involving an emotional support animal.

**Requirements for Faculty, Staff, Students, and Other Members of the Simon's Rock Community**

- Members of the Simon's Rock community are required to abide by the following practices:
- They are not to touch or pet an approved ESA unless invited to do so,
- They are not to feed an approved ESA,
- They are not to startle an approved ESA
- They are not to separate or to attempt to separate an owner/handler from their approved ESA
- They are not to inquire about the owner/handler's disabilities. The nature of a person's disability is a private matter.