

<b>SUPERSEDES: NEW</b>	<b>SECTION:</b> Student Affairs
<b>POLICY AND PROCEDURE MANUAL MERCY COLLEGE OF OHIO, TOLEDO, OHIO</b>  Signature on file  Signature: Dr. Susan Wajert, President	<b>CODE NO.</b> 505
	<b>SUBJECT:</b> Service/Emotional Support Animal/Pet Policy
	<b>DATE ORIGINATED:</b> February 2019
	<b>DATE COMMITTEE BOARD APPROVED:</b> 02/26/2019
	<b>DATE BOARD APPROVED:</b> 03/12/2019
	<b>DATE OF NEXT REVIEW:</b> 2022 January 1-31

## Service/Emotional Support Animal/Pet Policy

### PURPOSE:

In accordance of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 supports the use of service animals and emotional support animals on campus by individuals with disabilities. This policy provides guidelines for the presence of service animals, emotional support animals, and pets on Mercy College (“College”) property. It is designed to fulfill the College’s mission statement and meet the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA).

### SCOPE:

This policy applies to all College-controlled properties.

### POLICY:

The College categorizes animals into three classifications: service animals, emotional support animals, and pets. Guidelines regarding each of these classifications are outlined below.

### Service Animals

A service animal is 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. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

Service animals are working animals, not pets. The work or tasks performed must be directly related to the individual’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The College may permit the use of a miniature horse on the same basis as a service animal in some situations; such requests are considered on a case-by-case basis.

Individuals with disabilities can bring their service animal into all College facilities where members of the public, program participants, clients, customers, patrons, or invitees are allowed. No prior approval is necessary. A service animal can be excluded from certain areas of College

facilities if its presence would fundamentally alter the nature of a program or activity, be disruptive, or interfere with legitimate safety requirements (e.g. a surgery or burn unit in a hospital in which a sterile field is required).

### **Emotional support animals**

Emotional support animals (ESAs) are companion animals that provide therapeutic benefit, such as alleviating or mitigating the symptoms of a person's disability. Unlike service animals, ESAs are not trained to perform work or tasks and they can include animals other than dogs and miniature horses. Students who wish to bring an ESA to campus as an exception to the "no pet" provisions of this policy must request an accommodation through the Office of Accessibility Services pursuant to the Procedures outlined below. While accommodation requests will be accepted and considered at any time, requests should be filed at least 90 days before the student intends to bring the animal to campus in order to ensure timely consideration. An ESA will not be allowed until formal approval has been received.

### **Handler/Owner Definitions**

A "handler" is 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. An "owner" is a student or employee who has an approved ESA on campus.

### **Inquiries Regarding Service Animals**

In general, members of the College 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:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

Faculty, staff or students cannot ask about the person's disability, require medical or training documentation, or ask that the service animal demonstrate its ability to perform the work or task. 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).

### **Employee Requests**

Employees with a disability who wish to (1) utilize a service animal as a reasonable accommodation in an office or other areas of campus buildings not open to the general public, or (2) utilize an ESA on campus must submit the request to Human Resources at least 30 days before the animal is needed. Please refer to Mercy Health Regional Policy Accommodation of

Service Animals.

### **Requirements for the College Community**

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

1. Do not touch or pet a service or emotional support animal unless invited to do so.
2. Do not feed a service or emotional support animal.
3. Do not deliberately startle a service or emotional support animal.
4. Do not separate or attempt to separate a handler/owner from his or her service or emotional support animal.

### **Pets**

For reasons of sanitation, noise, and potential health problems, pets (including hamsters, aquatic frogs, fish, turtles, etc.) are strictly prohibited in all campus facilities. All prohibited pets must be removed from campus property immediately or the owner may face a fine and/or disciplinary action. All pets brought onto campus outdoor spaces must be leashed, not left unattended, and all waste must be picked up.

### **Removal of Service Animals or Disapproval/Removal of ESAs**

The College may remove a service animal or disapprove/remove an ESA in certain situations. Such decisions are made on a case-by-case basis in accordance with applicable laws. 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 others.
3. The animal poses an undue financial and/or administrative burden.
4. The animal would fundamentally alter the nature of the College's educational 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 under this policy.

When an animal has been properly removed pursuant to this policy, the College 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.

### **Responsibilities of Handlers/Owners**

**Laws, Ordinances, and Policies:** Handlers/owners are responsible for complying with all state laws and local animal ordinances. The cities of Toledo and Youngstown require all dogs to be licensed and registered. Dogs must wear license tags at all times. The City of Toledo also mandates that every female dog in heat shall be confined in a building or secured enclosure in such a manner that such female dog cannot come into contact with another animal, except for planned breeding.

**Proper Identification:** All animals are subject to local licensing and registration requirements.

**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 ESAs, vaccination documentation must be provided to the Office of Accessibility Services

**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. The College will accept no responsibility for the care of any animal covered by this policy.

- A. Animals must be kept clean and well groomed. College facilities such as sinks, bathrooms, and the like may not be used for this purpose.
- B. Animals cannot be left unattended. Animals cannot be confined to a vehicle, tethered or abandoned at any time.
- C. Animals must be well cared for at all times. Any evidence of mistreatment, abuse, or neglect may result in immediate removal of the animal and/or disciplinary action. If animal abuse is suspected, it will be directly reported to Mercy Public Safety, the Director of Student Life, and/or Lucas County Animal Services. Any costs incurred during the removal of the animal will be billed to its handler/owner.
- D. Owners of an ESA must provide the Office of Accessibility Services and the Office of Student Life with contact information for an alternate caregiver. This information will be used in case of an emergency, or if the person is unable or unwilling to provide adequate care for the animal.

**Keeping the Animal Under Control:** The animal should be fully controlled by the handler/owner, including responding to voice and/or hand commands (if this can reasonably be

expected of the type of animal at issue). If an animal is found loose or unattended, the animal is subject to immediate removal.

**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.

**Being Responsible for Waste:** Cleaning up after the animal is the sole responsibility of the handler/owner and it must be done immediately. Waste must be bagged and discarded in designated outdoor receptacles. No waste may be flushed down toilets or discarded in interior waste bins. 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.

**Leash Requirements:** Service animals should be on a leash at all times, unless the handler 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. In that case, the handler must be able to control the service animal by other effective means such as voice controls or signals. ESAs must be on a leash or in a crate or carrier at all times.

**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.

**Limitations on Liability:** The College is not responsible for the loss, damage to, or death of a service or emotional support animal.

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

### **Conflicting Disabilities**

Mercy College is aware that persons at the College may have a condition or disability that may precipitate an allergic reaction to the service animal or ESA. Persons who have asthma/allergy/medical issues because of the animal should take their concerns to the Office of Accessibility Services. Action will be taken to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.

### **Grievance Procedures**

If the decision is made to deny a request for or remove an animal covered by this policy, the affected individual may file a formal written grievance with the Office of Accessibility Services.

### **Reasonable Modifications to this Policy**

Individuals wishing to request a modification or exception to this policy as a reasonable accommodation should contact the Office of Accessibility Services.

### **Policy Questions**

Questions or concerns related to this policy should be addressed to the following:

Office of Accessibility Services  
2221 Madison Avenue, Toledo, OH 43604  
[ADA504@mercycollege.edu](mailto:ADA504@mercycollege.edu)  
Phone: 419-251-1784  
Fax: 419-251-1746

### **REFERENCING FORMS:**

Form 505A- Statement of Acknowledgement

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Full Board Approved: March 12, 2019  
Board Committee Approved: February 26, 2019  
New Policy

**PROCEDURE 505:****Requesting Accommodation for an Emotional Support Animal**

A student requesting the assistance of an emotional support animal must first provide verification to the Office of Accessibility Services that she or he has a qualifying disability and that the animal is needed to fully participate in the College's educational programs and activities. The student's health care provider, who is familiar with the professional literature concerning the assistive and/or therapeutic benefits of assistance animals for people with disabilities, must submit a signed letter on professional letterhead, expressing the following:

1. A current diagnostic statement that identifies the student's 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;
2. The provider's opinion that the condition qualifies as a disability under federal law, including the major life activities which are substantially limited by the disability;
3. Any additional rationale or statement the College may reasonably need to understand the basis for the professional opinion;
4. The provider must give her/his professional opinion of how the student's documented disability relates to the necessity of the animal's presence on campus; and
5. The provider's description of the relationship between the disability and the relief the animal provides.

Examples of a "health care provider" may be a therapist/counselor, psychologist, psychiatrist, primary care doctor, or nurse. However, other health care providers may be qualified to provide documentation for the student's disability and need for an emotional support animal.

In addition to the above documentation from a health care provider, the student must provide the following documentation before approval will be granted to utilize an ESA on campus:

1. Record of License & Registration in Toledo, OH or Youngstown, OH (for canines only)
2. Record of up-to-date Vaccinations
3. Record of current Veterinarian Clean Bill of Health
4. Signed Form 505A- Statement of Acknowledgement of the Emotional Support/Service Animal/Pet Policy
5. Completed form of Identification of Emotional Support and Service Animal and Emergency Contact/Alternate Caregiver of Animal
6. A clear photograph of the animal



The required documentation may be mailed, scanned/emailed, faxed, or delivered in person to the Office of Accessibility Services. Contact information is as follows:

*Attention: Director of Accessibility Services  
2221 Madison Avenue  
Toledo, Ohio 43604  
Phone: 419-251-1784  
Fax: 419-251-1746*

*Office of Accessibility Services (Youngstown)  
1044 Belmont Ave.  
Youngstown, OH 44501  
Phone: 330-480-2874  
Fax: 330-480-3724*

*Email: [ADA504@mercycollege.edu](mailto:ADA504@mercycollege.edu)*

The Office of Accessibility Services will review documentation and, if determined that a qualifying disability exists, the Director of Accessibility Services shall meet with the student requesting approval for the ESA. This policy will be carefully reviewed with the student at that time and an interactive dialogue will take place to determine whether or not the animal is a reasonable accommodation, considering alternative accommodations and the impact of the animal on campus. **The Director of Accessibility Services reserves the right to request additional clinical information from the professional who provided the initial letter of recommendation for the emotional support animal.**

If the accommodation of an emotional support animal cannot be granted, the College will make every reasonable effort to find ways to assist the student in her/his academic progress.

All questions and inquiries should be directed to the Mercy College Office of Accessibility Services at 419-251-1784.