



## **Policy and Guidelines for Service and Emotional Support/Assistance Animals at New England Conservatory**

New England Conservatory's Office of Student Services is responsible for coordinating the Conservatory's compliance with Title III of the American's with Disabilities Act (ADA) of 1990, as amended, and the Rehabilitation Act of 1973, as amended. The Americans with Disabilities Act prohibits discrimination on the basis of a disability. ADA compliance is an essential component of the Conservatory's Policies on Equal Opportunity and Non-Discrimination in Employment and Equal Opportunity and Non-Discrimination in Education. New England Conservatory seeks to accommodate persons with disabilities through the Office of Student Services.

As part of the Conservatory's commitment to accommodate persons with disabilities, particularly persons who need the assistance of service animals, the Office of Student Services has developed the following guidelines to address service and assistance animal requests and usage on New England Conservatory's campus.

Different provisions govern the use of "service animals" and "assistance or emotional support animals," depending on the context in which the accommodation is needed. The term "service animal" and the guidelines outlined in more detail below are based upon the provisions outlined in the U.S. Department of Justice's revised regulations for implementing the ADA for Title II and Title III (for State and Local Governments and Title III requirements for Places of Public Accommodation). These rules govern the availability of a "service animal" as an accommodation in public spaces on campus. For more details on DOJ's guidance on service animals, please refer to: [http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm).

The term "assistance animal" (or Emotional Support Animal/ESA) and the guidelines are based upon the Fair Housing Act ("FHA"). **These provisions apply only to students who live in the residence hall.** In the context of housing, disabled persons may request a reasonable accommodation for assistance animals in addition to dogs, including emotional support animals under the Fair Housing Act or Section 504 of the Rehabilitation Act.

### **Definitions**

**Service Animals:** The ADA defines service animals as "dogs that are individually trained to do

work or perform tasks for people with disabilities.” According to ADA, to qualify as a Service Dog, the dog 1) must be specifically trained to perform certain tasks; natural dog behaviors do not qualify; 2) must mitigate the person's disability; 3) must be needed by that specific handler. The law obligates state and local governments and any places that are open to the public to permit service animals to accompany people with disabilities anywhere members of the public are allowed to go.

**Psychiatric Service Dogs:** Psychiatric Service Dogs (PSDs) are dogs that have been trained to perform tasks that assist individuals with psychological disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by PSDs may include reminding the handler to take prescribed medication, providing safety checks or room searches, turning on lights for persons with Post Traumatic Stress, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.

**Emotional Support Animals:** Emotional Support Animals (ESAs), sometimes referred to as “comfort animals,” or “companion animals,” are animals whose presence alone has a positive effect on an individual with a disability. ESAs are not trained to perform a task or service. ESAs are not considered service animals under the ADA or Massachusetts law regarding service animals. This means ESAs are **not permitted** to go anywhere the public is allowed to go under the definition of “service animal.”

## **Responsibility of Persons with Service Dogs or Emotional Support/ Assistance Animals**

1. The animal must never be on NEC's campus without being attended and under the control of the handler with the exception of within the resident's room in the residence hall. This means the animal must be on a leash or in a carrier or cage. The owner is liable for all actions of the animal and should be in total control and restraint of the animal at all times.
2. The owner must clean up all messes immediately. Any waste material, including litter, should be placed in a plastic bag and disposed of in an outside trash receptacle, such as the dumpster next to Jordan Hall. Indoor trashcans should not be used for this purpose.
3. The animal must be properly cared for and nourished.

4. The animal must not be unduly disruptive or pose an immediate threat to others. The Dean of Students, or her/his designee, shall be responsible for making such determinations about an animal's conduct within the Residence Hall and on other Conservatory property. If a decision is made that an animal has been unduly disruptive or poses an immediate threat to others, the animal must be removed immediately. The owner may appeal the decision within 2 business days. The appeal shall be in writing and delivered, as appropriate, to the Provost, or her/his designee. A decision on the appeal will be made within three business days of receipt of the appeal and will be final.
5. In the event that the Dean of Students, or her/his designee, determines that an animal should be removed from campus, including the Residence Hall, for disruptive behavior, provided the decision is not based on the animal posing an immediate threat or being unduly disruptive (see 4 above), the owner shall be given written notice to remove the animal within 48 hours. The owner will have 24 hours to respond. The response, if any, will be reviewed and a final decision made within the initial 48 hour period. The decision of the Dean of Students, or her/his designee, shall be final.
6. All liability for the actions of the animal (bites, scratches, running away, etc.) are the responsibility of the owner. The Conservatory encourages owners to consider appropriate liability insurance.
7. The owner is responsible for taking all reasonable precautions to protect the property of the Conservatory and its residents.
8. If the owner takes vacation or has extended leave (more than 24 hours), the animal must be removed from the Residence Hall.
9. If the owner resides in the Residence Hall, the owner will notify the Resident Director if the animal escapes.
10. Necessary precautions should be made for Building Operations and other Conservatory personnel to enter the residence hall room when the owner is not present. The animal must be caged or crated, or removed from the room, during the time that personnel are in the room. The Conservatory is not liable if the animal escapes during one of these visits.
11. The owner of an approved animal in the residence hall will provide to both the Dean of Students and the Resident Director, the emergency contact information of an individual who will be on call to care for the animal in the event the owner is unable to care for the animal.
12. Owners of animals are solely responsible for any damage to Conservatory property caused by the animal. This shall include, after the owner vacates the premises, any cleaning outside that is routinely done for any room. Cleaning services outside those routinely performed may include, but are not limited to, steam cleaning of all carpets and drapes, and abatement for fleas or other pests and odors. If furniture requires replacing, that also shall be the responsibility of the owner. Any such fees will be posted to the owner's individual student account and/or deducted from the student's housing deposit.

# FAQ's About Service and Emotional Support/Assistance Animals

## I. What is a service animal?

- A service animal is a dog that is trained to do work or perform tasks for people with disabilities in all areas where members of the public are allowed to go.
- In addition to trained dogs, miniature horses that have been individually trained to do work or perform tasks for people with disabilities may be used.
- Examples of such work or tasks include
  - Guiding people who are blind
  - Alerting people who are deaf
  - Pulling a wheelchair
  - Alerting and protecting a person who is having a seizure
  - Reminding a person with a mental illness to take prescribed medications
  - Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack or performing other duties

## II. What is an “ESA”?

- An Emotional Support Animal (“ESA”) is any animal providing emotional support, well-being, or comfort that eases one or more identified symptoms or effects of a documented disability. Emotional support animals may also be referred to as a comfort or therapy animals. Emotional support animals are not individually trained to perform specific work or tasks.

**Pets are not considered ESAs.** A pet is any animal kept for ordinary use and companionship that does not meet the definition of an ESA.

## Information about Service Animals on Campus

### I. Where are Service Animals allowed on NEC's campus?

- The NEC community must allow service animals to accompany persons with disabilities at all times and everywhere on campus, except for places where there is a health, environmental, or safety hazard.
- All NEC facilities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.
- Examples of such areas
  - Library
  - Cafeteria and dining area
  - Performing halls, gathering places, classrooms

### II. Must service animals be restrained or leashed?

- Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animals' work or the individual's disability prevents using these devices.
  - In such instances, the individual must maintain control of the animal through voice, signal, or other effective controls.

III. **What questions can be asked of a person with a service animal?**

- If there is a reason to question whether an animal accompanying a student, faculty, or visitor to campus is a service animal or if it is not apparent that the animal is a service dog, the only two questions that can be asked are:
  1. Is the dog a service animal required because of a disability?
  2. What work or task has the dog been trained to perform?
- You **MAY NOT** ask about the person's disability, require medical documentation, require a special identification card, vest, or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

IV. **Under what circumstance can a service animal be asked to leave or not allowed on the NEC campus?**

- When the service animal is out of control and the person with a disability does not take effective action to control it
- When the service animal is not housebroken
- When the animal's behavior poses a direct threat to the health or safety of its owner or others on campus. (Any service animal that displays vicious behavior towards others may be included.)
  - When the animal is aggressive, exceptionally disruptive, or out of control. However, you cannot make assumptions about how a particular animal is likely to behave based on one's past experience with other animals. Each situation must be considered individually.
- In those instances where there is a legitimate reason to exclude or remove the service animal, you must give the person with a disability the option to return without the service animal.
- Persons with disabilities who use service animals cannot be isolated from other students, faculty, staff, or patrons or treated less favorably than others.

V. **What happens if the service animal becomes aggressive toward its owner or another member of the NEC community OR if the owner or others are behaving aggressively towards the service animal OR there is an animal-caused injury to students, faculty, staff or member of the public?**

- i. If it is an emergency, please call 911. If it is during business hours, please call the Office of Student Services at 617-585-1310. If it is after hours or on the weekend, please call Public Safety at 617-585-1290.

- VI. **What happens if someone is allergic to the animal or fears the animal?**
- Allergies or fear of dogs are not valid reasons for denying access or refusing services to people using service animals.
  - If there are concerns about allergies or the need to accommodate both the person with a service animal and the person with an allergic reaction, the Office of Student Services may be contacted on a case-by-case basis, to assist with accommodations.
- VII. **What if the person is just training a service animal? Must the animal be allowed on New England Conservatory's campus?**
- Under Massachusetts law {MGL c.129, s.39F} you must provide the same access to a service animal trainer who is training an animal to be a service animal as you would a person with a disability who requires the assistance of a service animal.

## **Information about Emotional Support (ESA)/Assistance Animals on Campus**

- I. **What is an emotional support (ESA)/assistance animal and can students have such animals in the residence hall?**
- Under the Fair Housing Act, species other than dogs, with or without training, and animals that provide emotional support have been recognized as necessary assistance animals under the reasonable accommodation provisions of the FHAct and Section 504.
  - Under the Fair Housing Act, “an individual with a disability may have the right to have an animal other than a dog in his or her home (NEC residence hall) if the animal qualifies as a ‘reasonable accommodation’ that is necessary to afford the individual equal opportunity to use and enjoy a dwelling, assuming that the animal does not pose a direct threat.”
- II. **Where are ESA's allowed on NEC's campus?**
- Unlike a service animal, ESAs are **not** permitted to go anywhere the public is allowed to go under the definition of “service animal.” ESAs are only permitted to be in the owner's residence hall room. ESAs are not permitted in classrooms or any other space on NEC property. The only time an ESA should be out of the owner's residence hall room, is to be taken outside for toileting or if the owner is taking the animal off campus.

**For exact ESA protocol and requirements, please see the Emotional Support/Assistance Animal Agreement, or contact the Office of Student Services.**

**III. What resources are available for students, faculty, and staff who request a service dog or a support/assistance animal as an accommodation?**

- Please contact Rebecca Teeters, Associate Dean of Students, at 617-585-1310 or Ashlee Carter, Assistant Dean of Campus Life, at 617-585-1792.

**Questions or concerns about these guidelines should be addressed to:**

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