

New England Conservatory's Office of Student Services is responsible for coordinating the Conservatory's compliance with Title III of the Americans 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 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.

The term 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 a person with a disability, including physical, intellectual or other mental disability. 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. Service dogs are not required to wear a vest or any other item notifying others of their status as a service animal.

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 the Massachusetts law regarding service animals. ESAs do not have access to public areas as do Service Animals.

Responsibility of Persons with Service Dogs or Emotional Support 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 Office of Student Services 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 Dean of Students. 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 Office of Student Services 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 same 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. If the owner takes vacation or has extended leave (more than 24 hours), the animal must be removed from the Residence Hall.
8. If the owner resides in the Residence Hall, the owner will notify the Director of Residence Life if the animal escapes.
9. 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.
10. The owner of an approved animal in the residence hall will provide Disability Support Services 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.
11. 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 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 odor. 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 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
 - The 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 participation 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 excluded).
 - 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, on a case-by-case basis, the Office of Student Services may be contacted 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 Animals (ESA) on Campus

- I. **What is an ESA 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 generally only permitted to be in the residence hall with its owner,

unless other arrangements have been made with the Office of Disability Support Services. ESAs are not permitted in classrooms or any other space on NEC property unless approved by DSS.

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 Ashlee Carter, Assistant Dean of Campus Life, at Ashlee.Carter@necmusic.edu, or 617-585-1792.

Questions or concerns about these guidelines should be addressed to:

Ashlee Carter
Assistant Dean of Campus Life
Office of Student Services
St. Botolph 224
Ashlee.Carter@necmusic.edu
617-285-1792