

## VERMONT COLLEGE OF FINE ARTS

### SERVICE ANIMAL AND ASSISTANCE ANIMAL POLICY

The Vermont College of Fine Arts complies with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the federal Fair Housing Act, and the Vermont Public Accommodations Act, to the extent that these laws are applicable to its programs and facilities. The following service and assistance animals policy was adopted to facilitate VCFA's compliance with applicable law. Animals that are neither service nor assistance animals as defined in this policy and applicable law are generally not permitted on campus.

#### Service Animals

The American with Disabilities Act defines a "service animal" as "any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability."

A service animal is not a pet, but can perform some of the functions and tasks that an individual with a disability cannot perform themselves. Animals are considered "service animals" under the ADA if they meet this definition, regardless of whether they have been licensed or certified by a state or local government. The functions or tasks performed by the animal must be directly related to the individual's disability. Assistance animals, as defined below, are not considered service animals. The following policy guidelines apply to service animals at VCFA:

1. A service animal may be excluded from any VCFA facility if that animal poses a direct threat to the health or safety of others, if its behavior (for example, barking), is disruptive to other participants within the facility, or if it is not housebroken.
2. If a service animal is excluded from a facility, the individual with a disability will be given the option of continued participation, with assistance, within the facility.
3. The service animal must be clean, housebroken, in good health, and be current on its rabies vaccination.
4. All service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
5. All individuals who use service animals on campus must abide by current city ordinances/laws pertaining to licensing and vaccination requirement for service animals. It is the responsibility of the owner and/or user of the animal to know about these ordinances and/or laws.
6. All owners and/or users of service animals are responsible for cleaning up after and properly disposing of their animal's feces while on campus.

7. When it is not obvious what service an animal provides, only limited inquiries are allowed. VCFA employees may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Employees cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Students who plan to utilize a service animal on campus should contact the Accessibility Services Coordinator at [disability.services@vcfa.edu](mailto:disability.services@vcfa.edu) to let the College know that the animal will be on campus regularly, and to discuss any applicable logistical issues. Faculty members and staff members who plan to utilize a service animal on campus should contact [disability.services@vcfa.edu](mailto:disability.services@vcfa.edu) for the same reasons.

### **Assistance Animals**

"Assistance Animals" (which are sometimes also referred to variously as emotional support animals, companion animals, or therapy animals) are a category of animals that may work, provide assistance, or perform physical tasks, for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under applicable law and VCFA's Service Animals Policy. Some Assistance Animals are professionally trained, but in other cases Assistance Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as assistance animals, but other animals may serve a person with a disability as an Assistance Animal.

The question in determining if an Assistance Animal will be allowed in housing owned, operated or controlled by VCFA is whether or not the Assistance Animal is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy that housing, and its presence in that housing is reasonable. However, even if the individual with a disability establishes necessity for an Assistance Animal and it is allowed in VCFA housing, an Assistance Animal is not permitted in other areas of the College (e.g. dining facilities, libraries, academic buildings, classrooms, studios, performance spaces, etc.).

### **Procedures for Requesting Assistance Animals in VCFA Housing**

The procedure for requesting Assistance Animals follows the general procedures set forth in VCFA's Americans with Disabilities Act Policy, available at: <http://vcfa.edu/admissions/student-accessibility-services> supplemented by the additional considerations and requirements outlined below.

### **Criteria for Determining Whether Presence of an Assistance Animal is Reasonable**

VCFA housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the requirement that individuals must share a room or suite in certain residence halls. To ensure that the presence of assistance animals is not an undue administrative burden or fundamental

alteration of VCFA housing, the College reserves the right to assign an individual with an assistance animal to a single room without a roommate.

However, for all requests for assistance animals, the Accessibility Services Coordinator will consult with responsible College officials as necessary in making a case-by-case determination of whether the presence of an assistance animal is reasonable. A request for an assistance animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden on the College; (2) fundamentally alters VCFA's housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including VCFA property.

The College may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable, or in the making of housing assignments for individuals with Assistance Animals:

1. The size of the animal is too large for available assigned housing space;
2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
4. The animal is not housebroken or is unable to live with others in a reasonable manner;
5. The animal's vaccinations are not up-to-date;
6. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or
7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

### **Access to Non-Residential VCFA Facilities By Assistance Animals**

An Assistance Animal must be contained within an individual's privately-assigned individual living accommodations (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an Assistance Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness (subject to the leash/harness exceptions stated above). Assistance Animals are not allowed in any VCFA facilities other than VCFA residential facilities to which the individual is assigned.

Assistance Animals must be properly housed and restrained or otherwise under the dominion and control of the owner at all times. No owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from VCFA housing.

## **Individual's Responsibilities for Assistance Animal**

If the College grants an individual's request to live with an Assistance Animal, the individual is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

The owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The College reserves the right to request documentation showing that the animal has been licensed. The owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by VCFA. An individual with a disability may be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the College's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a College-approved pest control service. The owner will be billed for the expense of any pest treatment above and beyond standard pest management in residential facilities. The College shall have the right to bill the individual's account for unmet obligations under this provision. The owner must fully cooperate with VCFA personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).

Assistance Animals may not be left overnight in VCFA Housing to be cared for by any individual other than the owner. If the owner is to be absent from their residence hall overnight or longer, the animal must accompany the owner. The owner is responsible for ensuring that the Assistance Animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities. The owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.

The animal is allowed in VCFA housing only as long as it is necessary because of the owner's disability. The owner must notify the Accessibility Services Coordinator if the Assistance Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the owner's disability and the owner must follow the procedures in this Policy and the Americans with Disabilities Act Policy when requesting a different animal.

VCFA personnel will not provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

## **Removal of Assistance Animal**

VCFA may require the individual to remove the animal from College housing if:

- 1) the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- 2) the animal's presence results in a fundamental alteration of a College program;
- 3) the owner does not comply with the owner's responsibilities set forth above; or
- 4) the animal or its presence creates an unmanageable disturbance or interference with the VCFA community.

VCFA will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Accessibility Services Coordinator and may be appealed as outlined in the Appeal Procedures section of the VCFA Americans with Disabilities Act Policy.

Should the Assistance Animal be removed from the premises for any reason, the owner is expected to fulfill housing obligations for the remainder of the housing contract.

## **Non-retaliation Provision**

VCFA will not retaliate against any person because that individual has requested or received a reasonable accommodation in VCFA housing, including a request for an Assistance Animal.