

ADA Policy for Service Animals

Babson College Policy for the Use of Service Animals

Babson College complies with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Among other things, the ADA and Section 504 require the College to make reasonable modifications to its policies, practices, or procedures to permit the use of a Service Animal by a student, faculty, staff or visitor with a disability.

Definition of a Service Animal

The Americans with Disabilities Act (ADA) defines service animals as “dogs that are individually trained to do work or perform tasks for people with disabilities. 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 mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or tasks a dog has been trained to provide must be directly related to the person’s disability.” A service dog can be any breed or size. It might wear specialized equipment such as a backpack, harness, or special collar or leash, but this is not a legal requirement. If a dog meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or a training program.

The ADA further states that “dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.”

The ADA allows service animals accompanying persons with disabilities to be anywhere that is open to the public on College premises. College premises shall mean any land and/or facility owned, leased, rented and/or occupied by the Babson College. There may be individual exceptions in places where the presence of the service animal may compromise safety or a sterile environment and/or interfere with the fundamental nature of the activities being conducted in which the service animal would be not permitted.

Inquiries

The individual’s disability may not be visible. When it is not obvious what service an animal provides and the owner has chosen not to voluntarily register their service animal with Babson College’s Accessibility Services, only limited inquiries are allowed. College personnel may ask two questions in determining the validity of the presence of the animal: (1) is the dog a service animal required because of your disability, and (2) what work or task has the dog been trained to perform. College personnel 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.

Service animals are allowed to accompany the partner at all times and everywhere on campus, except where service animals are specifically prohibited. This includes the right to bring the service animal into food service locations.

In case of an emergency, every effort will be made to keep the animal with its partner.

Requirements of Service Animals and their Owners

1. The animal cannot pose a direct threat to the health and safety of persons while on the College's premises.
2. Local ordinances regarding animals apply to service animals, including requirements for immunization, licensing, noise, restraint, and at-large animals.
3. The owner must be in full control of the animal at all times. Under the ADA, 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.
4. The owner must assure that the service animal does not display behaviors or noises that are deemed disruptive to others, unless said noise/behaviors are part of the needed disability service to the owner.
5. As much as possible, the owner should ensure that the service animal does not approach and sniff other individuals, dining tables, or the personal belongings of others.
6. The owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Service Animal and/or discipline for the responsible individual. The conditions of a well-cared-for animal include, but are not limited to, regularly bathed (and without excessive odors), regularly fed, regularly given an appropriate amount of water, and regularly scheduled opportunities for the animal to relieve itself.
7. The owner is responsible for cleaning up the animal's waste and fluids and disposing of such in outside trash containers only. Waste disposal via College plumbing is prohibited. The owner should always carry equipment sufficient to clean up and properly dispose of the animal's waste and fluids. Owners who are not physically able to pick up and dispose of the animal's waste and fluids are responsible for making all necessary arrangements for assistance. The College is not responsible for these services. Additionally, the animal is not to be bathed or its cage/crate, or bedding cleaned using College Housing or College facilities.
8. The owner must assure that the service animal does not block identified fire/emergency exits.
9. Service animals residing in university-owned residence halls are subject to the same rules regarding disposal of waste and maintaining a clean and healthy environment.
10. The owner is liable for damage caused by the animal.
11. The owner is responsible for instructing others on appropriate interactions with the animal and setting clear expectations.

Exclusions

A service animal may be excluded from any authorized area and its owner may be subject to disciplinary action if, including, but not limited to:

- The service animal displays aggressive or disruptive behavior or noises and effective action is not taken to control it; unless said noise/behavior(s) are part of the needed disability service to the owner;
- The service animal is not housebroken;
- The service animal poses a direct threat to the health and safety of others;
- The service animal is not in good health, well-groomed, or cared for;
- The service animal infringes inappropriately into other's personal space;
- The owner intentionally uses the service animal to block identified fire/emergency exits.

NOTE: In the event that restriction or removal of a service animal is determined to be necessary, every effort will be made to assure that the individual still has access to the programs, services, or activities of the College without the animal.

Service Dogs in Training

This policy speaks to the presence of service animals on campus, as defined by the Department of Justice, under the Americans with Disabilities Act. Those wishing to have other animals on campus should contact Accessibility Services for information about restrictions, or for referral to other offices on campus.

A Massachusetts statute ([M.G.L.A. 129 § 39F](#)) provides a “person accompanied by and engaged in the raising or training of a service dog” the same rights of access given to individuals with disabilities accompanied by service animals under the ADA.” However, that statute was implemented in 2002, before the current rules/guidance regarding service animals was released by the Department of Justice (2010). It is unclear, therefore, which of the current rights and restrictions regarding the presence and use of service animals are invoked for service animals in training under State law.

Because there is no mention of animals in training under the ADA, and because Massachusetts state law does not clarify further its use of the term “in training,” the College has established policy, based on accepted practices suggested by Assistance Dogs International (ADI). Adult dogs are recognized as being “in training” to provide disability-specific assistance only after they have completed an earlier period of socialization (obedience training, being house broken, getting acclimated to public places and every day activities as pets). Moreover, the right of access for the animal is limited to those times when it is undergoing formal training activities, which would certainly not be conducted 24/7. Thus, the College believes that service animals in training should not be in-residence in College housing.

Similarly, puppies who are being raised/socialized in hopes of one day being ready for formal service dog training are likely not ready to be in-residence in College housing. The puppy would not be allowed to stay in the residence hall in the absence of the student “raiser” (as the ADA requires that dogs be under handler control at all times), and infractions of noise or other

disturbance of the residence hall environment, or the normal accidents of very young dogs not fully housebroken, could lead to their expulsion from that setting.

Students who are training service animals or raising puppies for a recognized agency and who wish to bring those dogs into public areas on campus must register those dogs with Accessibility Services, so that all appropriate rules regarding expectations/behavior of the animal while on campus can be reviewed. Further, while on campus, the dog must be wearing visible identification (cape, harness, or alternative) clearly identifying it as a service animal in training, or puppy being raised, for the designated organization.

Voluntary Registration of Service Animals While on Campus

For those individuals who are enrolled in courses that would like to voluntarily register their service animal with the Babson College, please contact Accessibility Services at accessibility@babson.edu. As stated, this is voluntary, but may aid one in accessing the College's premises. Registration is not available for visitors to campus.

Service Animals in Residence in College Housing

Sufficient notice of the intent of an individual with a disability planning to have a service animal in College Housing must be given to Accessibility Services at accessibility@babson.edu so that appropriate arrangements regarding placement, roommates, etc. can be made. Service animals residing in College Housing are subject to the College's Housing Service Animal Agreement Form. Registration is not available for visitors to campus.

Student Complaint Procedure

Student complaints arising under this policy shall be handled by the Associate Dean of Students for Wellness. To begin the student complaint process, please email Accessibility Services at accessibility@babson.edu. The Owner will be afforded all rights of due process and appeal. If the Service Animal is excluded from College Housing, the animal must remain off campus during any appeals process.

The College reserves the right to modify this policy as needed. For additional information concerning the use of a service animal or other accommodations and services, please contact Accessibility Services at accessibility@babson.edu.