



Office of Disability Services
Smith College
College Hall 104
Northampton, Massachusetts 01063
T (413) 585-2071 VOICE or TDD
F (413) 585-4498

Emotional Support Animals (ESA) - Full Policy

The following policy applies to all students who have ESAs at Smith College, unless the nature of the documented disability of the student precludes adherence to these guidelines, or permission for a variance from the guidelines has been granted in writing.

The policy is designed to assure equal access while addressing health and safety concerns, particularly in residence halls.

This policy supports Smith College's commitment to comply with state and federal laws, rules, and regulations. These include the Americans with Disabilities Act of 1990 (ADA) as amended, and related laws, rules, and regulations; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; and the federal Fair Housing Act (42 U.S.C. 3601, et seq.).

Adherence to this policy by all in the Smith community is essential to support a foundation of understanding, comfort, and security that makes Smith a welcoming and accessible place for all.

Definition

ESAs are defined as animals that provide comfort, companionship, support, and/or relief of symptoms related to a documented disability.

General

The student must undertake to comply with health and wellbeing requirements in this policy.

In order to qualify for an ESA accommodation, the animal must be necessary to afford the individual an equal opportunity to use their dwelling, or to participate in the residential life program. Further, there must be a clear nexus between the individual's disability and the support the animal provides.

The process for application outlined in this document focuses on determining the need for the support of an animal and the appropriateness of the animal requested to meet this purpose.

Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy.

Any violation of this policy may result in immediate removal of the animal from the college and may be adjudicated by the College Conduct Board. The student will be afforded all procedural rights outlined in the College Conduct Board process.

The owner must notify the ARC in writing if the approved animal is no longer needed for disability reasons or is no longer in residence. If the animal dies while in residence, burial or cremation arrangements must be made off-campus.

To replace an approved animal, the owner must file a new request in writing to the Office of Disability Services and secure approval.

Failure to submit any required information or documentation may result in the denial of your support animal request.

Bringing any animal to campus without final written approval is considered a conduct violation.

If you need assistance to comply with these expectations, please contact ARC.

Process

All application materials must be submitted in full by June 1st for the Fall semester and November 1st for the Spring Semester. If you have an extenuating circumstance (ie you withdrew from Smith and were readmitted after the deadline), please contact ARC to discuss. Failure to plan ahead does not constitute an extenuating circumstance.

The required steps for requesting an ESA are as follows:

1. Student is to submit a formal request to ARC according to current ARC registration procedure. Please visit the ARC website for up-to-date information.
2. Student is to meet with ARC to discuss the request, including possibilities of alternative accommodations that may also be effective.
3. Student is to provide documentation, and/or sign release form allowing ARC to communicate with provider(s).
4. Once ARC has approved a request, notice of conditional approval will be submitted to the Housing Office in Residential Life who will then review any specific concerns regarding house location and other factors that must be considered.
5. The next step is for the student to complete the Residence Life ESA process, including filling out and signing all necessary forms and agreements.
6. Once Residence Life has everything they need, they will confirm final approval.

7. If the College does not have housing available that meets the need of you and your approved ESA, ARC may approve you to be released from the residency requirement so that you may find off-campus housing.

Please note: ARC does not accept “certificates” from paid or free online services or private organizations claiming to validate a support animal as there is no legal basis for these practices. We require appropriate documentation from a provider with whom you have a relationship.

Control Requirements

ESAs who require use of outdoor relief areas must be harnessed, leashed, or tethered, unless 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.

All animals must maintain behavior that is not disruptive to others.

Relief Areas

All animals must be fully housebroken and/or appropriately litter-trained.

Student is responsible for ensuring the cleanup of the animal's waste and, when appropriate, must use relief areas designated by the college, consistent with the reasonable capacity of the student.

For ESAs requiring outdoor relief areas, such relief areas may be designated through collaboration between ARC and the college grounds personnel for individuals, events, or programs.

Indoor animal waste, such as cat litter, must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash dumpsters. Litter boxes should be placed on mats so that waste is not tracked onto carpeted surfaces. Cages must be cleaned regularly.

Restricted Areas and Identification

Support Animals must be contained within the privately assigned residential area (room, suite, or apartment) *at all times* and are not allowed in public areas of the house except to enter or exit the building. ESAs are not allowed in other campus buildings.

When transported outside the private residential area for use of relief area, vet appointment, etc., the ESA must be in an appropriate animal carrier or controlled by leash or harness and the student shall carry proof that the animal is an approved animal.

Other Restrictions

Smith will not allow support animals that would fundamentally alter the nature of the residential program or when they may pose a health risk or danger to others, such as a high escape risk, venomous animals, or in areas where allergy risk cannot be contained.

Federal Fair Housing Act guidance provides that common ESAs include dogs, cats, small birds, rabbits, hamsters, gerbils, other rodents, fish, turtles, or other small, domesticated animals that are traditionally kept in the home for pleasure rather than for commercial purposes. The college may permit such animals as ESAs, if the other requirements outlined in this policy are satisfied. On the other hand, consistent with Fair Housing Act guidance, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals, and will not ordinarily be approved as ESAs, and if a student is requesting to keep a unique type of animal that is not commonly kept in households as described above, then the student has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal.

ESAs in College Housing

The student is responsible for assuring that animals do not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there.

Students are required to complete housing contracts, general care plans, emergency and break care plans, and any additional information needed by Residence Life to facilitate safe and secure placement with an animal. Forms will be made available on the Residence Life self-service portal in advance of the student's scheduled arrival.

Animals may not be left overnight in college housing to be cared for by another student and must be taken with the student if they leave campus for more than one day.

The handler may not store food items for service animals in shared house kitchenettes, and must have their own college-approved mini-fridge for this purpose.

Residence Life has the right to relocate the owner and animal as necessary, according to current contractual agreements.

The student may be required to cage or remove an animal when room maintenance is required.

The student is financially responsible for the actions of the approved animal including bodily injury or property damage. The student's responsibility covers but is not limited to replacement of furniture, carpet, window, wall covering, etc. The student is expected to cover these costs at the time of repair and/or move-out.

The student is responsible for any expenses incurred for repairs to college premises that are assessed after the student and animal vacate the residence. The college shall have the right to bill the student account of the student for unmet obligations.

The student's residence may be inspected for fleas, ticks, or other pests once a semester, or as needed. The Office of Residence Life will schedule the inspection. If fleas, ticks or other pests are detected through inspection, the residence will be treated using fumigation methARC by a college-approved pest control service. The student will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls.

The student agrees to continue to abide by all other residential policies.

Should the animal have to be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract, unless a waiver is granted. Alternative accommodations and support will be discussed with the student and provided as appropriate.

Care and Health

Care and health of the animal are the responsibility of the student.

College staff and fellow students are not required to provide food or care for ESAs.

Animals residing in college housing must have an annual clean bill of health from a licensed veterinarian. Documentation can be a vaccination certificate for the animal or a veterinarian's statement regarding the animal's health.

Vaccination: In accordance with local ordinances and regulations found at: www.northamptonma.gov/cityclerk/Dog_Licenses/ , dogs must have current vaccination against rabies and wear a rabies vaccination tag. Although not mandated, cats should have the normal shots required for a healthy animal.

The college has authority to direct that the animal receive veterinary attention.

Grooming/bathing of animals must be performed off site.

Licensing

In line with MA State law, the college requires proof that all dogs have been licensed. A copy of licensure should be submitted prior to bringing a dog to campus.

Removal of an ESA

A person with a disability who is not able to control an ESA exhibiting disruptive or unsafe behavior can be asked to remove his or her ESA.

The college may exclude/remove an animal when:

- the animal poses a direct threat to the health or safety of others, (e.g. nipping, barking, growling, biting, chasing, destructive behavior, excessive foul odor).
- the animal's presence results in a fundamental alteration of the college's program, (inhibits conduct of a program as it was designed).
- the student does not comply with student responsibilities in college housing.
- the animal or its presence creates an unmanageable disturbance or interference with the Smith community (e.g. animal walking around unsupervised, disrupting an event, barking, whining, not using designated relief areas, destroying property or possessions, or poses a threat to health and safety).

Appeals and Grievances

Individuals are encouraged to work with the Office of Disability Services to resolve concerns that may arise across the campus.

If these concerns cannot be addressed adequately by Disability Services, an individual may submit a grievance regarding ESAs to the Office of Equity and Inclusion by submitting a written appeal letter that specifically addresses the reason for the appeal. The appeal will be reviewed and the individual will be notified in writing of the college's decision on the case.

Any claims of discrimination on the basis of a disability on campus may be brought by any person (student, faculty, staff, and visitor) pursuant to the college's grievance procedures.

If you have questions or concerns please contact ARC at ARC@smith.edu.