



**MJ INSURANCE**  
SORORITY DIVISION

**Service Animals**

*February 26, 2008*

We are increasingly being asked for our position from an insurance standpoint of service animals in the chapter house. There are numerous risk management concerns with allowing animals in the chapter house: the attack risk, cleanliness issues, and allergy concerns, among others. Our standard position is to discourage allowing animals on chapter property; however, service animals pose different types of issues, as our clients obviously want to meet the needs of their chapter members insomuch as is possible and fair to the other members living in the facility.

We encourage our clients to address the issue of pets, first and foremost, in the housing agreement with each individual member. The housing agreement should prohibit pets, except in circumstances in which an individual member requires a service animal, either due to a disability or for medical reasons. The Americans with Disabilities Act (ADA) defines a service animal as “any guide dog, signal dog, or other animal individually trained to do work or perform tasks for an individual with a disability.” We would recommend that you define service animal similarly in your lease agreement. According to ADA standards, business owners and landlords are not allowed to demand that a service animal be certified by a state or private certifying agency, but we would recommend that some type of certification be recommended in the lease agreement.

Being prepared ahead of time by crafting your housing agreement in accordance with the recommendations listed above will eliminate many possible issues that may arise regarding pets on the chapter property. If you have a situation in which a chapter member is requesting that she be allowed to have a pet in the chapter facility due to medical reasons or a disability, we would recommend that, at the minimum, you address the following concerns:

- Does the animal fit the ADA’s definition of a service animal?
- If the member wants to bring a pet into the chapter house for medical reasons, does the member have a doctor’s permission/recommendation for doing so?
- Will the chapter member desiring the service animal live in a single room, so as to inconvenience other chapter members as little as possible? What financial ramifications will this cause?
- Have you addressed the situation with the rest of the chapter, especially in terms of those individuals who may be allergic or have other issues with a service animal in their living environment?
- Will the service animal be confined when left alone at the chapter facility?
- How will the Chapter/House Corporation enforce the regulations regarding service animals?

Please do not hesitate to contact me with questions or for further direction at [sara\\_sterley@mjinsurance.com](mailto:sara_sterley@mjinsurance.com).



DOUG HOPFER FOR THE CHRONICLE

Sarah Sevvick, student who filed an ADA complaint last fall after Our Lady of the Lake University refused to accommodate her pet ferret, Lilly. She says Lilly helps calm her during panic attacks, and alerts her to when an attack is coming on.

## These Student Requests Are a Different Animal

Colleges accustomed to guide dogs now grapple with demands to allow ferrets and snakes that provide psychiatric support

BY KELLY FIELD

SARAH B. SEVICK considers her pet ferret, Lilly, to be a service animal, no less legitimate than a guide dog. True, the support Lilly provides is emotional, rather than physical, but that does not change her status under the law, Ms. Sevvick reasons.

So Ms. Sevvick, who suffers from anxiety and depression, was surprised when administrators at Our Lady of the Lake University, in Texas, told her she could not bring Lilly to the campus because the ferret did not qualify as a service animal. Convinced the college was wrong, she filed a complaint with the U.S. Justice Department's Civil Rights Division last August, asking that the administrators' decision be overturned.

"They didn't understand," says Ms. Sevvick. "I couldn't just have a panic attack and say, See, she is helping me."

College officials declined to comment on the case, citing respect for Ms. Sevvick's privacy, but a spokeswoman said the college was "following the law" in how it describes a service animal. The Americans With Disabilities Act, or ADA, defines a service animal as "any guide dog, signal dog, or other animal individually trained to do work or perform tasks for an individual with a disability."

"If we have an animal that has been prescribed as part of a treatment plan and

trained in accordance with the law, then we will make every accommodation we can," says Susan A. Schleicher, chief communications officer for the university.

In letters to Ms. Sevvick's mother obtained through a Freedom of Information Act request, college officials expressed concern that the ferret would be "distracting and disruptive" in the classroom, and might bite or scratch students or faculty members. They said residence-life staff members had reported a "strong and unpleasant odor" emanating from Ms. Sevvick's room during orientation weekend, and had found ferret feces on the floor and in the sink when Ms. Sevvick and Lilly left.

In a reply, Ms. Sevvick's mother, D. Kay Sevvick countered that the ferret would be no more distracting than a service dog, and pointed out that the ADA prohibits the denial of service animals on the basis of hypothetical risk. She said she had purchased a dietary supplement to reduce the ferret's odor, and suggested that the "feces" were probably food pellets.

The battle between the Sevvicks and Our Lady of the Lake University is not unusual. Across the country, a growing number of students are seeking permission to bring "psychiatric service" animals into college class-

rooms and dormitories. The students say the animals, which range from cats and dogs to snakes, rats, and even tarantulas, help them cope with the stress of college life. But the law is unclear on whether colleges must accommodate such animals, and many colleges have grappled with how to distinguish a student with a true need from one who simply does not want to be separated from Fluffy or Spot.

For many colleges, though, the biggest fear is that if they allow one ferret, it will only be a matter of time before their campuses become petting zoos.

"The single biggest concern on the part of institutions would be setting a precedent," says Jane E. Jarrow, president of Disability Access Information and Support, an organization that helps colleges meet disability standards. "They worry that if they say yes to this one, they won't be able to say no to the next one."

### UNUSUAL REQUESTS

Most colleges say they know how to handle requests for traditional service animals, such as guide dogs for the blind.

But the idea of service animals for the mentally ill is so new that even disability advocates have not yet settled on what to call them. Some advocates label them "compan-

# How a Dog Can Help

Following are some of the tasks that a psychiatric-service dog could be trained to perform. Some of these could be accomplished by animals other than dogs.

Disorder	Symptom	Task
Major depression	apathy	tactile stimulation*
	hypersomnia (excessive sleep)	wake handler
	feelings of isolation	tactile stimulation*
	memory loss	remind to take medication
Bipolar disorder (manic phase)	aggressive driving	alert to aggressive driving
	disorganization	assist with daily tasks, such as laundry
Panic attacks	fear	lead handler to safe place
	dizziness	brace or lean against handler
	chills	lie across handler
Schizophrenia	hallucinations	provide reality check
	forgotten personal identity	carry handler's documents
	confusion/disorientation	take handler home
	feeling overwhelmed	provide buffer in crowds

\* This could include licking the handler's face, nuzzling, laying head in handler's lap or on handler's knee.

SOURCES: PSYCHIATRIC SERVICE DOG SOCIETY; CHRONICLE REPORTING

ion animals" or "comfort animals," others refer to them as "emotional-support animals."

Joan G. Esnayra, a geneticist who has bipolar disorder, prefers to call them "psychiatric service" animals, a term she coined to distinguish the benefits they provide from "the kind of emotional support everybody gets from their pets." She chose the word psychiatric over psychological, she says, to emphasize the severity of the handlers' psychiatric conditions.

Ms. Esnayra, founder and president of the Psychiatric Service Dog Society, says psychiatric-service animals may be trained to perform tasks for their handlers, such as alerting them to an incipient psychiatric episode. She says her first service dog, Wasabi, a Rhodesian ridgeback who died a year and a half ago, would repeatedly nudge her with his nose when she had been staring at the computer for hours—a sign she was entering a manic phase.

Ms. Esnayra says psychiatric-service animals can also "do work" for their handlers, as the ADA stipulates, and which she interprets broadly as "performing a function." For example, a dog might enable a person with agoraphobia—a fear of being in public places or crowds—to leave her home without panicking, or it might provide a "reality check" for a person with schizophrenia; if his dog is sleeping peacefully, then the handler knows that the voices he is hearing are in his head, not in the room.

"It's a passive function," Ms. Esnayra acknowledges, "but when you're the schizophrenic person sorting things out, it's a valuable form of assistance."

But she says that animals need not perform tasks to qualify under the ADA, arguing that the interactions between a handler and animal can be "intrinsically therapeutic."

"A lot of the medicine of a psychiatric-service dog is predicated by a bond, and a bond is not a physical task," she says.

That position has put her in conflict with a coalition of traditional service-dog users, which has called task training "the litmus test of legitimacy." The Coalition of Assistance Dog Organizations says the legal definition of "service animal" has been misunderstood or deliberately exploited by pet owners and protection-dog trainers, and the group has urged the Department of Justice to revise its ADA regulations to explicitly exclude animals that provide only "comfort, protection, or personal defense." The proposed definition would also replace the phrase "do work or perform tasks" with "perform physical tasks."

Sheila Styron, a spokeswoman for the coalition and president of Guide Dog Users Inc., says her group is trying to fortify the law against abuses that threaten to undermine public tolerance of service animals. Ms. Styron, who is blind and works with a guide dog, says she was recently questioned at an airport after another passenger attempted to pass off a bowl of goldfish as service animals.

"People with disabilities have worked long and hard to gain their public-access rights, and they get upset when they feel that people are cheapening the progress that they have made," she says.

But Ms. Esnayra believes much of the resistance from traditional service-dog users stems from stereotypes about owner-trained dogs. While there are several training schools for guide dogs, there are no schools for psychiatric-service dogs, so most handlers train their own dogs.

"There is a prevalent stigma that owner-trained dogs will inevitably be poorly behaved" and will "diminish the good image of service dogs in the eyes of the public," she says.

She says she has tried to combat this "image problem" by establishing voluntary standards for psychiatric service dogs.

## COURTS CREATE CONFUSION

With only one exception, the courts have backed Ms. Styron's interpretation of the law, ruling that the Americans With Disability Act and the Fair Housing Act—which prohibits discrimination in housing—apply to animals that perform tasks, not to those that provide comfort and companionship only.

But administrative judges at the U.S. Department of Housing and Urban Development have said that an animal does not have to perform tasks to receive protection under the Fair Housing Act. In a landmark case, decided in 1994, the judge ordered an apartment complex to waive its no-pets rule for a woman with depression.

"In effect, the dog gives . . . the same freedom that a wheelchair provides a physically disabled person," the judge wrote.

Those conflicting rulings have created confusion for colleges, which are subject to the Americans With Disability Act campuswide and the Fair Housing Act in their dormitories. Certain colleges, like Ohio State University, permit psychiatric service animals in dormitories in some cases, but not in other facilities.

"I go with the highest standard of access," says L. Scott Lissner, the ADA coordinator at the Ohio State system and an authority on service-animal case law.

J. Aaron McCullough, a legal expert with the Disability Law Resource Project, which provides training and technical assistance on complying with the ADA, counsels colleges to rely on the law's definition of service animal, which "thoroughly precludes coverage" for animals that provide comfort only.

"A companion animal is just a euphemism for a pet," he says.

But Ms. Jarrow, the disability consultant, says she reminds colleges that the ADA "sets a floor, not a ceiling." Just because colleges are not required to accommodate psychiatric-support animals, she says, does not mean they are prohibited from doing so.

"The fear of opening the floodgates should not keep you from making an accommodation under reasonable circumstances," she said, urging administrators to consider requests case by case.

At the same time, she cautions colleges not to adopt an "anything goes" policy toward psychiatric-support animals, saying she once received a call about an early-childhood-education major who wanted to bring her dog—a pit bull-Rottweiler mix—into a campus day-care center.

"Clearly, some animals may not be appropriate to a university setting," she says.

Ms. Jarrow says some colleges have been too quick to accommodate even unreasonable requests, fearing lawsuits.

"The institutional administration is often too skittish about possible legal action to think about what's logical, appropriate, or right," she said.

Michael R. Masinter, a law professor at Nova Southeastern University, says colleges should approach requests with skepticism, but not with a completely closed mind.

"No one is going to go through the trouble of losing their eyesight to keep a pet, but they might go through the trouble of getting a therapist's note," he says.

Mr. Masinter suggests that colleges consider whether the animal was prescribed by a psychologist, and whether it "really does alleviate the effects of the impairment," as required by the ADA.

Experts urge universities to develop policies that clearly differentiate between service animals and emotional-support animals. To assist colleges, Ms. Jarrow has created a sample policy that borrows heavily from that of the University of Wisconsin at Madison, which she calls "the granddaddy of them all."

The sample policy defines a service animal; outlines the responsibilities of the disabled individual, as well as those of faculty and staff members and students; spells out which areas are off limits to service animals (research laboratories, mechanical rooms, and custodial closets, among them); and describes when a service animal may be forced to leave a campus facility.

Brian T. Rose, associate vice president for student affairs at Rutgers University at New Brunswick, says his institution decided to come up with a policy after it received five requests to accommodate a psychiatric-service animal in a single year—three cats, one dog, and a snake.

"Obviously, we permit service animals," he said. "But this was—pardon the pun—a different animal."

Ultimately, the college decided to allow the animals in its garden-style apartments, but not in dorms with a common elevator, where they might bother students with allergies and phobias.

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"You're balancing Disability A against Disability B, trying to keep everyone comfortable in the residence halls," he said.

#### RESEARCH SHOWS BENEFITS

Research into the benefits of psychiatric-service animals is still in its infancy. Several studies have demonstrated the benefits of animal-assisted therapy for the elderly, the infirm, and the mentally ill. Other studies have shown that pets lower blood pressure in hypertensive stockbrokers, help children recover from traumatic experiences like sexual abuse, alleviate loneliness in single women, and foster empathy among prison inmates.

"Pets calm people down, give them a feeling of self-confidence, and increase their ability to deal with the world more effectively," says Alan Entin, a psychologist in Richmond, Va., and an expert on pets.

But there have been no controlled studies on the benefits of trained psychiatric-service animals for specific psychiatric populations, and much of the evidence of their effectiveness remains anecdotal.

Ms. Esnayra, who recently left a job as a program officer at the National Academies of Science, hopes to change that. She has applied for a grant from the National Center for Complementary and Alternative Medicine at the National Institutes of Health for a study of whether psychiatric-service dogs can lower anxiety levels in patients with anxiety disorders.

Despite the dearth of research, the idea that animals can help mitigate mental illness appears to be gaining acceptance in the mental-health professions. Carole E. Fudin, a clinical social worker in New York City, says she has recommended psychiatric-service animals for several of her clients. In some cases, she says, the animals have "worked as powerfully as medication," with fewer side effects.

"I think psychotherapy has grown up a bit when it comes to how significant these animals are for people," she says, adding that there was some skepticism when the idea was introduced in the early 1980s.

But she stresses that psychiatric-support animals are no substitute for psychotherapy and medication, adding that "if dependency on an animal alone is the only way a person is getting through the day, then they're going to be in crisis when the animal dies."

In Ms. Sevick's case, her ferret's therapeutic properties came as a surprise. She received Lilly as a pet, and only later discovered that stroking the ferret helped distract and calm her during a panic attack. With the help of her mother, she then trained the ferret to come on command and sit quietly in her lap for long periods of time. Eventually, Lilly learned to sense the onset of a panic attack, and would come to Ms. Sevick automatically, she says.

When Our Lady of the Lake University declined her request to bring Lilly to campus, she decided to enroll anyway, certain that the college would reconsider. But she struggled academically and socially, and suffered frequent panic attacks.

"I had never been on my own, and I was in a strange place," she recalls, her voice cracking. "I was under a lot of stress, and I did not have any support at all."

By the time she heard back from the Office for Civil Rights, in December of last year, she had flunked out. The response was a one-page letter, saying that staff had reviewed her case and "decided not to take any action." ■