

# ST. BONAVENTURE UNIVERSITY POLICY REVIEW FORM

(Development/Amendment Process)

## Policy: Service and Emotional Support Animals Policy

Division initiating development or amendment: Academic Affairs

Individual(s)/Title(s) responsible for development or amending: Provost

Does this policy replace an existing policy?  YES  NO

If yes, please give name of existing policy & date of last revision: [Click here to enter text.](#)

Related policies: [Click here to enter text.](#)

Other departments/divisions affected by policy: Student Affairs

Date originally presented to Cabinet: March 2, 2017

### I. Review Status

- Returned, under advisement for re-write      Date: [Click here to enter text.](#)
- Returned to Cabinet      Date: [Click here to enter text.](#)
- Sent for legal review      Date: [Click here to enter text.](#)
- Approved by Cabinet      Date: March 14, 2017

### II. Policy sent for advisory review to\*:

\*Must be returned, with acknowledgement, to the Cabinet within ten working days after receiving the original policy

	<u>Date Sent:</u>	<u>Date Returned:</u>	<u>Comments Attached:</u>
Board of Trustees	<a href="#">Click here to enter a date.</a>	<a href="#">Click here to enter a date.</a>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Faculty Senate	<a href="#">Click here to enter a date.</a>	<a href="#">Click here to enter a date.</a>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Hourly Affairs	<a href="#">Click here to enter a date.</a>	<a href="#">Click here to enter a date.</a>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Student Government	<a href="#">Click here to enter a date.</a>	<a href="#">Click here to enter a date.</a>	<input type="checkbox"/> Yes <input type="checkbox"/> No

### III. Final Approval

  
\_\_\_\_\_  
(President)

Date: 3/20/17

Attach the final copy of the Policy, with amended text highlighted in yellow (if applicable), to this form

Approved policy posted to the Governing Doc. Website      Date: [Click here to enter a date.](#)

**St. Bonaventure University**  
**Service and Emotional Support Animals Policy**

**March 14, 2017**

St. Bonaventure University recognizes the rights of individuals with disabilities to be accompanied by their service animal while on campus as students, employees or guests. St. Bonaventure University further recognizes the rights of individuals with disabilities to be accompanied by their emotional support animal while living in university provided housing.

**Service Animal**

Definition: The Americans with Disabilities Act of 1990 defines *service animal* as:

*Any dog (or, in certain instances, miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.*

The responsibilities of a service animal can include, but are not limited to, assisting those with low vision, alerting individuals who are deaf or hard of hearing, pulling a wheelchair, or retrieving such items as medicine or the telephone. Animals acting in an emotional support role only are not classified as service animals. Any student, employee, outside contractor or campus visitor is permitted to have a service animal during his or her presence on campus.

**Qualifying to have a Service Animal on Campus**

- Students using a service animal on campus should contact the Office of Disability Support Services to register their dog and discuss any accommodations appropriate to the functional limitations of the disability. Employees should contact Human Resources.
- The accompanying animal must be trained to do specific tasks for the qualified individual.

**Responsibilities of the Long-Term Handler/Owner**

- 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.
- The handler/owner is responsible for ensuring the service animal is wearing a leash, harness or cape that identifies the animal as a service animal when on duty anywhere on campus.
- The handler/owner is financially responsible for the actions of the approved service animal. These actions include bodily injury, and/or property damage and handlers/owners must take precautions to prevent injury and/or property damage. Any damage to University property cause by the service animal or above and beyond normal maintenance cleaning will be charged to the handler/owner's student account.
- At all times, the cost of care and maintenance of health and well-being are the sole responsibility of the handler/owner. Service animals must meet all local ordinance regarding vaccinations and proper licensure. This also includes regular bathing and grooming, as needed.

- The handler/owner must provide evidence of current clean health certificates, vaccinations and current New York State dog license.
- Out of courtesy to others, as much as possible the handler/owner should ensure the service animal does not approach and sniff other individuals, dining tables, or the personal belongings of others. As much as possible the handler/owner must ensure the service animal does not block identified emergency/fire exits.
- It is the handler/owner's responsibility to ensure 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 handler/owner.
- Waste cleanup is the sole responsibility of the handler/owner, if the handler/owner is not physically capable of cleanup after the service animal, the handler/owner must hire someone who is physically capable and incur the cost of such hire. Service animal waste cleanup should include appropriate waste cleanup equipment and proper disposal of waste in an appropriate container. An appropriate container is an outside receptacle (i.e. dumpsters).
- Animals must leave campus with the student anytime the student leaves overnight and/or during University breaks.

#### **Service animals in Residence Halls and on campus**

Service Animals may travel freely with their handler/owner throughout Residence Halls and university property. The University may restrict the use of service animals in certain locations based on health and safety restrictions. Restricted areas may include, but are not limited to: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research/demonstration animals, areas where protective clothing is necessary, sterile environments, and areas outline in state law as being inaccessible to animals.

#### **Removal of Service Animal**

Service animals may be removed from the University premises if:

- 1.) The service animal is out of control and the handler/owner does not take effective action to control it. If improper animal behavior happens repeatedly, the handler/owner may be prohibited from bringing the animal into any university facility until the handler/owner can demonstrate that he/she has taken significant steps to mitigate the behavior
- 2.) The service animal is not housebroken
- 3.) The service animal is a direct threat. A handler/owner may be directed to remove an animal the University determines to be a substantial and direct threat to the health and safety of individuals. This may occur due to an extremely ill animal, or the presence of an animal in a sensitive area such as a medical facility, sterile environments, and research laboratories.

#### **Responsibilities of the Office of Disability Support Services**

- Maintain confidential file of student who has registered and provided appropriate documentation as a student with a disability.
- Collect and keep on file evidence of New York State dog licensing, current health certificates and vaccination records.
- Notify appropriate personnel/campus offices of the animal and handler/owner.

- Provide guidelines to the campus community for appropriate interaction with the animal.
- In conjunction with the Office of Residential Education and Housing, there will be reasonable effort made to notify tenants in the residence building where the service animal will be located. Individuals with medical condition(s) that are affected by animals (i.e. respiratory diseases, asthma, severe allergies) are asked to contact the Office of Residential Education and Housing if they have a health or safety related concern about exposure to a service animal. The University shall reasonably accommodate individuals with medical conditions that require accommodation when living in proximity to a service animal.

### **Responsibilities of the Community (Faculty, staff and students)**

- Must allow service animals to accompany their handler/owners at all times and everywhere on campus where the general public (if accompanying a visitor) or other students (if accompanying a student) are allowed, except for places where there is a health, environmental, or safety hazard.

The appropriate way to ascertain that an animal is a service animal is to ask (only if it is not apparent)

- 1.) Is the animal required because of a disability?
- 2.) What work or task is the dog trained to perform?

\*specific questions about the individual's disability may not be asked\*

- Do not pet a service animal. A service animal is a working animal and petting a service animal while he/she is working distracts the animal from performing the required work or tasks.
- Do not feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at unexpected times may cause the animal to become ill.
- Do not deliberately startle a service animal
- Do not separate or attempt to separate a handler/owner from his or her service animal.

The Department of Justice (DOJ) is explicit that the following animals are not considered service animals under the ADA and ADAAMA:

- Any animals besides dogs (though there is a special provision permitting miniature horses in some instances)
- Animals that serve solely to provide a crime deterrent effect
- Emotional support, comfort or companionship animals.  
\*Comfort animals are not covered by the ADA; they fall under the Fair Housing Act (FHA) and the U.S. Department of Housing and Urban Development regulations.

## **Emotional Support Animal**

Definition: The Fair Housing Act (FHA) defines an *emotional support animal* as:

*Any animal that provides support, well-being, or companionship that alleviates or mitigates symptoms of the disability; the animal is not individually trained.*

The Fair Housing Act recognizes the keeping of an emotional support animal in a dwelling as a reasonable accommodation if:

- 1.) The person has a disability, and
- 2.) The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy their dwelling, and
- 3.) There is an identifiable relationship or nexus between the disability and the support the animal provides.

The FHA has not placed restrictions on the type of animal covered nor does it require training of the animals. Any individual living in University- sponsored housing is eligible to receive accommodations. Any individual who is not living in University- sponsored housing is not permitted to have an emotional support animal on campus.

## **Qualifying to have an Emotional Support Animal in Residence**

- The student must have a disability as defined by the ADA.
- The student must be registered with the Office of Disability Support Services.
  - The University has the right to request and obtain proper documentation to ensure that an animal qualifies as an emotional support animal where the handler/owner's disability is not readily apparent. The University request can include, but is not limited to, documentation from a licensed psychiatrist, social worker, or other mental health professional, to provide sufficient information as to the validity of the disability and the emotional support animal's necessity. The University shall not require the emotional support animal to demonstrate the ability to perform and particular task or work.
- The student must have an already established relationship with the animal.
- The emotional support animal must be approved through the Office of Disability Support Service as an official accommodation, in conjunction with other offices as needed.

## **Responsibilities of the Owner**

- The owner is responsible to attend and be in full control of the emotional support animal at all times. The emotional support animal shall have a harness, leash, tether or be transported in an appropriate enclosure whenever it is outside of the residence hall room where it will be housed.
- In shared living spaces, the emotional support animal should be in an appropriate container if the owner is not in the room with the animal.
- The owner is responsible for following all rules related to the restriction of animals from buildings on the campus other than their residence hall.

- The owner is responsible for the costs of care necessary for the emotional support animal's well-being. The arrangements and responsibilities for the care of an emotional support animal are the sole responsibility of the owner at all times, including regular bathing and grooming, as needed.
- The owner must provide evidence of current clean health certificates, vaccinations (when appropriate) and current New York State dog license (if the animal is a dog).
- The owner is responsible for not leaving the emotional support animal unattended for an unreasonable length of time. Animals must leave campus with the student anytime the student leaves overnight and/or during University breaks.
- The owner is financially responsible for the actions of the approved emotional support animal. These actions include bodily injury, and/or property damage and owners must take precautions to prevent injury and/or property damage. This includes pest treatment caused by the animal. Any damage to University property cause by the emotional support animal or above and beyond normal maintenance cleaning will be charged to the owner's student account.
- Waste cleanup is the sole responsibility of the owner. Emotional support animal waste cleanup should include appropriate waste cleanup equipment and proper disposal of waste in an appropriate container. An appropriate container is an outside receptacle (i.e. dumpsters).

#### **Removal of Emotional Support Animal**

An emotional support animal can be asked to leave or not allowed to participate on campus if:

- 1.) The animal is found by the University to be out of control or disruptive and the animal's owner does not take immediate and effective action to control it.
- 2.) The animal is not housebroken or kept in a cage where waste can be managed effectively.
- 3.) The animal is found to be neglected or mistreated and prompt corrective action is not taken
- 4.) The animal is ill.
- 5.) The animal is unreasonably dirty.

#### **Responsibilities of the Office of Disability Support Services**

- Maintain confidential file of student who has registered and provided appropriate documentation as a student with a disability.
- Collect and keep on file evidence of New York State dog licensing, current health certificates and vaccination records.
- DSS is responsible for developing the necessary procedures for the University and facilitating the use of emotional support animals by students on campus.
- In conjunction with the Office of Residential Education and Housing will contact potential roommates and suitemates to determine if other students have any concerns about potentially living with an animal.
- Assists owners and the university community when questions or concerns arise relating to emotional support animals on campus and seeks legal advice when necessary.

#### **Responsibilities of the Community**

- Must allow emotional support animals to reside with their owner in their residence hall room or suite once they are approved as a disability related accommodation.
- Contact Office of Disability Support Services if any questions or concerns arise relating to emotional support animals including any additional questions regarding visitors to campus who have emotional support animals.
- Report any emotional support animal who misbehaves or any owners (or other individuals) who mistreat their emotional support animals to the Office of Disability Support Services.

\*Emotional support animals are not allowed anywhere on campus, outside of the residence hall, where animals are not normally allowed. An emotional support animal may be removed from campus if it is found in any other building on campus, other than the student's residence hall.\*