

Disability Services Department Procedure for Requesting Accommodations for Emotional Support Animals on Campus	Date adopted: DRAFT
Access: Public Related Policies: University Policy for Service and Emotional Support Animals	Position responsible for ensuring compliance: Coordinator of Disability Services

An “Emotional Support Animal” is an animal used by a person with a disability to assist with symptom management, and is evaluated as any other accommodation. An emotional support animal provides emotional support that alleviates one or more identified symptoms or effects of person’s disability and does not need to be trained or certified. Examples may include dogs, cats, birds, guinea pigs, etc. Students with disabilities may request a reasonable accommodation for an emotional support animal, under both the Fair Housing Act (FHA) and Section 504. Requests will be considered on a case-by-case basis.

Making a Request to Bring an Emotional Support Animal on Campus:

Students should begin by contacting Disability Services, Seton Hall, First Floor, Niagara University, New York 14109, 716-286-8541, 716-286-8063 (Fax), or kadams@niagara.edu to make a formal request to have an emotional support animal on campus. Ideally, the request should be in writing and include the following information:

1. Student contact information: name, ID number, permanent address, phone (cell preferred if available), email, number of semesters at Niagara.
2. An explanation/description of the physical, psychological, or health impairment, for which the emotional support animal is being requested, and how the animal helps to alleviate one or more of the symptoms or effects of the student’s disability. Specify whether the condition is temporary or permanent. When the disability-related need for the emotional support animal is not readily apparent, documentation will be required. Please see the section below entitled “Documentation” for additional information. Please provide the name and contact information of the professional who will be providing documentation.
3. The specific residence hall and/or specific campus location, where the student is requesting to have the emotional support animal on campus.
4. A statement giving permission for Disability Services to share information related to the student’s emotional support animal request with other appropriate campus personnel such as Residence Life, Counseling Services, Health Services, Risk Management, Facility Services, etc. in order to process the student’s request in a timely manner.

Documentation

When it is not readily apparent why an emotional support animal is required, a student will need to submit documentation of disability and of the disability-related need for the animal, e.g. how the animal helps to alleviate one or more of the symptoms or effects of the student's disability.

Documentation can be provided from a variety of different sources, such as a doctor or other medical professional, a peer support group, a nonmedical service agency, a reliable third party who would be in a position to know about the person's disability, etc. Documentation should include what the specific disability is, and if the student has a disability-related need for the emotional support animal, e.g. how the animal helps to alleviate one or more of the symptoms or effects of the student's disability.

Definition of Disability: For accommodation purposes, an individual with a disability is any person who has a physical or mental impairment, has a record of such impairment, or is regarded as having such an impairment, which substantially limits one or more major life activities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

Decision

Requests will be reviewed by our Emotional Support Evaluation Group, comprised of representatives from various offices on campus, such as Disability Services, Residence Life, Counseling Services, Health Services, Risk Management, Facility Services, etc. The committee will complete an individualized analysis for each request based on that individual student's documentation and the program, service, or activity involved. The request will be evaluated based on the law, latest guidelines and best practices (including financial factors, damage to property, risk to others, and if the presence of the animal would alter the nature of the class or activity).

Accommodation requests are carefully evaluated on a case-by-case basis, and the following questions will be used when considering a request for an emotional support animal in university housing:

- (1) Does the person seeking to use and/or live with the animal have a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities?
- (2) Does the person making the request have a disability-related need for an emotional support animal? In other words, does the animal provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?

The student will be notified of the committee's decision in writing, regarding whether or not the emotional support animal was approved or denied.

Basis for Denial or Exclusion

Under the FHA and Section 504, the reasonable accommodation request may be denied under any of the following circumstances:

(A) If the answer to either of the above question (1) or (2) is no.

(B) If allowing the emotional support animal on campus would impose an undue financial and administrative burden or it would fundamentally alter the nature of the university's services.

(C) If the specific emotional support animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation.

(D) If the specific emotional support animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Approved Emotional Support Animals

If the request is approved, the specific location where the animal will be allowed to go on campus will be provided to the student. If allowed, a letter of agreement will be developed with the owner of the animal to create favorable conditions for all. Disability Services will also notify, as needed and as appropriate, any offices that need to be aware of an approved emotional support animal on campus, such as Campus Safety, Residence Life, etc.

Residence Life: If the emotional support animal is approved to live on campus, the student will be required to meet with Residence Life, to discuss how to best accommodate the student, the emotional support animal, and the housing community. Residence Life will notify building staff, as appropriate, of any approved emotional support animals residing on campus. If the animal is approved to live on campus with the student, the animal will be allowed in indoor and outdoor public and common use areas associated with housing.

Conflicting Disabilities: If a student with a medical condition, such as a severe allergy or respiratory condition, has a health or safety concern about living with an emotional support animal, the student may make a request for a reasonable accommodation to Disability Services. The student will need to submit their request and documentation to Disability Services, with permission to share the information with Residence Life.

Disability Services and Residence Life will engage in an interactive process and speak with both individuals, and will determine a solution to accommodate the needs of both students. Allergies are not considered as a basis to exclude an emotional support animal.

Partner/Handler of the Emotional Support Animal: If an emotional support animal is approved on campus, the student is responsible for maintaining and controlling the animal, and must familiarize themselves with the following:

1. **Control of the Emotional support animal:** The partner/handler must be in full control of the animal at all times. The animal shall have a harness, leash, or other tether, unless the individual's disability prevents them from using these devices, or if the device would interfere with the animal's safe, effective performance of providing emotional support, in which case the animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
2. **Cleanup Rules:** The handler must always carry equipment and bags sufficient to clean up the animal's waste and properly dispose of it. If the handler is not physically able to

pick up and dispose of the waste, he/she is responsible for making all necessary arrangements for assistance.

3. **Vaccinations/Licensing Requirements:** The handler is responsible for the health and well-being of their emotional support animal, and for abiding by current laws and regulations pertaining to the vaccination and licensing requirements regarding emotional support animals.
4. **Circumstances Under Which Approved Emotional Support Animals Can Be Removed From Campus:** Emotional support animals may be removed or restricted at a Niagara University location or event for the following reasons:
 - The animal is out of control and the animal's handler does not take effective action to control it.
 - The animal is not housebroken. (Housebroken is defined as when the animal has been trained to urinate and defecate outside or in a designated place.)

NOTE: If an emotional support animal is removed from campus, the university will give the individual with a disability the opportunity to return to the classroom, activity, etc. without having the emotional support animal on the premises. If the student requires an accommodation or assistance, without the use of their emotional support animal, they may request a reasonable accommodation in a timely manner, by contacting Disability Services.

Procedure for Removing an Emotional Support Animal from Campus: In accordance with the Student Code of Conduct, any issues or complaints regarding a student with an emotional support animal will be directed to the Dean of Students' office and will go through the student conduct process.

5. **Liability:** The partner/handler of an emotional support animal present at any Niagara University location or event is personally responsible for any damage to property and/or harm to others caused by the animal while at a Niagara University facility or sponsored event.

Guidelines for Members of the Campus Community

Note: Prior approval is required for an emotional support animal to be on campus and the approval must specify where the animal is allowed on campus.

- Allow the authorized emotional support animal to accompany a person with a disability on campus
- Do not ask for details about a person's disability
- Do not pet or feed the animal, unless you have the owner/handler's permission
- Do not attempt to separate a person from his or her authorized emotional support animal

Questions/Concerns Regarding Emotional Support Animals Contact:

Disability Services at 716-286-8541/ kadams@niagara.edu

Campus Safety at 716-286-8111

Dean of Students' Office at 716-286-8405