

<b>Disability Services Department Policy and Procedure for Service Animals on Campus</b>	<b>Date adopted: DRAFT</b>
<b>Access: Public</b>  <b>Related policies: University policy on Service Animals and Emotional Support Animals</b>	<b>Position Responsible for overseeing compliance: Coordinator of Disability Services</b>

## **Policy**

Under the 2010 revisions of the Americans with Disabilities Act (ADA), “service animal” is defined as a dog 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 work or tasks performed by a service animal must be directly related to the handler’s disability.

Examples of work or tasks include, but are not limited to:

- assisting individuals who are blind or have low vision with navigation and other tasks
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- pulling a wheelchair
- assisting an individual during a seizure
- alerting individuals to the presence of allergens
- retrieving items such as medicine or the telephone
- providing physical support and assistance with balance and stability to individuals with mobility disabilities
- helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Dogs whose sole purpose is to provide comfort or emotional support do not qualify as service animals under the ADA. Service animals are working animals, not pets.

There is also a provision under the revised ADA which states that a miniature horse, while not considered a service animal, may be admitted on campus provided the animal has been trained to perform tasks for an individual with a disability and its admission is otherwise reasonable. The handler of the miniature horse must contact Disability Services to assess whether the miniature horse will be allowed on campus. The assessment factors for miniature horses are:

- (1) whether the miniature horse is housebroken ; (Housebroken is defined as when the animal has been trained to urinate and defecate outside or in a designated place.)
- (2) whether the miniature horse is under the owner's control;
- (3) whether the facility can accommodate the miniature horse's type, size, and weight; and
- (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Procedure:

**The Partner/Handler of the Service Animals Should Familiarize Themselves with the Following:**

1. **Control of the Service animal:** The partner/handler must be in full control of the animal at all times. A service 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 service animal's safe, effective performance of work or tasks, in which case the service 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 them. 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. **Training or Certification:** The University will not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. However, when it is not readily apparent what service an animal provides, Niagara University may ask the handler:
  - 1) Is the animal required because of a disability?
  - 2) What work or task has the animal been trained to perform?
4. **Vaccinations/Licensing Requirements:** The handler is responsible for the health and well-being of their service animal, and for abiding by current laws and

regulations pertaining to the vaccination and licensing requirements regarding service animals.

**5. Circumstances Under Which Approved Service Animals Can Be Removed From Campus:** Service 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 a service 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 service animal on the premises. If the student requires an accommodation or assistance, without the use of their service animal, they may request a reasonable accommodation in a timely manner, by contacting Disability Services.

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

**6. Areas Off-Limits to Service Animals:** Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of the university where students are allowed to go, except where there are necessary restrictions and expectations different from other places of public accommodation. For example, barring a service animal from a chemistry lab may be required. If the student requires an accommodation or assistance, without the use of their service animal, they may request a reasonable accommodation in a timely manner, by contacting Disability Services.

**7. Voluntary Registry of Service Animals:** All students with service animals on campus are encouraged to register with Disability Services. While this is not a requirement, we feel it is in the best interest of the student to voluntarily disclose this information, so that Disability Services is aware of the student and service animal on campus. This may also help limit the number of times a student may have to answer the permissible questions, if the animal is required because of a disability, and what work or task has the animal been trained to perform. However, students who will be residing on campus with their service animal,

should notify Disability Services. Please see “Service Animals in University Housing” below for additional information.

8. **Liability:** The partner/handler of a service 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.

### **Service Animals in University Housing**

Under the Fair Housing Act, if a student will be residing on campus with their service animal, the student should notify Disability Services in a timely manner, ideally 30 days before the semester begins, so the university can make all necessary arrangements, to plan for a positive experience for the student, the service animal, and the entire community.

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](mailto:kadams@niagara.edu). Ideally, the notification 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. Answer: Is the animal is required because of a disability?
3. Answer: What work or task has the animal been trained to perform?
4. The specific residence hall where the student is requesting to have the service animal on campus.
5. A statement giving permission for Disability Services to share information related to the student’s service animal with other appropriate campus personnel such as Residence Life, in order to inform them of the student’s needs.

Once a student provides all of this information, Disability Services will share the information with Residence Life, and other offices, as appropriate. If all of the above information is provided, a meeting will be arranged between the student and Office of Residence Life to discuss how to best plan for a positive experience for the student, the service animal, and the campus community. Residence Life will notify building staff, as appropriate, and the roommates of the student with the service animal, of any approved service animals residing on campus.

## **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 a service 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 or fear of dogs are not considered as a basis to exclude a service animal.

## **Guidelines for Members of the Campus Community**

Note: No prior permission or evaluation is needed to have a service animal on campus

- Allow the service 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 a service animal, unless you have the owner/handler's permission
- Do not attempt to separate a person from his or her service animal

## **Questions/Concerns Regarding Services Animals Contact:**

Disability Services at 716-286-8541/ [kadams@niagara.edu](mailto:kadams@niagara.edu)

Campus Safety at 716-286-8111

Dean of Students' Office at 716-286-8405