

## **Service and Assistance Animal Policy**

SUNY Canton recognizes the importance of Service and Assistance Animals to individuals with disabilities and has established the following policy regarding Service Animals and Assistance Animals to aid people with disabilities. This policy ensures that people with disabilities, who require the use of Service or Assistance Animals as a reasonable accommodation, receive the benefit of the work or tasks performed by such animals or the therapeutic support they provide. SUNY Canton is committed to allowing people with disabilities the use of a Service or Assistance Animal on campus to facilitate their full-participation and equal access to the University's facilities, housing, programs and activities. Set forth below are specific requirements and guidelines concerning the appropriate use of and protocols associated with Service Animals and Assistance Animals. SUNY Canton reserves the right to amend this policy as the law and circumstances require. The U.S. Department of Justice (DOJ) Civil Rights Division published revised regulations implementing the American with Disabilities Act (ADA) for title II (State and local government services) and title III (Public accommodations and commercial facilities) on September 15, 2010.

### **Section I. Definitions**

#### **A. Service Animal**

A "Service Animal" is defined as "Any 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." Examples of such work or tasks include, but are not limited to: guiding people who are blind, alerting people who are deaf, pulling a wheelchair, retrieving items such as medication or the telephone, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. The 2010 ADA revisions also include a separate provision for miniature horses that have been individually trained to do work or perform tasks for people with disabilities to be considered as Service Animals (see 28 C.F.R. Part 35.136).

Service Animals are working animals, not pets. The work or task a Service Animal has been trained to provide must be directly related to the person's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as Service Animals.

#### **B. Assistance Animal**

The U.S. Department of Housing (HUD) under the Fair Housing Act (FHA), defines "Assistance Animals" as animals that provide assistance in the form of emotional support which reduces or alleviates one or more identified symptoms or effects of a person's disability. Under the FHA, a person may keep an assistance animal in his or her dwelling unit as a reasonable accommodation, if there is an identifiable relationship or nexus between the disability and the assistance the animal provides. Unlike a Service Animal, an Assistance Animal does not assist a person with a

disability with the activities of daily living, nor does it accompany a person with a disability at all times. Assistance Animals may be allowed in university housing as a reasonable accommodation, however, they may not be permitted in other areas of the university (e.g. libraries, classrooms, labs, dining halls).

### **C. Pet**

A “Pet” is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an Assistance Animal. They are not covered by this policy. Residents are not permitted to keep pets, other than fish, on University property or in University housing except for approved pets in the Pet Wing.

### **D. Approved Animal**

An “Approved Animal” is a Service Animal or Assistance Animal that has been approved as a reasonable accommodation under this policy.

### **E. Owner**

The “Owner” is the student or other covered person who has requested the accommodation and has received approval to bring the “approved animal” on campus.

## **Section II. Procedure for requesting an obtaining a Service or an Assistance Animal in University housing as a reasonable accommodation**

1. Students requesting an Assistance Animal must fill out the Assistance Animal Application, found here [link].
2. This request should be made the preceding June 1 (for incoming students), or by April 1 (for continuing students) for the following academic year. Applications may be submitted after the due date but it is important the applicant recognizes the committee that reviews assistance animal applications meets approximately every other month. As such, decisions on completed applications typically take up to 6 to 8 weeks. Applications must be completed fully before they can be reviewed. This includes sections to be filled out by a medical practitioner as well as the required veterinary section.
3. The Service/Assistance Animal Committee will review all applications. Once the committee has made a decision, a member of the committee will inform the student of the final decision.

## **Section III. Conflicting Health Conditions**

Housing personnel will make a reasonable effort to notify students in the residence building where the Approved Animal will be located. Students with medical condition(s) that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact Residence Life if they have a health or safety related concern about exposure to a Service or Assistance

Animal. The University is prepared to reasonably accommodate individuals with medical conditions which require accommodations when living in proximity to Service or Assistance Animals. We will attempt to resolve any conflict in a timely manner. Staff members will consider the conflicting needs and/or accommodation requests of all persons involved.

#### **Section IV. Owner's Responsibilities in University Housing**

1. The Owner is responsible for assuring that the Approved Animal does not unduly interfere with the routine activities of the residence or cause difficulties for students who reside there.
2. The Owner is financially responsible for the actions of the Approved Animal including bodily injury or property damage. The owner's responsibility includes but is not limited to replacement of furniture, carpet, windows, screens, doors, paint, wall covering, and the like. The Owner is expected to cover these costs at the time of repair and/or when they move -out.
3. The Owner is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to University premises that are assessed after the student and animal vacate the residence. The University shall have the right to bill the student account of the Owner for unmet obligations.
4. The Owner must notify Residence Life if the Approved Animal is no longer needed as an Approved Animal or is no longer in the residence. To replace an Approved Animal the owner must file a new application.
5. The Owner's residence may be inspected for fleas, ticks or other pests once a semester or as needed. The applicable housing office for the residence hall will schedule the inspection. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls.
6. Service Animals may travel with their Owner throughout University Housing. Assistance Animals are to be contained within the privately assigned residential area (room or suite) except when transported outside the private residential area in an animal carrier or controlled by leash or harness.
7. Approved Animals may not be left overnight in University Housing to be cared for by another student. Animals must be taken with the student if they leave campus for a prolonged period.
8. University Housing has the authority to relocate Owner and Approved Animal as necessary according to current contractual agreements.

9. Any violation of the above rules may result in immediate removal of the animal from the University and may be reviewed through the Campus Judicial Process (during which the Owner will be afforded due process and appeal as outlined in that process).

10. Should the Approved Animal 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.

## **Section V. Guidelines for Maintaining an Approved Animal at SUNY Canton**

### **A. Care and Supervision:**

Care and supervision of the animal are the responsibility of the person/Owner who benefits from the Approved Animal's use. This person is required to maintain control of the approved animal at all times. This person is also responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated by the University consistent with the reasonable capacity of the person. 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.

### **B. Animal Health and Well-being:**

1. Vaccination: In accordance with rules and regulations, the animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag.

2. Health: Animals, other than cats and dogs, to be housed in University 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. The University has authority to direct the Owner to have the animal receive veterinary attention.

3. Licensing: The University reserves the right to request documentation showing that the animal has been licensed (e.g., New York law requires that every dog be licensed; service dogs are exempt from the license fee).

4. Training: Approved Animals must be properly trained.

5. Leash: The Assistance Animal must be on a leash. In the case of a Service Animal, if the leash inhibits the animal's ability to be of service, the Owner must maintain control of the Service Animal through voice, signal or other effective means.

### **C. Requirements for Faculty, Staff, Students, and Other Members of the University Community**

Members of the University community are required to abide by the following practices:

1. They are to allow a Service Animal to accompany its Owner at all times and in all places on campus, except where animals are specifically prohibited.
2. They are not to touch or pet a Service or Assistance Animal unless invited to do so.
3. They are not to feed a Service or Assistance Animal.
4. They are not to deliberately startle a Service or Assistance Animal.
5. They are not to separate or to attempt to separate an Owner from his or her Service or Assistance Animal.
6. They are not to inquire for details about the Owner's disabilities.

**D. Removal of Approved Animal**

The University may exclude/remove an Approved Animal when 1) the animal poses a direct threat to the health or safety of others, or 2) the animal's presence results in a fundamental alteration of the University's program, or 3) the Owner does not comply with the Owner's Responsibilities pursuant to University Housing requirements, or 4) the animal or its presence creates an unmanageable disturbance or interference with the SUNY Canton community.

**F. Areas "Off Limits" to Service /Assistant Animals**

The University may prohibit the use of Service Animals in certain locations because of health and safety restrictions (e.g. where the animals may be in danger, or where their use may compromise the integrity of research). Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories, classrooms with research/demonstration animals, areas where protective clothing is necessary, wood and metal shops, motor pools, rooms with heavy machinery, and areas outlined in state law as being inaccessible to animals. Exceptions to restricted areas may be granted on a case-by-case basis by contacting Student Accessibility Services and the appropriate department representative.