



Committee Meeting: Policy & Governance Committee	Date: January 5, 2022
Committee Chair: Kathleen Masiello	
New or Edited: New	

POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals

POLICY TYPE: Board

SUBMITTED BY: Dan Frontera, Director of Student Accessibility and Veteran Services, Tracey Cleveland, VP Human Resources, Equity, and Inclusion

ISSUE OR STATEMENT OF PURPOSE: SUNY Erie Community College is committed to providing members of the College Community, including students, employees, and guests with disabilities, equal access to programs, services, and physical facilities. Some members of the College Community and guests with disabilities may require the use of Service or Emotional Support animals while at SUNY Erie Community College. This policy governs the appropriate use of, and protocols associated with, Service, Emotional Support, Pets, and Therapy animals.

As part of the State University of New York system, and an entity under the County of Erie, SUNY Erie Community College is covered under Title II of the Americans with Disabilities Act (ADA). Using the US Department of Justice Regulations, SUNY Erie has established the following policy in relation to “Service Animals, Emotional Support Animals, and Pets.” In developing the SUNY Erie Policy, the US Department of Justice ADA 2010 (US Department of Justice, 2010) Revised Requirements: Service Animals was used as the guiding principle.

NEW OR EDITED POLICY: New

POLICY:

- **Service Animals**

This policy and these procedures enable SUNY Erie Community College to comply with the Americans with Disabilities Act of 1990 as amended and Section 504 of the Rehabilitation Act of 1973. These laws require that reasonable accommodations (that do not pose an undue financial and administrative hardship to the college) be made for otherwise qualified students and employees with disabilities and prohibit the college from excluding such students and employees from, or denying them the benefits of, its programs, activities, and services.

- **Emotional Support Animal**

This Policy defines SUNY Erie Community College’s position regarding Emotional Support animals, which are covered under the Department of Housing and Urban Development Fair Housing Act and only allowed in Housing. As SUNY Erie Community College does not offer on campus housing for students, Emotional Support animals for student use are not permissible anywhere on campus. Emotional Support animals for employees with documentation from a Health Care provider may be considered as a Reasonable Accommodation reviewed and approved by Human Resources.



POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals - **Continued**

- **Pets**

This policy defines SUNY Erie Community College's position regarding personal pets on campus.

- **Therapy Animal**

This policy defines SUNY Erie Community College's position regarding Therapy animals coming on campus as part of student activities during the semester. These animals are not Service animals; however, an Emotional Support animal may become certified as a Therapy animal. National research and best practices show the positive impact of Therapy animals on college campuses at stressful times of the semester.

Who is Responsible for this Policy?

- Student Accessibility Office
- Campus Safety and Security
- Facilities/Athletic Facilities Department
- Human Resources
- Student Activities

Who is Affected by this Policy?

- Students
- Employees
- Visitors to SUNY ERIE

Definitions:

The following terms are applied by SUNY Erie Community College in accordance with the definitions supplied by federal law and regulations.

- **Controlled Areas:** These are areas where no animal is permitted because of health and safety reasons. These areas may include, but are not limited to, the following:
 - Certain laboratories
 - Mechanical rooms and custodial closets
 - Food service preparation areas
 - Areas where protective clothing is necessary
 - Areas where there is a danger to the service animal
 - Exceptions to controlled areas may be granted on a case-by-case basis



POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals - **Continued**

- **Handler:** The person with a disability or without who uses a Service or Emotional Support animal, or is authorized to bring a Therapy animal on campus.
- **Under Control of Handler:** The Service, Emotional Support, or Therapy animal must be under the handler's direct physical control with a harness, leash, or other tether, unless either the handler is unable to do so because of a disability, or the use of one of these would interfere with the animal's safe, effective performance of work or tasks. If so, the animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- **Service Animal:** Any dog, or in certain circumstances a miniature horse (1), that is individually trained to do work or perform tasks for the benefit of an individual with a disability (such as 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, retrieving items such as the handler's medicine or the telephone, or assisting an individual during a seizure. 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.
- **Emotional Support Animal:** An animal specifically designated by a qualified medical provider to be required by a person with a disability to provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. There must be an identifiable and medically indicated relationship between the individual's disability and the support the animal provides. Because these animals are not individually trained to perform work or tasks, emotional support animals are not Service Animals. Unlike a Service animal, Emotional Support animals do not assist with daily living tasks, and they are generally allowed only in residence halls for students and as a reasonable accommodation for faculty and staff.
- **Pet:** A pet is an animal kept for ordinary use and companionship. A pet is not considered a service or emotional support animal.
- **Therapy Animal:** A docile animal that has been evaluated and certified by an accredited animal trainer and behaviorist to accompany their owner to perform volunteer outreach to improve people's lives.

Principles:

- **Campus Access**
- **General Prohibition:** All animals, including pets, are not permitted in the facilities or on the grounds of SUNY Erie Community College, except for specifically authorized college events or as permitted by this policy. Any animals authorized under this exception must be under appropriate restraint (leash, cage, etc.) and must be in close proximity to the owner at all times. Animals, including those permitted by this policy,



POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals - **Continued**

are not allowed to relieve themselves on the outdoor grounds of SUNY Erie Community College and must find other public grounds for such purposes. SUNY Erie Community College may, in its sole discretion, require the removal of animals on its grounds for any reason, including but not limited to, failure to keep the animal appropriately restrained.

- **Service Animals**

- Only dogs are recognized as service animals under Title II and III of the ADA.
- Service animals are working animals and not pets.
- A Service animal is a dog that is individually trained to do work or perform tasks for a person with a disability. The work or task a dog has been trained to provide must be directly related to the person's disability.
- Dogs whose sole function is to provide comfort or Emotional Support do not qualify as Service animals under ADA.

Examples of such work include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, 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.

Students utilizing a Service animal are not required to register with the SUNY Erie Student Accessibility Centers or request a reasonable accommodation to utilize a Service animal on campus.

Service animals are generally allowed to accompany students with disabilities in all areas of the SUNY Erie campuses to include the dining facilities. When a student is attending a lab, special consideration for the safety of the students and animal must be discussed with the instructor.

A Service animal must always be under the control of its handler. Under the ADA, the Service animal must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices, or these devices interfere with the Service animal's safe, effective performance of duties.

SUNY Erie recognizes that miniature horses that have been individually trained to do work or perform tasks for people with disabilities may also be ADA approved service animals. SUNY Erie will examine the request for a miniature horse as a Service animal on a case-by-case basis using the following guidance:

- Whether the miniature horse is housebroken.
- Whether the miniature horse is under the owner's control.
- Whether the instructional room or other college space can accommodate a miniature horse.
- Whether the miniature horse's presence will not compromise legitimate safety requirements.



POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals - **Continued**

Emotional Support Animals (ESA)

An Emotional Support animal is defined as any animal that alleviates one or more identified symptoms or effects of a person's disability. They provide comfort to a person with a psychiatric disability but are not trained to perform specific tasks to assist them.

Emotional Support animals are covered under the Department of Housing and Urban Development Fair Housing Act and only allowed in Housing. As SUNY Erie Community College does not offer on-campus housing for students, Emotional Support animals for student use are not permissible anywhere on campus.

The use of an Emotional Support animal by an employee may, under Title II of the ADA as well as NYS Human Rights Law, be considered as a Reasonable Accommodation. An employee wishing to have an ESA accompany them during their normal work activities must submit a request for Reasonable Accommodation to Human Resources prior to bringing any animal on campus. Human Resources has the discretion to approve this request based on submitted documentation.

Pets

A "pet" is generally kept for companionship or ordinary use. Service animals and Emotional Support animals are not pets. Personal pets are not allowed on SUNY Erie campuses.

Therapy Animals

A Therapy animal may be a dog or cat that has been evaluated and certified to be docile and capable of community contact and outreach. Therapy animals may be allowed on campus for special functions conducted during stressful times of the semester to improve students' lives. Therapy animals are not Service animals but may also be an individual's Emotional Support animal.

Responsibilities:

- **Handler Responsibilities Regarding Use of a Service or Emotional Support Animal**
- **Service Animals:** The supervision of the Service animal is solely the responsibility of its handler. Failure to appropriately supervise a Service animal may result in the exclusion of the animal from campus, as provided in this policy.
- **Control of Service Animal:** The handler must be always in full control of the Service or Emotional Support animal. The handler is expected to ensure the health, safety, and humane treatment of the Service or Emotional Support animal at all times. SUNY Erie Community College encourages the handler to submit annual proof of immunizations and scheduled licensing to The Student Accessibility Office, Security, or Human Resources.
- **Service Animal - Proximity to Handler:** While on campus, in areas including classrooms, food venues, or assembled gatherings, the animal must be in close physical proximity to the handler.



POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals - **Continued**

- **Emotional Support Animals:** The Emotional Support animal is only permitted as a reasonable accommodation for Faculty or staff. The supervision of the Emotional Support animal is solely the responsibility of its handler. Failure to appropriately supervise an Emotional Support animal may result in revocation of the reasonable accommodation.
- **Emotional Support Animal - Proximity to Handler:** Apart from the limited periods of the handler's absence permitted in this policy, the Emotional Support animal must otherwise be always in close physical proximity to the handler.
- **Therapy Animals:** A Therapy animal is only allowed on campus as part of an outreach effort by the college to improve students' lives. The supervision of the Therapy animal is solely the responsibility of its handler. Failure to appropriately supervise a Therapy animal may result in both the animal and volunteer being removed from campus.
- **Therapy Animal – Proximity to Handler:** Apart from the limited periods of the handler's absence permitted in this policy, the Emotional Support Animal must otherwise be always in close physical proximity to the handler.

The Service, Emotional Support, or Therapy animal's behavior must not be disruptive to its surroundings or other members of the SUNY Erie Community College Community. Disruptive behavior includes, but is not limited to, harming, injuring, or jumping on people; barking, growling, taking food from dining area tables, or taking personal belongings of individuals other than the handler. The handler is liable to pay for any and all damages that the animal may cause to person(s) or property.

All handlers must also designate an emergency contact and caretaker for their Emotional Support animal in the event of an illness or emergency. This must be documented with Human Resource at the time the animal is approved. The handler will still remain the primary person responsible for the support animal, even if under the care of the emergency contact.

- **Identification:** A Service, Emotional Support, or Therapy animal may wear some type of commonly recognized service animal identification symbol when in public, but a symbol is not required.
- **Licensing:** Handler must follow all applicable local licensing laws, which may require the Service, Emotional Support, or Therapy animal to be licensed and have a tag license attached to its collar.
- **Clean Up and Grooming Requirements:** The care of the Service, Emotional Support, or Therapy animal is solely the responsibility of its handler. The Service, Emotional Support, or Therapy animal must be housebroken. For health, safety, and sanitary reasons, the handler shall be:
- **Responsible to always carry equipment sufficient to clean up the animal's waste, immediately, and to remove and properly dispose of the animal's waste. Handlers who are not physically able to pick up and**



POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals - **Continued**

dispose of the animal's waste are responsible for making all necessary arrangements for support. It is the sole responsibility of the individual for this task and not the responsibility of SUNY Erie.

- Responsible to keep the Service, Emotional Support, or Therapy animal clean, well-groomed, and free of pests.
- Live animals may not be brought onto SUNY Erie property for the purpose of feeding Service, Emotional support, or Therapy animals. This requirement is for the health and safety of all SUNY Erie College community members.

Staff guidance regarding Service, Emotional Support, and Therapy Animals

- Service Animals, Emotional Support, and Therapy animals are not required to wear a vest
- When it is not obvious what service an animal provides, only limited questions may be asked: (1) is the dog a service animal required because of a disability, (2) what work or task has the dog been trained to perform.
- Staff cannot ask about the person's disability, require medical documentation, require special identification or training documentation, or ask that the dog demonstrate its ability to perform the task or work.
- Allergies or fears are not valid reasons for denying access
- A person with a disability cannot be asked to remove their dog from campus unless: (1) the dog is out of control and the handler does not take effective action to control it, (2) the dog is not housebroken.

Concerns regarding the Service Animal, Emotional Support Animal, or Therapy Animal should be directed to the Campus Dean of Students and/or Campus Student Accessibility Center. Safety issues regarding an out-of-control dog should be directed to Campus Safety and Security.

DOES IT SUPERCEDE A POLICY/WHICH ONE (if so, attach redline version): N/A

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:

Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to Disability Accommodation for Service, Emotional Support, Pets, and Therapy Animals.

POLICY & GOVERNANCE COMMITTEE MEMBERS PRESENT: Kathleen M. Masiello, Committee Chair, SUNY Erie Board of Trustees Secretary, Leonard Lenihan, SUNY Erie Board of Trustees, Travis Poling, SUNY Erie Student Trustee, Adiam Tsegai, Interim Provost & Executive Vice President, Arta Pllana, Comptroller, Phil Struebel, Interim Vice President of Enrollment Management, Joanne Colmerauer, Dean of Liberal Arts and Science, Petrina Hill-Cheatom, Dean of Students

DATE OF BOARD APPROVAL: January 27, 2022

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:



POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals - **Continued**

Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE

DELIBERATIONS:

Americans with Disabilities Act (ADA) for Title II (state and local government services) and Title III (public accommodations and commercial facilities)

N.Y. Civil Rights Law 47 and 47-b and N.Y. Executive Law 296(14)

U.S. Department of Housing and Urban Development FHEO Notice: FHEO-2020-01 - Assessing a Person’s Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act

Department of Transportation - Traveling by Air – Final Rule with Service Animals 14 CFR Part 382

SUNY Erie Community College Service Animal, Emotional Support Animal and Pet Policy for Students.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of October 13, 2021 and January 5, 2022.

History

Item:	Date:	Explanation:
Policy adopted	January 27, 2022	
Annual BOT Review/Reaffirmed		

SUNY Erie Cross References

Policy Name or Procedure:	Where to find:
Americans with Disabilities Act of 1990 as amended	https://www.ada.gov/pubs/ada.htm
Section 504 of the Rehabilitation Act of 1973	https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf
Fair Housing Act	https://www.justice.gov/crt/fair-housing-act-2

Next Steps

Include in College Catalog?	Yes
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