

## Farmingdale State College

### **Policy for SERVICE ANIMALS and EMOTIONAL SUPPORT ANIMALS**

#### **SERVICE ANIMALS**

A "service animal" means any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, or psychiatric disability. The work or tasks performed by a service animal must be directly related to the person's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition. Species other than dogs or, in some cases, miniature horses, are not considered service animals for the purpose of this definition of a service animal.

Service animals will be permitted to accompany people with disabilities in all areas of Farmingdale State College's facilities, including Residence Halls, where students, members of the public, and other participants in services, programs or activities are allowed to go. The College does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Individuals accompanied by a service animal on campus but who do not need any disability-related accommodations are not required to register with the Disability Services Center, nor is such individual required to submit a request for a reasonable accommodation to receive access of his or her service animal.

Additionally, the College cannot ask about the nature or extent of a person's disability to determine whether a person's animal qualifies as a service animal. However, when it is not readily apparent that a dog is a service animal, staff may make two inquiries to determine whether the dog qualifies as a service animal, which are:

- (1) Is the dog required because of a disability?
- (2) What work or task has the dog been trained to perform?

A service animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether. The College will assess requests for the use of miniature horses by people with disabilities on a case-by-case basis. Requests should be submitted to the Disability Services Center and, consistent with applicable laws, the College may make modifications in its policies to permit their use if they meet certain criteria and have been individually trained to do work or perform tasks for the benefit of people with disabilities.

#### **EMOTIONAL SUPPORT ANIMALS (ESA)**

An "emotional support animal" (or comfort animal) is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, support animals are not required to be trained to perform work or tasks.

ESA are generally not allowed to accompany persons with disabilities in all public areas of the College as a service animal is allowed to do, but an ESA may reside in the Residence Halls, including accompanying

such individual in all public or common use areas of the Residence Halls, when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy housing. When transported outside the private residential area, an ESA must be in an animal carrier or controlled by leash or harness. Before an ESA can move into the Residence Halls with a person with a disability, a request must be submitted to the College's Disability Services Center (DSC) and approval must be granted (preferably at least 30 days prior to move in). If the disability is not obvious, the DSC may require documentation from a mental health provider or other mental health professional to be reviewed by Campus Mental Health Services, in order to provide sufficient information for the College to determine:

- that the individual qualifies as a person with a disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities); and
- that the ESA may be necessary to afford the person with a disability an equal opportunity to use and enjoy Residential living (i.e. that the animal would provide emotional support that ameliorates one or more symptoms or effects of the disability).

## **RESPONSIBILITIES OF PEOPLE WITH DISABILITIES USING SERVICE OR EMOTIONAL SUPPORT ANIMALS**

Farmingdale State College is not responsible for the care or supervision of service or emotional support animals. People with disabilities are responsible for the cost, care, and supervision of their animals, including, but not limited to:

- For compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
- For keeping the animal under control and taking effective action when it is out of control.
  - For example, the owner is responsible for assuring that the Service Animal or ESA does not unduly interfere with the routine activities of the residence.
- For feeding and for dog walking, and disposing of its waste (designated areas near the Residence Halls will be created).
- For the actions of the Service Animal or ESA including bodily injury or property damage.
- For any expenses incurred for pest treatment above and beyond standard pest management in the residence halls, cleaning above and beyond a standard cleaning, and for repairs to College premises that are assessed (including, after the student and animal vacate the residence.) The College shall have the right to bill the student account of the Owner for unmet obligations.

The **Office of Residence Life** will work together with the Owner as well as roommates/suitemates of the Owner to resolve issues involving the animal in the residence. The College may relocate any individual involved, as necessary.

No animal may be left overnight in the Residence Halls to be cared for by anyone other than the Owner. Moreover, the Owner must notify Accommodative Disability Services and Residence Life if the animal is no longer needed by the Owner or is no longer present in the residence. To replace an animal, the Owner must file a new request.

The College will not require any surcharges or fees for Service Animals or ESA. However, a person with a disability may be charged for damage caused by the animal to the same extent that the College would normally charge a person for the damage they cause.

People with disabilities who are accompanied by such animals must comply with the same campus rules regarding noise, safety, disruption, and cleanliness as people without disabilities. A violation may result in removal of the animal from the premises and may be reviewed through the Campus Judicial Process.

## **EXCEPTIONS AND EXCLUSIONS**

Farmingdale State College may pose some restrictions on, and may even exclude, an ESA in certain instances. As noted above, ESAs are generally not allowed indoors on Farmingdale State College's campus other than in Residence Halls. Persons with disabilities may request approval from the DSC to have the ESA accompany them to other campus areas as a reasonable accommodation. Such requests will be considered on a case-by-case basis consistent with applicable laws. Any animal may be excluded from an area in which it was previously authorized to be if:

- it is out of control and effective action is not taken to control it; or
- it is not housebroken (or in the case of a support animal that deposits waste in a designated cage or litter box, the owner fails to clean such cage or box such that the cleanliness of the room is not maintained); or
- it poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services.

In considering whether a Service Animal or ESA poses a direct threat to the health or safety of others, Farmingdale State College will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine:

- (1) the nature, duration, and severity of the risk;
- (2) the probability that the potential injury will actually occur; and
- (3) whether reasonable modifications of policies, practices, procedures, or the provision of auxiliary aids or services, will mitigate the risk.

The College President shall name a designee who shall provide a written statement of explanation to any person with a disability if a determination is made that the presence of that person's Service or Emotional Support Animal would fundamentally alter the nature of a program, service, or activity.

In the event that restriction or removal of an animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the assistance animal present.

The above provisions on restrictions and exclusions is not intended to cover modifications to reasonable accommodations. The reasonable accommodation process and modifications to reasonable accommodations are covered under Farmingdale State College's policy on disability services.

## **GUIDELINES FOR MEMBERS OF THE FARMINGDALE COMMUNITY**

To ensure equal access and nondiscrimination of people with disabilities, members of the Farmingdale State College community must abide by the following:

- Allow service animals to accompany people with disabilities on campus;
- Do not ask for details about a person's disabilities;
- Do not pet service animals without the handler's consent, as it distracts the animal from its work;
- Do not feed a service animal;

- Do not deliberately startle, tease, or taunt a service animal; and
- Do not separate or attempt to separate a person from his/her service animal.

If you have a medical/psychological condition that may be affected by the presence of animals, please contact the Disability Services Center. Farmingdale State College is committed to ensuring that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible.

## **GRIEVANCE PROCEDURES**

If the decision is made to deny a request or remove a service or support animal, the owner may request an appeal of the decision in writing to the Grievance Officer. Appeal requests must state a specific reason for reconsideration.

## **DEFINITIONS**

**Owner:** the owner is the student or person who is responsible for any type of Service or Support Animal on campus.

**Pet:** a domesticated animal that serves a role in providing leisure companionship to its owner. Pets are not the same as Service or Support Animals and are generally not permitted inside College facilities.

**Service Animal:** an animal individually trained to do work or perform tasks for the benefit of an individual with a disability.

**Support Animal:** an animal that is prescribed or otherwise documented by a healthcare or mental health professional as treatment for an individual with a disability. The Support Animal is beneficial in alleviating one or more identifiable symptoms or effects of that individual's disability. Support Animals are only permitted within the owner's on-campus housing assignment. A Support Animal is not considered a service animal.

**Contacts:** questions or concerns related to Service or Support Animals, or other accommodation information, should be directed to the ADA/Section 504 compliance officer, 631-420-2622 or Director for the Disability Services Center, 631-420-2411.

*Revised 12/12/16 and approved by College Council*

*2/08/2017*