



# D'Youville University Support Animal Policy

## **Section I- Purpose and Scope**

D'Youville University welcomes the presence of Service Animals and Assistance Animals assisting students with disabilities on its campus. The University is committed to allowing Service Animals and Assistance Animals when necessary to provide students with disabilities an equal opportunity to access the programs, services, and physical facilities of the University. This policy explains the specific requirements applicable to a student's use of a Service Animal on campus as well as the specific requirements applicable to a student's use of an Assistance Animal in campus housing. This policy shall act as guidance to all D'Youville University faculty, staff, and students. D'Youville University complies with the American with Disabilities Act Amendments Act of 2008 (ADA), Section 504 of the Rehabilitation Act of 1973, guidance from the U.S. Department of Housing and Urban Development (HUD) in conjunction with the Department of Justice (DOJ) and the Fair Housing Act (FHA) in allowing the use of Service Animals and Assistance Animals by students. D'Youville University reserves the right to amend this policy as circumstances require.

## **Section II- Definitions**

### **Service Animal**

Under the ADA Amendments Act, a Service Animal is any "dog [or miniature horse] 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 ADA Amendments Act excludes from this definition any animal that is not a dog or miniature horse. The work or task performed by the animal must be directly related to the individual's disability. Animals whose primary function is to provide crime deterrence and/or emotional support, comfort, or companionship are not considered to be Service Animals under the ADA Amendments Act.

### **Service Animal in Training**

A Service Animal in Training is a dog that is in the process of being trained to do work or perform tasks for the benefit of an individual with a disability. The ADA does not cover Service Animals in Training because it defines a Service Animal as one that has been trained to perform tasks. However, New York State law covers Service Animals in Training. The FHA also covers Service Animals in Training, as long as the trainer is the person with the disability.

## **Assistance Animals**

Under the FHA, Assistance Animals, often colloquially referred to as Emotional Support Animals, are permitted within a student's residence/dwelling if they work, provide assistance, or perform physical tasks for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability.

### **Handler**

In most instances, the Handler will be the student with a disability, the individual training the Service Animal, or a third party who regularly accompanies the student with a disability and/or has been approved by D'Youville University to temporarily manage the care of the animal during periods when the usual Handler is incapacitated or otherwise temporarily unable to care for the animal.

### **Office of Accessibility Resources (OAR)**

The Office of Accessibility Resources collaborates with students, faculty, and staff to ensure that students with disabilities have equal access to all D'Youville University's programs and activities.

## **Section III- Service Animals on Campus**

D'Youville University generally allows Service Animals in its buildings, classrooms, residence halls, meeting areas, dining areas, recreational facilities, and all areas on campus where the Handler may go when the animal is accompanied by an individual with a disability who indicates the Service Animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. When it is not obvious what service an animal provides, authorized University staff may inquire whether an animal qualifies as a Service Animal by asking for the following information:

- Is the dog a Service Animal that is required because of a disability?
- and;
- What work or task(s) has the dog been trained to perform in order to assist the individual with the disability?

Students with disabilities may use more than one Service Animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one Service Animal to assist with wayfinding and another that is trained as a seizure alert dog. Other people may need two Service Animals for the same task, such as a person who needs two dogs to assist them with stability when walking. If both animals can be accommodated, both should be allowed. Additional companion animals are not permitted for a Service Animal (i.e., each animal must be trained to perform a specific task to assist the individual with a disability).

The University will not make any inquiries about a Service Animal's purpose when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability. The University will not inquire about the nature or extent of the student's disability, require documentation regarding the animal's certification or training, or ask that the animal demonstrate its ability to perform the work or task. Students who require the use of a Service Animal are encouraged to, but not required to, contact the Office of Accessibility Resources to register as a student with a disability. Additionally, students who plan to live in on-campus housing are strongly encouraged to inform the Campus Housing department that they plan to have a Service Animal with them in student housing.

D'Youville University will not ask for or require an individual with a disability to pay a fee or surcharge for a Service Animal. The Handler may be charged for any damage caused by their Service Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear.

In limited circumstances, there may be exceptions to a Service Animal's broad access to the campus and associated educational facilities. This may include surgical theaters where a sterile environment is necessary, nonpublic areas where food is prepared, or locations that would be dangerous for an animal such as some construction sites or factories. The determination of these instances in which a Service Animal may be excluded from certain environments will be accomplished through a collaborative process involving faculty, staff, the student/handler, and Office of Accessibility Resources staff. When it is determined unsafe for the Service Animal to be in a specific area, reasonable accommodations will be provided to assure the student equal access to the activity. The alternative reasonable accommodations will be determined through the same collaborative process. Students enrolled in laboratory courses that have inherent hazardous materials or processes present will be asked to work with the necessary faculty and/or staff and the Office of Accessibility Resources in order to ensure the safety of the animal.

#### **Section IV- Service Animal Requirements**

Service Animals must be old enough to have received all vaccinations required by New York State and be housebroken. Students may be required to present a recent veterinarian statement showing a clean bill of health for the animal. There are no size or breed restrictions and Service Animals are not required to wear a vest, ID tag, or specific harness that would identify the animal as a Service Animal. Service Animals must be under the control of the Handler at all times. Service Animals are not required to wear a muzzle.

D'Youville University personnel will not provide care or food for any Service Animal including, but not limited to, removing the animal during emergency evacuation for

events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

### **Section V-Responsibilities of Handlers (Service Animals)**

A Service Animal's Handler is solely responsible for the custody and care of the Service Animal and must meet the following requirements:

- A. The Handler is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. The Handler must always carry sufficient equipment to clean up the animal's waste.
- B. The Handler must be in full control of the Service Animal at all times. Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal's work or the person's disability prevents use of these devices. In that case, the Handler must use voice, signal, or other effective means to maintain control of the animal.
- C. In Campus Housing dormitories and/or in shared living spaces:
  - a. The Service Animal should be in an appropriate container if the owner is not in the room with the animal.
  - b. The arrangements and responsibilities for the care of a Service Animal are the sole responsibility of the owner at all times, including regular bathing and grooming, as needed. Bathing of the Service Animal must not be done in D'Youville University facilities.
  - c. The Service Animal must leave campus with the student if the student leaves overnight and during all University breaks if the student leaves campus.
- D. The Handler of a Service Animal that is found to be not housebroken or that is unruly or disruptive (e.g. barking, growling, running around loose, nipping, bringing attention to itself, or otherwise not under control) may be asked to remove the animal from campus or from University facilities. If the improper behavior happens repeatedly, the Handler may be required to take significant steps to mitigate the behavior before bringing the animal back to campus or into any University facility. Mitigation may include obtaining refresher training for both the animal and the Handler, or other appropriate measures.
- E. The Handler must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Handler's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate.
- F. The Handler agrees to abide by all equally applicable University policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the lawful and appropriate activities of the University's

campus or residence halls, including academic functions such as studying and exam taking.

Any violation of these requirements will result in the removal of the animal from campus. The animal will not be permitted to return to campus until the Handler and/or owner has demonstrated that specific steps have been taken to address the violation and ensure that it will not be repeated.

## **Section VI- Assistance Animals on Campus**

D'Youville University campus housing will provide reasonable accommodations that allow for the presence of animals meeting the definition of an Assistance Animal and who have met the requirements set by the University.

In the instance that an animal presented does not qualify as a Service Animal, and the student's disability is not observable, the University may request information regarding both the disability and the disability-related need for the animal.

Unlike a Service Animal, an Assistance Animal is not automatically granted access to places of public accommodation, including areas where residents are normally permitted to go (for example, commons areas, student lounges, laundry facilities, dining halls). An Assistance Animal is not permitted in other areas of the University without prior approval through the reasonable accommodation process administered through the Office of Accessibility Resources.

### **Type of Animals Permitted**

Assistance Animals are animals that are commonly domesticated. Animals such as a dog, cat, small bird, rabbit, hamster, gerbil, small rodent, fish, turtle, or other domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes. Reptiles (other than turtles), domestic fowl, barnyard animals, monkeys, kangaroos, insects, and other non-domesticated animals are not considered common household animals.

If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, the individual will be required to demonstrate a specific disability-related therapeutic need for the specific animal or the specific type of animal. The individual is required to submit documentation from a health care diagnostician or mental health diagnostician that shows the need for the unique animal.

Allergies and fears or anxiety resulting from the presence of certain animals are not a valid reason for denying access to or refusing services to persons with an Assistance Animal. However, an Assistance Animal request may be denied if: (i) allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of the residential facility; (ii) the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or

eliminated by another reasonable accommodation, or (iii) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another accommodation.

D'Youville University will not ask for or require an individual with a disability to pay a fee or surcharge for an Assistance Animal. The Handler may be charged for any damage caused by their Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear.

The Handler agrees to abide by all equally applicable University policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the University's campus or residence halls including the reasonable ability of other residents to study, sleep, and quietly enjoy their living space.

D'Youville University personnel will not provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

The University reserves the right to reassign the student to space to accommodate the student and the Assistance Animal if there is a potential safety or disability-related impact on the student's roommate(s), suitemates, and/or neighbors.

## **Section VII- Approval Process to Have Assistance Animal on Campus**

To determine if the presence of an Assistance Animal is reasonable, a student must provide reliable disability-related information from a licensed health care diagnostician with whom the student has an established treatment relationship, that:

1. Establishes that the student requesting an Assistance Animal has a significant disability that substantially limits one or more major life activities;
2. Describes the needed accommodation, and;
3. Demonstrates the relationship between the person's disability and the support the animal provides.

Reasonably supporting information should be provided by a licensed health care diagnostician general to the condition but specific as to the individual with a disability and the assistance or therapeutic support provided by the animal. Documentation provided by the D'Youville University Wellness Lodge will not be accepted. Based on the information provided by the health care diagnostician and the information provided directly from the individual with a disability, D'Youville retains the right to approve or disapprove the individual's ability to have an Assistance Animal in campus housing.

To make reasonable accommodation for the student's need, there may be certain situations where housing preferences (such as area or roommate requests) cannot be honored.

D'Youville will consider other factors in determining whether the presence of an Assistance Animal is reasonable in campus housing:

1. Is the housing space adequate to house the animal and, if applicable, its kennel/crate/cage?
2. Is the animal completely housebroken and/or litter trained?
3. As appropriate, has the animal had its required vaccinations? Are the vaccinations up to date?
4. Does the animal have a recent wellness certificate from a professionally trained animal health care provider?

Students with disabilities may use more than one Assistance Animal if the animals perform different tasks. If both animals can be accommodated, both should be allowed. The interactive documentation process will be applied here as well, and documentation must show the need for both animals. Additional animals will not be permitted in order to provide companionship for Assistance Animals.

Students must present a recent veterinarian statement showing a clean bill of health for the animal. Animals may not be brought onto campus until necessary vaccinations have been administered. Animals too young to be vaccinated are not permitted on campus property. No Assistance Animal may be kept in campus housing at any time prior to the student receiving approval as a reasonable accommodation. Individuals found with unauthorized animals in campus housing will be required to remove the animal and will be subject to disciplinary actions per the Housing Department Animal Policy.

### **Section VIII-Responsibilities of Handlers (Assistance Animals)**

An Assistance Animal's Handler is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

- A. The Handler is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. The Handler must always carry sufficient equipment to clean up the animal's waste.
- B. The Handler must be in full control of the Assistance Animal at all times. When outside the student's dormitory for any reason, Assistance Animals must be harnessed, leashed, tethered or in an appropriate animal carrying case.
- C. In shared living spaces, the Assistance Animal should be in an appropriate container if the owner is not in the room with the animal.
- D. The arrangements and responsibilities for the care of an Assistance Animal are the sole responsibility of the owner at all times, including regular bathing and grooming, as needed. Bathing must not be done in D'Youville University facilities.

- E. The Assistance Animal must leave campus with the student if the student leaves overnight and during all University breaks if the student leaves campus.
- F. The Handler of an Assistance Animal that is found to be not housebroken or that is unruly or disruptive (e.g. barking, growling, running around loose, nipping, bringing attention to itself, or otherwise not under control) may be asked to remove the animal from campus or from University facilities. If improper behavior happens repeatedly, the Handler may be required to take significant steps to mitigate the behavior before bringing the animal back to campus or into any University facility. Mitigation may include obtaining training for both the animal and the handler, or other appropriate measures.
- G. The Handler is responsible for following all rules related to the restrictions of Assistance Animals from buildings on the campus other than their residence hall.
- H. The Handler must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate.

Any violation of these requirements will result in the removal of the animal from campus. The animal will not be permitted to return to campus until the Handler and/or owner has demonstrated that specific steps have been taken to address the violation and ensure that it will not be repeated.

### **Section IX-Removal of Service Animal or Assistance Animal**

The University may require the individual to remove a Service Animal or Assistance Animal from the University if:

- The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others.
- The animal's presence results in a fundamental alteration of a University program;
- The animal is out of control and the handler does not take effective action to control it.
- The animal is not housebroken; or
- The Handler does not comply with the Handler's responsibilities set forth above.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damage an animal may cause. Any removal of the animal will be done in consultation with the Office of Accessibility Resources as well as, if applicable, the Housing Department, and any other necessary departments.



## **Section X- Incidents Involving Service Animals or Assistance Animals**

Service Animals and Assistance Animals are seen as an extension of the student who owns them. Any incident caused by a Service Animal or Assistance animal, such as an altercation between the animal and another person or another animal will be handled in accordance with the D'Youville University Student Code of Conduct. Maintenance, medical bills, and all expenses related to having a Service Animal or Assistance Animal is the sole responsibility of the student. D'Youville University takes no responsibility for a Service Animal or Assistance Animal, other than allowing their presence as required by law.

## **Section XI- Conflicting Disabilities**

In the event that two students are requesting reasonable accommodations where one student is legally entitled to have a Service Animal on campus or a student is requesting an accommodation to have an Assistance Animal in campus housing, and a second student is requesting a reasonable accommodation due to an asthmatic/allergy/medical issue due to the presence of a Service Animal or Assistance Animal, the following procedures will be followed:

- As mentioned previously, allergies resulting from the presence of certain animals are not a valid reason for denying access to or refusing services to persons with a Service Animal. However, persons wishing to make an asthmatic/allergy/medical complaint due to the presence of a specific Service Animal or Assistance Animal are to be directed to make that complaint with the Office of Accessibility Resources. The student must register with the Office of Accessibility Resources to receive accommodations for the presence of the allergy or medical condition and provide appropriate documentation from a licensed health care diagnostician general to the condition but specific as to the individual with the disability. The complainant must provide medical documentation that provides evidence that the presence of the specific Service Animal causes a medical condition significant enough to warrant the need for modifications.
- Action will be taken to consider the needs of both the student with the Service Animal or Assistance Animal and the individual making the complaint to resolve the problem as efficiently and expeditiously as possible. This will be done through a collaborative process between the students involved, OAR staff, and other departments as appropriate, while complying with ADA and New York State regulations. The ADA requires that the University complete "an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will

actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.”

- Alternative reasonable accommodations and/or modifications will be explored with the complainant.

In the case that the complainant is a faculty or staff member, the complainant should contact the D’Youville Human Resources department.

## **Section XII- Emergency Situations**

The following guidance from the D’Youville University Campus Safety department regarding Service Animals and Assistance Animals will be provided to necessary Faculty, Staff, and student with the Service Animal or Assistance Animal:

In the event of a health or safety emergency, please contact Campus Safety (716-829-7777) as is protocol for any other emergency, but make sure to provide clear information that a Service Animal or Assistance Animal is part of the overall care that needs to be provided for as part of responding to the incident at hand. Should emergency transportation be needed (i.e. transportation via ambulance) and the Service Animal or Assistance Animal Handler is unable to care for their animal due to the emergency, Campus Safety will first utilize the known Emergency Contact and other provided contact information for “on call” animal care providers that the student has listed on a “Needs Assessment” form, to seek assistance in caring for the animal. The Office of Accessibility Resources will also be notified as soon as possible. Note that every effort will be made to keep the animal with their Handler. Lastly, should the animal not be permitted to travel with the student (animal handler) or there is no emergency contact information provided, or there is no response from the on-call contacts, the animal will need to be reported to city of Buffalo Animal Control authorities. Per the City of Buffalo website: Kelly McCartney, Director of Animal Control, kmccartney@city-buffalo.com, 716-851-5694. Campus Safety will provide temporary control of the animal as per their updated department policy until either the Emergency Contact, on-call animal contact, or City of Buffalo Animal Control arrives to pick up the animal. Campus Safety will notate on their Electronic Daily Activity Report (EDAR) and incident report who came to pick up the animal, including a name, address, and phone number.

## **Section XIII- Appeals and Grievances**

If a student is dissatisfied by a decision concerning a Service Animal or Assistance Animal and wishes to file an appeal, the student may submit a written appeal to the Assistant Director of the Office of Accessibility Resources. If a student feels that they have suffered discrimination or harassment based on their disability, they are encouraged to file a grievance by completing a [Bias and Incident Form](#).