**Nazareth College**

**Students with Animals on Campus Policy**

1. Non-Discrimination Policy

The College does not permit discrimination or harassment in its programs and activities on the basis of race, color, creed, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, disability, medical condition, genetic information or predisposing characteristic, military or veteran status, political affiliation or belief, arrest or conviction record, marital status or any other characteristic protected by institutional policy or state, local or federal law. The College does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs or in the context of employment.

The College, as an educational community, will respond promptly and equitably to reports of sex discrimination and harassment, sexual harassment, sexual violence, stalking, intimate partner violence, and sex- or gender-based harassment that does not involve conduct of a sexual nature in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

Inquiries concerning the application of this policy prescribed by Title VII of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, may be directed to Human Resources at Nazareth College, 4245 East Avenue, Rochester, NY 14618, 585-389-2060. The College’s Title IX Coordinator (Division of Community and Belonging) coordinates the responsibilities under Title IX of the Educational Amendments of 1972 and may be contacted at 4245 East Avenue, Rochester, NY 14618, 585-389-2877. For more information, see the websites of the [Title IX Office](https://www2.naz.edu/community-belonging/title-ix-sexual-harassment-assault-discrimination/) and the [Student Accessibility Services Office](https://www2.naz.edu/student-accessibility-services/).

1. Students with Animals on Campus Policy Statement

The College recognizes that the use of “service animals” as defined by the Americans with Disabilities Act (ADA) and New York law may be necessary to ensure that individuals with disabilities have equal access to the College’s programs, activities, and facilities. (The College also complies with New York laws governing the use of service animals in training on College property.) The College is also committed to allowing approved “assistance animals” (including emotional support animals) under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 to provide individuals with disabilities an equal opportunity to use and enjoy College housing.

Although it is generally the policy of Nazareth College to prohibit animals of any type in controlled spaces on College property, including College housing, the College is committed to providing reasonable accommodations to individuals with disabilities whenever there is a disability-related need for the requested accommodation. The College will consider a request by an individual with a disability for reasonable accommodation to allow the use of a service animal or assistance animal under the terms and conditions set forth in this policy, as well as the College’s polices on Special Housing Accommodations. No animals may be kept in College housing at any time prior to the individual receiving approval pursuant to this policy.

1. Definitions

**Assistance animal** - An animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability, but which is not considered a service animal under the ADA or this policy. An assistance animal does not necessarily need to have formal training, and is not limited to a specific type of animal. The Fair Housing Act (FHA) and the U.S. Department of Housing and Urban Development (HUD) use the term *assistance animal*, which encompasses emotional support animals.

**College housing -** Any residential facility owned and/or operated by the College.

**College property** – All areas owned or controlled by the College.

**Controlled space** – Indoor spaces owned and/or operated by the College that are not open to the public. These areas have restricted use or access.

**Emotional support animal (ESA)** – A category of assistance animal within housing under the Fair Housing Act (FHA). ESAs provide emotional support that alleviate one or more identified symptoms or effects of an individual’s disability. Treating health providers determine if an ESA is an appropriate accommodation to support the individual with a disability. ESAs are not considered service animals under the ADA or this policy.

**Handler** – An owner, user, or trainer of a service animal or assistance animal, or the owner or individual bringing any other animal onto College property.

**Pet** – A domestic animal that is for ordinary companionship purposes and is not trained to provide any emotional, therapeutic or medical tasks/assistance. Pets are not considered ESAs, assistance animals or service animals under the ADA or this policy.

**Public space** – Any area on campus (indoor and/or outdoor) that is open to the general public. Classrooms, residence halls, and most employee workspaces are generally not considered public spaces.

**Service animal** – A dog or miniature horse that is individually trained to do work or perform specific tasks for the benefit of an individual with a disability. Tasks performed by a service animal must be directly related to the handler/owner’s disability, such as: assisting an individual who is blind or has low vision with navigation, or stability and balance; pulling a wheelchair or carrying and retrieving items; alerting an individual who is deaf or hard of hearing to sounds; alerting an individual to the presence of allergens; alerting an individual to a dangerous condition or an oncoming medial event; assisting an individual during a seizure; and interrupting impulsive or destructive behaviors. An animal that simply provides emotional comfort is not considered a service animal under the ADA or this policy. A service animal is not required to wear specific vests or badges. Documentation of service animal training is not required.

**Service animal in training** – Service animals in training are dogs that are being trained to perform work or a task for a person with a disability. Service animals in training are covered by New York State Human Rights Law and must also adhere to this policy.

**Therapy animal** – Specifically trained animals to provide comfort and affection to people. Therapy animals are found in a variety of settings such as schools, nursing homes and community facilities.

4. Service Animals

An individual with a disability may be entitled to the use of a service animal on College property if: (1) the individual has a disability, as defined by law; (2) the accompanying animal is trained to do specific tasks for the qualified individual; and (3) the individual complies with the rules and procedures provided in this policy.

An individual who brings a service animal on College property may be asked whether the animal is needed because of a disability (when the disability is not obvious), and what work or task(s) the animal has been trained to perform. A service animal is permitted to accompany its handler in all areas where such individual (i.e., student, employee or member of the public) is normally allowed to go. After consultation with the handler, the College may determine that there are other restrictions necessary to protect the service animal or others. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents the use of these devices.

Visitors and students are not required to receive permission from the College prior to bringing a service animal on College property. However, a student who wishes to reside in College housing is strongly encouraged to connect with Student Accessibility Services to help support the student and their animal regarding potential conflicting disabilities with roommate/suitemates, and to inform appropriate personnel regarding animal location for emergency response.

Employees and other individuals who perform work for the College who wish to bring a service animal to work must contact Human Resources before bringing the animal to work.

5. Assistance Animals/Emotional Support Animals (ESAs)

An individual may be entitled to bring an assistance animal/ESA into College housing if: (1) the individual has a disability, as defined by law; (2) the animal is necessary to afford the individual an equal opportunity to use and enjoy the residence; and (3) there is an identifiable relationship or nexus between the disability and the assistance the animal provides.

Although it is the policy of the College that individuals are generally prohibited from having animals other than fish (contained with a maximum volume of no more than 25 gallons) in residence halls, the College will consider a request by an individual with a disability for an assistance animal/ESA as a reasonable accommodation. However, no assistance animal may be kept in a residence hall at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy.

A student wishing to request an assistance animal/ESA must complete the On-Campus Special Housing Accommodation Request form available from the Student Accessibility Services office and follow the procedures set forth in this policy. The College may require documentation from an appropriate third party (e.g., health care provider, counselor, social worker, etc.) indicating that the individual has a disability and that the animal would provide emotional support or other assistance that would alleviate one or more symptoms or effects of the disability. All students living in on-campus housing must also fill out the standard housing application through Residential Life.

As set forth in the Special Housing Accommodations Policy, requests for assistance animals/ESAs in College housing will be individually assessed, and determinations will be made by the Special Housing Accommodations Committee (the “Committee”). The Committee consists of:

* The Director (and/or representative) of Residential Life;
* The Director of Student Accessibility Services; and
* The Director (and/or representative) of Health and Counseling Services.

The Committee considers several factors prior to approving an assistance animal/ESA, including:

* The size of the animal;
* The type of room that the individual is currently in (if already living in campus housing);
* Any other requested disability accommodations;
* Whether the animal’s presence would force another individual from that individual’s housing (e.g., serious allergies);
* Whether the animal’s presence would violate an individual’s rights to peace and quiet enjoyment;
* Whether the animal is housebroken or able to live with others;
* Whether the animal poses or has posed in the past a direct threat to the health and safety of the handler or others;
* Past excessive damage to housing caused by the animal;

The individual must provide written consent for the College to disclose information regarding the request for and presence of the assistance animal to those individuals who may be impacted by the presence of the animal including, but not limited to, [Residential Advisors] and potential and/or actual roommate(s) or neighbor(s). Such disclosure shall be limited to information related to the animal and shall not include information related to the individual’s disability. Consent agreement is a required part of the On-Campus Special Housing Accommodation request form that the individual completes.

In the case of conflicting disabilities or accommodations, Student Accessibility Services will work with the Special Housing Accommodations Committee to determine alternate arrangements.

If a reasonable request for an assistance animal/ESA is granted, the animal must be contained within the resident’s privately assigned individual living quarters (e.g., room, suite, apartment) and public or common use areas of the residence. The assistance animal/ESA is not permitted in other areas of the College (e.g., other residence halls, dining facilities, academic buildings, athletic buildings and facilities, classrooms, laboratories, libraries, etc.). When transported outside the privately assigned residential room, the animal must be in an animal carrier or controlled by a leash or harness at all times.

6. Therapy Animals

The College hosts certain events that bring therapy animals to campus. Prior event approval is required before bringing therapy animals to campus.

Nazareth College has an InterProfessional Animal-Assisted Wellness (IPAW) Collaborative and IPAW club. Community members have access to two trained therapy dogs during set office hours, and at campus events. Students may consider involvement with therapy dogs as a source of support. [Information about the program and the club are available on the website.](https://www2.naz.edu/student-success/ipaw-collaborative/)

7. Pets

Pets, as defined by this policy, are generally not permitted in or on any controlled space on College property, and are permitted only in outdoor areas open to the general public.

The only pets that are allowed in the residence halls are fish contained with a maximum volume of no more than 25 gallons. Individuals who bring other pets into residence halls will be subject to appropriate disciplinary action for violation of this policy.

8. Owner/Handler’s Responsibilities

**Care**

* The owner/handler, not the College, or another individual is solely responsible for the care and conduct of their animal.
* The owner/handler must abide by all state and local laws regarding animals. Nazareth may require a copy of up to date vaccination record.
* Animals must be kept clean, healthy and under control of the handler at all times.
* Any evidence of animal mistreatment or abuse may result in immediate removal of the animal and/or discipline for the individual.
* The owner/handler is responsible for prompt clean up and disposal of the animal’s waste.
* The College is not responsible for an animal during a fire alarm, fire drill or natural disaster.
* An animal cannot be left alone for more than 24 hours.
* Animals must sleep in the owner/handler’s room.

**Conduct**

* The animal must be under control of the owner/handler at all times.
* Animals must not make excessive noise or display behavior that will disrupt other community members.
* Animals and their accoutrements (e.g. heat lamp) must not pose a direct threat to the safety of others.
* The owner/handler is subject to charge for damage caused by the animal in the same manner as community members are charged for damage that is caused by an individual.
* The owner/handler is responsible for any financial charges for bodily injury caused by the animal to any individual, including the owner/handler.
* Service Animals, not Emotional Support Animals, are generally allowed on campus anywhere it is safe for them to be. After consultation with the owner/handler, the College may determine if there are any parameters necessary regarding where a Service Animal is allowed on campus.
* Assistance Animals/Emotional Support Animals are allowed within the private assigned residence (e.g., room, suite, apartment) of the owner.
* When animals are transported outside the privately assigned residential room, the animal must be in an animal carrier or controlled by a leash or harness or otherwise tethered at all times unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices.

**Removal of Animal**

The College has the right to remove an animal if:

* The animal is found by the College to be out of control and the animal’s owner/handler is unable to take immediate control of it;
* The animal poses a direct threat (e.g. growling, lunging, nipping) to the health or safety of the handler or others (taking into consideration the nature, duration, and severity of the risk);
* The animal causes uncontrollable disturbances (e.g. repeated barking, displaying aggressive behavior) on College property, including in housing, workspaces, or classrooms;
* The animal is not housebroken;
* Improper/inadequate care (e.g. lack of proper grooming, health care, access to food/water) of the animal is exhibited;
* Damage or harm is caused by the animal and/or
* The owner/handler violates any of the Owner/Handler’s Responsibilities as outlined above.

Owners/handlers are expected to cooperate with College staff/faculty if asked to remote the animal for any reasons outlined above. Inappropriate behavior may result in a determination that the animal is no longer allowed on campus. The owner/handler and the College will communicate to determine how to best maintain the learning environment and also accommodate the owner/handler, which will involve the opportunity to obtain the goods or services without the animal’s presence.

**Procedures**

* An approval for an Assistance Animal/Emotional Support Animal is good only for the academic year in which is been approved. A petition for an Assistance Animal/Emotional Support Animal must be submitted for each academic year.
* The owner/handler must inform Student Accessibility Services in writing if there is a change to their living situation (building/room change) with Residential Life, or if they no longer need the animal and it will be going off campus.
* To replace an Assistance Animal/Emotional Support Animal, the student must file a new petition with the Special Housing Accommodations Committee.
* The owner must provide an emergency contact who will care for the animal in the event that the owner is temporarily unable to due to medical emergency.

9. Community Protocol Regarding Service Animals and Assistance Animals/Emotional Support Animals

The following protocol is in place to inform College community members (faculty/staff/students) about appropriate interaction with animals on campus.

Service Animals

* Service Animals may accompany its owner/handler at all times and in all places on campus unless predetermined exclusions have been made by the College.
* Community members are not to ask for details about the owner/handler’s disability. When it is not obvious the need for the Service Animal, only two questions can be asked:
  + Is the dog a service animal required because of disability?
  + What task or task has the dog been trained to perform?
* Owner/handlers do not have to show medical or training documentation.
* Service Animals do not have to wear special badges/vests.
* Community members cannot ask for the dog to demonstrate its ability to perform the work or task.
* Service animals are not to be:
  + Touched or pet unless the owner/handler has given their permission;
  + Fed by anyone other than its owner/handler;
  + Deliberately startled, frightened, or intentionally separated from its owner/handler.

Assistance Animals/Emotional Support Animals

* Assistance Animals/Emotional Support Animals are permitted within the assigned residence once approved.
* Staff may inquire if the animal has been formally approved for the residence in which it resides.
* Community members should avoid initiating conversation about a person’s disability unless it is directly brought up by the individual with the disability. Some people wish to keep disability and/or health information private.
* Students with an approved Assistance Animal/Emotional Support Animal do not need to show documentation to any other party outside of the Special Housing Accommodation Committee.
* Assistance Animals/Emotional Support Animals are not to be:
  + Touched or pet unless the owner/handler has given their permission
  + Fed by anyone other than its owner/handler
  + Deliberately startled, frightened, or intentionally separated from its owner/handler.

10. Procedures

1. **Student Requesting Service Animal in College Residence**

* Students requesting to reside with a service animal in College housing may notify the College of the need for a service animal’s presence prior to moving into their residence. Prior notification allows the College to make the appropriate arrangements, offer any necessary assistance prior to the student’s arrival on campus, inform Campus Safety about the presence and building/room location of the animal in case of an emergency, and inform roommate/suitemates of a dog within immediate residence in case there is a concern regarding disability.

1. **Student Requesting Assistance Animal/ESA in College Residence**

* Students seeking permission for an Assistance Animal/ESA in their College housing must complete the On-Campus Special Housing Accommodation Request form and receive permission through the Special Housing Accommodations Committee prior to bringing their animal into College housing.
* Dogs, cats, and ferrets will require copy of up to date vaccination record, including the Rabies vaccination.
* Requests for Assistance Animals/ESAs in residence will be assessed on an individualized basis.
* Requests may take up to 30 days for a response after submitting all parts of completed documentation. Please submit documentation several weeks before the semester begins.
* Certain types of animals may not be permitted on campus as an Assistance Animal/ESA due to the risk that they pose to members of the campus community.
* If a student receives email approval for the Assistance Animal/ESA, the student must make arrangements to meet with the Director of Student Accessibility Services to complete an Assistance Animal/ESA agreement prior to bringing the animal on campus. The agreement covers all points listed in section 8 above.
* If a student submits an Assistance Animal/ESA request and there is a conflicting roommate or suitemate disability (e.g., life limiting animal allergies), SAS will attempt to address the concerns in a manner that properly accommodates both parties. If necessary, the second requester with conflicting disability may need to move to a new residence.

1. **Student Employee Requesting a Workplace Accommodation**

Student employees must contact Human Resources regarding workplace accommodation requests.

**D. Faculty or Staff Requesting a Workplace Accommodation**

Faculty and staff must contact Human Resources regarding workplace accommodation requests.

**E. Visitors to Campus**

Service animals accompanying visitors to campus are permitted access and do not have to formally notify the campus of the animal’s presence. Visitors and their service animals are expected to adhere to the responsibilities outlined within.

11. Grievance Procedure

Students who wish to appeal an animal request decision, or the removal of a service animal or Assistance Animal/Emotional Support Animal, will follow the steps outlined in the related section of the [grievance procedure](https://www2.naz.edu/files/5816/2946/6444/Student_Section_504_Process_Grievance_Policy.pdf).