



## **ADA & Rochester University Accommodation Policy: Service Animals & Emotional Support Animals**

### **Rochester University Accommodation Policy Guidelines**

In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 Rochester University provides reasonable accommodation(s) to qualified students with disabilities.

A qualified student with a disability is a person who meets the academic and nonacademic admission criteria essential to participate in the program in question and who, with or without reasonable accommodation(s), can perform the essential functions of the program or course requirements.

Please see complete *Rochester University Students with Disability Accommodation Policy* available on Rochester University's website: <http://www.rc.edu/academics/accommodations/>.

### **Service Animals and Emotional Support Animals Policy**

Rochester University complies with the Americans with Disabilities Act (ADA) in allowing use of service animals for students, employees, and visitors. Emotional Support Animals (ESA) are also addressed in this policy, but ESAs are not considered service animals under the ADA. An Emotional Support Animal is a type of assistance animal that is recognized as a "reasonable accommodation" for a person with a disability under the federal Fair Housing Act (FHAct, 42 U.S.C.A. 3601 et seq.). The assistance animal is not a pet according to the U.S. Department of Housing and Urban Development (HUD).

From time-to-time Rochester University may develop formal partnerships with organizations that train service animals. These partnerships may include Rochester University allowing students to have service animals in-training on campus. An example of this type of partnership is would be Rochester University partnering with the Leader Dogs for the Blind puppy raiser program. Service animals in-training are not considered pets, service animals, or emotional support animals, and are addressed by a separate Rochester University policy governing the formal partnership with the service animal organization.

### **Service Animals**

The ADA defines a **service animal** as any dog (or in some cases a miniature horse) that is individually trained to do work or perform tasks for people with disabilities, including a physical, sensory, psychiatric, intellectual, or other mental disability. Tasks performed can include, among other things: pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button. Other species of animals, whether trained or untrained, are not service animals for the purposes of this definition. The work or task performed by a service animal must be directly related to the person's disability.



Under the ADA, colleges and universities must allow people with disabilities to bring their service animals into all areas of the facility that are open to the public or to students.

### **Emotional Support Animal**

An **Emotional Support Animal (ESA)** is a type of assistance animal that provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. An Emotional Support Animal is not a pet or a service animal. A note from a physician does not turn an animal into a service animal. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Emotional Support Animals (ESA), comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. An emotional support animal is a type of assistance animal that is recognized as a "reasonable accommodation" for a person with a disability under the federal Fair Housing Act (FHAAct, 42 U.S.C.A. 3601 et seq.).

### **For an individual to qualify for having a service animal or ESA on campus:**

1. He or she must have a disability as defined by the ADA or has been diagnosed by a medical professional as having a verifiable (mental) disability that is not transitory or minor;
2. There is an identifiable and documented nexus between the disability and the assistance that the animal provides;
3. The animal must be officially registered by the Accommodation Office (detailed below).

### **Requesting Official Approval of Service Animals and ESAs:**

Students who require the use of one of the assistance animals defined above on campus should register with the Accommodation Office and submit a *Service Animal & ESA Registration and Agreement Form* (found at the end of this document). After the student is registered for accommodations and the animal is officially approved, the Accommodation Office will work in concert with the Center for Student Life to make any necessary modifications, especially as it applies to housing needs.

### **Responsibilities of Individuals with Service Animals or ESAs**

Students with an approved animal are responsible for their animal in the following ways:

- Rochester University is not responsible for the cost, care, or supervision of animals. Handlers are responsible for the control of their animal at all times. The handler is responsible for designating an alternative caregiver for the animal if the handler is unable to do so.
- Service animals and ESAs must be restrained with a harness, leash, or tether at all times, unless either the handler is unable because of a disability or the tether would interfere with the animal's safe, effective performance of work or tasks. If the animal is not tethered, it must be under the handler's control by voice control, signals, or other effective means.



- The handler is responsible for immediate clean-up and proper disposal of all animal waste. Rochester University will designate specific relief areas. It is the responsibility of the handler to remove the waste from university grounds, dispose of it in a plastic bag, and then place that bag in a waste container outside.
- The animal shall be vaccinated in accordance with state and local laws.
- The University or a partnering entity may also assess the type, size, and weight of a miniature horse in determining whether or not the horse will be allowed access to the facility (if applicable).
- Rochester University will not require any surcharges or fees for approved animals. However, a handler may be charged for damage caused by the service animal or ESA to the same extent that Rochester University would normally charge a person for the damage they cause. A person who brings an animal onto university property has all the responsibilities and liabilities placed on a person by any applicable law when that person owns or uses any animal, including liability for any damage done by the animal.

### **Exceptions and Exclusions**

Rochester University may place some restrictions on and/or may exclude an assistance animal in certain situations. Restrictions or exclusions will be considered on an individual basis in accordance with applicable laws.

An animal may be excluded from campus, classrooms, or other facilities if, for example:

1. The animal is found by the University to be out of control and the animal's handler does not take immediate and effective action to control it;
2. The animal is not housebroken;
3. The animal is unhygienic;
4. The animal attempts to enter a place on campus where the presence of an animal causes danger to the safety of the handler or other members of the campus community;
5. The animal attempts to enter any place on campus where an animal's safety is compromised.

For students, the Accommodations Committee (comprised of the Accommodation Officer, the Director of Counseling and Disability Services, and the Assistant Dean of Community Living) is responsible for the verification of and making decisions about the exclusion of any animal. The exclusion process will include an individualized evaluation of all facts supporting the exclusion. The handler will have the opportunity to resolve all issues that would substantiate the exclusion prior to a final decision regarding the exclusion.

### **Conflicting Disabilities and/or Medical Conditions**

A student with a disability and/or medical condition that is affected by animals should contact the Accommodation Office if he or she has a health or safety-related concern about exposure to a service animal or an ESA. The person asserting the conflicting disability and/or medical



condition must provide appropriate medical documentation that identifies the condition(s) and the need for an accommodation. Appropriate action under federal and state law will be taken to consider the needs of all persons involved and to resolve the conflict as efficiently and effectively as possible.

### **Grievances**

Any handler who wishes to challenge a decision reached in the request for accommodation may appeal in writing to the Vice President of Academic Affairs (Provost) and Dean of Students. The decision of the Vice President of Academic Affairs and Dean of Students is final.

### **Expectations of Members of the Rochester University Community**

To ensure equal access and nondiscrimination of people with disabilities, members of the Rochester University community must adhere to the following expectations:

1. Do not assume that a service animal or ESA is a pet.
2. Refrain from asking questions about a person's disability. However, if an individual's need for a service animal and the qualifications of the animal are not obvious, the handler may only be asked:
  - a. Whether the animal is required because of a disability? And
  - b. What work or tasks the animal has been individually trained to perform?
3. Do not pet or feed a service animal or ESA, because it distracts the animal from its work or task and/or could cause harm to the animal.
4. Do not attempt to separate the handler from the animal.
5. Do not harass or deliberately startle an animal.
6. Direct all questions and concerns about animals to the Accommodation Officer.

### **Procedure for Requesting Assistance Animals in Campus Housing**

Residence Life will allow a service animal or ESA if certain conditions are met. The animal must be necessary for the resident with a disability to afford the resident with an equal opportunity to use the residence and there is an identifiable relationship between the resident's disability and the assistance the animal provides. An accommodation is unreasonable if it presents an undue financial or administrative burden on the University, poses a direct threat to the life, health, safety or welfare of the university community or constitutes a fundamental alteration of the nature of the service or program.

For students living on campus, Federal Fair Housing regulations provide that Emotional Support Animals be considered a reasonable accommodation in campus housing. In order for an accompanying ESA to be considered a reasonable accommodation, appropriate documentation meeting the requirements of current Federal Fair Housing regulations must be provided.

**Service Animal:** If it appears that the animal is a service animal then the animal is exempt from the university's no-pet policy and is permitted to accompany its owner at all times and in all areas of the premises where persons are normally allowed to go, except where animals are specifically prohibited (e.g. custodial closets, boiler rooms, etc.).



**ESA:** If the animal is an ESA, then the student is permitted to keep the animal at his/her residence and to have the animal accompany them to their campus jobs. Since these regulations only apply to housing facilities, the animals may not be allowed in other areas of campus (e.g., library, academic buildings, classrooms, labs, campus center, other residence halls, etc.), except on a case-by-case basis.

Non-domesticated, wild, dangerous, poisonous, and/or illegal animals are not permitted. In order to receive permission to have an Emotional Support Animal in campus housing or other university facilities, the student must work with the Accommodations Office. Only one emotional support animal per student is allowed.

### **Responsibilities for Residential Students with ESAs**

There must be a link between the animal and the resident's disability. Emotional distress resulting from having to give up an animal because of a "no pets" policy does not qualify a person for an accommodation under federal law. Any student approved for an assistance animal in the residence halls must also meet the U.S. Department of Housing and Urban Development requirements/policies for animal health and behavior as well as within their Rochester University Housing Contract.

An approved ESA is only permitted in the student's residence hall room and to campus jobs as an approved accommodation from the Accommodation Office and is not permitted in any other areas except as required for transportation off-campus or to eliminate waste, unless approved by the Accommodations Committee. ESAs animals are not permitted to accompany their owner to any other location(s) on campus where animals are not permitted. ESAs may not be left overnight in the student's residence hall without its owner to be cared for by another student. Animals must be taken with the student if they leave for a prolonged period of time. When the student must leave the residence hall, it is the responsibility of the student to ensure that that service animal or ESA is appropriately contained within the room and not be able to leave the resident's room. In order to restrain the animal it is appropriate to use a cage, carrier, crate or other method for this purpose.

The student undertakes to comply with the following animal health and wellbeing requirements:

- **Vaccination:** In accordance with local ordinances and regulations the animal must be immunized against diseases common to that type of animal, such as the rabies vaccine, and, when appropriate, wear a rabies vaccination tag.
- **Health:** Animals, other than cats and dogs, to be housed in university housing should 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.
- **Control:** If appropriate, the Emotional Support Animal must be on a leash, unless the leash would inhibit the animal's ability to be of service. Otherwise, the emotional support animal must be under voice control.



Emotional Support Animals must be housebroken. The resident is responsible for cleaning up all animal waste (both indoors and outdoors) in a timely and effective fashion. Animals that are not housebroken may not be eligible to serve as an ESA. Additionally, the resident shall be fully and solely responsible for disposal of animal waste. Failure to properly dispose of animal waste will result in a charge of violating university housing policies. Continued violations may result in eviction.

The ESA must be under the control of the resident, such as on a leash or in a carrier, when being transported to and from the hall. The resident is responsible at all times for the actions of his or her ESA. ESAs shall not disturb, annoy, or cause nuisance to other members of the community. The owner resident is responsible for any odors, noise (barking, whining), damage (scratching, chewing, aggression), or other conduct of his or her emotional support animal that disturbs others or damages the premises. Residents who violate this policy or these obligations may be required to remove the ESA from the residence hall room.

Emotional Support Animals cannot interfere with the reasonable enjoyment of people sharing the space. ESAs, unless under control, are not permitted in any public common spaces within the residence halls, including but not limited to community/shared bathrooms, lounges, laundry rooms, dining rooms, indoor recreational rooms, computer labs, and study rooms.

### **Removal of an Assistance Animal**

An assistance animal must be kept under control by the person with a disability. An animal may be removed from the campus if the animal:

- is disruptive or out of control and an effective action to control the animal is not taken, or;
- is not "housebroken" or deposits waste in a designated cage or litter box and the owner fails to clean such cage or box, such that the cleanliness of the room is not maintained; or
- 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; or
- causes substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation; or
- the student provided an assistance animal does not comply with the terms of the Service Animal and ESA Policy and Agreement Form.

In considering whether a service animal or ESA poses a direct threat to the health or safety of others, Rochester University 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
3. whether reasonable modifications of policies, practices, procedures, or the provision of auxiliary aids or services will mitigate the risk.

Additionally, Rochester University may deny/revoke permission to have a service animal or ESA if the animal:

- poses a direct threat to the health and safety of others
- poses an undue financial or administrative burden, or
- would fundamentally alter the nature of the provider's operations (e.g. disrupts roommates, neighbors).

### **Reference Material**

Federal Laws:

- [U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity](#)
- [U.S. Department of Justice, Civil Rights Division – Service Animals](#)

Caring for Animals:

- [Questions to ask yourself before getting a pet](#)
- [American Kennel Club: Be a Responsible Dog Owner](#)
- [Guidelines for Responsible Pet Ownership from the American Veterinary Medical Foundation](#)



## Requesting Official Approval of Service Animals and ESAs

Students who require the use of a service animal or Emotional Support Animal (ESA) on campus shall complete the following steps:

1. Register through the Accommodation Office. In order to receive official accommodations, students must:
  - a. Carefully read the *Rochester University Students with Disability Accommodation Policy* available on the Student Portal or Rochester University's website at <http://www.rc.edu/academics/accommodations/>.
  - b. Complete the two forms at the end of the *Rochester University Students with Disability Accommodation Policy*:
    - i. Accommodation Request Form
    - ii. Authorization for Release of Confidential Information
  - c. Provide approved documentation for the disability as outlined in the *Rochester University Students with Disability Accommodation Policy*. For students requesting service animals or ESAs, the documentation should also include the following:
    - i. Provision of an identifiable and documented nexus between the disability and the assistance that the animal provides, including animal certification if applicable.
    - ii. If a student is registering for an Emotional Support Animal, a letter from the student explaining the need for the animal, the type of animal, the animal's name, whether the animal is housebroken, the dates of the medical examinations and prescriptions specifying the need for such animal, and the date when the animal was acquired.
    - iii. If the student is registering for an Emotional Support Animal, a signed letter, on professional letterhead, from the student's physical or mental health care provider or licensed therapist or other qualified professional (non-relative) that includes, at minimum, the nature of the applicant's disability, the provider's opinion that the condition affects major life activity, how the animal is necessary to provide the impaired student access to the university's housing or employment settings, and the relationship between the disability and the assistance the animal provides.



2. Complete a *Service Animal & ESA Registration & Agreement Form* (at the end of this document) and return the completed form and required documents to the Accommodation Office at least one month prior to the start of the term in which the service animal or ESA will arrive on campus.
  
3. If appropriate, once accommodations and service animal or ESA are registered, the student will coordinate with the Assistant Dean for Community Living in order to ensure that the appropriate housing is secured for both the student and service animal or ESA.



## Service Animal & ESA Registration & Agreement Form

Students who wish to have service animals or Emotional Assistance Animals (ESA) on campus should complete the *Service Animal & ESA Registration & Agreement Form* when they are requesting official accommodations. Students requesting a service animal or ESA on campus must provide required documentation as indicated below. This form should also be completed when there are any changes to information in regards to the service animal or ESA. The completed form should be submitted to the Accommodation Office a minimum of one month prior to the start of the term in which the service animal or ESA will arrive on campus.

**In addition to completing this form, please also provide the following attachments:**

- Letter from the student explaining the need for the animal, the type of animal, the animal's name, whether the animal is housebroken, the dates of the medical examinations and prescriptions specifying the need for such the animal, and the date when the animal was acquired.
- Letter or documentation from a certified clinician or other qualified professional substantiating the need for the assistance animal on campus.
- Please attach a photo of the assistance animal.

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Student's Full Name: \_\_\_\_\_

Animal's Name: \_\_\_\_\_

Veterinary Contact: \_\_\_\_\_

Animal's diet needs: \_\_\_\_\_

1. Please identify the type/breed of your assistance animal:

\_\_\_\_\_

2. Is the animal housebroken?

YES: \_\_\_\_\_

NO: \_\_\_\_\_ (Please explain below):

\_\_\_\_\_  
\_\_\_\_\_

3. Is the assistance animal current on shots, including vaccination for rabies if applicable?

NO: \_\_\_\_\_

YES: \_\_\_\_\_

\*Please provide date of most recent vaccinations:

\_\_\_\_\_



4. Spay/Neuter Date (if applicable): \_\_\_\_\_

5. Clean Bill of Health (last veterinary visit date): \_\_\_\_\_  
\*Please provide any applicable documentation if available.

6. Proof of Liability Insurance (if available): \_\_\_\_\_

As a handler of a service animal or ESA, I assume full responsibility for providing adequate care and supervision for the animal at all times while on Rochester University property or attending university sponsored events. I have read and understand the *Service Animals and Emotional Support Animals Policy*, and by my signature below I agree to follow the policy throughout my time at Rochester University. Additionally, I agree to the following:

1. I assume personal responsibility for any damage to any property and/or harm to others caused by my animal while on university property or attending university sponsored events;
2. I will register my animal annually with the Accommodation Office;
3. The University will not be financially responsible for any actions of, or related to, my service animal or ESA; and
4. I shall indemnify and hold Rochester University and its faculty and staff harmless against any and all claims, liabilities, and costs for any personal injury or property damages or other damages that the University may sustain arising out of or in connection with my use of a service animal or ESA while on university property or attending a university sponsored event.

I accept and agree to be bound by the terms of this Agreement.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_