



## PROCEDURE

### Service Animal Procedure, Student and Community Procedure

Procedure Administrator: Chief Officer for Diversity and Inclusion

Authority: Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2013) (amended 2008); N.J.S.A. 4:19-15.2 and 4:19-15.2a; Section 504 of the Rehabilitation Act of 1973

Effective Date: March 3, 2014; May 12, 2016; July 2, 2021\*

Index Cross-References: Policy I-125 - Service Animal and Emotional Support Animal Policy

Procedure File Number: 3990

Approved By: Dr. Harvey Kesselman, President

#### I. PURPOSE:

To provide procedural guidelines for the use of service animals on Stockton University ("the University") facilities and grounds.

#### II. DEFINITIONS

Partner/Handler: A partner/handler is an individual with a service animal. An individual with a disability is called a partner; an individual without a disability is called a handler.

An individual with a disability is an individual who meets one of the following criteria:

- 1) has a physical or mental impairment that limits one or more major life activities (examples are walking, speaking, seeing, hearing, and performing manual tasks);
- 2) has a record of such impairment; or
- 3) is regarded as having such an impairment.

Service Animal: A service animal is defined as a dog or miniature horse that has been trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The task(s) performed by the service animal must be directly related to the person's disability.

Stockton University may make reasonable modifications within its policies and procedures to permit an individual with a disability to use a miniature horse, if the miniature horse has been individually trained to perform the task or work for that individual.

There are four assessment factors used in determining whether a miniature horse

is a reasonable accommodation: (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the University facility or property can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will compromise legitimate safety requirements necessary for the safe operation of the University facility or property.

### III. PROCEDURE:

- A. Prior to bringing a service animal to the University a partner/handler or individual with a disability should contact the Learning Access Program. The Learning Access Program will assist the individual should any classroom situations occur in response to the service animal. If the individual is residing on campus, the Learning Access Program can advocate with Residential Life should any situations occur in response to the service animal. If residing on campus, it is requested that vaccination records be submitted to the Learning Access Program.
- B. A voluntary registration program is available through the Learning Access Program for students that would like to register their service animal. Registering the service animal will assist emergency personnel if there is an emergency on campus.
- C. Stockton faculty and staff cannot ask about the nature or extent of an individual's disability to determine if a person's dog or miniature horse qualifies as a service animal. However, when it is not readily apparent that a dog or miniature horse is a service animal, Stockton faculty and staff may ask two questions:
  - 1. Is the dog or miniature horse a service animal that is required because of a disability?
  - 2. What work or task has the dog or miniature horse been trained to perform?
- D. Service animals will be permitted to accompany individuals with disabilities on all University property where students, the community, and other participants in services, programs, or activities are allowed.
- E. Service animals may be excluded from the campus if the animal's behavior poses a direct threat to the health and safety of other members of the University community and/or if the animal is not housebroken.
- F. Service animals are not exempt from local animal control or public health requirements. Service animals are subject to local licensing and registration requirements. Stockton University does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. It is the responsibility of the individual to ensure that the service animal is current on all health records and vaccinations and licensed with the individual's permanent resident municipality. In accordance with State law service animals must wear a tag confirming that vaccinations are up to date.
- G. Service animals must be housebroken.

- H. Service animals must be kept under control by a harness, leash or other tether, unless the use of such control measures would interfere with the service animal's performance of work or tasks. If control measures cannot be used, the service animal must be controlled by voice, signals, and/or other effective means.
- I. The partner/handler must have full control of the service animal at all times.
- J. The partner/handler must follow the Galloway Township ordinance in cleaning up the animal's waste. The ordinance requires the partner/handler to
  - 1. Always carry equipment sufficient to clean up the animal's waste whenever the animal is on University property;
  - 2. Never allow the animal to defecate on any property, public or private, unless the partner/handler immediately removes the waste; and
  - 3. Properly dispose of animal waste by flushing or burial.

Specifically marked waste receptacles for animal waste may be used when provided. Individuals with disabilities who physically cannot collect and dispose of their service animal waste should use service animal waste disposal areas as designated by the Division of Facilities and Construction. Residential Life informs residential students with service animals where the relief areas are located in the housing areas. It is the individual's responsibility to be aware of the animal's need to relieve itself and act accordingly.
- K. There may be instances when it is considered unsafe for service animals to be in certain campus facilities such as medical facilities, laboratories, mechanical rooms or any other facilities where there is a health or safety risk for the service animal or the partner/handler. Any such facilities will be reviewed by a team of individuals that includes the partner/handler, the Learning Access Program, the laboratory director or professor, and the Director of Risk Management. If campus facilities are determined to be unsafe for the partner/handler and animal, the Learning Access Program will meet with the partner/handler to provide notice that a reasonable accommodation will be provided to assure the student equal access to the activity.

#### IV. REPORTS AND APPEALS

- A. Members of the Stockton community should follow the Campus Code of Conduct while they are on campus or in University owned or controlled facilities. Reports regarding an individual who is interfering with a service animal's ability to work and/or who is harassing or tormenting a service animal should be made to the Office of Diversity and Inclusion; reports will then be forwarded to the appropriate University office for review (e.g. Office of Student Conduct, the Office of Human Resources, etc.). Reports regarding a residential student who is violating the service animal's rights should be made to the Office of Residential Life. Reports will be reviewed on an individual basis.
- B. Reports regarding the partner or handler's service animal behavior should be made to the Office of Diversity and Inclusion; reports will then be forwarded to the appropriate University office for review (e.g. Care and Community

Standards Office, the Office of Human Resources, etc.). Reports regarding a service animal residing in residential housing should be made to the Office of Residential Life. Cases will be reviewed on an individual basis. Consequences may include, but are not limited to, muzzling a barking dog, providing proof of training documentation and/or refresher training for the animal and its partner/handler, or exclusion from University property. The University will give the individual with a disability the option of continuing to attend the University without having the service animal on the premises and alternate accommodations will be discussed. If the individual with a disability resides in on-campus housing, the individual will be given the option of continuing to reside on campus without the service animal and alternate accommodations will be discussed. If reasonable accommodations cannot be made the individual can appeal to the Executive Director of Residential Life for cancellation of their housing contract.

Some examples of actions that may give rise to the exclusion of a service animal on campus include, but may not be limited to:

- Not being on a leash at all times. Service animals are not permitted to be unleashed unless the service animal's work requires them to be off leash.
  - Displaying any behaviors or noises that are disruptive to others, such as excessive barking, whining, or growling.
  - Excessively sniffing people, store shelves, tables in eating areas, or personal belongings of others.
  - Initiating contact with someone without permission.
  - Excessively grooming themselves in public settings.
  - Being attracted to or eating food that may be in common areas.
- C. If a service animal is excluded from the University, the individual with a disability may appeal the decision in writing to the Office of Diversity and Inclusion within seven (7) calendar days of the exclusion.
- D. In an emergency, personnel who respond should be informed that a service animal may be trying to communicate the need for assistance. The service animal may become disoriented from the smell of smoke in a fire or laboratory emergency, from sirens or wind noise, or from shaking and moving ground. The individual with a disability and/or service animal may be confused in a stressful situation. The emergency response team should be aware that the service animal is trying to be protective and, in its confusion, is not to be considered harmful. The emergency response team should make every effort to keep the service animal with its partner or handler.
- E. It is common for persons to have medical condition that precipitate an allergic reaction to animals. Persons who have asthma/allergy/medical issues with a service animal are to be directed to make a report to the Learning Access Program, if a student, or the Office of Diversity and Inclusion, if an employee. The person making the report must provide verifiable medical documentation of the medical condition. Action will be taken to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.

- F. If there is an allergy/animal conflict within a residence hall that cannot be resolved, the Office of Residential Life and the Learning Access Program will collaborate on a solution.
- G. All campus visitors with service animals must adhere to the same guidelines as students and employees.
- H. An individual dissatisfied with the decision made concerning a service animal may appeal a decision by contacting the ADA/504 Coordinator in the Office of Diversity and Inclusion.

V. CAMPUS CONTACTS

For questions about this procedure, contact one or more of the following offices:

- Learning Access Program, Main Campus J-204, 609-652-4988
- Dean of Students Office, Campus Center Suite 243, 609-652-4645
- Office of Student Conduct, F-107, 609-626-3585
- Office of Diversity and Inclusion (ADA-504 Coordinator), WQ 110, 609-652-4695

Review History:

	Date
Procedure Administrator	03/23/2021
Divisional Executive	03/23/2021
General Counsel	06/02/2021
Cabinet	07/02/2021
President	07/02/2021

*\* "Care and Community Standards" was changed to the "Office of Student Conduct" on November 22, 2021.*