



## PROCEDURE

### **Service Animal Procedure, Student and Community Procedure**

Procedure Administrator: Chief Officer for Institutional Diversity and Equity

Authority: Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2013) (amended 2008); Office of Animal Welfare NJ4:19-15.2 and 4:19-15.2a; State of NJ 215th Legislature Section 5 of P.L.1977, c.456 (C.10:5-29.3); Section 504 of the Rehabilitation Act of 1973

Effective Date: March 3, 2014; May 12, 2016

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

Procedure File Number: 3990

Approved By: Harvey Kesselman, President

### **I. PURPOSE:**

To provide procedural guidelines for the use of service animals in 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. A service animal is defined as a dog 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.

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 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. Species other than dogs are not considered service animals for the purpose of this definition of a service animal.

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

## Service Animal in Training:

According to the State of NJ 215<sup>th</sup> Legislature Section 5 of P.L.1977, c.456 (C.10:5-29.3) A service or guide dog trainer, while engaged in the actual training process and activities of service dogs or guide dogs, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to a person with a disability if:

- a) the service or guide dog is wearing a collar, leash, or other appropriate apparel or device that identifies the dog as participating in a training program with an accredited program for service or guide dogs; and
- b) the service or guide dog is being held on a leash, and is under the control of the person raising the dog for an accredited training program; and
- c) the person has in his possession, and available for inspection, credentials from an accredited program identifying him as a participant in a service or guide dog training program.

(cf: P.L.2003, c.180, s.21)

## **III. PROCEDURE:**

A. It is best practice to notify the Learning Access Program that a partner/handler or individual with a disability will be bringing a service animal to campus. 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. Stockton faculty and staff cannot ask about the nature or extent of an individual's disability to determine if a person's dog qualifies as a service animal. However, when it is not readily apparent that a dog is a service animal, Stockton faculty and staff may ask two questions to determine if a dog is a service animal:
1. Is the dog a service animal that is required because of a disability?
  2. What work or task has the dog been trained to perform?
- C. Service animals will be permitted to accompany individuals with disabilities in all buildings and grounds of Stockton University where students, the community, and other participants in services, programs, or activities are allowed to go.
- D. Service animals may be excluded from the campus when that animal's behavior poses a direct threat to the health and safety of others. Service animals may be prohibited from areas such as science labs if the lab supervisor has reason to believe the animal's presence would compromise the environment or if the environment posed a physical danger for the animal.
- E. 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 to New Jersey Office of Animal Welfare NJ4:19-15.2 and 4:19-15.2a, the service animal must be wearing a tag displaying its vaccinations are up to date.
- F. A voluntary registration program is available through the Learning Access Program for students that would like to register their service animal. Registration will assist emergency personnel should there be an emergency on campus.
- G. Absent illness or accident, service animals must be housebroken, so that it controls its waste elimination and must be kept under control by a harness, leash or other tether, unless the person unable to hold those or such use would interfere with the service animal's performance of work or tasks. Should this instance occur, the service animal must be controlled by voice, signals, and/or other effective means.
- H. Service animals may be excluded from the University if the animal's behavior poses a direct threat to the health and safety of others and/or if the animal is not housebroken.

- I. The partner/handler must be in full control of the animal at all times.
- J. The partner/handler must follow the Galloway Township ordinance in cleaning up after the animal defecates. The ordinance requires the partner to: 1) Always carry equipment sufficient to clean up the dog's feces whenever the dog and partner are off the partner's property; 2) Never allow the dog to defecate on any property, public or private (except the partner's own property), unless the partner immediately removes the waste; 3) Properly dispose of the feces by flushing or burial. Specifically marked waste receptacles for dog feces may be used when provided. Individuals with disabilities who physically cannot clean up after their own service animal may not be required to pick up and dispose of feces; however, these individuals should use marked service animal toileting areas when such areas are provided. Relief areas will be designated by the Facilities and Construction. The areas will be included in mobility training and orientation of students and animals that are new to the campus. It is the individual's responsibility to be aware of the dog's need to relieve itself and act accordingly.
- K. There may be certain instances when it may be considered unsafe for animals to be in such places as medical facilities, laboratories, mechanical rooms or any other place where the safety of the animal or its partner may be threatened. Each place will be considered as to its safety potential by a team of individuals, including the handler, the Learning Access Program, the laboratory director or professor, and the University Risk Management Team. When it is determined unsafe for the team to be in one of these areas, the Learning Access program will meet with the handler and inform the handler that a reasonable accommodation will be provided to assure the student equal access to the activity.

#### **IV. COMPLAINTS AND APPEALS**

Members of the Stockton community should follow the Campus Code of Conduct while they are on campus or in University owned or controlled facilities. Members of the community should not:

- Pet a service animal while it is working. Service animals are trained to be protective of their partners, and petting distracts them from their responsibilities.
- Feed a working service animal.
- Deliberately startle, tease or taunt a service animal.
- Separate or attempt to separate a partner from his/her service animal.
- Hesitate to ask a student if he/she would like assistance if the team seems confused about a direction to turn, an accessible entrance, the location of an elevator, etc.

- Feed a service animal drugs or alcoholic beverages on or off campus. To do such will result in disciplinary action through the Campus Hearing Board.

Complaints regarding an individual that is interfering with a service animal's ability to work and/or harassing or tormenting the animal should be made to the Office of Institutional Diversity and Equity; complaints will then be forwarded to the appropriate party to address (e.g. Student Rights and Responsibilities, Human Resources, etc.). Complaints regarding an on-campus student who is violating the animal's rights should be made to a professional representative for the Office of Residential Life. Cases will be reviewed on an individual basis.

Complaints regarding the partner or handler's service animal behavior should be made to the Office of Institutional Diversity and Equity; complaints will then be forwarded to the appropriate party to address (e.g. Student Rights and Responsibilities, Human Resources, etc.). Complaints regarding a service animal residing in on-campus housing should be made to a professional representative for 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 facilities. The University will give the individual who uses a service animal 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 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 Director of Residential Life for cancellation of contract.

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

- Not being on a leash at all times. Service animals are not permitted to be on leash 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 the partner's direct permission.
- Excessively grooming themselves in public settings.
- Being attracted to or eating food that may be in common areas.

If a service animal is excluded from the University, the individual may appeal the decision in writing to the Office of Institutional Diversity and Equity within seven (7) days of the exclusion.

- L. In the event of an emergency, the emergency response team that responds should be trained to recognize service animals and to be aware that the animal may be trying to communicate the need for assistance. The 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 and/or animal may be confused in a stressful situation. The team should be aware that the animal is trying to be protective and, in its confusion, is not to be considered harmful. The team should make every effort to keep the animal with its partner or handler.
- M. It is common for persons to have a disability that precipitates an allergic reaction to animals. Persons who have asthma/allergy/medical issues with the service animal are to be directed to make the complaint to the Learning Access Program or the Office of Institutional Diversity and Equity. The person making the complaint must provide verifiable medical documentation to support his/her claim. Action will be taken to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.

The guidelines for competing disabilities apply in the residence halls, as well. If there is an allergy/animal conflict within a residence hall that cannot be resolved agreeably, then the Office of Residential Life and the Learning Access Program will collaborate on a solution.

- N. All visitors to campus with service animals must adhere to the same guidelines as students attending the University.

Any individual dissatisfied with the decision made concerning a service animal can appeal or grieve the decision by contacting the ADA/504 Coordinator.

## **V. CAMPUS CONTACTS**

For questions about these procedures, 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 Rights and Responsibilities, F-107, 609-626-3585
- Office of Institutional Diversity and Equity, L-214, 609-652-4693

Approval History:

	Date
President	05/12/16