



Committee Meeting: Policy & Governance Committee	Date: September 6, 2023
Committee Chair: Melodie Baker	
New or Edited: Edited	

POLICY NAME: Accommodation for Service, Emotional Support, Pets, and Therapy Animals

POLICY TYPE: Board

SUBMITTED BY: Human Resources

ISSUE OR STATEMENT OF PURPOSE:

This policy governs the appropriate use of, and protocols associated with, Service, Emotional Support, Pets, and Therapy animals.

As part of the State University of New York system, and an entity under the County of Erie, SUNY Erie Community College is covered under Title II of the Americans with Disabilities Act (ADA).

Emotional Support animals, which are covered under the Department of Housing and Urban Development Fair Housing Act are only allowed in Housing. As SUNY Erie Community College does not offer on campus housing for students, Emotional Support animals for student and employee’s use are not permissible anywhere on campus.

NEW OR EDITED POLICY: Edited

POLICY:

This policy enables SUNY Erie Community College to comply with the Americans with Disabilities Act of 1990 as amended and Section 504 of the Rehabilitation Act of 1973. These laws require that reasonable accommodations (that do not pose an undue financial and administrative hardship to the college) be made for otherwise qualified students and employees with disabilities and prohibit the college from excluding such students and employees from, or denying them the benefits of, its programs, activities, and services.

Refer to these websites for definitions of service animals:

Americans with Disabilities Act of 1990 as amended	https://www.ada.gov/pubs/ada.htm
Section 504 of the Rehabilitation Act of 1973	https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf
Fair Housing Act	https://www.justice.gov/crt/fair-housing-act-2



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Who is Responsible for enforcing this, Policy?

- Student Accessibility Office
- Campus Safety and Security
- Facilities/Athletic Facilities Department
- Human Resources
- Student Activities

Who is Affected by this Policy?

- Students
- Employees
- Visitors to SUNY ERIE

Principles:

Students utilizing a Service animal are requested to register with the SUNY Erie Student Accessibility Centers or request a reasonable accommodation to utilize a Service animal on campus.

Service animals are generally allowed to accompany students with disabilities in all areas of the SUNY Erie campuses to include the dining facilities. When a student is attending a lab, special consideration for the safety of the students and animal must be discussed with the instructor.

Controlled Areas are areas where no animal is permitted because of health and safety reasons. These areas may include, but are not limited to, the following:

- Certain laboratories
- Mechanical rooms and custodial closets
- Food service preparation areas
- Areas where protective clothing is necessary.
- Areas where there is a danger to the service animal.
- Exceptions to controlled areas may be granted on a case-by-case basis.

Staff guidance regarding Service, Emotional Support, and Therapy Animals

- Service Animals are not required to wear a vest.
- When it is not obvious what service an animal provides, only limited questions may be asked: (1) is the dog a service animal required because of a disability, (2) what work or task the dog has been trained to perform.
- Staff cannot ask about the person's disability, require medical documentation, require special identification or training documentation, or ask that the dog demonstrate its ability to perform the task or work.
- Allergies or fears are not valid reasons for denying access....
- A person with a disability cannot be asked to remove their dog from campus unless: (1) the dog is



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out of control and the handler does not take effective action to control it, (2) the dog is not housebroken.

Concerns regarding the Service Animal should be directed to the Campus Dean of Students and/or Campus Student Accessibility Center. Safety issues regarding an out-of- control dog should be directed to Campus Safety and Security.

DOES IT SUPERCEDE A POLICY/WHICH ONE: Yes. Accommodation for Service, Emotional Support, Pets, and Therapy Animals adopted January 27, 2022.

POLICY & GOVERNANCE COMMITTEE RECOMMENDED ACTION:

Policy & Governance Committee recommends the Board of Trustees approve this Board policy under Committee Briefings, Policy, and Governance Committee. This Policy supersedes all prior policies/procedures and practices related to the Accommodation for Service, Emotional Support, Pets, and Therapy Animals.

DATE OF BOARD APPROVAL: September 28, 2023

POLICY & GOVERNANCE COMMITTEE TEAM FOLLOW-UP:

Following Trustee approval, this Board policy will be included in the SUNY Erie Community College Board of Trustees Policy Manual.

INFORMATION/INPUT CONSIDERED DURING POLICY & GOVERNANCE COMMITTEE DELIBERATIONS:

Americans with Disabilities Act (ADA) for Title II (state and local government services) and Title III (public accommodations and commercial facilities)

N.Y. Civil Rights Law 47 and 47-b and N.Y. Executive Law 296(14)

U.S. Department of Housing and Urban Development FHEO Notice: FHEO-2020-01 - Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act

Department of Transportation - Traveling by Air – Final Rule with Service Animals 14 CFR Part 382

SUNY Erie Community College Service Animal, Emotional Support Animal and Pet Policy for Students.

The Policy has been reviewed and discussed at the Policy & Governance Committee meeting of October 13, 2021, January 5, 2022, August 3, 2023, and September 6, 2023.



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History

Item:	Date:	Explanation:
Edited Policy Adopted	September 28, 2023	
Policy Adopted	January 27, 2022	

SUNY Erie Cross References

Policy Name or Procedure:	Where to find:
Americans with Disabilities Act of 1990 as amended	https://www.ada.gov/pubs/ada.htm
Section 504 of the Rehabilitation Act of 1973	https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf
Fair Housing Act	https://www.justice.gov/crt/fair-housing-act-2

Next Steps

Policy will be included in the College Catalog.
