Disability Accommodations for Service and Support Animals

I. Policy Statement
Fashion Institute of Technology (“FIT” or “the College”) is committed to providing those members of the FIT community (students and employees) and guests with disabilities equal access to programs, services, and physical facilities. It is acknowledged that some members of the FIT community and guests with disabilities may require the use of service or support animals while at FIT. Set forth below are guidelines concerning the appropriate use of and protocols associated with service and support animals. FIT reserves the right to amend these guidelines as needed, with or without prior notice.

II. Reason for the Policy
This policy and these procedures enable FIT to comply with Titles II and III of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, which require reasonable accommodations (that do not pose an undue financial and administrative hardship to the College) 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. This policy and these procedures also enable FIT to comply with The Fair Housing Act, which protects students with the reasonable use of service or support animals in residence halls and dorm facilities.
III. Who Should Read This Policy

- Residential Life Staff
- Faculty
- Public Safety
- Students
- Employees
- FIT Guests

IV. Who is Responsible for This Policy

- Office of Disability Support Services, FIT-ABLE
- Residential Life
- Affirmative Action Officer

V. Policy Text

A. Definitions:

The following terms are applied by FIT in accordance with and by using the definitions supplied by federal law and regulations, which are summarized here. See also the Disability Accommodations and Support Services policy.

i. Accommodation: Any reasonable modification or adjustment in policies, practices, procedures, or work/school/housing environment to enable a qualified individual with a disability to enjoy equal opportunities and access to College rights, privileges, benefits, services, and physical facilities.

ii. Handler: The person with a disability who has received approval for use of a service or support animal as an accommodation on the FIT campus.

iii. Under control of Handler: The service or support animal must be under the handler's direct physical control with a harness, leash, or other tether, unless either the handler is unable because of a disability to use these, or the use of one of these would interfere with the service or support animal's safe, effective performance of work or tasks. If so, the service or support animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

iv. Pet: A pet is an animal kept for ordinary use and companionship. A pet is not considered a service or support animal. Pets are not permitted in the facilities of FIT. Any pets on the grounds of FIT must be under appropriate restraint (leash, cage, etc.) and must be in close proximity to the handler at all times. FIT may, in its sole discretion, require the removal of pets on its grounds for any reason, including but not limited to, failure to be appropriately restrained.
v. **Service Animal:** Any dog or miniature horse\(^1\) that is individually trained to do work or perform tasks for the benefit of an individual with a disability (such as a physical, sensory, psychiatric, intellectual or other mental disability).

The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, retrieving items such as handler’s medicine or the telephone, or assisting an individual during a seizure. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

vi. **Support Animal:** An animal that a person with a disability requires for use in an FIT residence that provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. There must be an identifiable and medically indicated relationship between the individual's disability and the support the animal provides.

**VI. PROCEDURES**

**A. Having a Service or Support Animal as an Accommodation Due to a Disability**

i. **Service Animals:** FIT personnel may make two inquiries to determine whether an animal qualifies as a service animal:
   a. Is the animal required because of the individual’s disability?
   b. What work or task has the animal been trained to perform?

ii. **Support Animals:** Qualified students and employees residing on campus, who need to request the accommodation of use of a support animal, should contact the Office of Disability Support Services. FIT will determine on a case-by-case basis and in accordance with applicable laws and regulations whether the animal is a reasonable and appropriate accommodation for the identified disability.

Students are encouraged to place their request to use their support animal in FIT residences by June 1 for fall term, December 1 for spring term, and April 1 for summer term to afford adequate time to make arrangements.

The Office of Disability Support Services or the Office of Human Resources will require documentation on the letterhead of an outside medical provider, specifically a

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\(^1\) Miniature Horse exception regulation sets out four assessment factors whether reasonable accommodations into specific facility can be permitted: (1) the type, size, and weight of the miniature horse can be accommodated; (2) whether the partner/handler has sufficient control of the miniature horse; (3) whether the miniature horse is housebroken; and (4) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for the safe operation. Note, requirements that apply to service animals shall apply to miniature horses.
treated physician or qualified mental health provider. Qualified professionals are licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought. Additionally, the letter must clearly indicate length of time the individual has been undergoing treatment with the treating physician or qualified mental health provider. This documentation will permit FIT to determine that:

1. the individual has a disability;
2. the animal is necessary for the individual to have an equal opportunity to use and enjoy their FIT residence; and
3. there is an identifiable relationship between the disability and the support that the animal provides.

Should the submitted documentation be deemed insufficient, FIT will notify the individual within seven (7) business days from the date of submission to explain why the documentation is insufficient and will allow an opportunity to provide the appropriate information.

Reasons for insufficient documentation could include, for example, a non-specified reason for an ADA disability with no supporting explanation for reasonable accommodations.

Other examples could be: (1) the health care professional does not have the expertise to give an opinion about the individual’s medical condition and the limitations imposed by it; (2) The information does not specify the functional limitations due to the disability; or (3) other factors indicate that the information provided is not credible or fraudulent.

Details on documentation can be found on the FIT-ABLE webpage. If inadequate documentation is submitted, reasonable accommodations may not be arranged by FIT until the necessary documentation is received. It is the student’s and employee’s responsibility to obtain any required documentation.

iii. **Support Animal Health and Vaccination Records:** The support animal must have an annual exam from a licensed veterinarian that does not identify health issues sufficient enough to prevent the support animal from providing the necessary support to the individual. The support animal must also have updated vaccinations, including but not limited to, the general maintenance vaccine series and any vaccinations deemed necessary by a licensed veterinarian. The support animal must also wear a rabies vaccination tag.

The following factors will be considered to determine if reasonable accommodations can be made for support animals (this list is not exhaustive):

a. Does the animal pose a direct threat to the health and/or safety of others?

b. Would the animal pose an undue financial and administrative burden on FIT?
c. Would the animal fundamentally alter the nature of any of FIT's programs or operations?

If an accommodation can be made, all approved paperwork and supporting documentation must be on file with the Office of Disability Support Services (for students) or the Office of Human Resources (for employees). Support animals are not permitted on campus until the process is complete and approval is granted.

B. Handler Responsibilities Regarding Use of a Service or Support Animal

i. Service Animals: The supervision of the service animal is solely the responsibility of its handler. The handler must be in full control of the service animal at all times. Service animals in FIT housing may not be left for extended periods of time either unattended or to be cared for by someone other than the handler. The handler is expected to ensure the health, safety and humane treatment of their service animal at all times and, where applicable, submit annual proof of immunizations and scheduled licensing to the Office of Disability Support Services or the Office of Human Resources. FIT personnel shall intervene if the service animal is found unattended, in need of care, or is causing a disturbance. If FIT deems appropriate, the service animal may be excluded from campus.

The service animal's behavior must not be disruptive to its surroundings or other members of the FIT community. Disruptive behavior includes, but is not limited to, harming, injuring, or jumping on people; barking, growling, taking food from dining area tables, or taking personal belongings of individuals other than the handler. The handler is liable to pay for any and all damages that the animal may cause to person(s) or property.

a. Proximity to Handler: While on campus, in areas including classrooms, public areas of residences, food venues, or assembled gatherings, the animal must be in close physical proximity to the handler.

b. Identification: A service animal may wear some type of commonly recognized service animal identification symbol when in public, but it is not required.

c. Licensing: Handler must follow all New York City licensing laws, which may require the service animal to be licensed and have a tag license attached to its collar.

d. Clean up and grooming requirements: The care of the service animal is solely the responsibility of its handler. The service animal must be...
housebroken. For health, safety, and sanitary reasons, the handler shall be:

1. Responsible to always carry equipment sufficient to clean up the service animal's waste, immediately, and to remove and properly dispose of the service animal’s waste. Handlers who are not physically able to pick up and dispose of service animal’s waste are responsible for making all necessary arrangements for support. It is the sole responsibility of the individual for this task and not FIT’s.

2. Responsible to keep the service animal clean, well-groomed, and free of pests. If FIT restroom facilities are used to bathe the animal, the handler will clean the area when done.

ii. **Support Animals:** The support animal is only permitted within the handler's residence. The supervision of the support animal is solely the responsibility of its handler. The handler must be in full control of the support animal at all times. Support animals in FIT housing may not be left for extended periods of time either unattended or to be cared for by someone other than the handler. The handler must ensure that the support animal is housebroken and observe cleanup and grooming requirements as outlined above. The handler is expected to ensure the health, safety, and humane treatment of the support animal and submit annual proof of immunizations as required to the Office of Disability Support Services Office. The handler must follow all New York City licensing laws which may require the support animal to be licensed and have a tag license attached to its collar. FIT personnel shall intervene if the support animal is found unattended, is in need of care, or is causing a disturbance. If FIT deems appropriate, the support animal may be excluded from campus. The handler is liable to pay for any and all damages that the animal may cause to person(s) or property.

C. **Lack of Cleanliness and Property Damages or Personal Harm/Injury Caused by the Service or Support Animal**

The handler shall be responsible for any extra cleaning required or damage to FIT property or personal property that is caused by the service or support animal.

i. The handler’s residence may be inspected for fleas, ticks, or other pests during the regularly scheduled housing inspection. If fleas, ticks, or other pests are detected through inspection, the residence or work area will be treated using approved fumigation methods by a College-approved pest control service. The handler will be billed for the expense of any pest treatment incurred at the residence or any other location affected.
ii. The handler’s residence may be inspected, during the regularly scheduled housing inspection, to ensure it is being properly cleaned and that sanitary and safe conditions are being maintained. If required, the handler will be billed for the expense of the additional cleaning at the residence and any other location reported to the College.

iii. The handler's residence may be inspected for physical damage during the regularly scheduled housing inspection. The handler will be billed for the expense of any damage to the FIT residence or FIT furnishings within the residence and any other location reported to the College for damage(s), caused by the service or support animal.

iv. If any damage or personal harm/injury is done, the incident should be reported to FIT Public Safety or NYPD. An incident report will be filed and after review a decision about the service or support animal’s campus presence will be made by the appropriate office.

D. Managing Disabling Conditions and Concerns of All Members of the FIT Community

i. A service animal is allowed to accompany the handler at all times on campus. In the event that the presence of a service animal presents a safety concern for the animal or for others, contact Public Safety or appropriate offices. Due to the nature of the service animals’ tasks, members of the FIT community and the general public should not touch, pet or feed the service animal, unless given permission by the animal’s handler. Additionally, members of the FIT community and the general public should not deliberately distract or startle the service animal, separate or attempt to separate a service animal from the individual.

ii. Within FIT facilities, members of the FIT community and guests with medical condition(s) that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the Office of Disability Support Services or the Office of Human Resources to address a health or safety related concern about exposure to an animal in an FIT facility and require accommodation.

iii. Within all of FIT housing, the health and well-being of all roommates, suitemates, and building occupants will be considered.

   a. Roommates/suitemates/occupants will be made aware of the planned presence of an animal in a residence by Housing Operations staff. They will be asked to sign an acknowledgment stating that they understand they will be living in the presence of an animal and are aware of how to interact with the animal and address concerns if needed.

   b. Students are encouraged to contact the Office of Disability Support Services as early as possible to afford adequate time to make other
housing arrangements if needed. Changes in housing placements for students who make requests after June 1 for fall term, December 1 for spring term, and April 1 for summer term will be subject to availability.

E. Exclusion of a Service or Support Animal

i. Reasons for Consideration of Exclusion of a Service or Support Animal:
FIT may pursue the process for determining if a service or support animal should be excluded from campus for the following reasons:

a. The service or support animal is not under the direct physical control of the handler.

b. The service or support animal's behavior is disruptive to its surroundings or other members of the FIT community.

c. The service or support animal poses a direct threat to the health and/or safety of others.

d. The service or support animal's presence fundamentally alters the nature of a program or activity.

e. The handler fails to comply with any of the responsibilities under this policy and any other College policies.

f. The service or support animal poses an undue financial and administrative hardship to the College.

ii. Process for Consideration of Exclusion of a Service or Support Animal:
Any member of the FIT community may submit a complaint about a service or support animal, identifying one or more concerns in the areas listed above.

a. Persons with concerns are to contact a member of Public Safety or Residence Life. A statement will be taken.

b. An investigation will be commenced by the appropriate department and a determination will be made with respect to any alleged violations of this policy. The determination will be provided to the handler and the individual submitting the complaint.

c. If the investigation determines that any provision of this policy has been violated by a student, the matter will be handled consistent with the provisions of the Residence Halls policies and procedures and the Code of Student Conduct. If the investigation determines that any provision of this policy has been violated by an employee, the matter will be referred to the Office of Human Resources for further investigation.
d. In addition to the warnings and sanctions outlined in the Code of Student Conduct process, a finding substantiating the violation of this policy may also lead to the exclusion of the service or support animal.

VII. RELATED POLICIES

- Code of Student Conduct
- Disability Accommodations and Support Services
- Family Educational Rights and Privacy Act (FERPA)
- Non-Discrimination and Anti-Harassment

VIII. RELATED DOCUMENTS

- Accommodations
- Residential Life Policies and Contracts
- Americans with Disabilities Act, 1990
- Disability Documentation Requirements
- Section 504 of the Rehabilitation Act, 1973
- The Fair Housing Act

IX. CONTACT(S)

- Coordinator
  Office of Disability Support Services, FIT-ABLE
  Dubinsky Center, A570
  212 217.4090

- Director
  Residential Life
  Alumni Hall Lobby
  212 217.3900

- Affirmative Action Officer (Title IX Coordinator)
  333 7th Avenue, 16th Floor
  212 217.3360
titleix@fitnyc.edu

- Public Safety
  Pomerantz Center, D442
  212 217.7777 or 212 217.4999

- Human Resources
  333 7th Avenue, 16th Floor
  212 217.3650