

Disability Accommodation for Service and Support Animals

Policy EM015

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Responsible Administrator: Vice President for Enrollment Management and Student Success

Responsible Office: Office of Disability Support Services (FIT-ABLE)

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Policy Statement

Fashion Institute of Technology (“FIT” or “the college”) is committed to providing members of the FIT community, including students, employees, and guests, with disabilities equal access to programs, services, and physical facilities. Some members of the FIT community and guests with disabilities may require the use of service or emotional support animals while at FIT. This policy governs the appropriate use of, and protocols associated with, service and emotional support animals.

Reason for the Policy

- **Service Animals**

This policy and these procedures enable FIT to comply 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.

- **Emotional Support Animals**

This policy and these procedures also enable FIT to comply with the Fair Housing Act, which provides for the reasonable use of service or emotional support animals in residence halls. The policy promotes accurate and effective communication with the media while protecting the college’s mission, strategic plan, reputation, messaging, and overall brand. The policy ensures that FIT is represented with a consistent message and provides specifications regarding interaction and communication with the media.

Who is Responsible for this Policy

- Office of Disability Support Services, FIT-ABLE

- Office of Residential Life
- Department of Public Safety
- Office of Event Management and Facilities Rental
- Office of Human Resources and Labor Relations

Who is Affected by this Policy

- Employees
- Students
- Visitors to FIT

Definitions

The following terms are applied by FIT in accordance with the definitions supplied by federal law and regulations. This policy also specifically incorporates the definitions of terms from FIT's Disability Accommodations and Support Services policy.

- **Controlled Areas:** These 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
- **Handler:** The person with a disability who uses a service or emotional support animal.
- **Under Control of Handler:** The service or emotional support animal must be under the handler's direct physical control with a harness, leash, or other tether, unless either the handler is unable to do so because of a disability, or the use of one of these would interfere with the service or emotional support animal's safe, effective performance of work or tasks. If so, the service or emotional support animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- **Pet:** A pet is an animal kept for ordinary use and companionship. A pet is not considered a service or emotional support animal.
- **Service Animal:** Any dog, or in certain circumstances a 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

¹ The ADA regulations permit miniature horses as service animals after consideration of four assessment factors that assess whether reasonable accommodations into a specific facility can be permitted: (1) whether 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 safe operation. Such a determination shall be made by FIT. Note, requirements that apply to service animals shall apply to miniature horses.

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 the 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.

- **Emotional Support Animal:** An animal specifically designated by a qualified medical provider to be required by a person with a disability for use in an FIT residence. The animal 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. Because these animals are not individually trained to perform work or tasks, emotional support animals are not service animals. Unlike a service animal, emotional support animals do not assist with daily living tasks and they are generally restricted to residence halls.

Principles

- **Campus Access**
 - **General Prohibition:** All animals, including pets, are not permitted in the facilities or on the grounds of FIT, except for specifically authorized college events, in accordance with procedures set by Residential Life for staff living on campus, or as permitted by this policy. Any pets authorized under this exception must be under appropriate restraint (leash, cage, etc.) and must be in close proximity to the owner at all times. Animals, including those permitted by this policy, are not allowed to relieve themselves on the outdoor grounds of FIT and must find other public grounds for such purposes. FIT may, in its sole discretion, require the removal of animals on its grounds for any reason, including but not limited to, failure to keep the animal appropriately restrained.
 - **Service Animals:** FIT welcomes trained service animals assisting people with disabilities on its campus in areas open to the FIT community. A service animal is generally permitted to be on campus in any place where the animal's handler is permitted to be, except for Controlled Areas where all animals are prohibited for safety and health reasons.

Members of the FIT community may not interfere with a service animal or its duties and may make only two inquiries to determine whether an animal qualifies as a service animal:

- Is the animal required because of the individual's disability?
- What work or task has the animal been trained to perform?

Service animals are subject to the rules and regulations, consistent with law, provided in the Procedures section of this policy.

- **Emotional Support Animals:** An emotional support animal is generally allowed only within the individual handler's residence and not other buildings or areas on campus,

including Controlled Areas. Emotional support animals are subject to the rules and regulations, consistent with law, provided in the Procedures section of this policy.

Responsibilities

- **Handler Responsibilities Regarding Use Of A Service Or Emotional Support Animal**

- **Service Animals:** The supervision of the service animal is solely the responsibility of its handler. Failure to appropriately supervise a service animal may result in the exclusion of the animal from campus, as provided in this policy.
 - **Control of Service Animal:** 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 the service animal at all times and, when living in the FIT residence halls, FIT encourages the handler to submit annual proof of immunizations and scheduled licensing to FIT-ABLE or Human Resources. FIT personnel shall intervene if the service animal is found unattended, in need of care, or is causing a disturbance.

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.

- **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.
- **Identification:** A service animal may wear some type of commonly recognized service animal identification symbol when in public, but a symbol is not required.
- **Licensing:** Handler must follow all applicable local licensing laws, which may require the service animal to be licensed and have a tag license attached to its collar.
- **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:
 - 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.

- 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.
 - Live animals may not be brought onto FIT property for the purpose of feeding service animals. This requirement is for the health and safety of all residents in the residence hall where the service animal resides.
- **Emotional Support Animals:** The emotional support animal is only permitted within the handler's residence while on FIT property. The supervision of the emotional support animal is solely the responsibility of its handler. Failure to appropriately supervise an emotional support animal may result in the exclusion of the animal from the residence halls and campus, as provided in this policy.
 - **Control of Emotional Support Animal:** The handler must be in full control of the emotional support animal. Emotional 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 is expected to ensure the health, safety, and humane treatment of their emotional support animal at all times and, where applicable, must maintain up-to-date proof of immunizations and scheduled licensing with FIT-ABLE or Human Resources. FIT personnel shall intervene if the emotional support animal is found unattended, in need of care, or is causing a disturbance.

The emotional support 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 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.

- **Proximity to Handler:** Apart from the limited periods of the handler's absence permitted in this policy, the emotional support animal must otherwise be in close physical proximity to the handler at all times. When the handler is not present, the emotional support animal must be confined to the room and may, depending on the type of animal, be required to be crated, caged, or otherwise restrained. Emotional support animals are generally only allowed in the residence halls and designated outdoor areas, and are not allowed in any of the academic buildings, classrooms or the FIT dining facilities or other public areas.

All handlers must also designate an emergency contact and caretaker for their emotional support animal in the event the handler is unable to return to their residence hall due to illness or emergency. This must be documented with FIT-ABLE at the time the animal is approved. The handler will still remain the primary person responsible for the support animal, even if under the care of the emergency contact.

- **Identification:** An emotional support animal may wear some type of commonly recognized identification, but identification is not required.

- **Licensing:** Handler must follow all applicable local licensing laws, which may require the emotional support animal to be licensed and have a tag license attached to its collar.
- **Clean Up and Grooming Requirements:** The care of the emotional support animal is solely the responsibility of its handler. The emotional support animal must be housebroken. For health, safety, and sanitary reasons, the handler shall be:
 - Responsible to always carry equipment sufficient to clean up the emotional support animal's waste, immediately, and to remove and properly dispose of the emotional support animal's waste. Handlers who are not physically able to pick up and dispose of emotional support 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.
 - Responsible to keep the emotional support 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.
 - Live animals may not be brought onto FIT property for the purpose of feeding emotional support animals. This requirement is for the health and safety of all residents in the residence hall where the emotional support animal resides.

Procedures

- **Using A Service Or Emotional Support Animal As An Accommodation Due To A Disability**
 - **Service Animals:** There is no requirement to request permission for, or to register, a service animal. FIT does, however, request and encourage those using a service animal to notify FIT prior to coming to campus with the service animal to ensure we can notify the appropriate departments of the accommodation. Students may contact FIT-ABLE; employees may contact Human Resources; and visitors may contact the FIT department relevant to their visit. Handlers may be asked whether the animal is required because of the individual's disability and what work or task the animal has been trained to perform.
 - **Emotional Support Animals:** Qualified students and employees residing on campus who wish to request the accommodation of use of an emotional support animal should contact FIT-ABLE or Human Resources, respectively. FIT will determine on a case-by-case basis, 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 emotional support animals 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 FIT-ABLE or Human Resources will require the individual requesting the accommodation to complete a release form. The form allows FIT to request

documentation from a non-FIT qualified professional with experience in the specific disability. Most often, this will be a treating physician or mental health professional. The qualified professional must have a legitimate provider/patient relationship with the individual and generally may not be a relative of the individual requesting the accommodation. A copy of the release form for students may be obtained from FIT-ABLE or, for employees, Human Resources. The documentation request form will be sent to the provider.

Qualified professionals are licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought. The documentation must clearly indicate length of time the individual has been undergoing treatment with the treating physician or qualified mental health provider. The documentation must provide sufficient detail to permit FIT to determine that the request is a reasonable and appropriate accommodation for the identified disability, including that:

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

In addition to medical documentation, the student or employee must also submit to FIT certain health and licensure information before the emotional support animal may be approved. The emotional support animal must have an annual exam from a licensed veterinarian. The exam must show that the animal does not have health issues that would prevent the emotional support animal from providing the necessary support to the individual. The emotional support animal must also have current vaccinations, including but not limited to, the general maintenance vaccine series and any vaccinations deemed necessary by a licensed veterinarian. The emotional support animal must have been sterilized (spayed, neutered, etc.) where appropriate and feasible; exceptions to this policy are granted in FIT-ABLE's sole discretion and students are advised that any emotional support animal approved by FIT-ABLE is solely for that specific animal (and not any potential offspring). Emotional support animals must comply with, and present proof of, applicable local licensure requirements, including wearing any required tags, if applicable.

Should the submitted documentation be deemed insufficient, FIT will notify the individual to explain why the documentation is insufficient and will allow an opportunity to provide the appropriate information. Reasons for insufficient documentation may include, but are not limited to, a non-specified reason for a disability under the ADA with no supporting explanation for reasonable accommodations; 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; the information does not specify the functional limitations due to the disability; or other factors that indicate that the information provided is not credible or may be fraudulent. If inadequate documentation is submitted, reasonable accommodations may not be arranged by FIT until the necessary documentation is received. It is the student's or employee's responsibility to obtain any required documentation.

Upon receipt of all required documentation, FIT will assess whether the request is a reasonable accommodation. The following factors will be considered to determine if reasonable accommodations can be made for the emotional support animal (this list is not exhaustive):

- Will use of the animal accommodate an individual with a documented disability?
- Does the animal pose a direct threat to the health and/or safety of others?
- Would the animal pose an undue financial and/or administrative burden on FIT?
- 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 FIT-ABLE (for students) or Human Resources (for employees). These offices will help coordinate with Residential Life or other affected departments. Emotional support animals are not permitted on campus until the process is complete and approval is granted.

- **Property Damage Or Lack Of Cleanliness Caused By The Service Or Emotional Support Animal**

The handler shall be solely responsible for any damage, harm, or extra cleaning (beyond routine and reasonable wear and tear) required on any FIT property or to any personal property of an FIT community member that is caused by the service or emotional support animal. Costs and methods to remedy the issue will be assessed by FIT in its sole discretion.

The handler's FIT residence may be inspected during regularly scheduled housing inspections or for good cause at any time to ensure compliance with this policy, including but not limited to, ensuring the residence is free from fleas, ticks, or other pests; to ensure the room is being properly cleaned and that sanitary and safe conditions are maintained; and to inspect for physical damage.

- **Injury Caused By Service Or Emotional Support Animal**

Injury to any person in the FIT community or on the FIT campus caused by a service or emotional support animal is a serious incident that must be reported to FIT Public Safety. Depending on the nature of the incident, FIT may contact local police or animal control authorities. Public Safety will investigate the incident and an incident report will be filed. After review, a decision about the service or emotional support animal's campus presence will be made by the appropriate office.

- **Managing Disabling Condition And Concerns Of All Members Of The FIT Community**

- 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 an immediate safety concern for the animal or for others, contact Public Safety or appropriate offices. Due to the nature of service animals' tasks, members of the FIT community and the general public must not touch, pet, or feed the service animal, unless given permission by the service animal's handler. Additionally, members of the FIT community and the general public must not deliberately distract or startle the service animal or separate or attempt to separate a service animal from the handler. Members of the FIT community must also

refrain from asking about the nature of service the animal supports and may only ask if the service animal is required for a disability and what work or task the animal has been trained to perform.

- Within all 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 FIT-ABLE or Human Resources to address a health or safety concern about exposure to an animal in an FIT facility. FIT will consider the needs of all parties and make all efforts to reasonably accommodate all disabilities and to resolve the issue as efficiently and fairly as possible.
- Specifically, within all of FIT Residential Life, the health and wellbeing of all roommates, suitemates, and building occupants will be considered.
 - Roommates/suitemates/occupants will be made aware of the planned presence of an animal in a residence by Residential Life 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.
 - Students are encouraged to contact FIT-ABLE 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 are subject to availability.

Violations

- **Reasons for Consideration of Exclusion of a Service or Emotional Support Animal**

FIT may pursue the process for determining if a service or emotional support animal should be excluded from campus if the handler fails to comply with any of the responsibilities under this policy and any other college policies, including but not limited to the following:

- The service or emotional support animal is not under the direct physical control of the handler.
- The service or emotional support animal's behavior is disruptive to its surroundings or other members of the FIT community.
- The service or emotional support animal poses a direct threat to the health and/or safety of others.
- The service or emotional support animal's presence fundamentally alters the nature of a program or activity.
- The service or emotional support animal poses an undue financial and administrative hardship to the college.'

- **Process for Consideration of Exclusion of a Service or Emotional Support Animal**

Upon observation of a policy violation or following receipt of complaint, FIT will investigate the incident(s) involving the service or emotional support animal.

Any member of the FIT community may submit a complaint about a service or emotional support animal, identifying one or more concerns in the areas listed above. Persons with concerns are to contact a member of Public Safety or, if the complaint concerns an animal in an FIT residence, Residential Life.

Alleged violations by students will be handled consistent with the provisions of the Residence Hall policies and procedures and the Code of Student Conduct. Alleged violations by employees will be referred to Human Resources for further investigation and potential disciplinary sanctions, consistent with the Collective Bargaining Agreement for bargaining employees. In addition to existing warnings and sanctions, a finding of a violation of this policy may also lead to the exclusion of the service or emotional support animal from the FIT campus and its activities.

- **Disputes And Complaints**

In the event that FIT-ABLE or Human Resources denies or proposes a modification of a request for an accommodation involving an animal under this policy, FIT will provide the party with written notice of its decision and the reasons for its decision. Students or employees who disagree with the decision may request reconsideration of the decision; students may contact the FIT-ABLE professional and may further request that the Director of FIT-ABLE review the request for reconsideration, and employees may contact the Human Resources professional and may further request that the Vice President of Human Resources review the request for reconsideration.

If a student, employee, or guest believes that any person, office, or program at FIT has refused to provide an accommodation in accordance with law or the decision of FIT-ABLE or Human Resources, the party should first request assistance of FITABLE, Human Resources, or the relevant department (for guests) in resolving the complaint. If the complaint cannot be resolved in this manner, or if the complaint involves actions taken or not taken by FIT-ABLE or Human Resources, or if the person has another type of complaint of improper treatment on the basis of disability, the person may file an internal complaint with the Affirmative Action Officer. For procedures for filing such a complaint, see FIT's Nondiscrimination and Anti-Harassment policy.

Related Policies

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

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](#)

Contacts

- **Coordinator, FIT-ABLE**
Office of Disability Support Services, FITABLE
Dubinsky Center, A570
(212) 217-4090

- **Director, FIT-ABLE**
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
- **Department of Public Safety**
236 West 27th Street
(212) 217-7777 or (212) 217-4999
- **Human Resource Management and Labor Relations**
333 7th Avenue, 16th Floor
(212) 217-3650