

## Service Animal/Assistance Animal Policy

Manhattan School of Music supports the use of Service Animals and Assistance Animals on campus by individuals with disabilities in appropriate circumstances and in accordance with this policy. The School has established the following policy and procedures regarding the use of Service Animals (including Service Animals in training) and Assistance Animals on campus. Pets and other animals are otherwise prohibited on School property. The School reserves the right to amend this policy and its procedures, as it deems necessary.

### I. Service Animals

- A. **Service Animal** is defined by the Americans with Disabilities Act (ADA) as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Use of the term "Service Animal" in this policy includes service dogs, guide dogs, and hearing dogs consistent with state and local law.

Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of this policy. Assistance Animals, sometimes referred to as emotional support animals, therapy animals, companion animals, and/or support animals are not Service Animals under the ADA.

- B. **Miniature Horses.** The School may permit the use of a miniature horse on the same basis as a Service Animal if the horse has been trained to do work or perform tasks for the benefit of the individual with a disability and after an assessment of the following factors: the type, size, and weight of the miniature horse and whether the facility can accommodate these features; whether the handler has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- C. **Work or tasks performed.** Work or tasks performed by a Service Animal must be directly related to the individual's disability. 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.

Examples of work or tasks include, but are not limited to:

1. Assisting individuals who are blind or have low vision with navigation and other tasks.
2. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
3. Pulling a wheelchair.
4. Assisting an individual during a seizure.
5. Alerting individuals to the presence of allergens.
6. Retrieving items such as medicine or the telephone.

7. Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
  8. Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- D. **Campus Access.** Service Animals may accompany their handlers at all times and in all places on campus where students and members of the public are permitted to go, except where animals are specifically prohibited. Questions regarding areas that are off limits to Service Animals should be directed to the Associate Director for Student Success (students) or Director of HR Operations (employees). Exceptions may be granted in some circumstances.
- E. **Student Registration.** A student who is accompanied by a Service Animal but does not want any disability-related accommodations or services is encouraged, but not required, to self-identify to Disability Services.
- F. **Student Housing.** Students who intend to bring a Service Animal to campus residential facilities may do so without prior approval. However, they are *strongly encouraged* to reach out to the Associate Director for Student Success to ensure that their experience bringing the animal to campus is smooth. Advance notice of a Service Animal in housing facilities will enable the School to appropriately plan for the animal's presence and allow more flexibility in meeting a student's needs.
- G. **Employees.** Employees who require the use of a Service Animal in offices or other non-public areas of campus may do so without prior approval. However, they are *strongly encouraged* to contact the Director of HR Operations in advance to ensure that their experience bringing the animal to campus is smooth. Employees who use a guide dog, hearing dog, or service dog in offices or other non-public areas of the School's facilities may be asked to provide the Office of Administration and Human Relations with documentation that the animal has been trained by a qualified person.
- H. **Inquiries.** Generally, the School will not make any inquiries about a Service Animal when it is readily apparent that the animal is trained to do work or perform tasks for a person with a disability. However, if it is not obvious that the animal is required because of a disability, the School may ask (1) if the animal is required because of a disability; and (2) what works or tasks the animal has been trained to perform. The handler should not be asked for documentation, such as proof that the animal has been certified, trained, or licensed as a Service Animal.

## II. Assistance Animals

An Assistance Animal is a companion animal (sometimes referred to as an "emotional support animal"), which provides therapeutic benefit, such as alleviating or mitigating symptoms of a person's disability. Assistance Animals are not Service Animals. However, an Assistance Animal may be permitted on campus as a reasonable accommodation. Prior approval must be obtained pursuant to the procedures and standards outlined below.

- A. **Assistance Animals in Housing.** Assistance Animals are permitted in residential facilities if the animal is necessary to afford a person with a disability an equal opportunity to use and enjoy School housing, its presence in School housing is reasonable, and there is an identifiable relationship or nexus between the individual's disability and the

assistance the animal provides. Assistance Animals are allowed in residential facilities only with prior approval from the Associate Director for Student Success pursuant to the procedures and standards outlined below.

1. **Access Limitations.** Assistance Animals are generally not permitted on the School's campus other than in the student's designated residential room and associated common areas. The animal cannot be taken into classrooms or other campus areas or allowed to roam freely. Students with disabilities may request approval from the Associate Director for Student Success to have an Assistance Animal accompany them to other campus areas as a reasonable accommodation. Such requests will be considered on a case-by-case basis consistent with applicable laws.
  2. **Housing Conflicts.** Attempts will be made to house the student and animal in a room devoid of conflict based on allergies, fear of animals, or religious beliefs. Conflicts that occur after placement will be mitigated and adjustments will be made on a case-by-case basis.
- B. **Student Housing Request Procedure.** To request the use of an Assistance Animal in housing, the student must submit a request to the Associate Director for Student Success with appropriate documentation before the student intends to bring the animal to campus. Documentation should be submitted at least 30 days in advance to ensure timely approval of the request. An Assistance Animal will not be allowed until formal approval has been received.

School housing is unique in several aspects, including the mandatory assignment of roommates for many individuals. To ensure that the presence of an Assistance Animal is not an undue administrative burden or fundamental alteration of School housing, the School will consider each request for an Assistance Animal on an individualized basis.

1. Upon receipt of a request for an Assistance Animal, the Associate Director for Student Success will engage in communication with the student to determine if the use of the animal is a reasonable accommodation.
2. The student must provide supportive documentation from a licensed health care professional (on letterhead) that includes the following information:
  - a. The student's name;
  - b. The type of animal for which the reasonable accommodation is sought;
  - c. Whether the health care provider has a professional relationship with the student involving the provision of health care or disability-related services;
  - d. Whether the student has a physical or mental impairment that substantially limits one or more major life activities or major bodily functions;
  - e. Information regarding the relationship between the disability and the relief the animal provides; and
  - f. Information that demonstrates the animal is necessary for the student to utilize and benefit from MSM's programs, services, or activities.
3. If the requested animal is not a dog, cat, bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home, the following additional documentation must also be provided from the health care professional:

- a. The date of the health care provider's last consultation with the student;
  - b. A description of the unique circumstances justifying the student's need for the particular animal or particular type of animal; and
  - c. Whether the health care professional has reliable information about this specific animal or whether the health care professional recommended this specific type of animal.
4. Certificates, registrations, licenses, or other types of documents obtained from websites purporting to certify emotional support or other assistance animals will generally not be considered reliable documentation to establish that an individual has a disability-related need for an Assistance Animal.
- C. **Employee Requests.** Employees who wish to bring an Assistance Animal onto campus must go through the reasonable accommodation process with the Director of HR Operations ("Director"), using the procedure set forth in the School's ADA Accommodations of Individuals With Disabilities Policy. The Director will determine whether approving a particular Assistance Animal in the workplace is a reasonable accommodation that will enable the employee to perform the essential functions of the position. What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodations, the preferences of the employee are considered, but the ultimate decision regarding the type of accommodation, if any, is made by the Director.
- D. **Approval Considerations.** The School considers the following factors in determining whether to approve the presence of an Assistance Animal in its facilities:
1. The size of the animal and whether it is too large for the classroom, office, or relevant space;
  2. Whether the animal's presence would force another individual from using that space (e.g., serious allergies);
  3. Whether the animal's presence would be disruptive to the academic, living, or work environment;
  4. Whether the animal is housebroken;
  5. Whether the animal's vaccinations are up to date;
  6. Whether the animal poses or has posed in the past a direct threat to the individual or others, such as injuring or acting aggressively; and
  7. Whether the animal causes or has caused excessive damage to MSM facilities beyond reasonable wear and tear.

### III. Definitions, Exceptions, and Exclusions

- A. **Pet.** A 'pet' is any animal kept for ordinary use and companionship. The School's prohibition against pets on campus does not apply to Service Animals or Assistance Animals, as they are not considered pets.
- B. **Owner.** The 'owner' is a student or employee who has an approved Assistance Animal in residential housing.
- C. **Handler.** The "handler" is a person with a disability that a Service Animal assists or a personal care attendant who handles the animal for a person with a disability.

- D. The School may impose restrictions on, disapprove, or exclude a Service Animal or Assistance Animal in certain instances. Any individual who wishes to bring or use a Service Animal or Assistance Animal on School property must meet all requirements of this policy. This obligation is on-going, and a later failure to meet all requirements may result in removal or exclusion of the animal.
- E. The School may disapprove, exclude, or remove an animal if:
  - 1. The animal poses a direct threat to the health or safety of others. For example, the animal displays vicious behavior towards others or has a serious illness.
  - 2. The animal causes or would cause substantial physical damage to the property of others.
  - 3. The animal poses an undue financial and/or administrative burden.
  - 4. The animal would fundamentally alter the nature of the School's educational or housing operations.
  - 5. The animal is out of control and the handler/owner does not take effective action to control it. If the out-of-control behavior happens repeatedly, the handler/owner may be prohibited from bringing the animal into School facilities until the handler/owner can demonstrate that they have taken significant steps to mitigate the behavior.
  - 6. The animal is not housebroken.
  - 7. The handler/owner does not abide by their responsibilities as outlined in this policy.
- F. In considering whether an animal poses a direct threat to the health or safety of others, the School will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine:
  - 1. The nature, duration, and severity of the risk;
  - 2. The probability that the potential injury will actually occur; and
  - 3. Whether reasonable modifications of policies, practices, procedures or the provision of reasonable auxiliary aids or services will mitigate the risk.
- G. When an animal has been properly removed pursuant to this policy, the School will work with the handler/owner to determine reasonable alternative opportunities to participate in the School's services, programs, and activities without having the animal on the premises.

#### **IV. Responsibilities of Owners/Handlers**

- A. Handlers/owners are responsible for complying with all state laws and local animal ordinances and are subject to all MSM policies.
- B. There will be no extra cost to the owner for having a Service Animal or Assistance Animal on campus. However, the owner/handler is responsible for any damage to School property (other than ordinary wear and tear) caused by the animal.
- C. Owners/handlers are responsible for their animal at all times. The School is not responsible for the cost, care, or supervision of Service or Assistance Animals.
- D. Animals may not be left unattended overnight at any time. If the handler/owner must be away, they must either take the animal with them or arrange for the animal to be cared for elsewhere off campus.

- E. Owners/handlers must comply with the same School rules regarding noise, safety, disruption, and cleanliness as individuals without disabilities.
- F. The owner/handler is solely responsible for any harm caused by the animal to other students, faculty, staff, or campus visitors.
- G. Use of the animal may not constitute a direct threat to the health and safety of others.
- H. The owner/handler is responsible for the health of the animal with verification from a licensed veterinarian, and compliance with any laws pertaining to animal licensing, vaccination, and owner identification.
- I. The owner/handler is responsible for maintaining cleanliness at all times, for the behavior of the animal in private and public places, and for due care and diligence in use of the animal on campus.
- J. Regular and routine cleaning of floors, kennels, cages, etc. must occur. The odor of an animal emanating from a residence hall room is not acceptable.
- K. The animal's food must be stored in an appropriately sealed container to avoid attracting insects or creating a foul odor. Food may not be stored or heated in shared kitchen areas and it cannot be live food.
- L. Cleaning up after the animal is the sole responsibility of the handler/owner and it must be done immediately. Waste must be bagged and discarded in designated outdoor receptacles. No waste may be flushed down toilets or discarded in interior waste bins. If the handler/owner is not physically able to clean up after the animal, it is the responsibility of the handler/owner to hire someone capable of cleaning up after the animal.
- M. Animals must be kept clean and well groomed. School facilities such as showers, tubs, sinks, kitchens, bathrooms, and the like may not be used for this purpose.
- N. Service Animals and Assistance Animals must be kept on a harness, leash, or other tether, unless the owner/handler is unable to use such a device due to a disability or such use would interfere with the animal's performance of work or tasks. In such instances, the animal must be kept under control by voice, signals, or other effective means. Assistance Animals must be on a leash or in a carrier while on School property. If an animal is found loose or unattended, the animal is subject to immediate removal.
- O. The handler/owner is expected to follow all School procedures for emergency evacuation and participate in emergency evacuation drills. Individual needs must be arranged in advance with appropriate MSM personnel.
- P. The animal must be housebroken (i.e., trained so that it controls its waste elimination absent illness or accident).
- Q. The animal must not disrupt the educational or living environment by engaging in behaviors or noises that are disruptive to others including, but not limited to: excessive barking, whining, growling, grooming, sniffing people, or intrusion into the personal belongings of others.

- R. Should the owner/handler neglect responsibility for maintaining the animal's health, cleanliness, or behavior, the School will determine an appropriate action plan. This may include a meeting with the Dean of Students (students) or the Vice President for Administration and Human Relations (employees). A student will be given 24 hours to submit an appeal regarding any negative School decision related to a Service or Assistance Animal.
- S. In response to a particular situation, the School reserves the right to impose other reasonable conditions or restrictions on the use of service animals and Assistance Animals as necessary to ensure the health, safety, and reasonable enjoyment of School programs and activities by others.

#### **V. Additional Matters**

- A. The Associate Director for Student Success or Director of HR Operations should be notified when an animal covered by the Assistance Animal provisions of this Policy is no longer needed as an accommodation.
- B. Concerns regarding an animal covered by this policy can be brought to the attention of the Dean of Students or the Vice President for Administration and Human Relations.

#### **VI. Grievance Procedure**

If the decision is made to deny a request for or remove an animal covered by this policy, the affected individual may file a formal written grievance with the ADA/Section 504 Coordinator pursuant to the grievance procedures contained in the Nondiscrimination Policy and Complaint Resolution Policy.

#### **VII. Reasonable Modifications to this Policy**

Individuals wishing to request a modification or exception to this policy as a reasonable accommodation should contact the Office of Student Disability Services (students) or Office of Administration and Human Relations (employee).

#### **VIII. Guidelines for Members of the MSM Community**

To ensure equal access and nondiscrimination of people with disabilities, members of the MSM community must abide by the following practices:

1. Allow Service Animals to accompany people with disabilities on campus;
2. Do not ask for details about a person's disabilities;
3. Do not pet a Service Animal, as it distracts the animal from its work;
4. Do not feed a Service/Assistance Animal;
5. Do not deliberately startle, tease, or taunt a Service/Assistance Animal;
6. Do not separate or attempt to separate a person from their Service/Assistance Animal.

If another individual has a disability that may be affected by the presence of animals, please contact the Associate Director for Student Success (students) or Director of HR Operations (employees). The School is committed to ensure that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible.