

Overview of the Process for Requesting a Support Animal in College Housing

Keystone College provides reasonable accommodations for a student with a disability who has a verifiable need of having a Support Animal, including an Emotional Support Animal, in College housing. A reasonable accommodation is an exception to the College's rules, policies, practices, or services that a student with a disability may need to have an equal opportunity to use and enjoy College housing.

This process is to request a Support Animal, and NOT a Service Animal. What is the difference?

- Service Animals are defined as dogs, and in some instances miniature horses, that are individually trained to do work or perform tasks for people with disabilities. These tasks can include things like pulling a wheelchair, guiding a person who is visually impaired, or alerting a person who is having a seizure. The tasks a service dog can perform are not limited to this list. However, the work or task a service dog does must be directly related to the person's disability. Service Animals may accompany persons with disabilities into places that the public normally goes. Students with questions about Service Animals should contact the Office of Disability Services (ODS) using the appropriate campus contact information below.

Email: disabilityservices@keystone.edu

Phone: 570-945-8988

- A Support Animal is an assistance animal, other than a service animal, that does work, performs tasks, provides assistance, and/or provides therapeutic emotional support for individuals with disabilities.ⁱ An Emotional Support Animal (ESA) is a type of Support Animal. An ESA provides emotional support and comfort to individuals with psychiatric disabilities and other mental impairments. A Support Animal, including an ESA, is typically a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal.ⁱⁱ A Support Animal need not be trained to perform tasks for a person with a disability.ⁱⁱⁱ

To request a Support Animal in College Housing, a health care provider (such as a physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, nurse, or clinical licensed social worker^{iv}) or a third party who has personal knowledge of the student's disability (as described by the U.S. Department of Housing and Urban Development)^v and is determined by ODS in good faith to be reliable may complete this form. Some websites sell certificates, registrations, and licensing documents for Support Animals to anyone who answers certain questions or participates in a short interview and pays a fee. Such documentation from the internet is not, by itself, sufficient to reliably establish that an individual has a non-observable disability or disability-related need for a Support Animal. By contrast, the College will consider as reliable documentation from a health care professional that confirms a person's disability and/or need for a Support Animal when the provider has personal knowledge of the individual.

The information completed on this form will be reviewed to determine:

- That the student is a person with a documented disability;^{vi}
- That the Support Animal being requested is necessary to afford the student, as a person with a disability, an equal opportunity to use and enjoy the on-campus housing facilities; and
- That there is an identifiable relationship between the disability and the support that the Support Animal provides.

The form is offered as a guide and ODS will review all forms of documentation submitted. To the extent this information has already been submitted to ODS in another format, the College will not require re-submission.

The College will use good faith efforts to notify the student of its final determination in writing within 2 weeks of its receipt of documentation from the health care provider or third party with personal knowledge of the student's disability (as described by the U.S. Department of Housing and Urban Development)^{vii} who ODS has determined in good faith to be reliable.

If the College determines that a student is not eligible for a Support Animal, or the specific Support Animal requested, the College will provide the student written notification of the denial and the reasons for the denial. The College will provide written notification of the grievance procedures that the student may use to challenge a denial.

A student who is approved to have a Support Animal in College housing will be required to acknowledge and comply with the Support Animal Owner's Rights and Responsibilities, as outlined below. These rights and responsibilities will be reviewed with the student by ODS.

ⁱ "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act," U.S. Department of Housing and Urban Development, at 11 (Jan. 28, 2020), available at <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf> [hereinafter "HUD Guidance"]; see *Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt.*, 778 F. Supp. 2d 1028 (D.N.D. 2011) (determining that, in housing, a broader variety of assistance animals may be necessary as a reasonable accommodation, regardless of specific training).

ⁱⁱ HUD Guidance, 12; see 24 C.F.R. § 100.204(a).

ⁱⁱⁱ HUD Guidance, 1.

^{iv} HUD Guidance, 10, 12.

^v Per guidance from the U.S. Department of Housing and Urban Development, personal knowledge in this context includes "the knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services to their patient/client." HUD Guidance, 16.

^{vi} The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

^{vii} Per guidance from the U.S. Department of Housing and Urban Development, personal knowledge in this context includes "the knowledge used to diagnose, advise, counsel, treat, or provide health care or other disability-related services to their patient/client." HUD Guidance, 16.