

# MONMOUTH UNIVERSITY

## Policies and Procedures

**Policy Name:** Procedure for Accommodating Individuals With Disabilities

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**Page 1 of 8 pages**

**Issued by:** Office of Equity and Diversity

**Approved by:** President and Direct Reports

**POLICY:** It is the policy of Monmouth University to provide reasonable accommodations for qualified individuals with disabilities. Federal law, including Section 504 of the Rehabilitation Act of 1973 ("504") and the Americans with Disabilities Act of 1990 ("ADA") and all amendments thereto, establishes the rights of individuals with disabilities. Monmouth University shall comply with all applicable federal and state laws and regulations regarding reasonable accommodations needed to provide equal opportunity to qualified individuals with disabilities, including, but not limited to, 504, the ADA and the New Jersey Law Against Discrimination ("LAD"). This document establishes the policy and procedures for determining accommodations for University students, employees and visitors. Postsecondary institutions such as Monmouth University have an obligation under the law to:

- establish procedures in place to adequately respond to requests for accommodation,
- develop a program for servicing students with disabilities, and
- provide notice to all interested parties of the existence of the program, its location and the identity of the person to contact to obtain information and services.

### **I. Campus Contact Offices**

At Monmouth University there are several offices designated to provide services for people with disabilities, through which documentation of disability and determination of reasonable accommodations are provided. These offices provide, arrange, or coordinate accommodations for University students, employees and visitors.

The *Office of Human Resources* is the designated office that obtains disability-related and medical documents, certifies eligibility for services, determines reasonable accommodations, and develops plans for provision of such accommodations for employees.

The *Department of Disability Services for Students* collects student disability documentation, determines accommodations related to academic course work and programs, and assists faculty, staff and students with information and resources relating to psychiatric/psychological, health/medical, physical disabilities and learning disabilities. The Department of Disability Services for Students also serves as the point of contact for requesting sign language interpreters.

The *Office of Counseling and Prevention Services* provides confidential personal and psychological counseling to all Monmouth University students on a first-come, first-served basis, and assists faculty, staff and students with information and resources, both on and off campus, relating to psychological concerns.

The *Director of Equity and Diversity* serves as the University's ADA/504 Coordinator. The ADA/504 Coordinator is available to assist faculty, staff, and students in gaining a greater understanding of the requirements of the laws involving disabilities, to assist in identifying external resources, and to provide clarification of the University's obligations under the law to provide particular accommodations that may be requested by University students, employees and visitors.

If you have any questions regarding disability or reasonable accommodations, make one of the above-mentioned offices your first point of contact.

## **II. Definitions**

### **A. Reasonable Accommodation:**

A *reasonable accommodation* is any modification or change in the educational, employment or general campus environment (or in the way things are customarily done) that enables an individual with a disability to have equal opportunities to fully participate in the particular activity. This term may include:

1. making existing facilities and programs readily accessible to and usable by individuals with disabilities;
2. relocating classrooms, developing alternative testing procedures, providing educational auxiliary aids, readers, or interpreters;
3. defining a student who takes less than 12 credits, because of a documented disability, as full-time for institutional purposes, unless prohibited by Federal/State regulations.

The ADA, 504 and the LAD do not seek to change fundamental methods of ensuring a sound education and successful completion of an academic program. They are designed to ensure that students with disabilities have an equal opportunity to access academic programs and successfully complete their studies.

A reasonable accommodation is not a modification of policies and practices when such modification would fundamentally alter the nature of the service, program, or activity.

## **B. Disability:**

Definition under the ADA: A *person with a disability* is anyone with a physical or mental impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working or having a history or record of such an impairment or is perceived by others as having such an impairment

Definition under LAD: Disability means physical or sensory disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impairment, or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological, or developmental disability, including autism spectrum disorders, resulting from anatomical, psychological, physiological, or neurological conditions which prevents the typical exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

In addition to those people who have visible disabilities – such as persons who are blind, deaf, or use a wheelchair - the definition includes people with a range of invisible disabilities. These include psychological/psychiatric disabilities, learning disabilities, or some chronic health impairment, such as epilepsy, diabetes, arthritis, cancer, cardiac problems, HIV/AIDS, and more including the operation of major bodily functions such as the immune system, normal cell growth, and the endocrine system. The definition also includes impairments that are episodic or in remission if the impairment would substantially limit a major life activity when the condition is considered in its active state (**Documentation of the disability is required**).

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, or appliances.

A person is considered to be a person with a disability if they have a disability, have a record of a disability, or are regarded as having an impairment that substantially limits one or more major life activities.

An individual meets the requirement of being regarded as having a disability because of an actual or perceived physical or mental impairment whether or not

the impairment limits or is perceived to limit a major life activity. An individual cannot be regarded as having a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an expected duration of six months or less.

### **C. Qualified individual with a disability:**

*A qualified individual with a disability* is someone whose experience, education, and/or training enable the person, with or without reasonable accommodation, to perform the essential requirements of a job or an academic course or program.

## **III. Procedures**

The request for and determination of accommodation(s) is handled through the designated campus contact. A faculty member, administrator, or supervisor should contact the respective designated campus contact when a request is received to accommodate an individual with a disability if:

- there are questions or concerns about services, means of accommodation for someone with a disability, verification of a disability, or responsibility for responding to the needs of a person with a disability, and/or:
- the accommodation would or might alter the essential functions of the job, or an assignment or academic requirement for the course or program.

Faculty members/supervisors who have reason to believe that a student's or employee's behavior, associated with a disability, has created or can potentially create an unsafe or unhealthy environment for themselves or others, may request through their respective department head to have the student or employee consult with the appropriate campus contact office to determine if referral for further evaluation is appropriate. The request should be forwarded to the appropriate campus contact office through the ADA/504 Coordinator.

### **A. Requesting Reasonable Accommodation**

1. A request may be initiated at any time by an individual who needs an accommodation. The responsibility for requesting or initiating the request lies with the individual. Individuals requesting an accommodation are encouraged to provide as much advance notice as possible.
2. Individuals with disabilities are encouraged to submit disability documentation to the appropriate campus contact office before or when making the request. Requests for accommodations will not be processed until the disability documentation is received by the

appropriate campus contact office. Disability documentation must state that a disability exists and the need for accommodation. The appropriate campus contact office will maintain documentation that identifies the disability and ensure that disability-related documents are kept confidential and shared with University personnel on a limited and need-to-know basis only.

3. Once a qualified individual with a disability has requested an accommodation in a timely manner, the University will take steps to determine if the accommodation requested is appropriately based on the disability documentation. The appropriate, reasonable accommodations are best determined through a flexible, interactive process that may involve the individual with the disability, the individual's medical provider, the faculty member/ administrator/ supervisor to whom the request is directed and the designated campus contact office. The interactive process may include consultation with the requestor's faculty member, Department Chair, Dean, or supervisor in determining the essential academic outcomes/functions of the course or job for which an accommodation is being requested. This consultation could include relevant job-related information including the operational needs of the department and the impact of the requested accommodation on operations and equivalent information in an academic setting such as a classroom or laboratory. The inclusion of the faculty member, department chair, Dean or supervisor in the interactive process can be utilized to help determine an effective reasonable accommodation. Early consultation with the appropriate campus contact office is essential whenever questions of compliance or funding for an accommodation are involved. Final responsibility for selection of the most appropriate accommodation rests with the University. The Provost shall have final responsibility in this area for any accommodations which involve academic issues.

## **B. Appeal of Accommodation Determination**

If a mutually acceptable accommodation cannot be found, the following procedure should be followed:

**Step 1.** The individual making the request for a reasonable accommodation is notified of the request denial and provided with a specific basis for the denial and the ability to appeal the decision.

**Step 2.** The individual making the request may appeal the decision by consulting with their department chair/supervisor. The individual must also contact the appropriate campus contact office. The department chair/supervisor or Dean and the appropriate campus contact office will

discuss the accommodation request along with alternative accommodation options through the interactive process.

**Step 3.** If a mutually acceptable accommodation cannot be found, the ADA/504 Coordinator will determine whether the requested accommodation or an alternative accommodation is reasonable based on relevant laws and regulations. If additional information is required, the individual with the disability will be contacted for a release of information. The University reserves the right to require a second medical/professional opinion and/or additional information if needed to evaluate the requested accommodation.

**Step 4.** The individual with a disability will be notified of the decision by his or her supervisor/faculty member/administrator as soon as possible. If the request is approved, the accommodation will be provided as promptly as possible. If the decision is that the request is denied, the reason(s) will be noted in a letter, prepared by the ADA/504 Coordinator, and sent to the individual making the request. The letter will also provide a specific basis for the denial. A copy of the letter will be placed on file in the Office of Equity and Diversity.

### **C. Event/Program Accessibility**

1. Departments that offer programs or events which are open to the public must publish information available to participants with disabilities informing them to request in advance any accommodations needed to allow them to attend and fully participate in the program or event. Public events and programs include, for example, theater programs, public lectures and cultural events, graduation, and athletic competitions. Brochures, registration forms, press releases, letters, posters announcing public programs, and events should include one of the following statements:

*We encourage individuals requiring disability related accommodations to notify the [name of your department] in advance of the event at [phone number of department or program].*

*or*

*We encourage individuals requiring disability related accommodations to notify the Monmouth University ADA/504 Coordinator in advance of the event at 732-571-7577.*

Reasonable advance notice to be given by anyone needing accommodations depends on the type of accommodation requested and should be handled on a case-by-case basis. However, any reasonable request, regardless of the time frame, will be responded to with the goal

of providing access to, and participation in, all Monmouth University programs, services and activities.

2. When the host department designates the ADA/504 Coordinator as the point of contact for accommodation request, the department must notify the ADA/504 Coordinator in advance with the name and telephone number of the designated person(s) in the department who will be responsible for handling requests for accommodations for the program or event.
3. The department or organization sponsoring the event must consider the cost for reasonable accommodations. If the costs are reasonable and time is critical the department should cover the cost and request reimbursement from the Vice President for Finance through the ADA/504 Coordinator.

#### **IV. Service Animals**

Service animals are permitted at Monmouth University. See Monmouth University Policies and Procedures Service and Emotional Support Animals, attached as Appendix A.

#### **V. Sign Language Interpreting**

Monmouth University will make a good faith effort to provide sign language interpreters on a case-by-case basis. It is the responsibility of the individual with the disability to identify themselves and request the accommodation well in advance of the event or activity. When notified the Department of Disability Services for Students will make a reasonable attempt to provide this service.

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

Individuals with a disability at Monmouth University who consider themselves victims of discrimination based on a disability may file a grievance with the ADA/504 Coordinator. Students, employees and guests with disabilities are responsible for contacting the ADA/504 Coordinator, located in the Office of Equity and Diversity, in Great Hall, Room 304, if reasonable accommodations are not implemented in an effective or timely way.

## VII. Disability Accommodation Resources

Please contact the offices listed below if you have any questions or concerns about services for an individual with a disability, means of accommodating, verification of a disability, or your responsibility for responding to the needs of individuals with disabilities:

Director of Disability  
Services for Students:  
732-571-3460

Director of Counseling and  
Prevention Services:  
732-571-7517

Director of Employee  
Benefits:  
732-571-4445

The Office of Equity and Diversity provides training and technical assistance to University staff, faculty, students, and guests. General questions concerning this policy or allegations of non-compliance should be directed to the Monmouth University ADA/504 Coordinator, at 732-571-7577.

Any person who believe that a violation of LAD has occurred may contact the New Jersey Division on Civil Rights at: [www.njcivilrights.gov](http://www.njcivilrights.gov) or by phone at 833-653-2748 and may file a complaint with the DCR within 180 days of the incident.

Any person may also contact the Equal Employment Opportunity Commission for workplace claims of discrimination at: [eeoc.gov](http://eeoc.gov) or 800-669-4000. As there are time limits for filing a complaint, it is best to contact the EEOC for your specific circumstance.



## APPENDIX A

### MONMOUTH UNIVERSITY Policies and Procedures

**Policy Name:** Service and Emotional Support Animals

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**Issued by:** Office of the General Counsel

**Approved by:** President & Direct Reports

#### I. POLICY:

- A. Monmouth University recognizes the rights of people with disabilities to be accompanied by their service animal while on campus as students, employees or guests. Monmouth University further recognizes the rights of people with disabilities to be accompanied by their emotional support animal while living in university provided housing.
- B. In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and all amendments thereto, the Fair Housing Act (FHA), and the New Jersey Law Against Discrimination (LAD), the University will modify its policies to permit the use of service and emotional support animals by an individual with a disability, unless the animal poses a direct threat to the health and safety of others, would cause substantial physical damage to property of others, would pose an undue financial and/or administrative burden for the University, or would fundamentally alter the nature of the University's operations.
- C. It is important to note that a pet, defined as an animal kept for ordinary use and companionship unrelated to a disability, is not considered a Service or Emotional Support Animal, and is, therefore, not covered by this Policy and Procedures.

#### II. Definition of a Service Animal

- A. The Americans with Disabilities Act of 1990 defines a *service animal* as:

*Any dog (or, in certain circumstances, miniature horse) 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.*

The responsibilities of a service animal can include, but are not limited to, assisting those with low vision, alerting individuals who are deaf or hard of hearing, pulling a wheelchair, or retrieving items such as medicine or the telephone. Animals acting in an emotional

support role only are not classified as service animals. Any student, employee, outside contractor or campus visitor is permitted to have a service animal during his or her presence on campus.

### **III. Requisite Documentation and Inquiries Regarding Service Animals**

- A. It is strongly suggested that students and employees who wish to bring service animals onto University property as an accommodation for a disability notify the University of the presence of a service animal on University property. Students can do so through the Department of Disability Services. University employees should contact the Office of Human Resources.
- B. When it is not readily apparent what service an animal provides, the University may inquire as to:
  - 1. Whether the animal is a service animal required because of a disability
  - 2. What work or task the animal has been trained to perform
- C. Other than the Office of Human Resources and the Department of Disability Services, no University employee shall ask specific questions relating to the individual's disabilities, nor require medical documentation in connection with the use of a service animal. No University employee shall require special identification or training documentation for the animal, or require the animal demonstrate its ability to perform the work or task.

### **IV. Responsibilities of Individuals with Service Animals**

- A. Monmouth University shall not be responsible for the care or supervision of service animals. Service animals must comply with all applicable leash laws and remain under the control of the handler at all times. The handler shall comply with any laws pertaining to animal licensing, vaccinations, and owner identification. The handler must also be responsible to ensure the cleanliness, grooming, and good health of the service animal. The handler will feed and walk their animal, and properly dispose of its waste. A service animal is not to be left over night or cared for by someone other than the handler. If the handler leaves the University for a period of time, the service animal must accompany the handler.
- B. The Office of Residential Life will make a reasonable effort to notify tenants in the residence building where the service animal will be located. Individuals with medical condition(s) that are affected by animals (e.g. respiratory diseases, asthma, severe allergies) are asked to contact the Office of Residential Life if they have a health or safety related concern about exposure to a service animal. The University shall reasonably accommodate individuals with medical conditions that require accommodation when living in proximity to a service animal.

- C. A service animal is generally permitted to be on University property in any place where the animal's handler is permitted to be, although there are locations on University property where all animals are prohibited for safety and health reasons. These areas may include, but are not limited to: research and teaching laboratories, mechanical rooms and custodial closets, areas where protective clothing is necessary, and areas where there is a danger to the animal.
- D. If the service animal's behavior is disruptive, aggressive, or destructive, the handler may be asked to remove the animal from the University premises. The handler shall be held responsible for any damage that the animal may cause through its destructive behavior. The handler is expected to cover these costs at the time of repair and/or move-out. The handler shall have no claim against the University for any financial obligations resulting from the actions of the service animal.
- E. The handler is also strongly encouraged, but not required, to maintain liability insurance coverage for the service animal, in order to protect the handler from risk of significant legal and financial liability.
- F. The handler is responsible for any expenses incurred for cleaning above and beyond a routine cleaning or for repairs to University premises that are assessed after the handler and service animal vacate University property. Monmouth University reserves the right to bill the handler for unmet obligations.
- G. The handler's University location may be inspected for fleas, ticks, or other pests as needed. The appropriate University office will schedule the inspection with the handler. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The handler will be billed for the expense of any pest treatment.

## **V. Definition of an Emotional Support Animal**

- A. An *emotional support animal* is defined as:  
*Any animal that is able to provide emotional support which provides ameliorative effects to one or more identified symptoms or effects of a person's disability.*
- B. The Fair Housing Act recognizes the keeping of an emotional support animal in a dwelling as a reasonable accommodation if:
  - 1. The person has a disability, and
  - 2. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the dwelling, and
  - 3. There is an identifiable relationship or nexus between the disability and the support the animal provides.

- C. The Fair Housing Act has not placed restrictions on the type of animal covered nor does it require training of the animals. Any individual living in University-sponsored housing is eligible to receive accommodations. This includes students and employees. Any individual who is not living in University sponsored housing is not permitted to have an emotional support animal on campus.

## **VI. Requisite Documentation and Inquiries Regarding Emotional Support Animals**

- A. The University has the right to request and obtain proper documentation to ensure that an animal qualifies as an emotional support animal where the handler's disability is not readily apparent. The University request can include, but is not limited to, documentation from a licensed psychiatrist, social worker, or other mental health professional, to provide sufficient information as to the validity of the disability and the emotional support animal's necessity. The University shall not require the emotional support animal to demonstrate the ability to perform any particular task or work.

## **VII. Responsibilities of Individuals with Emotional Support Animals**

- A. Monmouth University shall not be responsible for the care or supervision of emotional support animals. Emotional support animals must comply with all applicable leash laws and remain under the control of the handler at all times. The handler shall comply with any laws pertaining to animal licensing, vaccinations, and owner identification. The handler must also be responsible to ensure the cleanliness, grooming, and good health of the emotional support animal. The handler will feed and, if necessary, walk their animal, and properly dispose of its waste. An emotional support animal is not to be left over night or cared for by someone other than the handler unless they are travelling for legitimate University purposes. In the event a handler is travelling for University purposes, the handler is solely responsible to arrange alternate care for the emotional support animal and receive prior University approval if the animal is remaining on campus during travel. The handler shall be solely responsible and assume all risk in arranging alternate care, and the University shall have no responsibility or liability whatsoever for the care or supervision of the emotional support animal. If the handler leaves the University for a period of time, the emotional support animal must accompany the handler. If the emotional support animal resides in a cage or tank and is able to live for short periods of time unattended, the handler may leave the animal unattended for such a short period of time, no longer than 48 hours, with the prior approval of the Office of Residential Life.
- B. The Office of Residential Life will make a reasonable effort to notify tenants in the residence building where the emotional support animal will be located. Individuals with medical condition(s) that are affected by animals (e.g. respiratory diseases, asthma, severe allergies) are asked to contact the Office of Residential Life if they have a health or safety related concern about exposure to an emotional support animal. The University shall reasonably accommodate individuals with medical conditions that require accommodation when living in proximity to an emotional support animal.

- C. An emotional support animal shall only be granted access to University sponsored housing and their contiguous areas (as necessary to provide proper care to the animal). Emotional support animals are not permitted in residential areas outside of the handler's assigned living space within a specific building. Emotional support animals shall not be granted access to other areas of the university, including, but not limited to, libraries, academic and administrative buildings, classrooms, labs, and gyms.
- D. If the emotional support animal's behavior is disruptive, aggressive, or destructive, the handler may be asked to remove the animal from the University premises. The handler shall be held responsible for any damage that the animal may cause through its destructive behavior.  
The handler is expected to cover these costs at the time of repair and/or move-out. The handler shall have no claim against the University for any financial obligations resulting from the actions of the approved emotional support animal.
- E. The handler is also strongly encouraged, but not required, to maintain liability insurance coverage for the emotional support animal, in order to protect the handler from risk of significant legal and financial liability.
- F. The handler is responsible for any expenses incurred for cleaning above and beyond a routine cleaning or for repairs to University premises that are assessed after the handler and emotional support animal vacate University property. Monmouth University reserves the right to bill the handler for unmet obligations.
- G. The handler's University residence may be inspected for fleas, ticks, or other pests as needed. The appropriate University office will schedule the inspection with the handler. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a University-approved pest control service. The handler will be billed for the expense of any pest treatment.

### **VIII. Emergency Contact**

The handler of every approved service and emotional support animal will designate an off-campus individual as the emergency contact for any matters regarding an approved service and emotional support animal should the handler be unable to respond in the event of an emergency.

### **IX. Removal of Service and Emotional Support Animal**

- A. Monmouth University may exclude and/or remove a service and emotional support animal when any of the following occur:

1. The animal poses an unreasonable threat to the health or safety of other including aggressive behavior. This behavior includes, but is not limited to, excessive noise, running around unrestrained, making unwanted contact with others, or biting, growling, or threatening others. The handler may be prohibited from bringing the animal on campus until the handler takes significant and effective remedial steps to correct the animals' behavior problems and presents such evidence to the Department of Disability Services, the Office of Residential Life, the Office of Human Resources, and the Director of the Office of Equity and Diversity as the University's ADA/504 Coordinator.
2. The service and emotional support animal results in a fundamental alteration of the University's program.
3. The handler does not comply with any of the above-stated handler responsibilities as set forth in this Policy and Procedures, as well as, any other relevant University policies, procedures, and guidelines.

## **X. University Community Responsibilities**

### **A. Members of the University community shall at all times:**

1. Allow service and emotional support animals to accompany people with disabilities in their dwellings and in areas on campus (as defined above)
2. Refrain from asking for details regarding another person's disability
3. Refrain from touching or petting a service or emotional support animal unless invited to do so
4. Refrain from feeding a service or emotional support animal
5. Refrain from startling, teasing, taunting, or provoking a service or emotional support animal
6. Refrain from separating an individual and their service animal

## **XI. Implementation of Policy**

The Department of Disability Services and The Office of Residential Life (for students and their guests), the Office of Human Resources (for employees and guests), and the appropriate department hosting a program or activity, will establish procedures to ensure the students, employees, and guests who have a service or emotional support animal on campus are made aware of this policy. Any questions regarding this policy should be directed to the Director of the Office of Equity and Diversity as the University's ADA/504 Coordinator.