

MEMORANDUM

TO: Committee on Student and Campus Community (CSCC)

FROM: Steering Committee

RE: Review of interim policy on Service and Assistance Animals

DATE: September 20, 2017

Background:

In Spring, 2017, the General Counsel, Thomas Mahoney, informed Steering that it wished to issue a policy on Service and Assistance Animals. Mr. Mahoney asked Steering to determine whether this policy required governance review. Steering considered the policy and felt that most aspects of the policy did not require governance review. However it determined that the issue of conflicting needs should be considered through governance.

Accordingly, the Office of the General Counsel has issued this policy as an interim policy pending consideration of the issue of conflicting needs through governance.

Charge:

Steering asks CSCC to review this policy to determine whether the procedures for addressing conflicting needs of members of the campus community other than the member requesting the assistance animal are sufficiently addressed in the policy. CSCC should focus on section III F of the policy, but it may also find that other sections should be considered. The Office of the General Counsel has provided information concerning current practice in addressing conflicting needs; this is attached and should also be considered by CSCC. At Step 2, in considering its recommendation, CSCC should solicit input from the Associate Vice President of Student Affairs and Dean of Students, The Director of Student Health Services, the Director of Compliance, the Office of General Counsel, and the Student Government Executive Board as well as other individuals and offices deemed appropriate by CSCC.

Following this work, CSCC should either develop a preliminary recommendation altering Section III F of the interim policy or share the current policy with the campus as its preliminary recommendation. CSCC should seek testimony from the campus community in accordance with Tier III guidelines (given below), including open fora held in conjunction with meetings of the Student Government. Written testimony may be obtained from the Staff Senate and the Faculty Senate, following Tier II guidelines.

Testimony Tiers: Tier III (students) and Tier II (staff and faculty)

Timeline:

CSCC should review and update these policies by the end of the Fall 2017 semester.

TCNJ Governance Processes

Step 1 – Steering issues a charge

Step 2 - Governance prepares a Preliminary Recommendation

Once the appropriate standing committee or council has received the charge, it should start by collecting data needed to make a preliminary recommendation. It should receive input from affected individuals and all relevant stakeholder groups prior to making a preliminary recommendation. For issues that have broad implications or that affect a large number of individuals, initial testimony should be solicited from the campus community at large. For some issues, sufficient initial testimony may come from input through committee membership or solicitation from targeted constituent groups.

When, in the best judgment of the committee, adequate clarity of the principles contributing to the problem are known, a preliminary recommendation should be drafted and disseminated to the campus community.

Step 3 – The Relevant Stakeholders provide Testimony

Once a preliminary recommendation has been completed, the standing committee or council should seek testimony from the campus community. The testimony should be gathered in accordance with the Testimony Tier (see page 24) assigned to the issue by Steering.

For issues that require public testimony from the campus community, the chair of the standing committee or council should approach the president of the appropriate representative bodies to schedule the next available time slot at a meeting of that body.

Testimony should be gathered in a way that allows stakeholders to weigh in fully on the issue. Members of the standing committee or council that wrote the preliminary recommendation should be present to hear and record the testimony.

Step 4 – Governance prepares a Final Recommendation

Once the standing committee or council has received appropriate testimony, it should revise the preliminary recommendation into a final recommendation. Once the final recommendation is complete, the standing committee or council should use sound judgment to determine whether or not more public testimony is required. If, in its feedback to the original preliminary recommendation, a stakeholder representative body requests to review an issue again, the committee or council is bound to bring it back to that body. If a full calendar year has passed since the formal announcement of the preliminary recommendation, the committee must resubmit a preliminary recommendation to the campus community.

When the committee or council has completed the final recommendation, it should forward it to the Steering Committee. The final recommendation should be accompanied by a cover memo that summarizes the initial charge, how testimony was gathered and the nature of that testimony, and how the committee responded to that testimony, including a description of how the preliminary recommendation evolved as a result of testimony.

Step 5 – Steering considers the Final Recommendation

Step 6 – The Provost and/or President and Board consider the Final Recommendation

Step 7 – Steering notifies the Campus Community

Testimony Tier II – The issue requires moderate testimony from the campus community. The assigned council or committee should consult with relevant individuals and groups in developing a preliminary recommendation. The completed preliminary recommendation should then be made available to the relevant stakeholder groups, and testimony should be solicited in the form of written feedback (through a survey and or e-mail).

Examples: revisions to policy and procedures that relate to non-controversial issues.

Testimony Tier III – The issue requires a high degree of testimony from the campus community. The assigned council or committee should consult with relevant individuals and groups in developing a preliminary recommendation. The completed preliminary recommendation should then be made available to the relevant stakeholder groups. Testimony should be solicited in the form of both written and oral feedback, as well as approval by the appropriate representative bodies.

Written feedback should take the form of a survey and/or email feedback. Oral feedback should take the form of public testimony at a meeting of the appropriate representative body or bodies (as identified by Steering). These meetings should be open to the general public, and publicized so that individuals not represented by that group but interested in the issue may attend. Following that meeting, the representative body may, at its discretion, issue a formal response to the preliminary recommendation, which should be sent to the relevant council or committee as well as Steering. On the completion of a final recommendation, this response should accompany the final recommendation to Steering, and it should be considered as part of Steering's final review.

For a complete description of all steps and of the other testimony tiers, see Governance Structures and Processes, 2017 Revision, pages 21 – 24.

Language concerning the resolution of conflicting needs may be found in section III.F. of the Policy.

"F. Conflicting Needs

1. Individuals with medical condition(s) that are affected by animals, including allergies, phobias, or other psychological or physiological problems, should contact DSS if they have a health or safety concern related to exposure to an Approved Animal. The student raising the concern about the Approved Animal may be asked to provide medical documentation that identifies the condition(s) as a disability and register with DSS; a determination will be made on whether there is a need for an accommodation. Any accommodations made will consider the needs of both individuals to resolve the conflict as efficiently and effectively as possible."

Here are examples of how a few conflicts have been resolved in the past.

Service Animal in Classroom vs. Allergies

- A Disability Support Services ("DSS") student had a service animal
- A classmate reported being allergic to the animal.
- Both students were seniors, so there was only one section of the course offered in sequence, and the course was required for graduation.
- The DSS Director met with the student who reported the allergies to determine how to accommodate the allergic student as well as the DSS student with the service animal.
- Based on that meeting and discussion, the Director worked with Building Services to develop a daily cleaning schedule that alleviated the student's allergy concerns.
- In this case, both the student with allergies and the DSS student with the service animal were accommodated appropriately.

Service Animal in Classroom vs. Fear/Anxiety

- A DSS student was approved to have a service animal.
- A classmate reported fear of all animals.
- In this case, there was another section of the course offered and the College was able to accommodate both students by placing them in two different sections of the course.

Comfort Animal in Housing vs. Fear/Anxiety

- A DSS student was approved to have a comfort animal in the residence hall
- During room selection (which occurs the spring before the upcoming academic year) the apartment mates of the DSS student were amenable to (even excited about) sharing the space with the comfort animal.
- Once the Fall semester arrived, the excitement of one student shifted to anxiety and fear. A dog had bitten this student over the summer, which resulted in the student's anxiety about sharing the space with an animal.
- Once reported to DSS, DSS was able to work with the student reporting the anxiety and Student Housing to identify an alternate on-campus living arrangement, successfully accommodating both students.