

Website Update

Animals at Colby-Sawyer

In accordance with the Americans with Disabilities Act (ADA), service animals are permitted in college facilities as long as they are specifically trained and certified to perform a service function. Assistance Animals may be permitted in accordance with federal regulations and the college Assistance Animal Policy and Agreement.

In campus housing, students are permitted to have only fish as pets, and fish tanks are limited to ten gallons. Eels and carnivorous fish, though technically fish, are also prohibited. Violations may result in termination of room and board privileges without refund. Pets may not visit in the residence halls, classrooms or laboratories.

Definitions

Service animal is defined as any guide dog or other animal trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding sight impaired individuals, alerting hearing impaired individuals, reminding an individual of medication needs, pulling a wheelchair or fetching items. Students with service animals are permitted to bring their service animal in all areas of public accommodation and any private residential space assigned to the student.

Assistance animals/Emotional Support Animals are a category of animals that may work, provide assistance, or perform physical tasks, for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADA. Some Assistance Animals are professionally trained, but in other cases Assistance Animals provide the necessary support to individuals with disabilities without any formal training or certification. Upon approval, Assistance Animals are permitted in the Owner's college residence, but not other campus facilities.

Procedure for Requesting a Service or Assistance Animal

Students requesting a Service or Assistance Animal must answer yes to questions 1 and 2 below and provide supporting evidence and/or documentation of disability.

1. Does the student seeking to use and live with the animal have a disability?
2. Does the student making the request have a disability-related need for an assistance animal?

If yes, to both questions above, complete the [Access Resources Application for Disabilities](#).

College

- The College will consider any request for a Service Animal.
- The College will consider the request for an Assistance Animal on a case-by-case basis and in accordance with the college Animal Assistance Policy and Agreement.
- The College may ask follow-up questions and seek clarifying information.
- Per the FHAct, the College may deny the request if:
 - "The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation"
 - "The specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation"



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Student Responsibility

- Individuals using assistance animals are responsible for their animals at all times.
- The student agrees to provide necessary documentation for the disability-related need for a service or assistance animal, proof of required vaccinations, statement of animal health, and current city/town license as required.
- The user of the service or assistance animal must be in full control and in the presence of the animal at all times when outside of the user's campus residence.
- All animals must be reliably housebroken. The student is responsible for any clean up on the grounds and facilities, as well as any property damage that may be caused by the animal.

Campus Etiquette

- Do not pet or feed the assistance animal without the explicit permission of the user.
- Do not deliberately startle or separate the assistance animal from his/her student.

Policy reviewed Jan2016 by the Associate Dean of Students and Director of Citizenship Education.

For Consideration

- The dander, dirt, and odor of pets living in close and constant quarters with humans is detrimental to even those students who are not allergic to animals and it can be hazardous to those who are allergic.
- Student residence hall rooms and spaces are not designed for pets; to keep them confined all day and night is cruel.
- The College provides resources for student support that may be helpful in lieu of an Assistance Animal.

Values

- Respect
- Stewardship

SERVICE AND ASSISTANCE ANIMAL POLICY AND AGREEMENT

Colby-Sawyer College recognizes the importance of "Service Animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of "Assistance Animals" under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. Colby-Sawyer is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the College's programs and activities. Colby-Sawyer is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy college housing. This Policy explains the specific requirements applicable to an individual's use of an Assistance Animal in college housing. Colby-Sawyer reserves the right to amend this Policy as circumstances require. This Policy applies solely to "Assistance Animals" which may be necessary in college housing. It does not apply to "service animals" as defined by the ADAAA.

Although it is the Policy of Colby-Sawyer that students are prohibited from having animals in college housing, Colby-Sawyer will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Assistance Animal that is necessary because of a disability and reasonable. No Assistance Animal may be kept in college housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy. Approvals for an Assistance Animal require request and approval for each academic year.

I. Definitions

A. Assistance Animal

“Assistance Animals” are a category of animals that may work, provide assistance, or perform physical tasks, for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Service Animals under the ADA. Some Assistance Animals are professionally trained, but in other cases Assistance Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as assistance animals, but any animal may serve a person with a disability as an Assistance Animal.^[1]

The question in determining if an Assistance Animal will be allowed in college housing is whether or not the Assistance Animal is necessary because of the individual’s disability to afford the individual an equal opportunity to use and enjoy college housing and its presence in college housing is reasonable.

However, even if the individual with a disability establishes necessity for an Assistance Animal and it is allowed in college housing, an Assistance Animal is not permitted in other areas of the college (e.g. dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, individual centers, etc.).

B. Owner

The “Owner” is the individual who has requested the accommodation and has received approval to bring an Assistance Animal into college housing.

C. Disability Services Office

The Office of Access Resources collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all college programs and activities.

II. Procedures For Requesting Assistance Animals in College Housing

The procedure for requesting Assistance Animals follows the general Request for Accommodations and Services form (re: [Access Resources Application for Disabilities](#)), and the requirements set forth below.

III. Criteria for Determining If Presence of the Assistance Animal is Reasonable

A. Colby-Sawyer housing includes assignment of roommates and requirements that most individuals must share a room or suite in certain residence halls. Single rooms are limited and are granted by prioritization of requests and an increased housing cost irrespective of the approval of an Assistance Animal.

B. For all requests for Assistance Animals, Access Resources shall consult with Residential Education in making a determination on a case-by-case basis of whether the presence of an Assistance Animal is reasonable. A request for an Assistance Animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters college housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including college property.

C. Colby-Sawyer may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Assistance Animals:

1. The size of the animal is too large for available assigned housing space;
2. The animal's presence would force another individual from individual housing (e.g. serious allergies); Residents living in proximity to the student requesting an Assistance Animal will be contacted to make

sure there are no concerns with allergies. The student requesting the Assistance Animal will be offered a new space accordingly once a space is found without allergy concerns.

3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
 4. The animal is not reliably housebroken or is unable to live with others in a reasonable manner;
 5. The animal's vaccinations are not up-to-date;
 6. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or
 7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.
- Colby-Sawyer will not limit room assignments for individuals with Assistance Animals to any particular building or buildings because the individual needs an Assistance Animal because of a disability.

IV. Access to College Facilities By Assistance Animals

A. Assistance Animals

An Assistance Animal must be contained within the privately assigned individual living accommodations (e.g., room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an Assistance Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Assistance Animals are not allowed in any college facilities other than college residence halls (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned. The Assistance Animal may accompany the owner to public areas within the residence provided that the animal does not present a hazard to others in the area.

B. Dominion and Control

Notwithstanding the restrictions set forth herein, the Assistance Animal must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from college housing. If the Assistance Animal is in the care of a person other than the Owner, the Assistance Animal must be in the Owner's room or outside college facilities.

V. Individual's Responsibilities for Assistance Animal

If the college grants an individual's request to live with an Assistance Animal, the individual is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

A. General Responsibilities

1. The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The college has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The college reserves the right to request documentation showing that the animal has been licensed, an identification photo of the animal, and a certificate from a veterinarian that the Assistance Animal is in good health.
2. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner on/in campus property and, when provided, must use animal relief areas designated by the college.
3. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Assistance Animal and/or discipline for the individual.
4. Colby-Sawyer will not ask for or require an individual with a disability to pay a fee or surcharge for the approval of an Assistance Animal.
5. An individual with a disability may be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. Students with Assistance Animals will be charged for cleaning above and beyond normal means, (i.e. professional cleaning to remove animal dander). The Owner's living

accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the college's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a college-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The college shall have the right to bill the individual's account for unmet obligations under this provision.

6. The Owner must fully cooperate with college personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).

7. Assistance Animals may not be left overnight in college housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Assistance Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.

8. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.

9. The animal is allowed in college housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Office of Access Resources in writing if the Assistance Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy and reasonable accommodation when requesting a different animal.

10. Colby-Sawyer personnel shall ***not*** be required to provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

11. The individual must allow Access Resources to disclose the information regarding the request for and the presence of the Assistance Animal to those individuals to Residential Education. Residential Education may disclose to others impacted by the presence of the Assistance Animal to other parties (e.g. Student Development, Campus Safety, Facilities personnel and potential and/or actual roommate(s)/neighbor(s)). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

VI. Removal of Assistance Animal

The college may require the individual to remove the animal from college housing if:

- 1) the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- 2) the animal's presence results in a fundamental alteration of a college program;
- 3) the Owner does not comply with the Owner's Responsibilities set forth above; or
- 4) the animal or its presence creates an unmanageable disturbance or interference with the college community.

The college will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Access Resource Director and may be appealed to Colby-Sawyer's ADA/Section 504 Compliance Officer. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Assistance Animal be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

VII. Non-retaliation Provision

Colby-Sawyer will not retaliate against any person because that individual has requested or received a reasonable accommodation in college housing, including a request for an Assistance Animal. By my signature below, I verify that I have read, understand and will abide by the requirements outlined here and I agree to provide the additional information required to complete my Request for Accommodations and Services to Colby-Sawyer Access Resources.

Acknowledgement and Release of Information Consent Form

I have read and understand the Assistance Animal Policy and Agreement and I agree to abide by the requirements applicable to Assistance Animals. I understand that if I fail to meet the requirements set forth in the Policy, Colby-Sawyer has the right to remove the Assistance Animal and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to Residential Education to disclose to others impacted by the presence of my Assistance Animal (e.g. Student Development, Campus Safety, and Facilities staff, potential and/or actual roommate(s)/neighbor(s)) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Assistance Animal and/or resolving any potential issues associated with the presence of the Assistance animal. I further recognize that the presence of the Assistance Animal may be noticed by others visiting or residing in college housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances Assistance Animals are permitted for persons with disabilities.

[1] It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or emotional support animal.

Revision Date	Change	Approved by:
Jan 2016	Initiated with reference to UNK.edu Assistance Animal Policy and Agreement 9/2015	

Service Animal Policy on next page.



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SERVICE ANIMAL POLICY

Colby-Sawyer College complies with the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504, which states, “No otherwise qualified person with a disability in the United States...shall, solely on the basis of a disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal assistance.” Colby-Sawyer College intends to provide the broadest possible access to service animals in all of its public areas. The American with Disabilities Act (ADA) defines a service animal as “any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.”

A service animal is not a pet, but can perform some of the functions and tasks that an individual with a disability cannot perform himself or herself. Animals are considered “service animals” under ADA, if they meet this definition, regardless of whether they have been licensed or certified by a state or local government. Therapy animals are not considered service animals. Below are basic Policy guidelines for Colby-Sawyer College.

- A service animal may be excluded from a facility, including a classroom if that animal poses a direct threat to the health of safety of others.
- A service animal may be excluded from a facility, including a classroom, that animal’s behavior, such as barking, is disruptive to the other participants within the facility.
- If a service animal is excluded from a facility, the individual with a disability will be given the option of continued classroom participation, with assistance, within the facility.
- The service animal must be clean, in good health, with current rabies vaccination.
- All service animals must be on a leash at all times.
- All students and college employees must abide by current town ordinances/laws pertaining to licensing and vaccination requirement for service animals. It is the responsibility of the owner and/or user of the animal to know about these ordinances and/or laws.
- All owners and or user of service animals are responsible to clean up after and properly dispose of their animal’s feces while on campus.

Students wishing to utilize a service animal on campus should contact the Office of Access Resources (re: [Access Resources Application for Disabilities](#)). Faculty, staff, and visitors wishing to utilize a service animal on the Colby-Sawyer campus should contact the Compliance Officer in the Human Resource Department in Colgate Hall for approval. Colby-Sawyer College considers a service animal to be an accommodation issue, and therefore requires any individual who intends to have a service animal on campus on a regular basis have a valid accommodation plan.

If you feel that you were denied this accommodation, a grievance can be filed through the college Compliance Officer in Colgate Hall Human Resources Department or Access Resources in the Library.

Revision Date	Change	Approved by:
Jan 2016	Initiated with reference to UNK.edu Support Animal	