

COLBY-SAWYER COLLEGE SERVICE ANIMAL AND EMOTIONAL SUPPORT ANIMAL POLICY

Policy Statement

Colby-Sawyer College is committed to creating a diverse and equitable campus, which affords individuals with disabilities equal opportunity to access services, programs, and activities. Colby-Sawyer recognizes that animals may provide specific value and services to individuals with disabilities. Colby-Sawyer recognizes the important partnership between individuals with disabilities and their service animals. The college complies with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and N.H. RSA Chapter 167-D. These state and federal laws require the college to make reasonable modifications in its policies, practices, and procedures for students, faculty, staff, and campus visitors with disabilities and to permit the use of service animals by those persons requiring such an accommodation. Colby-Sawyer complies with the Fair Housing Act (FHA) in allowing students with disabilities the use of emotional support animals that are approved as an accommodation. This policy and procedures are established to clearly define regulations about service animals and emotional support animals on campus.

Service Animals

Service Animal Definition

The definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability under the definition of the ADA, including a physical, sensory, psychiatric, intellectual, or other mental disability.

- The work or tasks performed by the service animal must relate directly to the individual’s disability. Examples of service animals include, but are not limited to, the following:
 - A guide dog which has been carefully trained to serve as a travel tool for individuals with severe visual impairments or who are blind;
 - A psychiatric service dog which has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects;
 - A seizure response dog which has been trained to assist a person with a seizure disorder;
 - A service animal individually trained to sense that an individual with a disability is about to experience an anxiety attack and then to help the individual avoid the attack or lessen its impact; and
 - A service animal individually trained to alert an individual with diabetes when his or her blood sugar reaches high or low levels.
- With the possible exception of miniature horses, no animal other than a dog qualifies as a service animal.

- The crime deterrent effects of an animal's presence or the provision of emotional support do not qualify an animal as a service animal, and a doctor's letter does not automatically qualify an animal as a service animal; status as a service animal is based on federal law (ADA) and/or state law (N.H. RSA Chapter 167-D).

(Note: Emotional support animals that do not qualify as "service animals" may be entitled to reside in Colby-Sawyer housing as an appropriate accommodation under the federal Fair Housing Act, as determined on a case-by-case basis. See Colby-Sawyer's section below on the use of emotional support animals on campus.)

- Individuals with disabilities have the right to train their own service animals and are not required to use professional service dog training programs.

Responsibilities of College

Reasonable Modifications

Colby-Sawyer commits itself to creating an environment in which handlers of service animals are not excluded from participation in programs or services of the college by reason of their use of a service animal. To this end, Colby-Sawyer will make reasonable modifications to policies, practices, and procedures as long as they do not fundamentally alter the nature of the program.

Use of Service Animals

Colby-Sawyer personnel permit service animals to accompany their handlers at all times, subject to specific exceptions described herein:

- A handler may bring a service animal to the same areas on campus where the handler may go, including self-service food lines and communal food preparation areas.
- Service animals are not considered "pets," and handlers may bring service animals into areas in which Colby-Sawyer has established "no pets" policies. Service animals are not subject to a pet deposit.
- Service animals are permitted on pool decks, but handlers must comply with any public health rules prohibiting animals in swimming pools.
- Colby-Sawyer may prohibit the use of a service animal in places where the service animal presents a health, environmental, or safety hazard. Restricted areas may include, but are not limited to, food preparation areas, research laboratories, boiler rooms, and other areas prohibited by law. Evaluations of which locations are restricted are conducted on a case-by-case basis. In the event a location is restricted to service animals due to health, environmental, or safety reasons, Colby-Sawyer will make reasonable accommodations to provide equal access to the relevant services or activities.
- Colby-Sawyer personnel do not isolate handlers from others, treat handlers less favorably than others, or charge handlers fees not charged to those without animals. Allergies and fears of dogs are not valid reasons for denying access or refusing services to handlers; in such cases, handlers and others will be accommodated by assigning them, when possible, to different locations within the room or different rooms within the facility.
- For any questions or concerns relating to areas in which service animals are permitted, contact Human Resources.

Inquiries about Service Animals

In the event that it is not obvious whether an animal is a service animal, Colby-Sawyer personnel may inquire if the animal is a service animal, but only by asking one or both of the following specific questions:

1. "Is the dog/animal a service animal required because of a disability?"
2. "What work or task has the dog/animal been trained to perform?"

Colby-Sawyer personnel may not require documentation proving an animal's status as a service animal, require that the service animal demonstrate its task, or inquire about the nature of the handler's disability.

Registration and Identification

Colby-Sawyer strongly recommends that a handler register his or her service animal with the college and use identification markers for the service animal, such as capes, vests, or ID tags. These measures are not required, but they will help emergency staff look for service animals in the event of emergency evacuation.

Conduct

The Colby-Sawyer community remembers that service animals are working and refrains from petting or feeding service animals; separating service animals from handlers; or teasing or startling service animals. Any handlers or other individuals who mistreat or neglect a service animal or otherwise violate this Policy should be reported to Campus Safety or Citizenship Education.

Responsibilities of Handlers

Compliance and Responsibility for Damages

The handler of a service animal is responsible for compliance with all requirements of this Policy, and the handler assumes full personal liability for any damage to property or persons caused by his or her service animal. If a service animal causes damages to college property, Colby-Sawyer may charge the handler the cost that would be charged to an individual without a service animal for causing such damages. Colby-Sawyer is not responsible for any harm to a service animal, including but not limited to injury caused by pest management or lawn care products, while the service animal is on campus.

Care and Supervision

Handlers are responsible for all costs, care, and supervision of service animals, which includes feeding, grooming, toileting, and veterinary care. Waste must be disposed in a sealed bag in the designated trash area of the residence hall or in outdoor trash receptacles. Colby-Sawyer has no responsibility to supervise, clean up after, or otherwise care for service animals. Handlers are responsible for ensuring service animals are housebroken. If a service animal is not housebroken, Colby-Sawyer may determine to exclude the service animal.

Control of Service Animals

Handlers are responsible for ensuring that service animals are harnessed, leashed, or tethered in public places, unless (1) these devices interfere with a service animal's work or (2) a disability prevents use of these devices. In such cases, handlers must use voice, signal, or other effective means to maintain control of service animals. If a service animal is out of control, and the handler does not take control of the service animal, Colby-Sawyer may determine to exclude the service animal from the premises. A service animal is not under control if it is allowed to bark repeatedly in a lecture hall, library, dining hall or other public place. While in the dining hall, a

service animal is not allowed to sit or eat at the table. Handlers may not leave service animals overnight in Colby-Sawyer housing under the care and control of any individual other than the handler.

Compliance with State and Local Laws

Handlers are responsible for licensing their service animals pursuant to N.H. RSA Chapter 466. They are responsible for complying with state licensing and vaccination requirements, and with any other relevant provision of N.H. RSA Chapter 466. (Note: There are provisions under this statute by which owners of service animals may avoid recurring licensing requirements and fees. See N.H. RSA Section 466:8.) Colby-Sawyer does not require any documentation about the training or certification of service animals. However, false representations about a disability or one's status as a service animal trainer, for the purpose of acquiring a service animal, is a violation of the law and a violation to this Policy and should be reported to Campus Safety or Citizenship Education.

Alleged Violations of Policy

Colby-Sawyer may require the individual to remove the animal from the premises if:

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

Colby-Sawyer will base such determinations upon the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Alleged student violations of the policy will likely be referred to the Office of Citizenship Education. The Owner is responsible to provide off campus care prior to the hearing for the animal.

Student Housing

Living with a service animal does not affect a student's right to utilize campus housing. Colby-Sawyer requests that enrolled students with service animals who plan to live in campus housing contact Residential Education, so that the college may best accommodate their needs.

Emotional Support Animals

Emotional Support Animal Definition

An emotional support animal (under the Fair Housing Act) is an animal that provides emotional support to individuals with disabilities and alleviates one or more identified symptoms or effects of an individual's disability. An emotional support animal is not necessarily trained, and is not limited to any specific type of animal.

An emotional support animal is not considered a service animal under the ADA. Unlike a service animal, an emotional support animal does not perform a task for a person with a disability relating to activities of daily living or accompany that person at all times. Even if the individual with a disability establishes necessity for an emotional support animal, it does not permit the individual to have that animal in all campus buildings.

Emotional support animals are only permitted in the owner's residence hall room.

Appropriate documentation is required to establish that the emotional support animal is needed for the individual to participate in Colby-Sawyer housing and fully engage as a student at Colby-Sawyer.

Definition of Owner

A person with a service or emotional support animal.

Qualifying to Have an Emotional Support Animal in Campus Housing

To qualify for having an emotional support animal on campus:

- A student requesting to have an emotional support animal in Colby-Sawyer housing must contact Access Resources. Through Access Resources the student must complete an application for an accommodation of an emotional support animal, receive approval and submit all necessary documentation. Colby-Sawyer may take up to 60 days to process a request for an emotional support animal, in order to permit time to gather all necessary documentation and information.
- A student must not bring an animal to campus prior to approval being granted by Access Resources and verification of animal's documentation by Residential Education.
- A student or the family of the student with a disability making the request, must own the emotional support animal. The animal must not be owned by another student or agency.

When determining if an emotional support animal is a reasonable accommodation for the student, Access Resources will review documentation and determine on a case by case basis how the emotional support animal will provide the individual equal opportunity to use and participate in college housing.

The College will make an individualized assessment of each proposed emotional support animal. Dogs must also be housebroken and old enough to have received the rabies vaccine before taking occupancy. The use of "puppy pads" will not be permitted. Dogs and cats must be spayed or neutered prior to taking occupancy. For dogs under 12 months old that are not already living with the student at the time the ESA is requested, Residential Education will ask for a statement that the puppy is housebroken from the breeder, adoption agency, or person providing the animal to the student. For animals already known to the student, the student can self-attest to the housebroken status of the animal.

[Access Resources and Housing Request Form](#)
[Documentation for Emotional Support Animals](#)

Determining if the Presence of an Emotional Support Animal is Reasonable

- 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 have an emotional support animal that is deemed necessary because of a disability.
- No emotional support animal may be kept in college housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy and all required documentation submitted to and verified by Residential Education. Approvals for an emotional support animal require request and approval for each academic year.

- For all requests for emotional support animals, Access Resources shall determine on a case-by-case basis whether the presence of an emotional support animal is reasonable. A request for an emotional support animal may be denied as unreasonable if the presence of the animal:
 - Imposes an undue financial and/or administrative burden on the college
 - Fundamentally alters college housing policies
 - 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
- Colby-Sawyer may consider the following factors, among others, as evidence in determining whether the presence of an animal is reasonable or in the making of housing assignments for individuals with emotional support animals.
 - The size of the animal is too large for available assigned housing space.
 - The animal's presence would force another individual from individual housing (e.g. serious allergies). Residents living in proximity to the student requesting an emotional support animal will be contacted to make sure there are no concerns with allergies. If a resident(s) living in the proximity to the student requesting the emotional support animal has an allergy to the animal, the student requesting the emotional support animal will be offered a new space accordingly once a space is found without allergy concerns.
 - The animal's presence otherwise violates another individual's right to peace and quiet.
 - The animal is not reliably housebroken or is unable to live with others in a reasonable manner.
 - The animal's vaccinations are not up-to-date.
 - 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.
- 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 emotional support animal. Colby-Sawyer will not ask for or require an individual with a disability to pay a fee or surcharge for the approval of an emotional support animal.

Access to Colby-Sawyer Facilities by Emotional Support Animals

An emotional support animal must be contained within the student's own privately assigned individual living accommodations (e.g. room or apartment) except to the extent the individual is taking the animal out for natural relief. When an emotional support animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Even if the individual with a disability establishes necessity for an emotional support animal, it does not permit the individual to have that animal in all campus buildings.

Responsibilities/Requirements for Having an Emotional Support Animal on Campus

If Colby-Sawyer grants an individual's request to live with an emotional support animal the individual is solely responsible for the custody and care of the emotional support animal and must meet the following requirements.

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 reserves the right to request documentation showing that the animal has been vaccinated, licensed, that dogs and cats have been spayed or neutered, an identification photo of the animal, and a certification from a veterinarian that the emotional support animal is in good health.

- Is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner on/in campus property.
- 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 emotional support animal and/or discipline for the individual.
- Will be charged for any damage caused by their emotional support animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. If the smell of pet urine cannot be removed from the carpet or furniture, the student will be billed at replacement cost.
- Shall not 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 Colby-Sawyer housing.
- 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 pest 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.
- Students will have a check-out meeting with the Area Coordinator when moving out of the campus housing to assess damage in the room. Colby-Sawyer shall have the right to bill the individual's account for unmet obligations under this provision.
- Must fully cooperate with Colby-Sawyer personnel with regard to meeting the terms of this policy and developing routines for care of the animal (e.g. cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
- May not leave their emotional support animals overnight in Colby-Sawyer housing to be cared for by any individual other than the owner. If the owner is to be absent from their residence overnight or longer, the animal must accompany the owner. The owner is responsible for ensuring that the emotional support animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.
- 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.
- Is allowed to have an animal in Colby-Sawyer housing only as long as it is necessary because of the owner's disability. The owner must notify the Access Resources in writing if the emotional support animal is no longer needed or is no longer in residence. To replace an emotional support 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 accommodations when requesting a different animal.
- Will not require Colby-Sawyer personnel to provide care or food for any emotional support 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.

- Students must allow Access Resources to disclose the information regarding the request for and the presence of the emotional support animal to those individuals in Residential Education. Residential Education may disclose to others impacted by the presence of the emotional support animal to other parties (e.g. Student Development, Baird Health and Counseling, 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.

Alleged Violations of Policy

Colby-Sawyer may require the individual to remove the animal from the premises if:

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

Colby-Sawyer will base such determinations upon the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Alleged student violations of the Policy will likely be referred to the Office of Citizenship Education. The Director of Access Resources will likely suspend the accommodation for the animal pending the outcome of that resolution. The Owner is responsible to provide off campus care prior to the hearing for the animal. Should the emotional support animal be removed from the premises for any reason, the owner is expected to fulfill their housing obligations for the remainder of the housing contract.

Colby-Sawyer reserves the right to amend this Policy as circumstances require.

Any questions or concerns?

Faculty, Staff and Visitors: please contact Human Resources. Phone: 603-526-3704;
Email: heather.zahn@colby-sawyer.edu

Students: please contact Access Resources. Phone: 603-526-3713; Email: accessresources@colby-sawyer.edu