Overview
Colby-Sawyer College is committed to affording people with disabilities an equal opportunity to access campus programs, services and activities. Colby-Sawyer recognizes that animals may provide specific value and services to individuals with disabilities. Colby-Sawyer complies with the Americans with Disabilities Act (ADA) in allowing use of service animals for students, faculty, staff, and visitors with disabilities. 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 on Campus
Definition of a Service Animal
Under the American with Disabilities Act (ADA), a service animal is defined as a dog that has been 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 task performed by the dog must be directly related to the person's disability. With the possible exception of miniature horses, other species of animal, whether wild or domestic, trained or untrained, are not service animals.

The work or tasks performed by the dog must be directly related to the person’s disability. Some examples of work or tasks include and are not limited to:
- Assisting individuals who are blind or have low vision with navigation and other tasks.
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
- Pulling a wheelchair.
- Assisting an individual during a seizure.
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Definition of Owner
A person with a service or emotional support animal.

Qualifying to Have a Service Animal on Campus
For an individual to qualify for having a service animal on campus:
- The individual must have a disability as defined by the ADA.
- The accompanying animal must be trained to do specific tasks for the qualified individual.
- Students must contact Access Resources and Residential Education, if the service animal is to be housed on campus, as early as possible to permit time to gather and review all necessary
Responsibilities/Requirements for Having a Service Animal on Campus
Owner:

- Is responsible to attend to and be in full control of the service animal at all times. A service animal shall have a harness, leash, or other tether unless a) owner is unable to use a harness, leash or tether, or b) using a harness, leash, or tether will interfere with the animal’s ability to safely and effectively perform its duties.
- Is responsible for ensuring that the service animal is wearing a leash, harness or cape that identifies the animal as a service animal when on duty anywhere on campus.
- Is responsible for the costs of care necessary for a service animal’s well-being. The arrangements and responsibilities for the care of the animal are the sole responsibility of the owner at all times, including regular bathing and grooming, as needed.
- Is responsible for independently removing or arranging for the removal of the service animal’s waste. Waste must be disposed in a sealed bag in the designated trash area of the residence hall or in outdoor trash receptacles.
- Is responsible for complying with local and state licensing laws for animal rights and owner responsibilities. Service animals should be current with immunizations, neutering and wear a rabies vaccination tag.
- Is responsible for paying for any damage to College property caused by the animal.
- May not leave their service animal 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.

Colby-Sawyer Community:

- Must allow service animals to accompany their owners at all times and everywhere on campus where the general public (if accompanying a visitor) or other students (if accompanying a student) are allowed, except for places where there is a health, environmental, or safety hazard.
- May prohibit the use of service animals in certain locations due to health and safety restrictions or places where the animal might be in danger. Restricted areas may include but are not limited to food preparation areas, research laboratories, boiler rooms, and other areas prohibited by law.
- Contact Human Resources if any questions or concerns arise relating to service animals.
- Only two questions can be asked about service animals:
  - Is the service animal required because of a disability?
  - What work or task is the dog trained to perform?
- Do not ask questions about the disability.
- Do not pet or feed a service animal.
COLBY-SAWYER COLLEGE SERVICE ANIMALS AND EMOTIONAL SUPPORT ANIMALS ON CAMPUS

- Do not attempt to separate the animal from the owner.
- Do not startle or tease a service animal.
- Refrain from charging a fee for the service animal to reside in the residence hall, but may assess fees for any damages incurred.
- Report any service animals who misbehave or any owners (or other individuals) who mistreat or neglect their service animals to Campus Safety or Residential Education.

Emotional Support Animals

Definition of an Emotional Support Animal

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 has 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 college housing 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.

By agreeing to this policy, 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 to the Office of Access Resources.

Acknowledgement and Release of Information Consent Form

I have read and understand the Emotional Support Animal Policy and Agreement and I agree to abide by the requirements applicable to emotional support animals. I understand that if I fail to meet the requirements set forth in the Policy, Colby Sawyer has the right to remove the emotional support 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
emotional support 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 emotional support animal and/or resolving any potential issues associated with the presence of the emotional support animal.

I further recognize that the presence of the emotional support animal may be noticed by others visiting or residing in Colby-Sawyer housing and agree that staff may acknowledge the presence of the animal, and state that under certain circumstances emotional support animals are permitted with persons of disabilities.

Signature_____________________________ Date________________________

Supporting Resources:

2. Reasonable Accommodations under the Fair Housing Act; https://www.hud.gov/program_offices/fair_housing_equal_opp/ReasonableAccommodations15