

COLBY COLLEGE

ASSISTANCE ANIMAL AND SERVICE ANIMAL POLICY

Definitions

An “assistance animal” is a category of animal 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 is not a “service animal” as defined above. An assistance animal may be 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 not prohibited by the State of Maine may serve a person with a disability as an assistance animal subject to the handler’s adherence to campus procedures. An assistance animal is sometimes referred to as a companion animal, therapy animal or emotional support animal.

A “service animal” is a dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. A service animal may be eligible to provide campus-wide assistance to the student with a disability. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

Procedure to Request Assistance Animal

Requests for approval of an assistance animal are to be made to the Office of Campus Life and must be made *prior* to bringing an assistance animal to campus. For upper class/returning students, requests for an assistance animal must be submitted by the housing accommodation deadline each year in February for the following academic year. Incoming first year students must submit requests at least *60 days* prior to the onset of the academic year. Requests made after that time may not be honored, although the Office of Campus Life will make a good faith effort to support a student’s late request.

If the student's disability and/or need for an assistance animal are not obvious, the student must provide written verification from a reliable third party that the student has a disability. The third party must also verify that an assistance animal *is necessary* to provide the student an equal opportunity to use and enjoy College housing and that no other form of accommodation would effectively address the student's disability-related need. Colby may require students to sign a release to enable the campus to confer with the third party as to the functional limitations of the disorder, the student's ability to manage an animal in residence and/or whether the student's disability-related needs may be met in some other manner.

A reliable third party is someone who is familiar with the individual's disability and the necessity for the requested accommodation. A reliable third-party includes, but is not limited to, a doctor or other medical professional, a therapist who has treated the individual, or a non-medical service agency (e.g., American Council of the Blind of Maine). Documentation submitted by an internet service which has not treated the individual will not be considered.

Colby College will not retaliate against any person because that individual has requested or received a reasonable accommodation for an assistance animal.

Criteria for Determining If Presence of the Assistance Animal is Reasonable

Colby may consider the following factors, among others, as evidence in determining whether the presence of an assistance animal is reasonable and in the making of housing assignments for individuals with assistance animals:

1. The size of the animal and whether it is too large for available assigned housing space;
2. If the animal's presence would force another individual from individual housing (e.g. serious allergies);
3. If the animal's presence otherwise violates an individuals' right to peace and quiet enjoyment;
4. If the animal is not housebroken or is unable to live with others in a reasonable manner;
5. If the animal's vaccinations are not up-to-date;
6. If 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. If the animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

Residential life at Colby is unique in several ways, including the assignment of roommates for many students and the mandate that individuals must share a room or suite in certain residence halls. To ensure that the presence of assistance animals is not an undue administrative burden or fundamental alteration of College housing, Colby

reserves the right to assign an individual with an assistance animal to a single room without a roommate.

A request for an assistance animal also may be denied as unreasonable if the presence of the animal imposes an undue financial and/or administrative burden; fundamentally alters College housing policies; and/or poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including Colby property, or accommodating the assistance animal would be otherwise unreasonable. Colby does not limit room assignments for individuals with assistance animals to any particular building or buildings.

Access to Colby Facilities by Assistance Animals

An assistance animal must be contained within the student-owner's privately assigned individual living accommodation (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 Colby facilities other than the residence hall to which the student is assigned. An assistance animal is allowed only in the student's residence hall, and is not permitted in other College areas (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, Cotter Union, etc.).

Student-Owner's Responsibilities for Assistance Animal

The assistance animal must be properly housed and restrained or otherwise under the dominion and control of the student-owner at all times. No student-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.

The student-owner is solely responsible for the custody and care of the assistance animal. The student-owner:

1. Must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. Colby has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate and licensing by the City of Waterville or the student-owner's municipality of residence.
2. Is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner.
3. Is required to ensure the animal is well cared for at all times. Evidence of mistreatment or abuse may result in immediate removal of the assistance animal. Mistreatment or abuse of an assistance animal is also a violation of the Colby Code of Student Conduct.

4. Will be charged for any damage caused by the assistance animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear.
5. Is subject to inspection of his/her living accommodation for fleas, ticks or other pests if necessary. 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 student-owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls.
6. Is responsible for ensuring the assistance animal is contained as appropriate when the student-owner is not present in the residence hall during the day, and may not leave the animal overnight in the living accommodation to be cared for by another; the animal must accompany the student-owner away from campus overnight. IMPORTANT: Students who wish to participate in extracurricular activities in which staying away overnight may be an element should carefully consider what arrangements for the animal's off-campus care can be made while the student is away.
7. Acknowledges that the assistance animal is allowed in College housing only as long as necessary because of the student-owner's disability, and will notify Campus Life in writing if the assistance animal is no longer needed or is no longer in residence.

Removal of Assistance Animal

Colby may require the student-owner to remove the assistance animal from Colby 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 a College program; the student-owner does not comply with the Student-Owner's Responsibilities set forth above and/or with the agreement s/he must sign as a condition of having an assistance animal; or the animal or its presence creates an unmanageable disturbance or interference with the Colby community.

Service Dog Procedures

Members of the public and students who do not reside on campus are authorized to be accompanied by service animals as defined above. All students residing on campus who wish to have a dog in residence as a service animal must register with the Office of Campus Life. The necessity of such registration is to facilitate a residence hall assignment consistent with supporting a student's use as well as the potential impact on other residential community members.

If an individual's disability and need for a service animal are not obvious, the campus may request whether the individual requires a service animal dog because of a disability and describe the work or task the dog has been trained to perform. The animal must always be under the control of the handler via leash or tether unless the nature of the individual's disability prevents such control or the work or task cannot be effectively

performed while under such control. Nonetheless, in these situations, the animal must always be under voice or hand signal control.

Colby College will not retaliate against any person because that individual is accompanied by a service animal.

Service Animal Eligibility Criteria

A student is permitted to have a service animal on campus without restriction, unless:

1. The presence of the dog imposes an undue financial and/or administrative burden;
2. The presence of the dog fundamentally alters the College's educational or housing programs (including, but not limited to, excessive barking in a residence hall or classroom);
3. The service animal poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including Colby property;
4. The dog is not housebroken or is unable to live with others in a reasonable manner;
5. Vaccinations are not up-to-date, or the service animal is not licensed as required by law.
6. Accommodating the service animal would be otherwise unreasonable;
7. Access to a particular area of the campus would present a legitimate safety risk to the individual with a disability, the dog or others. Examples of such restricted areas may include but are not limited to the following:
 - a. Areas of food preparation (versus dining areas)
 - b. Research areas where a dog's presence may compromise the research
 - c. Science laboratories if evidence supports a danger of harm to the animal due to exposure to chemicals or other hazardous elements/equipment

Visitors to Campus with Service Animals

Visitors to campus are permitted to bring their service animal, as defined by this policy, to any building or facility where visitors are permitted. The following guidelines shall apply to service animals accompanying visitors:

1. In situations where it is not obvious that the dog is a service animal, staff may only ask two specific questions: (i) is the dog a service animal required because of a disability?; and (ii) what work or task has the dog been trained to perform?
2. Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability.

3. Service animals are not exempt from local animal control or public health requirements, including vaccination, licensing, and registration.
4. Service animals must be under the control of the handler at all times. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.
5. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place.
6. If a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, staff may request that the animal be removed from the premises. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to remain without the animal's presence.
7. The Americans with Disabilities Act (ADA) does not override public health rules that prohibit dogs in swimming pools. However, service animals must be allowed on the pool deck and in other areas where the public is allowed to go.