



HMC Assistance Animal Policy

I. Introduction

Harvey Mudd College ("HMC" or "College") recognizes the importance of "Service Animals" as defined by the Americans with Disabilities Act (ADA) and the broader category of "Assistance Animals" under the Fair Housing Amendments Act (FHAA) that provide physical and/or emotional support to individuals with disabilities.

II. Policy Statement

Non-caged animals are generally not allowed in the Harvey Mudd College residence halls. However, the College will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Assistance Animal that is necessary and reasonable because of a disability.

Given the logistical considerations of having an animal on campus, specific processes are required to ensure safe and healthy interactions between the animal, the owner and the campus constituencies. The Student Accommodation Advisor facilitates this process, in collaboration with the student and additional administrative offices, as needed.

III. Scope

HMC 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. HMC is also committed to allowing Service and Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy College housing. This policy applies to students at HMC and 5C students living in HMC facilities.

IV. Definitions

Assistance Animal – Overarching term that refers to both Service Animals as well as Emotional Support Animals as defined below. Therefore, an Assistance Animal is an animal that either (1) works, provides assistance, or performs tasks for the benefit of a person with a disability; or (2) provides emotional or other type of support that alleviates one or more identified symptoms or effects of a person's disability.

Service Animals – A dog (and in limited circumstances, a miniature horse) that is individually trained to do work or perform tasks for the benefit of a person with a disability. The task(s) performed by the dog must be directly related to the person's disability. An animal whose sole function is to provide comfort or emotional support is not considered a Service Animal.

"Psychiatric" Service Dog – Type of Service Animal that is individually trained to help a person with a mental disability with specific requirements. An individual that uses such a dog is entitled to the same rights under the law as someone with a physical disability that uses a service dog.

Emotional Support Animal – A dog or other animal that is not trained to perform specific acts directly related to an individual's disability. Instead, the animal's owner derives a sense of well-being, safety, or calm from the animal's companionship and presence. An Emotional Support Animal (ESA) is not a pet, but may be identified by various names such as a companion animal, therapy animal, or emotional support animal.

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

V. Provisions

- 1) **Service Animal including Psychiatric Service Dog** – Service Animals are generally allowed to accompany their owners anywhere their owners are permitted on campus. Service Animals will be permitted to accompany people with disabilities in all areas of HMC’s facilities, including College housing, where students, members of the public, and other participants in services, programs or activities are allowed to go. HMC does not require documentation, such as proof that the animal has been certified, trained, or licensed as a Service Animal. Individuals accompanied by a Service Animal on campus but who do not need any disability-related accommodations are not required to register with the Student Accommodation Advisor or the Division of Student Affairs (DSA), nor is such individual required to submit a request for a reasonable accommodation to receive access of his or her Service Animal.

However, when it is not readily apparent that a dog is a Service Animal, HMC staff may make the following inquiries to determine whether the dog qualifies as a Service Animal:

- i. Is the dog an Emotional Support Animal?
- ii. Is the dog required because of a disability?
- iii. What work or task has the dog been trained to perform?

A Service Animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether, unless the person is unable to hold those, or such use would interfere with the Service Animal's performance of work or tasks. In such instances, the Service Animal must be kept under control by voice, signals, or other effective means.

HMC will assess requests for the use of miniature horses by people with disabilities on a case-by-case basis. Requests should be submitted to the Student Accommodation Advisor and, consistent with applicable laws, HMC may make modifications in its policies to permit their use if they meet certain criteria and have been individually trained to do work or perform tasks for the benefit of people with disabilities.

- 2) **Emotional Support Animal** – Emotional Support Animals (ESA) are generally not allowed to accompany persons with disabilities in all public areas of HMC as a Service Animal is allowed to do, but an Emotional Support Animal may reside in College housing, including accompanying such individual in all public or common use areas of College housing, when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy College housing. Before an Emotional Support Animal can move into College housing with a person with a disability, a request must be submitted to the Student Accommodation Advisor and approval must be granted (preferably at least 30 days prior to move in). If the disability is not obvious, the Student Accommodation Advisor may require documentation from a licensed physician or mental health provider, including without limitation a qualified psychiatrist, social worker, or other mental health professional, to provide sufficient information for HMC to determine:
 - i. that the individual qualifies as a person with a disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities); and
 - ii. that the Emotional Support Animal may be necessary to afford the person with a disability an equal opportunity to use and enjoy College housing (i.e., that the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability).

As with Service Animals, Emotional Support Animals must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether, unless the person is unable to hold those, or such use would interfere with the animal's performance of work or tasks. In such instances, the Emotional Support Animal must be kept under control by voice, signals, or other effective means.

VI. Process for requesting An Emotional Support Animal in College Housing

The process for requesting Assistance Animals follows the general procedures set forth by the Student Accommodation Advisor, a member of the Division of Faculty. Contact the Student Accommodation Coordinator for additional information or refer to their website: www.hmc.edu/student-life/disability-resources.

VII. Criteria for Determining if Presence of an Emotional Support Animal is Reasonable

HMC housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain dorms. To ensure that the presence of Emotional Support Animals is not an undue administrative burden or fundamental alteration of College housing, HMC reserves the right to make necessary changes to provide an accommodation.

However, for all requests for Emotional Support Animals, the Student Accommodation Advisor shall nonetheless consult with Residential Life in making a determination on a case-by-case basis of 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: (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.

HMC 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 Emotional Support Animals:

- 1) The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
- 2) The animal is not housebroken;
- 3) The animal's vaccinations are not up-to-date;
- 4) 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
- 5) The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

HMC will not limit room assignments for individuals with Emotional Support Animals to any particular building or buildings because the individual needs an Emotional Support Animal because of a disability.

VIII. Access to College Facilities By Emotional Support Animals

Notwithstanding the restrictions set forth herein, both Service and Emotional Support Animals 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 the campus. An Emotional Support 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 outside the Owner's living accommodations, The Emotional Support Animal must be in an animal carrier or controlled by a leash or harness. Emotional Support Animals are not allowed in any College facilities other than residential facilities (e.g. dormitories, suites, apartments) to which the Owner is assigned.

IX. Responsibilities of Owners Approved To Use Emotional Support Animals

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

- 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.
- 2) The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by HMC.
- 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) HMC will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
- 5) The Owner may be charged for any damage caused by his or her Emotional Support Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. 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) Emotional Support 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 dorm overnight or longer, the animal must be removed from campus. 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
- 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 Student Accommodation Advisor 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 when requesting a different animal.

- 10) HMC personnel shall not be required 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.
- 11) The individual must provide written consent for the Student Accommodation Advisor to disclose information regarding the request for and presence of the Emotional Support Animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Residential Life 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.

X. Removal of an Emotional Support Animal

The College may require the individual to remove an Emotional Support 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 Student Accommodation Advisor and may be appealed to the Dean of the Faculty who will review requests in conjunction with the Vice President for Student Affairs and Dean of Students. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Emotional Support 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.

XI. Guidelines for Members of the HMC Community

To ensure equal access and nondiscrimination of people with disabilities, members of the HMC community must abide by the following practices:

- Allow Service Animals to accompany people with disabilities on campus
- Allow Emotional Support Animals to accompany people with disabilities to the residential facility which the Owner has been assigned;
- Do not ask for details about a person's disabilities;
- Do not pet an Assistance Animal, as it may distract the animal from its work;
- Do not feed an Assistance Animal;
- Do not deliberately startle, tease, or taunt an Assistance Animal; and
- Do not separate or attempt to separate an Owner from his/her Assistance Animal.

If you have a disability that may be affected by the presence of animals, please contact the Student Accommodation Advisor. HMC is committed to ensuring that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible.

XII. Legal References

- 1) Title II of the American with Disabilities Act
- 2) Section 504 of the Rehabilitation Act of 1973
- 3) Fair Housing Act
- 4) California State Law
- 5) California Fair Employment and Housing Act

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 a Reasonable Accommodation under the College's Assistance Animal Policy for College Housing.

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 Emotional Support Animals. I understand that if I fail to meet the requirements set forth in the Policy, HMC 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 the Student Accommodation Advisor to disclose to others impacted by the presence of my Emotional Support Animal (e.g., Residential Life 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 animal.

I further recognize that the presence of the Emotional Support 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 Emotional Support Animals are permitted for persons with disabilities.

Individual Signature

Date

Student Accommodation Advisor

Date

Residential Life Representative

Date