

POLICY FOR SERVICE ANIMALS AND THERAPY / EMOTIONAL SUPPORT ANIMALS

Wilmington College is committed to providing those members of the College community with disabilities equal access to programs, services, and physical facilities. It is acknowledged that some members of the college community with disabilities may require the use of service or assistance animals while at college. Set forth below are guidelines concerning the appropriate use of and protocols associated with service animals and assistance animals. The College reserves the right to amend these guidelines as needed, with or without prior notice. Members of the College community who are students and require the use of a service or assistance animal should contact the Academic Services office. Members of the College community who are faculty or staff and require the use of a service or assistance animal should contact the Human Resources office.

DEFINITIONS

Disability

Under the Federal Fair Housing Act/Housing and Urban Development (FHA), ADA, and Section 504, a person is considered to have a disability if s/he has a sensory, mental, or physical condition that substantially limits one or more major life activities (such as walking, seeing, hearing, working, etc.). This may include disabilities that are temporary or permanent, common or uncommon, mitigated or unmitigated.

Reasonable Accommodation in Housing

The FHA requires that housing providers provide reasonable accommodations for individuals who have disabilities. Reasonable accommodations are changes in rules, policies, practices, or services that are necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. While, a housing provider should do everything s/he can to assist, s/he is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden.

Service Animal

As defined by the ADA, a service animal is a dog that has been trained to perform an active task that mitigates or partially mitigates the impact of the handler's disability.

- The work or tasks performed by a service dog must be directly related to the individual's disability. Examples of work or tasks include, but 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, or assisting an individual during a seizure.
- A service dog may accompany its handler anywhere, though exceptions may be made for sterile environments.

- If a service dog's role is not obvious the student or employee may be asked:
 - Is this dog a service animal required because of a disability?
 - What work or task has the dog been trained to perform?
- The crime deterrent effects of a dog'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.

The ADA also recognizes similarly trained miniature horses as an alternative to dogs. Many of Wilmington College's residential facilities are not suited as housing for miniature horses. If you use a miniature horse as a service animal please contact the Director of Accessibility and Disability Services office at accessibility@wilmington.edu or 937-481-2444 or the Director of Human Resources at 937-481-2282 to discuss options.

Assistance Animal

As defined under the Fair Housing Act/Housing & Urban Development), assistance animals include service animals as well as therapy/emotional support animals. Any animal that provides support, whether active or passive, is an assistance animal.

Therapy/Emotional Support Animals (ESAs)

ESAs are assistance animals that do not qualify as service animals but can be a reasonable accommodation if they have been documented by the individual's treating mental health provider or treating physician with mental health certification and training as providing passive emotional support that alleviates one or more impacts of a person's disability or serves a defined role in the person's treatment and is necessary for the individual to participate in the campus residential program. ESAs are only permitted in the handler's residence. ESAs are not permitted in academic buildings.

Handler

The handler is a student, staff, or faculty member with a disability who uses a service animal or an ESA as an accommodation.

SERVICE ANIMAL / ESA AS AN ACCOMMODATION IN CAMPUS HOUSING

Students who live in campus housing who need to request the accommodation of use of a service animal or an ESA should contact the Director of Accessibility and Disability Services at accessibility@wilmington.edu or 937-481-2444. Employees who live in campus housing who need to request this accommodation should contact the Human Resources Director at 937-481-2282. Wilmington College will determine on a case-by-case basis and in accordance with applicable laws and regulations whether the animal is a reasonable and appropriate accommodation for the identified disability. The deadline for recertification paperwork of a current ESA is graduation day in May for the following school year. The deadline for requesting use of an ESA in Wilmington College residences is July 1 for fall term, November 1 for spring term, and May 1 for summer term.

Handlers who are in the process of requesting the use of an ESA are not permitted to have the animal on campus until they have been approved. If a student is found to have violated this, meaning their pet is found on campus prior to applying or in process; the ESA will be denied automatically.

Service Animals

If a service animal's role is not obvious the student or employee may be asked if the animal is a service animal for a disability and what service does the animal perform. Students and employees who plan to live in a campus residence and utilize a service animal need to provide:

1. A brief statement indicating:
 - a. That you are a person with a disability and will be using a service animal, and
 - b. The primary service tasks the animal performs
2. Assistance Animal Record Sheet
3. Proof of Annual Exams and Licenses*
 - a. Annual exam record: A document from a licensed veterinarian that does not identify health issues sufficient enough to prevent the animal from providing the necessary assistance.
 - b. Vaccinations: An up-to-date vaccination certificate from your veterinary health provider.
 - c. License: Evidence that that the dog's license is current.

**Per state law, dogs must wear a current rabies vaccination tag and a current license tag.*

Emotional Support Animals

The use of an ESA can be a reasonable accommodation to the Pet Policy for campus housing. Students and employees who plan to live in a campus residence and request an ESA as an accommodation for disability need to provide:

1. Disability Verification* for ESA Accommodation form or documentation on the letterhead from the treating mental health provider or treating physician with mental health certification and training which:
 - b. Permits Wilmington College to determine that you have a disability,
 - c. Describes the animal (*e.g.*, standard poodle),
 - d. Identifies the relationship between the disability and the assistance that the animal provides,
 - e. Affirms that having the animal described alleviates identified symptoms or effects of the disability or serves a defined role in treatment, and
 - f. Affirms that having the animal in residence is necessary for the student/employee to effectively benefit from Wilmington College's residential program.

**ESA verifications are valid for one (1) year and must be renewed each May.*

Determination of reasonable accommodation will include, but is not limited to, consideration of the following:

- Is the size of the animal is too large for available assigned housing space?
- Does the animal pose a direct threat to the safety of others?
- Does the animal destroy property?
- Would the animal pose an undue financial and administrative burden on WC?
- Would the animal alter the nature of any of WC's programs or operations?

2. Assistance Animal Agreement
3. Roommate Agreement (if applicable): Resubmit with every change of roommate.
4. Assistance Animal Record Sheet
5. Proof of Annual Exams & Licenses*
 - a. Annual exam record: A document from a licensed veterinarian that does not identify health issues sufficient enough to prevent the animal from providing the necessary assistance
 - b. Vaccinations: An up-to-date vaccination certificate from your veterinary health provider
 - c. License: Evidence that that the dog's license is current

**Per state law, dogs must wear a current rabies vaccination tag and a current license tag.*

SERVICE ANIMAL / ESA OWNER RESPONSIBILITIES

Animal Supervision

The supervision of the animal is solely the responsibility of its handler. The handler must be in full control of their animal at all times. Service animals or ESAs in Wilmington College housing may not be left for extended periods of time either unattended or to be cared for by someone other than the handler. The handler is expected to insure the health, safety, and humane treatment of their animal. Wilmington College personnel shall intervene if the animal is found unattended, in need of care, or is causing a disturbance.

1. Under control of handler: The animal must be under the handler's direct physical control, including, when appropriate, with a harness, leash, or other tether. The animal's behavior must not be disruptive to its surroundings or other members of the Wilmington College community. Disruptive behavior includes, but is not limited to, frequent meowing, barking, or making other noises, scratching, jumping on people, growling, or biting.
2. Clean up and groom requirements: The care of the animal is solely the responsibility of its handler.

- When walking dogs, always carry equipment sufficient to clean up the dog's waste and immediately remove and dispose of the waste. Wilmington College is not responsible for this task.
 - For all animals, keep the animal clean, well groomed, and free of pests. If Wilmington College facilities are used to bathe the animal, the handler is responsible for cleaning the area when done.
 - Keep the residence clean, free of pests, and smelling fresh.
3. More for members of the Wilmington College community with a service animal:
- Under control of handler: The animal must be under the handler's direct physical control with a harness, leash, or other tether, unless either the handler is unable because of a disability to use these, or the use of one of these would interfere with the service animal's safe, effective performance of work or tasks. If so, the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
 - Proximity to handler: While on campus, in areas including classes, public areas of residences, food venues, or assembled gatherings, the service animal must be in close physical proximity to the handler.
 - Identification: A service animal must wear some type of commonly recognized service animal identification symbol when in public.
 - Clean up and groom requirements: Members of the Wilmington College community who are not physically able to pick up and dispose of animal waste are responsible for making all necessary arrangements for assistance.
4. More for members of the Wilmington College community with an ESA: An approved ESA is allowed, when under the control of its handler, in the room and common spaces associated with the residence. When outside the residence hall or apartment, the animal must be in close physical proximity to the handler (harnessed, leashed, or in a carrier). ESAs are not permitted in academic buildings.

LACK OF CLEANLINESS AND DAMAGES CAUSED BY THE SERVICE ANIMAL / ESA

The handler of a service animal or ESA is responsible for any extra cleaning required or damage to Wilmington College property which is caused by the animal.

- The handler's residence may be inspected for fleas, ticks, or other pests during the regularly scheduled housing inspection. If fleas, ticks, or other pests are detected through inspection, the residence or work area will be treated using approved fumigation methods by a college-approved pest control service. The handler will be billed for the expense of any pest treatment.
- The handler's residence may be inspected for physical damage during the regularly scheduled housing inspection. The handler will be billed for the expense of any damage to the residence or furnishings within the residence that are caused by the animal.
- If a concern is reported, the handler's residence may be inspected as needed to ensure it is being properly cleaned, that sanitary and safe conditions are being maintained, and that

property is not being damaged or destroyed. If required, the handler will be billed for the expense of the additional cleaning, pest treatment, or repair/replacement of property required.

- Per financial account protocol, students cannot register for next semester's classes and seniors cannot receive their diploma until financial responsibilities are met.

MANAGING DISABILITY CONDITIONS AND CONCERNS OF ALL MEMBERS OF THE WILMINGTON COLLEGE COMMUNITY

The health and well-being of all members of the Wilmington College community, including building occupants, roommates, and suitemates, will be considered.

- Members of the Wilmington College community with medical conditions(s) that are affected by dogs or other animals (*e.g.*, respiratory diseases, asthma, severe allergies) are asked to contact Academic Services or Human Resources if they have a health-related concern about exposure to an animal in a Wilmington College facility and require accommodation. Students are encouraged to contact Academic Services as early as possible to afford adequate time for Housing to make arrangements if needed.
- Roommates/suitemates will be made aware of the planned presence of an animal in their residence by the student seeking the accommodation. They will be asked to sign an agreement stating that they understand they will be living in the presence of an animal and are aware of how to address concerns if needed.

EMERGENCY RESPONSE

In the event of an emergency, every effort will be made to keep the handler and their animal together. Relevant parties should keep the following in mind:

- Just as with humans, animals can become disoriented from smoke, fire alarms, sirens, etc., and act outside their usual manner. In such instances, the animal may vocalize, appear nervous, or act in a protective manner regarding its handler. The animal should be viewed as acting in the appropriate manner given an emergency and should not be considered harmful in general.
- While all reasonable efforts should be made to keep the handler with the animal, the emergency responders' first responsibilities will be toward the handler and other students/employees, which could necessitate leaving the animal behind in certain evacuation circumstances.

To assist Campus Safety and Housing & Residence Life in the event of an emergency, community members with service animals or ESAs are asked to provide information regarding emergency contact information for the animal's veterinarian. The handlers are also asked to provide contact information for two alternate caretakers and an emergency boarder able to remove the animal from campus in the event the handler is incapacitated. This information is requested on the Assistance Animal Record Sheet.

EXCLUSION OF A SERVICE OR ASSISTANCE ANIMAL

Reasons for considering the exclusion of a service animal or ESA: Wilmington College may pursue the process for determining if a service animal or ESA should be excluded from campus for the following reasons:

- The animal is not under the direct control of the owner.
- The animal's behavior is disruptive to its surroundings or other members of the WC community.
- If the animal causes harm to the handler or others, it is the handler's liability, and the College will be held harmless. In such instances, it would be recommended that the animal be immediately excluded from campus.
- The animal poses a direct threat to the safety of others.
- The animal's presence fundamentally alters the nature of a program or activity.
- The owner fails to comply with any of her/his responsibilities under the policy for Service Animals and Therapy/Emotional Support Animals

Process for consideration of exclusion of a service animal or ESA: Any member of the Wilmington College community may submit a complaint about a service animal or ESA, identifying one or more concerns (a-f) listed in the preceding paragraph.

- Persons with concerns are to contact a member of Housing & Residence Life. A statement will be taken.
- An investigation will be commenced by the appropriate department and a determination will be made with respect to any alleged violations of this policy. The determination will be provided to the owner and the individual submitting the complaint.
- If the investigation determines that any provision of this policy has been violated by a student, the matter will be referred to the campus judicial process for Disciplinary Procedures for Non-Academic Violations consistent with the provisions of the Student Code of Conduct. If the investigation determines that any provision of this policy has been violated by an employee, the matter will be referred to Human Resources for further investigation.
- In addition to the warnings and sanctions outlined in the Student Code of Conduct, a finding substantiating the violation of the policy may lead to the exclusion of the animal.