

# Great Basin College

## Student Housing

### Emotional Support Animal Policy and Agreement Policy

GBC recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Emotional Support Animals” under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. GBC is committed to allowing Service Animals and Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy student housing. This policy explains the specific requirements applicable to an individual’s use of an Emotional Support Animal in student housing. GBC reserves the right to amend this policy as circumstances require. This policy applies solely to “Emotional Support Animals” which may be necessary in student housing. It does not apply to “Service Animals” as defined by the ADAAA. Students with “Service Animals” should refer to the GBC Service Animal Policy. The “Service Animal” is allowed to reside with its Partner/Handler, as well as accompany them to other allowable areas/facilities on the GBC Campus, under the GBC Service Animal policy.

Although it is the policy of GBC that individuals are generally prohibited from having animals of any type in student housing, GBC will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Emotional Support Animal that is necessary because of a disability and reasonable. However, no Emotional Support Animal may be kept in student housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this policy.

#### Definitions

**Emotional Support Animal:** An “emotional support animal” (“ESA”) is an animal that provides comfort to an individual with a disability upon the recommendation of a healthcare or mental health professional. An emotional support animal does not assist an individual with a disability with activities of daily living, but rather its role is to live with an individual and alleviate the symptoms of an individual’s disability. Some emotional support animals are professionally trained, but in other cases emotional support animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as emotional support animals, but any animal may serve a person with a disability as an emotional support animal.

The question in determining if an emotional support animal will be allowed in student housing is whether or not the emotional support animal is necessary, because of the individual’s disability, to afford the individual an equal opportunity to use and enjoy student housing and its presence in student housing is reasonable. However, even if the individual with a disability establishes necessity for an emotional support animal and it is allowed in student housing, an emotional support animal is not permitted in other areas of the College (e.g. dining facilities, libraries, academic buildings, classrooms, labs, etc.).

**Owner:** the individual who has requested the accommodation and has received approval to bring an Emotional Support Animal into student housing.

**Disability Resource Center:** college office which collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all GBC programs and activities.

**Service Animal:** A “service animal” is a dog trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, medical, psychiatric, intellectual, or other mental disability and meets the definition of “service animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR35.104. Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as service animal. The work or tasks performed must be directly related to the individual’s disability. Dogs whose sole function is to provide comfort or emotional support do **not** qualify as service animals under the ADA.

### **Procedures for Requesting Emotional Support Animals in Student Housing**

The procedure for requesting Emotional Support Animals follows the general procedures set forth in the Reasonable Accommodation Policy for Great Basin College and the requirements set forth below. However, to the extent the requirements and procedures in this policy conflict with the Reasonable Accommodation Policy, this Policy shall control:

#### **Criteria for Determining If Presence of the Emotional Support Animal is Reasonable**

- Student 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 residence halls. To ensure that the presence of emotional support animals is not an undue administrative burden or fundamental alteration of student housing, GBC reserves the right to assign an individual with an emotional support animal to a single room without a roommate (additional fees may apply).
- For all requests for emotional support animals, the DRC shall consult with the Student Housing Coordinator 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:
  - Imposes an undue financial and/or administrative burden
  - Fundamentally alters student housing policies; and/or
  - Poses a direct threat to the health and safety of others or would cause substantial damage to the property of others, including college property.

GBC will 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:

- The size of the animal is too large for available assigned housing space.
- The animal's presence would force another individual from student housing (e.g. serious allergies).
- The animal's presence otherwise violates individuals' right to peace and quiet enjoyment.
- The animal is not housebroken or is unable to live with other residents 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 an individual or others such as aggressive behavior towards or injuring the individual or others.
- The animal causes or has caused excessive damage to housing beyond reasonable wear-and-tear.

#### **Access to College Facilities by Emotional Support Animals**

- An emotional support animal must be contained within the Owner's privately assigned individual living accommodations (e.g., room, suite, 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. emotional support animals are not allowed in any college facilities other than college residence halls to which the individual is assigned.
- The emotional support animal 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 Student Housing.

#### **Owner's Responsibilities for Emotional Support Animal**

If the college grants an Owner's request to live with an emotional support animal, the Owner is solely responsible for the custody and care of the emotional support animal and must meet the following requirements:

##### **General Responsibilities –**

- 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 Owner'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.
- 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 GBC.

- 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 emotional support animal and/or discipline for the responsible individual.
- GBC will not ask for or require an individual with a disability to pay a fee or surcharge for an approved emotional support animal.
- An individual with a disability 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 Owner's account for unmet obligations under this provision.
- 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.). Animal waste, such as dog feces, must be immediately be retrieved by the owner, placed in a plastic bag and securely tied before being disposed of in an outside trash dumpster. The Owner is responsible for supplying all clean-up supplies for the emotional support animal. If the emotional support animal is kept solely indoors, animal waste, such as cat litter, must be placed in a sturdy plastic bag and tied securely before being disposed of in an outside trash dumpster. Litter boxes, cages, crates, etc., must be changed on a regular schedule such as daily or every few days. The changing of litter boxes, cages crates etc. must be done on a frequency so as to keep odor to a reasonable minimum. Litter boxes, cages, crates, etc. must be placed on mats so that feces and urine are not tracked onto rugs or carpeted areas.
- Emotional support animals may not be left overnight in Student Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall 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.
- 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.
- The animal is allowed in student housing only as long as it is necessary because of the Owner's disability. The Owner must notify the DRC 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 the Reasonable Accommodation Policy when requesting a different animal.
- GBC 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.

- The individual must provide written consent for DRC 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, residence 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.
- The Owner is solely responsible for any bodily injury to others caused by the emotional support animal and will defend, indemnify and hold the Board of Regents of the Nevada System of Higher Education and GBC harmless for any liability or damages imposed or sought to be imposed as a result of any such bodily injury.

### **Removal of Emotional Support Animal**

GBC may require the individual to remove the animal from student housing if:

- The animal poses a direct threat to the health or safety of others or causes substantial damage to the property of others.
- The animal's presence results in a fundamental alteration of the GBC student housing program.
- The Owner does not comply with the Owner's Responsibilities set forth above.
- 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 Director of Disability Support and Related Resources, the Student Housing Coordinator, and the Director of Environmental Health, Safety & Security and may be appealed using the Appeal Protocol procedures set forth in the GBC Reasonable Accommodation Policy. 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.

# Great Basin College

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#### Acknowledgement and Release of Information

##### Consent Form

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 GBC Emotional Support Animal Policy for Student Housing. 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, GBC has the right to enforce removal of the emotional support animal from GBC student housing. However, I will be responsible to fulfill my housing, academic, and all other obligations for the remainder of the housing contract. I give permission to the Disability Resource Center to disclose to others impacted by the presence of my emotional support animal (e.g., residence 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 emotional support animal. I further recognize that the presence of the emotional support animal may be noticed by others visiting or residing in student 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.

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*Owner's Signature*

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*Date*

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*Director of Disability Support and Related Resources*

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*Date*

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*Student Housing Coordinator*

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*Date*