



## **NORTHWEST COLLEGE HOUSING SERVICE AND ASSISTANCE ANIMAL RESPONSIBILITIES AND AGREEMENT**

Northwest College (“NWC” or “College”) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Assistance Animals” under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. NWC 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. NWC is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and access College housing. This document explains the specific requirements applicable to an individual’s use of an Assistance Animal in College housing. Animals that meet the definition of a Service Animal are not required to be registered with Disability Support Services. However, there are benefits to voluntarily registering the animal and indicate an understanding of the owner’s responsibilities as well as the procedure for removal.

NWC reserves the right to amend this Agreement as circumstances require. This procedure applies solely to “Assistance Animals” which may be necessary in College housing. It does not apply to “service animals” as defined by the ADAAA.

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

### **I. DEFINITIONS**

#### **A. Assistance Animal**

“Assistance Animals” are a category of animals 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 are not considered Service Animals under the ADAAA. Some Assistance Animals are 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 may serve a person with a disability as an Assistance Animal.

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

**B. Owner**

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

**C. Disability Services Office**

The Disability Support Services Office collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all NWC programs and activities.

It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or emotional support animal.

**II. PROCEDURES FOR REQUESTING ASSISTANCE ANIMALS IN COLLEGE HOUSING**

The procedure for requesting Assistance Animals follows the general procedures set forth in the Reasonable Accommodation Procedure for assistance animals in College Housing (“Reasonable Accommodation Procedure”) and the requirements set forth below. However, to the extent the requirements and procedures in this Procedure conflict with the Reasonable Accommodation Procedure, this Procedure shall control.

**I. CRITERIA FOR DETERMINING IF PRESENCE OF THE ASSISTANCE ANIMAL IS REASONABLE**

- a. College 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 Assistance Animals is not an undue administrative burden or fundamental alteration of College housing, NWC reserves the right to assign an individual with an Assistance Animal to a single room without a roommate.
- b. However, for all requests for Assistance Animals, Disability Services shall nonetheless consult with Residence Life in making a determination on a case-by-case basis of whether the presence of an Assistance Animal is reasonable. A request for an Assistance 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; (4) would cause substantial property damage to the property of others, including College property.
- c. NWC 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 Assistance Animals:
  1. The size of the animal is too large for available assigned housing space;
  2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
  3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
  4. The animal is not housebroken or is unable to live with others in a reasonable manner;
  5. The animal's vaccinations are not up-to-date;
  6. 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. The animal causes/caused excessive damage to housing beyond reasonable wear and tear.

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

## **II. ACCESS TO COLLEGE FACILITIES BY ASSISTANCE ANIMALS**

### **A. Assistance Animals**

An Assistance Animal must be contained within the Owner's 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 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 College facilities other than College residence halls (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned.

### **B. Dominion and Control**

Notwithstanding the restrictions set forth herein, the Assistance 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 College housing.

### **C. Owner's Responsibilities for Assistance Animal**

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

#### **1) General Responsibilities**

- a. 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.
- b. 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 NWC.
- c. 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 responsible individual.
- d. NWC will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Assistance Animal.
- e. An individual with a disability may be charged for any damage caused by his or her Assistance 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.

- f. The Owner must fully cooperate with College personnel with regard to meeting the terms of this Procedure 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.). Bathing/grooming must be done off campus.
- g. Assistance 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 residence hall/apartment overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Assistance Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities. In the event of an emergency, arrangements to remove the animal will be made at the owner's expense.
- h. 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.
- i. 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 Disability Services Office in writing if the Assistance Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Procedure and the Reasonable Accommodation Procedure when requesting a different animal.
- j. NWC personnel shall not be required to provide care or food for any Assistance 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.
- k. The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the Assistance 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.

## **V. REMOVAL OF ASSISTANCE ANIMAL**

The College may require the individual to remove the animal from College housing if:

- A. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- B. the animal's presence results in a fundamental alteration of a College program;
- C. the Owner does not comply with the Owner's Responsibilities set forth above; or
- D. 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 Disability Services Coordinator and may be appealed to the Vice President of Student Services following the procedure set forth in Paragraph 5 of the Reasonable Accommodation Procedure. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Assistance 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.

Process for notification of removal of an approved animal

Step 1 Verbal Warning

Step 2 Written Warning via Campus Email

Step 3 Animal is removed and housed at owner's expense

## **VI. NON-RETALIATION PROVISION**

NWC will not retaliate against any person because that individual has requested or received a reasonable accommodation in College housing, including a request for an Assistance Animal.

## **VII. 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 College's Assistance Animal Procedure for College Housing. \_\_\_\_\_ **Initials**

I have read and understand the Reasonable Accommodation Procedure and Assistance Animal Procedure and Agreement and I agree to abide by the requirements applicable to Assistance Animals. I understand that if I fail to meet the requirements set forth in the Procedure, NWC has the right to remove the Assistance Animal and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract. \_\_\_\_\_ **Initials**

I furthermore give permission to the Disability Services Office to disclose to others impacted by the presence of my Assistance 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 Assistance Animal and/or resolving any potential issues associated with the presence of the Assistance Animal. \_\_\_\_\_ **Initials**

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

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Owner's Signature

Date

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Disability Support Services Coordinator

Date

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Vice President of Student Services

Date