

Hamilton College
Accessibility Resources Office
Emotional Support Animal Policy and Agreement

NOTE: Emotional Support Animals may not be brought into residence halls until official approval has been given from the Accessibility Resources Office. Please submit all necessary information with enough lead time to allow the office to fully consider your request. Should an animal be discovered that has not been approved as an Emotional Support Animal, the owner must remove the animal immediately at their own expense. When or if the owner can apply for future Emotional Support Animal approval will be determined on a case-by-case basis.

Hamilton College recognizes the importance of “Assistance Animals” which includes Emotional Support Animals as defined by the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. Hamilton College is also committed to allowing Assistance Animals, including Emotional Support Animals, necessary to provide individuals with disabilities an equal opportunity to use and enjoy College Housing. This Policy explains the specific requirements applicable to an individual’s use of an Emotional Support Animal in College Housing. Hamilton College reserves the right to amend this Policy as circumstances require.

Hamilton College will consider a request by an individual with a disability for a reasonable accommodation to allow an Emotional Support Animal to reside with them in College Housing. However, no Emotional Support Animal may be kept in College Housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

I. DEFINITIONS:

A. Emotional Support Animal:

Emotional Support Animals provide necessary emotional support to individuals with psychological or psychiatric disabilities that alleviates one or more of their identified symptoms. Emotional Support Animals need not be professionally trained, and may be dogs or other animals that can provide emotional support.

The question in determining if an Emotional Support Animal will be allowed in College Housing is whether or not the 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 an individual establishes necessity for an Emotional Support Animal and it is allowed in College Housing, an Emotional Support Animal, unlike a service dog, must remain in their assigned room at all times and may not accompany a person with a disability in other areas of the residence hall and when entering other campus buildings (e.g., residence hall common rooms, academic buildings, the library, dining halls, etc.). Additionally, Emotional Support Animals are allowed throughout the grounds of the campus as long as they remain under the control of their Owner. To apply, dogs must be at least three years old and cats at least two years old.

B. Owner:

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

C. Alternate Caregiver:

An on-campus individual whose information is shared with the Accessibility Resources Office. They are allowed to care for an animal within the Owner’s living space in the event the Owner is unavailable due to an urgent reason or an emergency. An Alternate Caregiver is responsible for fulfilling all obligations of the Student Owner set forth within this document for the entire duration of time that the Student Owner is unavailable.

In an emergency, if the Student Owner is unavailable, Hamilton College will attempt to contact the Alternate Caregiver. If the Alternate Caregiver is unavailable, the College will arrange with a local boarding facility to care for the Emotional Support Animal at the sole expense of the Student Owner. The Student Owner will be responsible

for paying all fees associated with such emergency care, including transportation to and from the facility, room and board.

D. Accessibility Resources Office:

The Office of Accessibility Resources collaborates with individuals, faculty, and staff to ensure that those with disabilities have equal access to all Hamilton College programs and activities.

II. 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 Emotional Support Animals is not an undue administrative burden or fundamental alteration of College Housing, Hamilton College reserves the right to assign an individual with an Emotional Support Animal to a different residence hall room.
- B. However, for all requests for Emotional Support Animals, Accessibility Resources shall nonetheless consult with Community Living 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.
- C. Hamilton College 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 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 or has caused excessive damage to housing beyond reasonable wear and tear.

Hamilton College will not limit room assignments for individuals with Emotional Support Animals to any particular residence hall(s) because the individual needs an Emotional Support Animal because of a disability.

III. ACCESS TO COLLEGE FACILITIES BY EMOTIONAL SUPPORT ANIMALS:

A. Emotional Support Animals:

An Emotional Support Animal must be contained within the Owner's privately assigned individual living accommodations (e.g., room) except to the extent the individual is taking the animal out for natural relief. While classes are in session, Emotional Support Animals must be caged or crated when the Student Owner or Alternate Caregiver isn't present in the Owner's room. 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 (e.g. corridor-style rooms, suites, apartments, etc.) to which the individual is assigned.

B. Dominion and Control:

Notwithstanding the restrictions set forth herein, 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 College Housing.

IV. 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:

A. General Responsibilities:

1. The Owner must abide by current village, 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.
 - [Town of Kirkland Code](#)
 - [Animal Law in New York State](#)
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 Hamilton College.
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 Emotional Support Animal and/or a conduct violation for the responsible individual.
4. Alternate caregivers are allowed to care for animals in the Student Owner's room only.
5. Hamilton College will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Emotional Support Animal.
6. 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.
7. 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.).
8. It is highly recommended that Emotional Support Animals not be left overnight in College Housing and not 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 or in short-term situations be cared for by an Alternate Caregiver. 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.
9. The Student Owner may not leave campus for breaks or at the end of a semester without removing their Emotional Support Animal from Hamilton's campus or allowing their Alternate Caregiver access to their residence hall room to care for the animal.
10. Appropriate animals should have a microchip and Owners should carry their Hamilton Animal ID when their animal is outside on Hamilton grounds.
11. The Student Owner is responsible for instructing others about appropriate interactions with their animal and setting clear expectations.

12. When requesting maintenance for their room, the Student Owner should arrange with Community Living and Facilities Management staff a time when they will be present to ensure their animal is secure.
13. Student Owners must keep the Emotional Support Animal Approval Door Tag provided by the Accessibility Resources Office posted at all times on the outside of the door of the room where the animal resides.
14. The College reserves the right to re-assign the Student Owner to a different residence hall room if care of their animal or interactions with others become a concern.
15. The Student Owner gives permission to any designated College official to contact the animal's veterinarian to request additional health-related documentation if needed.
16. Community Living need not notify the Student Owner of upcoming fire drills in their residence hall.
17. The Student Owner must inform the Accessibility Resources Office in a timely manner if they're making any room or roommate changes, at which time a new Emotional Support Animal Policy and Agreement must be completed and submitted.
18. Pets, visiting animals or any off-campus Emotional Support Animals that haven't been approved by the College are not allowed in any campus building, including residence halls.
19. 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.
20. 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 Accessibility Resources Office 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 all other reasonable accommodation policies.
21. Hamilton College 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.
22. Roommates/apartment dwellers aren't responsible for the care of any Emotional Support Animal (includes feeding, dog/cat sitting, walking, transporting, purchasing food or other items, bathing, grooming or disposal of waste). This excludes times of emergency when a roommate/apartment dweller is also the animal's Alternate Caregiver.
23. The individual must provide written consent for Accessibility Resources 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, Community Living 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.

A. REMOVAL OF EMOTIONAL SUPPORT ANIMAL:

The College may require the individual to remove the 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;
- 4) the animal or its presence creates an unmanageable disturbance or interference with the College community; or
- 5) the animal is found to be mistreated or neglected.

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 Assistant Dean for Accessibility Resources and may be appealed through the formal Hamilton College Grievance Procedure Under the Americans with Disabilities Act/Rehabilitation Act. 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 their housing obligations for the remainder of the housing contract.

B. NON-RETALIATION PROVISION:

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

Application Process

- A pre-application meeting includes consultation with the Assistant Dean for Accessibility Resources. The meeting consists of a review of the application process, etc. An appointment can be made by calling the office at 315-859-4021 or emailing aharriso@hamilton.edu.
- Applicants should review, agree to and submit the Emotional Support Animal Policy and Agreement.
- Applicants should upload to the Emotional Support Animal Policy and Agreement a completed Student Health Verification Form which provides a required mental health assessment from their clinician.
- For dogs and cats, applicants must upload to the Emotional Support Animal Policy and Agreement a completed Veterinary Health Form along with current and appropriate records (evidence) of their animal’s immunizations and vaccinations. Also, shot records must be updated as needed and when applicable, the animal must wear a rabies vaccination tag. For animals that aren't required to have immunizations or vaccinations, applicants must upload to the Emotional Support Animal Policy and Agreement a Veterinary Health Form completed by a licensed veterinarian. The form is required and provides documentation of their animal's “clean bill of health.”
- Applicants must upload to the Emotional Support Animal Policy and Agreement a recent picture of their animal.
- A post-application meeting may be required on an as needed basis.

The Student Owner identified below is requesting approval from the Accessibility Resources Office for the disability accommodation of having the listed animal live with them in Hamilton College Housing. **Application deadlines are as followed: for Fall Semester July 1st and for Spring Semester December 1st.**

Student Owner Name: _____ Student ID: _____

Phone Number: _____ Email Address: _____

Campus Address: _____

Type of Animal: _____ Name of Animal & Length of Ownership: _____

Description of Animal (size, color, age, etc.): _____

Veterinarian Name & Phone Number: _____

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 Emotional Support Animal Policy for College 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, Hamilton College 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 Accessibility Resources Office to disclose to others impacted by the presence of my Emotional Support Animal (e.g., Community Living 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 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.

Owner’s Signature

Date

Accessibility Resources Representative

Date

Community Living Representative

Date

Adapted from Jane Jarrow, Disability Access Information and Support (DAIS) and Colgate University’s, Clemson University’s and University of Nebraska at Kearney Assistance Animal Policy and Agreements

This Agreement may require updates annually, as needed or if housing arrangements change during the period covered by the Agreement. This includes updates to medical or psychological/psychiatric documentation and/or updated immunization and vaccination records. A prior violation(s) of this Agreement may result in denial of a future application and at a minimum the violation(s) must be addressed and remedied to the satisfaction of the College before approval.