


*Service Animals, Service Animals in Training, and Emotional Support  
(Assistance/Comfort) Animals in Institutionally Owned Housing on Campus*

	<b>Student Guidelines and Procedures for Service Animals, Service Animals in Training, and Emotional Support (Assistance/Comfort) Animals in Mines-Owned Housing</b>	
	<b>Responsible Administrative Unit:</b> Disability Support Services/ Student Life	<b>Policy Contact:</b> Director   Disability Support Services <a href="mailto:disabilitysupport@mines.edu">disabilitysupport@mines.edu</a> .

### 1.0 BACKGROUND AND PURPOSE

The Colorado School of Mines (Mines) is committed to providing a safe and welcoming environment for students of all abilities and to complying with state and federal laws regarding individuals with disabilities who may benefit from assistance of an animal. Students with questions regarding service animals or emotional support animals should be directed to Disability Support Services (DSS) at W. Lloyd Wright Student Wellness Center office 209 at via phone 303.273.3297, fax 303.384-2009, or email [disabilitysupport@mines.edu](mailto:disabilitysupport@mines.edu).

The following guidelines/policies apply to any **student on campus** who lives in Mines owned housing (Residence Halls, Greek Houses, and Mines Park Apartments) and wishes to have a service animal, service animal in training, or emotional support (assistance/comfort) animal.

### 2.0 DEFINITION

#### Definition of Student

**Student** is defined as any person who is registered for coursework at the undergraduate or graduate level at Mines. Students can be degree seeking or non-degree seeking. In the case where a student residing in Family Housing at Mines Park Apartments has a partner/family member needing a service animal or an emotional support animal, the student with whom Mines has a contract will be responsible for the animal, as outlined below.

### 3.0 SERVICE ANIMALS

*Definition* -- Under the Americans with Disabilities Act (ADA) and Colorado law, a service animal is defined as a dog<sup>1</sup> that has been individually trained to do work or perform tasks for an individual with a disability. The work or task(s) performed by the dog must be directly related to the person's disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of "service animal" under the ADA regulations, which are found at [28 CFR 35.104](#). Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

#### 3.1 Guidelines

In compliance with applicable law, Mines allows service animals in its buildings, classrooms, residence halls, Greek houses owned by Mines, Mines Park Apartments, meetings, dining areas, recreational facilities, activities, and events, and all other areas where the public is permitted when the animal is under the control of an individual with a disability.

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<sup>1</sup> Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.

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### *Inquiries Regarding Service Animals*

Mines does not require documentation, such as proof that the service animal has been certified, trained, or licensed as a service animal.<sup>2</sup> Generally, Mines employees may not make any inquiries about a service animal when it is readily apparent that an animal is trained to assist an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). When it is not readily apparent that a dog is a service animal, Mines employees may ask the following:

- Whether the animal is required because of a disability and;
- What work, task, or function the animal has been trained to perform.

Individuals having concerns about a person's use of a service animal on the Mines campus should direct their concerns to the Mines Department of Public Safety or to DSS. Such inquiries should not be directed to the individual with the service animal.

### *Responsibilities of Student*

Service animals are subject to state and local licensing, registration, and vaccination requirements. The animal's handler is responsible for complying with any applicable Colorado law, City of Golden ordinances and Mines policies.

Students who wish to bring a service animal to campus are encouraged to contact DSS, especially if other academic accommodations will be requested. Additionally, students are strongly encouraged to register their animal with Mines Department of Public Safety at 303.273.3333. They will retain your information on file, along with a picture of the animal. Finally, students who plan to live with a service animal in on-campus housing (residence halls, Mines Park Apartments, or institutionally-owned Greek houses) should notify the Department of Residence Life (and Student Activities if in an institutionally-owned Greek House) prior to moving onto campus. Advance notice of a service animal for on-campus housing may allow more flexibility in meeting a student's specific housing needs. Such notification is required each subsequent academic year so DSS, Residence Life, and Student Activities (if applicable) are aware of ongoing circumstances.

Students who use a service animal are responsible for any damage or injuries caused by their animal and must take appropriate precautions to prevent property damage or injury and have the animal under their control at all times. The cost of care, arrangements, and responsibilities for the well-being of a service animal are the sole responsibility of the student at all times.

In certain circumstances, service animals may be excluded from Mines facilities:

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<sup>2</sup> Mines requires documentation demonstrating that a service animal living with a student in Mines residences meets local and state vaccination and licensing requirements.

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- If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited from the area reserved for that service or program.
- If a service animal behaves in a way that poses a direct threat to the health or safety of others, if it has a history of such behavior, if it is not housebroken, or if it is not under the control of the handler, that service animal may be excluded from a Mines facility.

### *Service Animal Control Requirements*

- The student must be in full control of the animal at all times. Service animals must be harnessed, leashed, or tethered unless these devices interfere with the animal's work, or the individual's disability prevents using these devices. In that case, the individual must be able to control the animal through voice, signal, or other non-disruptive means.
- The animal should be unobtrusive to other individuals and the learning, living, and working environment to the extent possible.
- Students are encouraged to have any service animal wear some type of commonly recognized symbol to identify it as a service animal (appropriate materials are available at no charge through DSS).

### *Animal Etiquette*

The student should ensure that the animal does not:

- Sniff people, restaurant tables, or the personal belongings of others.
- Display any behaviors or noises that are disruptive to others unless part of the service being provided the student.
- Block an aisle or passageway for fire egress.

### *Waste Cleanup*

- Cleaning up after the animal in all indoor and outdoor campus facilities and grounds, including sidewalks and lawns, is the sole responsibility of the student. In the event that the student is not physically able to clean up after the animal, it is then the responsibility of the student to hire someone capable of cleaning up after the animal.

### *Removal of Service Animals*

Service Animals may be removed immediately by a Mines Police Officer or any representative of Colorado School of Mines for the following reasons:

- *Out of Control Animal:* Student may be directed to remove an animal that is out of control and disruptive and student does not take effective action to control it. If the disruptive behavior happens repeatedly, the student may be prohibited from bringing the animal into any Mines facility until the student can demonstrate that they have taken significant steps to mitigate the behavior.
- *Non-housebroken Animal:* A student may be directed to remove an animal that is not housebroken.
- *Direct Threat:* A student may be directed to remove an animal that Mines determines to be a substantial and direct threat to the health and safety of

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individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like a medical facility, certain laboratories, or mechanical or industrial areas.

Where a service animal is properly removed pursuant to this policy, Mines will work with the student to determine reasonable alternative opportunities to participate in the service, program, or activity without having the service animal on the premises.

If at any time the Director of Housing & Residence Life, Director of Public Safety, and/or Director of Student Activities feels that the health or life of an animal - is at risk, the Department of Residence Life and/or Department of Student Activities is authorized to contact Jefferson County Animal Control and require that the animal be removed and/or taken into custody of animal control. Any suspected incident of animal abuse or neglect must be reported immediately to law enforcement. Students who fail to take proper care of their animal may be subject to criminal and Code of Conduct penalties.

#### **4.0 SERVICE ANIMALS IN TRAINING**

Colorado law allows dogs on campus who are being trained specifically as service animals for individuals with disabilities. Please contact the Compliance & Policy Office for assistance: 303.273.3707 or [compliance@mines.edu](mailto:compliance@mines.edu).

Individuals who bring service animals in training onto the Mines campus are encouraged to have some distinctive item on the dog identifying it as a service animal in training (available at no cost from DSS). Dogs younger than six months are generally not considered suitably mature to be service animals in training.

It is a violation of Colorado law for a person to intentionally misrepresent entitlement to an animal in the person's possession as an emotional/assistance animal for the purpose of obtaining any of the rights or privileges set forth in state or federal law for an individual with a disability as a reasonable accommodation in housing. Further, a person may violate the Mines Student Code of Conduct if the student makes false representations related to possessing a service animal or emotional support/assistance animal on campus (see, [Student Code of Conduct](#)).

#### **5.0 EMOTIONAL SUPPORT (ASSISTANCE/COMFORT) ANIMALS**

*Definition* -- Under the Fair Housing Act, emotional support animals or assistance animals are necessary to afford the person with a disability an equal opportunity to use and enjoy Mines housing (residence hall, Mines Park Apartment, and institutionally-owned Greek Houses). An emotional support animal alleviates one or more identified symptoms or effects of the physical or, more commonly, mental impairment of a person with a disability by providing physical assistance, emotional support, calming, stability or another kind of assistance. Emotional support animals do not perform work or tasks that would qualify them as "service animals" under ADA and therefore do not have the same protections as service animals.

Although Mines generally prohibits animals in student residential buildings, requests for housing accommodations will be evaluated on an individualized basis. (See also, Mines' Animals on Campus Policy).

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**5.1 Guidelines**

A single (1) emotional support animal may be permitted in Mines housing (residence halls, Mines Park Apartments, or institutionally-owned Greek Houses) pursuant to the Fair Housing Act as an accommodation approved by DSS in coordination with the Office of Residence Life.

No documentation will be required for students to bring service animals into campus buildings. However, in the case of emotional support animals residing in Mines housing, Mines will require that documentation from a qualified treating physician or mental health provider be submitted by the student to DSS *prior to* the student moving into campus housing. The documentation must be sufficient to allow the University to determine:

1. That the student requesting approval to have the emotional support animal in Mines housing has a disability;
2. That the animal is necessary to afford the disabled student equal opportunity to use and enjoy Mines' residential housing;
3. How the animal assists the student, including whether the animal has undergone any training; and
4. The relationship between the disability and the assistance that the animal provides.

If a student is allowed to have an emotional support animal, it will be restricted to the student's housing room assignment, and will not be permitted in other areas of the residence hall, apartment complex (except to go to the bathroom if appropriate), or campus, including but not limited to dining facilities, libraries, student center, academic buildings, athletic buildings and facilities, classrooms, labs, offices, and individual centers. An emotional support animal should demonstrate good temperament, reliable and predictable behavior, and be able to live with others in a reasonable manner.

Following confirmation from DSS that the request for an emotional support animal is a reasonable accommodation, Residence Life and/or Student Activities requires **ten (10) business days** to determine whether the animal can logistically be accommodated in campus housing. Housing options may be limited as Mines balances reasonable accommodations to students with disabilities with students who have allergies and/or legitimate concerns related to animals. Residence Life reserves the right to make housing selections and or changes through an interactive process that considers the needs of all parties involved. This may include a housing reassignment for the student requesting the ESA. In instances where housing changes are made, such changes will not result in a difference in housing room rate.

If a request to have an emotional support animal on campus is approved, the owner is required to register their animal with Department of Public Safety so that in cases of emergency, first responders will be aware of the presence of the animal in a Mines residence.

To register an animal, contact the Department of Public Safety at 303.273.3333. They

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will ask you to bring in the animal, as well as copies of certifications that demonstrate the animal is licensed or vaccinated in accordance with Colorado law and local ordinances. They will keep these on file, along with a picture of the animal. Registration may also include providing basic information about the animal (species, breed, size, and name), identification of locations where the animal will be, a photograph of the animal, and plans to ensure that the animal is not left unattended while on the Mines campus.

Requests for emotional support animals must be re-submitted each subsequent academic year a student is living in institutionally-owned housing to DSS and Residence Life.

### *5.2 Limitations*

Mines considers the following factors, among others, in determining whether the presence of the emotional support animal is reasonable and in making housing assignments:

- Can the student show proof of compliance with Jefferson County and City of Golden licensing and vaccination requirements?
- Will the requested animal fundamentally alter Mines' operations (including housing operations)? For example, Mines will consider whether the size of the animal is too large for available assigned housing space, whether the animal's presence would force another individual from a housing unit (e.g. allergies), and whether the animal's presence otherwise violates any individual's right to peace and quiet.
- Animals that could cause substantial physical damage may not be allowed (e.g., an animal that is not housebroken or is unable to live with others in a manner not disruptive to the purpose of campus residences).
- Animals cannot be a threat to the health or safety of other people or approved animals. Mines may consider whether 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.
- Animals will not be allowed if they pose an undue financial or administrative burden to Mines. Mines may consider whether the animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

## **6.0 STUDENT RESPONSIBILITIES AND IMPLICATIONS/RAMIFICATIONS FOR FAILURE TO COMPLY**

*6.1 Animals must be kept under student control (physical or verbal) in public areas of campus:*

- The animal must be in control at all times, even when the animal is not in the company of the student.
- The animal must be well cared for, clean, and hygienic; in good health with regular veterinary check-ups; and meets all state and local licensure and vaccination requirements (documentation is required).
- The student must clean up animal's waste and dispose of it appropriately.
- The student must educate others in the campus community on how to appropriately interact with the animal.

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*6.1.1 Implications/Ramifications*

- *First Offense* - Warning and conversation with Residence Life, Greek Life Coordinator, or the Dean of Students
- *Second Offense* – Appropriate sanction(s) will be imposed
- *Third Offense* – Animal must be removed from campus within three calendar days.

*6.2 Animal Must Not Cause Damages to University Owned Property*

*6.2.1 Implications/Ramifications*

- Student must restore furniture to the condition it was in when they originally occupied unit. If furniture is damaged beyond repair, the student must pay for replacement cost (minus depreciation if applicable) via their student Trailhead account.
- Student must pay the cost of any facility damage via their student Trailhead account.
- Excessive or repeated damage will result in the animal's behavior being evaluated by Residence Life and/or Student Activities. If the animal is determined to be too destructive, the student will be given three days to find an off-campus living situation for the animal.

*6.3 Animal Must Not Cause Noise*

*6.3.1 Implications/Ramifications*

- *First Offense* - Warning and conversation with the Office of Residence Life, Office of Student Activities, or Office of Student Life.
- *Second Offense* – Animal is required to attend obedience/behavior classes. Student must provide documentation to Office of Residence Life, Office of Student Activities, Involvement and Leadership, and of Office of Student Life designee.
- *Third Offense* – Animal's behavior will be evaluated by the Office of Residence Life, Office of Student Activities, or Office of Student Life. If the animal is determined to need more behavior modification than can be reasonably completed immediately, the student will be given one week to find an off-campus living situation for the animal.

*6.4 Animal Must Not Bite/Scratch People or Other Approved Animals*

*6.4.1 Implications/Ramifications*

- An animal cannot be a threat to the health and safety of other people or approved animals. An incident will be reviewed by the Office of Residence Life, Office of Student Activities, Office of Student Life, or the Department of Public Safety. Outcomes are determined on a case-by-case basis and could result in immediate removal of the animal from campus.

If at any time the Office of Residence Life, Office of Student Activities, Office of Student Life, or the Department of Public Safety feels that the health or safety of an animal or person is at risk, that office is authorized to contact animal control and require that the animal be removed



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and/or taken into custody of animal control. Any suspected incident of animal abuse must be reported immediately to law enforcement.

**7.0 PROCEDURE**

Request for an emotional support animal requires completion and submission of required documentation to [Disability Support Services](#). Reasonable Request for Accommodations forms for approval of the request for an emotional support animal may be obtained at [www.mines.edu/disability-support-services/](http://www.mines.edu/disability-support-services/). The preferred date to receive all requests is **May 1** for the following academic year. Requests may be received year-round as needs change. Obtain and submit new or revised documentation.

**8.0 HISTORY AND REVIEW CYCLE**

The guidelines and procedures will be reviewed annually or as needed by the Responsible Administrative Unit.

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