

St. Mary's College of Maryland Animals on Campus Policy*

1 Introduction

1.1 Members of the St. Mary's College of Maryland ("SMCM" or the "College") community and others often wish to bring animals onto College grounds and into College buildings for a variety of reasons and purposes. The circumstances under which animals may be permitted access to campus grounds and facilities are the subject of federal, state, and local law, as well as College policy considerations. It is the purpose of this policy to articulate the conditions under which animals may or must be permitted access to College grounds and facilities. The classes of animals covered by this policy include:

1. Service Animals/Assistance Animals (including Service/Assistance Animals in Training)
2. Therapy Animals
3. Emotional Support Animals/Comfort Animals
4. Domestic Animals
5. Feral or Wild Animals

2 Scope

2.1 This policy applies to all persons who wish to bring animals onto campus, as well as to those whose job duties involve interactions with such persons and/or their animals.

3 Definitions

3.1 Direct Threat

means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 C.F.R. § 35.104.

3.2 Domestic Animal

means an animal that is a member of a species that normally and customarily shares human habitat in St. Mary's County, and is normally dependent on humans for food and shelter in the county, including dogs, cats, and other common domestic animals, but not including feral or wild animals as defined herein.

3.3 Emotional Support Animal (or "Comfort Animal")

means an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process, e.g., in alleviating the symptoms of that individual's disability. An emotional support animal does not assist a person with a disability with activities of daily living, and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal."

3.4 Feral or Wild Animal

means a non-domesticated animal that has been found in the wild, or is in the wild state.

3.5 Human Intervention

includes, but is not limited to, attracting, feeding, or watering animals, building shelters for animals, and injecting medication.

3.6 Person with a Disability

means a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

3.7 Service Animal

means a dog or in certain circumstances, a miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a Service Animal must be directly related to the handler'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, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

3.8 Service Animal in Training

means a dog or in certain circumstances, a miniature horse that is being trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

3.9 Therapy Animal

means an animal that:

1. has received training appropriate for animal assisted therapy ("AAT") as evidenced by receipt of the Canine Good Citizen ("CGC") certificate from the American Kennel Club (AKC), or registration by a national Therapy Animal organization, such as the Delta Society or Therapy Dogs International; and
2. is used by a health care or mental health professional in a therapeutic setting. A Therapy Animal is not a Service Animal.

4 Policy and Procedure Statements

4.1 Animals on College Grounds – General Policy

4.1.1 All animals brought onto College grounds must be under the control of the owner/handler at all times, and must be restrained by a leash or other appropriate device that does not exceed 6 feet in length.

Note: A service animal, law enforcement agency animal, college public safety animal, or search and rescue animal need not be on a leash or other device if either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal, law enforcement agency animal, college public safety animal, or search and rescue animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

4.1.2 All animals brought onto College grounds must be licensed and fully inoculated in accordance with St. Mary's County regulations, if such licensing is required by St. Mary's County, with the burden of proving licensure and inoculation status on the owner/handler.

4.1.3 Fecal matter deposited (whether on College grounds or in a College building or other facility) by any animal brought to campus must be removed immediately and disposed of properly by the owner/handler. The burden is on the owner/handler to arrange for removal of fecal matter if they are personally unable to perform the task.

4.1.4 The College may remove or require the removal of any animal that poses a direct threat to the health or safety of others, is not housebroken, or otherwise disrupts the uses to which campus grounds or facilities are put.

4.1.5 Animals found tethered, unattended, or abandoned may be humanely impounded in accordance with applicable laws and regulations. Animals that are tethered, unattended, or abandoned on campus should be reported to the College Public Safety Office (ext. 4911).

4.1.6 Animals may be confined in vehicles parked on campus for a reasonable period of time as long as the animal is not endangered and does not endanger others or create a public nuisance. In the event of endangerment to the animal or others, or public nuisance, the animal's handler or owner is subject to citation and the animal may be humanely impounded. Animals confined in vehicles on campus that appear to be in distress or otherwise endangered, or that are endangering others or creating a nuisance, should be reported to the College Public Safety Office (ext. 4911).

4.1.7 If any aspect or circumstance of the condition, health, or behavior of any animal on campus is deemed by the College to be a threat to the health or safety of any member of the campus community or to any other animal, then that animal may be removed from campus in any manner deemed necessary by College officials. Such action may be taken even if the animal posing a threat would otherwise be permitted on campus under this Policy. Animals on campus whose condition, health, or behavior appears to present a threat to the health or safety of any member of the campus community or to any other animal should be reported to the College Public Safety Office (ext. 4911).

4.1.8 Except as otherwise provided in this Policy, animals may not enter any: (a) campus building, including all residence and non-residential buildings; (b) enclosed or delineated outdoor athletic or recreational facility; or (c) officially reserved or scheduled outdoor event on campus.

Note: As discussed in more detail below, animals not prohibited from entry under this provision include: (a) Service Animals or Service Animals in Training accompanying a person with a disability or an authorized Service Animal trainer; (b) Therapy Animals in the therapeutic setting accompanied by the appropriate health care or mental health professional; (c) Emotional Support Animals in the owner's treatment setting; (d) Law Enforcement/Public Safety Agency animals under the control of a law enforcement/public safety officer; (e) Search and Rescue Animals under the control of appropriate personnel; and (f) Laboratory Animals in an appropriate research or teaching setting and under the control of appropriate College personnel.

4.2 Service Animals (including Service Animals in Training)

4.2.1 The Americans with Disabilities Act ("ADA") provides that businesses and other entities that serve the public must allow people with disabilities to bring their Service Animals into all areas of the facility where customers or other members of the public are normally allowed to go.

4.2.2 Maryland law imposes a similar requirement, and further provides that a person with a disability has "the right to keep his or her Service Animal on any premises the person leases, rents, or uses."

1. A residence hall room would be a premise the person leases, rents, or uses.
2. A person with a disability "qualifies for these rights upon the showing of a Service Animal Permanent Registration tag," or if the person affirms that "the animal is required because of a disability" and explains "what work or task the animal has been trained [or is being trained] to perform."

4.2.3 A Service Animal in Training may be brought into the premises of entities that serve the public "for the purpose of training when the animal is accompanied by a person who is training the service animal and the animal wears a collar and leash, harness, or cape that identifies the animal as a service animal in training."

4.2.4 A Service Animal is not a pet.

4.2.5 If an individual's need for a Service Animal and the qualifications of the animal are not obvious, the individual may be asked: (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been individually trained to perform.

4.2.6 Individuals with disabilities shall be permitted to be accompanied by their Service Animals in all areas of the College's grounds and facilities where members of the public, participants in services, programs or activities, or invitees are allowed to go.

4.2.7 A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

4.2.8 A Service Animal may be excluded from campus, classrooms, or other facilities, when:

1. the animal's behavior poses a direct threat to the health or safety of others;
2. the animal is out of control and the animal's handler does not take effective action to control it;
3. the animal is not housebroken; or
4. the animal's behavior fundamentally alters the nature of the programs, services, facilities, privileges, advantages, or accommodations at issue.

4.2.9 If a Service Animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the Service Animal on the premises.

4.2.10 The College is not responsible for the care or supervision of a Service Animal.

Accordingly, if a person with a disability remains on the premises after his or her Service Animal is properly excluded, it is that person's responsibility to make arrangements for the animal's care and supervision.

4.2.11 An individual with a disability will not be required to: (1) pay a surcharge related to the use of a Service Animal, even if people accompanied by pets are required to pay fees; or (2) comply with other requirements generally not applicable to people without pets.

4.2.12 In circumstances in which the College normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her Service Animal. A person with a disability who brings a Service Animal onto College property has all the responsibilities and liabilities placed on any person by any applicable law when that person owns or uses any animal, including liability for any damage done by the animal.

4.3 Therapy Animals

4.3.1 A Therapy Animal trained for Animal Assisted Therapy ("AAT") may be brought into appropriate SMCM health care or mental health facilities to work with its trained owners/handlers to provide service in conjunction with a College-approved program in one or more therapeutic settings, provided that:

1. Each owner/handler:
 - a. Provides to the College documentation of the training for the Therapy Animal as demonstrated by attainment of the Canine Good Citizen ("CGC") title through the American Kennel Club ("AKC") or registration with a therapy dog organization;
 - b. Provides to the College documentation showing that the owner/handler has obtained and maintains liability insurance coverage protecting the College from claims arising out of the presence and utilization of the Therapy Animal and has obtained approval for the presence and use of the Therapy Animal from appropriate College officials; and
 - c. Executes an Animal Assisted Therapy - Owner/Handler Agreement, waiving claims against the College with respect to any injuries (including death) sustained by the Therapy Animal during the time the Therapy Animal is on campus for working with its owner/handler to provide service in conjunction with a College-approved program in one or more therapeutic or educational settings.

1. Each patient/student who reasonably may be expected to come into contact or proximity

with a Therapy Animal is advised in advance that the Therapy Animal will be present and consents in writing to the presence and, if applicable, the use of the Therapy Animal in that patient/student's treatment. The consent document [Animal Assisted Therapy Participation Agreement] will include a waiver of claims against the College related to the patient/student's interaction with the Therapy Animal.

4.3.2 Except in circumstances described in Section V.A.4, below, a Therapy Animal is not permitted in campus facilities other than the health care or mental health facilities in which the Therapy Animal will be utilized; or in a setting described in § 4.3.3.

4.3.3 A Therapy Animal may be brought into campus facilities other than health care or mental health facilities when the Therapy Animal will be utilized in an educational program designed to educate others about mental health issues and treatment if: (a) the owner/handler obtains the consent of the administrator responsible for the facility; (b) potential attendees are given at least five days advance notice that a Therapy Animal will be present in the facility; and (c) the Therapy Animal is under the control of the owner/handler at all times, and is restrained by a leash or other appropriate device that does not exceed 6 feet in length.

4.3.4 A Therapy Animal is not a Service Animal or an Emotional Support Animal.

4.4 Emotional Support Animals/Comfort Animals

4.4.1 An Emotional Support Animal is not a Service Animal or a Therapy Animal, and an Emotional Support Animal need not have specialized training.

4.4.2 An Emotional Support Animal may not reside in College housing without the approval of relevant College officials.

4.4.3 A student requesting permission to have an emotional support animal in their on-campus housing must provide the Office of Academic Services ("OAS") Coordinator for Disability Support Services with appropriate documentation on or before the College Housing Application Deadline.

4.4.4 The OAS requires such advance notice in order to gather, review, and verify the necessary documentation, which includes, but is not limited to: verification of a disability, the determination of any conflicting disabilities in the immediate vicinity where the animal will be housed, and verification of all vaccinations and the health of the animal including all the necessary licensing. If documentation is immediately available, the time for the approval process may be shortened.

4.4.5 Documentation of the need for an emotional support animal should include a signed letter, on professional letterhead, from the student's physical or mental healthcare provider or licensed therapist. A "Disability Accommodations Request" must also be completed by student as well as the physical or mental healthcare provider or licensed therapist (form is provided at the end of this document):

1. The provider's diagnosis of the person's condition.
2. A clear description of the current impact and functional limitations resulting from the

diagnosis/disability.

3. The provider's confirmation that the Emotional Support Animal has been prescribed for treatment purposes and is necessary to help alleviate symptoms associated with the student's condition and/or to help the student use and enjoy college housing services.
4. The provider's description of the service(s) that the animal will provide.
5. Any additional rationale or statement the College may reasonably need to understand the basis for the professional opinion.

4.4.6 OAS staff will review documentation and, if OAS staff determines that a qualifying disability exists, OAS staff will arrange a meeting with a college housing representative and the student requesting that an Emotional Support Animal be housed in college housing.

4.4.6 This policy will be carefully reviewed with the student at that time and an interactive dialogue will take place to determine whether or not the animal is a reasonable accommodation considering alternative accommodations and the impact of the animal on the college housing program.

4.4.7 The effect on others in the residential housing unit must be considered, including the potential effect on persons with allergies to animal hair or dander, as well as the willingness of roommates to share their housing with an animal. Depending on such considerations, an alternative housing assignment may be considered.

4.5 Domestic Animals

4.5.1 Domestic Animals may be brought to campus consistent with Section 4.1 (Animals on University Grounds).

4.6 Feral or Wild Animals

4.6.1 Feral or Wild Animals that are not a risk and do not represent a hazard, cause property damage, or create a public nuisance, and that do not require human intervention, may inhabit the campus grounds.

4.6.2 Feral or Wild Animals that are a potential risk, represent a hazard, cause property damage, create a nuisance, or otherwise pose a potential threat to the health or safety of humans will be regulated, controlled, and/or humanely relocated in accordance with applicable laws and regulations.

4.6.3 Feral or Wild animals may not be brought into campus buildings.

4.6.4 No person may do anything to attract animals to campus nor may any person feed or set out food or water for animals on campus, or engage in any similar human interventions.

5 Additional References

5.1 St. Mary's College of Maryland (SMCM) Service and/or Emotional Support Animal Procedures

5.2 St. Mary's College of Maryland (SMCM) Disability Accommodations Request Form

5.3 St. Mary's College of Maryland (SMCM) Emotional Support Animal Registration Form

5.4 St. Mary's College of Maryland (SMCM) Service and/or Emotional Support Animal Roommate/Suitemate/Housemate Agreement Form

5.5 Veterinarian Verification Form

6 Contact Information

6.1 St. Mary's College of Maryland Public Safety [240-895-4911]: General Policy; Law Enforcement Animals; Search and Rescue Animals

6.2 Office of Academic Services/Disability Support Services [240-895-4388]: Service/Assistance Animals; Emotional Support/Comfort Animals; Disability Accommodations Request Form

6.3 Office of Residence Life [240-895-4207]: General Policy; Emotional Support Animal Registration Form; Service and/or Emotional Support Animal Roommate/Suitemate/Housemate Agreement Form; Veterinarian Verification Form

6.4 Counseling Center; Dr. Kyle Bishop [240-895-4289]: Therapy Animals

6.5 Institutional Animal Care and Use Committee; Chair: Dr. Elizabeth Leininger [240-895-2001]: Laboratory Animals

7 Authority

7.1 Americans with Disability Act, 42 U.S.C. § 12101 *et seq.*; 28 C.F.R. Part 35.

7.2 Fair Housing Act, 42 U.S.C. §3601 *et seq.*; 24 C.F.R. Part 100.

7.3 Maryland Annotated Code: Local Government § 13-104; Human Services, §7-701 – 709.

****Draft Policy pending Board of Trustees Approval, effective: May 25, 2017***