

## POLICIES OF COLORADO STATE

### UNIVERSITY PUEBLO UNIVERSITY POLICY FORM

Policy Title:  Animals on Campus including Service Animals/Emotional Support Animals	Policy ID #: _____ Category : _____ Select a Category:  Contact(s): _____
<input type="checkbox"/> Draft	X Final
New Policy  Revision of Existing Policy	Effective Date: _____

#### A. POLICY PURPOSE:

Colorado State University Pueblo strives to be welcoming and accessible to all members of the community who seek to enjoy our facilities, services, and benefits. The primary purpose of this policy is to enable and support those individuals with disabilities who require the use of a service animal or emotional support animal to aid them. In accordance with federal laws, the Americans with Disabilities Act ("ADA"), ADA Amendments Act of 2008 (ADAAA), and Section 504 of the Rehabilitation Act ("Section 504"), and state of Colorado disability laws, C.R.S. §24-34-801-804, Colorado State University Pueblo adopts this policy to provide guidance to campus regarding the use of a service animal on university property.

In addition, the federal Fair Housing Act provides that, in some limited cases and with appropriate documentation and approval, emotional support animals that do not qualify as service animals may be permitted in CSU Pueblo residential facilities if shown to be necessary to afford a resident student or employee with a documented disability an equal opportunity to use and enjoy their housing. This policy provides definitions, requirements and guidance for the use of animals on university property.

#### B. POLICY APPLIES TO (Persons affected by):

This policy applies to all employees, students, and visitors of the University.

## C. DEFINITIONS:

Service Animal is a dog or, in rare instances, a miniature horse that has been individually trained to perform tasks for the benefit of an individual with a disability. The work or task a Service Animal has been trained to provide must be directly related to the person's disability. Examples of such work or tasks conducted by a Service Animal include but are not limited to:

- Guiding people who are blind;
- Alerting people who are deaf; or
- Alerting and protecting a person who is having a seizure.

Dogs whose sole function is to provide comfort or emotional support are not Service Animals, but may qualify as an Emotional Support Animal (see section below). Service Animals are permitted throughout campus with the exception of certain locations due to health and safety restrictions (i.e., where the animals or others may be in danger, or where their use may compromise the integrity of research).

Service Animals in Training require that the animal is being trained by a trainer or a handler. Service animals in training are entitled to the same access as service animals.

Emotional Support Animal (ESA) is an animal that has been approved by the university to be necessary to accommodate an individual with a disability by providing emotional support or comfort in order to alleviate one or more identified symptoms or effects associated with its owner's disability. ESAs are sometimes referred to as comfort or companion animals. Pets are not ESAs and are not permitted in campus buildings, sports complexes, or facilities.

Pet is an animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a Service Animal or an Emotional Support Animal. Pets are not covered by this policy.

Handler is the individual who is responsible for the animal.

Emergency Contact is an individual who will take responsibility for an animal in the event that the Handler cannot be reached during an

emergency.

#### D. POLICY STATEMENT:

Colorado State University Pueblo is committed to providing access to all individuals with disabilities in need of a service animal or ESA while in Housing. As such, this policy provides the parameters for which a person with disabilities may have an animal on campus and the guidelines for which an animal may be approved to be on campus if such approval is necessary. The term "disability" may include learning, physical, sensory, psychological, medical, and certain temporary disabilities. Some individuals with disabilities require the daily assistance of a service animal or of an emotion support animal. The University provides students, employees, and others with reasonable accommodations in accordance with the ADA/Section 504, Fair Housing Act, and applicable state law.

Pets are not to be considered service animals or ESAs and are not permitted in university buildings, sports complexes, or facilities. Exceptions may include animals whose function is to support educational programs, university functions, or otherwise approved as a university sanctioned animal (i.e. a mascot).

#### E. POLICY PROVISIONS:

##### 1. Requirements for Service and Emotional Support Animals

Service Animal: Unless otherwise restricted due to health and safety considerations, any individual with a disability may have a service animal on campus, including individuals in campus housing, provided:

- The individual has a disability;
- The dog is individually trained to do work or perform tasks for the individual with a disability; and
- The work or task that the dog has been trained to provide is directly related to the person's disability.

Emotional Support Animal: Students may keep an ESA in campus housing as a reasonable accommodation if:

- The individual has a disability.
- The animal is necessary to afford the individual with a disability an equal opportunity to use and enjoy campus housing; and
- There is an identifiable relationship between the disability

and the assistance the animal provides.

## **2. Service Animal Access**

Generally, handlers of service animals are permitted to be accompanied by their service animal in all areas of the University's facilities and programs where the handler is allowed to go. Such areas include public areas, public events, classrooms, and other areas where University programs or activities are held. Limited exceptions for service animal access will be based on health and safety considerations.

## **3. Approved Animal Handler Responsibilities**

Approved animal handlers are responsible for:

- Keeping the service animal under their direct control at all times, such as by a harness, leash, or other tether; however, if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the handler's disability prevents the use of such devices, then the service animal must be under the handler's control through voice control, signals, or other effective means;
- Ensuring the animal does not disturb or disrupt normal academic or administrative functions outside the functions the animal is trained to perform if/when the handler is in need of assistance;
- Immediately cleaning up after the animal and properly disposing of the animal's waste or other debris;
- Preventing the animal from entering any fountain, located on University premises;
- Complying with any relevant city, county, and/or state license and leash laws while the animal is on University premises; and
- Ensuring the animal is properly vaccinated.

The handler is responsible for damage or injury caused by the animal.

## **4. Removal of Approved Animals from University Facilities**

University personnel may only ask animal handlers to remove their

animal from University premises or from the immediate area as follows:

- If the animal is not under the owner's direct control or the animal is disturbing or disrupting the normal administrative, academic, or programmatic routine, then the owner must first be given an opportunity to get the animal under control. If the disruption or disturbance continues, then the owner may be asked to remove the animal; or
- If the presence, behavior, or actions of the animal constitutes an immediate risk or danger to people or property, the handler can be asked to immediately remove the animal.

A service animal may only be excluded for an individual event based on its or the handler's behavior at that event. The service animal or its handler cannot be excluded from future events based on a problem at a past event, except as provided in below.

## **5. Violations of Policy**

### *Handler or Animal Conduct*

Depending on the seriousness of the animal's conduct or repeated conduct, animals may be excluded from University property temporarily or permanently. Decisions regarding the removal of an animal will be made in consultation with the ADA Coordinator, DRSC, and Residence Life and Housing when applicable. If an animal is excluded, the designated disability services offices are available to assist in evaluating reasonable alternative accommodations for the owner.

Handlers who violate this policy or disregard an instruction to remove or exclude a service animal from University property may be subject to additional penalties, including banning from any University property, or other fines or penalties under applicable city, county, or state rules, regulations, or laws. Violations of this policy by a handler who is a University student or employee may be referred for disciplinary action.

### *Misrepresentation of Entitlement to an Assistance Animal*

Parties who misrepresent a need or qualification for an animal may be subject to additional penalties, including banning from any University property, or other fines or penalties under applicable city, county, or

state rules, regulations, or laws. Violations of this policy by a handler who is a University student or employee may be referred for disciplinary action.

**6. Restrictions on Access for Service Animals**

A service animal may be restricted from specific areas of the University when consistent with other University policies, state, and/or federal laws/regulations. Examples of these areas may include:

- Food preparation areas;
- Animal research facilities and grounds;
- Medically sensitive patient and clinic areas; and
- Biologically sensitive or hazardous research sites.

If a service animal is restricted from certain areas, the designated disability services offices are available to assist in evaluating reasonable alternative accommodations for the handler.

**7. Service Animals and Emotional Support Animals in Residence Life and Housing**

Service animals are not required to be approved to live in Residence Life and Housing. Residence Life and Housing should be notified of the existence of a service animal for emergency response purposes and to be provided guidelines of care.

ESAs require approval to live in Residence Life and Housing. Requests to use an ESA in Residence Life and Housing must be made through the Disability Resource and Support Center and must have approval prior to the animal being brought into Residence Life and Housing.

**8. Employees with Service Animals**

University employees who require the use of a service animal in the workplace should notify the ADA Coordinator of the existence of a service animal for emergency response purposes and to be provided guidelines of care.

**F. RESPONSIBILITIES:**

Disability Resources and Support Center (DRSC)

Residence Life and Housing  
Human Resources and Institutional Equity  
Student Conduct and Community Standards

G. RELATED LAWS, POLICIES & PROCEDURES:

Policy on Discrimination, Protected Class Harassment and Retaliation  
Student Code of Conduct  
Residence Life and Housing Handbook  
Fair Housing Act

H. AUTHORITY:

Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213. Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 701 et seq.  
Colorado Anti-Discrimination Act, C.R.S. § 24-34-401 et seq.  
C.R.S. § 24-34-803/804

I. FORMS:

Approved by:

*Timothy P. Mottet* 8-1-22  
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Dr. Timothy Mottet     Date  
President