Dogs & Rabbits & Snakes, Oh My!

The changing definitions and uses of Service & Emotional Support Animals on campus

Presentation for Housing & Dining Services Apartment Life
Why have a University Policy?

• The most important purpose is to support those members of our community who need a service dog or emotional support animal in order to enjoy all of the benefits, facilities and services that the University has to offer.

• To help University students, faculty and staff understand the rights and responsibilities of individuals with disabilities who require the use of a service dog or ESA.

• To help avoid inconsistent, unfair, or discriminatory actions when interacting with a person with one of these animals.
People tend not to believe a dog is a real service dog if the person’s disability is not obvious

Some people do commit abuses, regardless of law or policy

Dogs barking, biting, snarling, fighting, and “doing their business” indoors not uncommon when not really trained as service dogs

Dogs left tied up or loose, unattended

Misunderstanding of the rights to an ESA—students bringing them to class, faculty not knowing what to do

Roommate, hall mate conflicts

Staff don’t know what they are allowed to say or do

Nobody’s quite sure when police should be called
CSU Policy: Service Dogs and Emotional Support Animals
(effective 10/3/2016)

Definitions:

• Individual with a Disability
  ADA: A person who has a physical or mental impairment that substantially limits one or more major life activities...

• Three factors:
  • The nature and the frequency of the impairment;
  • The expected duration of the impairment; and,
  • The permanency or long-term impact of the impairment.
CSU Policy: Service Dogs and Emotional Support Animals

(effective 10/3/2016)

Definitions:

• Service Animal—We say Service Dog*
  ADA: Any dog 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. (*or miniature horse)

• Emotional Support Animal
  FHA: An animal that has been verified to be necessary to accommodate an individual with a disability by providing emotional support, comfort or therapy in a University housing facility, in order to alleviate one or more Symptoms or effects of the disability
Other commonly used terms

- **“Assistance Animal”** encompasses both Service Animals and ESAs under FHA

- **“Therapy Dog”** is one that is obedience trained, and used to provide comfort or therapy to more than one person, i.e., the type of dog you might see in a hospital or retirement home, brought in to soothe and comfort patients

- **“Companion Animal”, “Comfort Animal”**—no specific definitions but probably means ESA

- **“Psychiatric Service Dog”**- a Service Dog whose training is to perform a task or work to alleviate a psychiatric disability
WHAT KIND OF DISABILITIES DO DOGS HELP WITH?

- Autism
- Seizure Disorders
- Dissociative Disorder
- PTSD
- Anxiety
- Depression
- Self-Harm
- Night Terrors
- Diabetes
- Cancer
- Balance
- Mobility
<table>
<thead>
<tr>
<th>COMPARISON</th>
<th>SERVICE ANIMALS</th>
<th>THERAPY DOGS</th>
<th>EMOTIONAL SUPPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA covered: Rights to bring animal into public establishments</td>
<td>✔️</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Needs to tolerate a wide variety of experiences, environments, people</td>
<td>✔️</td>
<td>✔️</td>
<td>✔️</td>
</tr>
<tr>
<td>May live with their Disabled owners, even if “No Pets” policy in place</td>
<td>✔️</td>
<td>✗</td>
<td>✔️</td>
</tr>
<tr>
<td>Primary function is to provide emotional support, through companionship</td>
<td>✗</td>
<td>✗</td>
<td>✔️</td>
</tr>
<tr>
<td>Specifically trained to assist just one person</td>
<td>✔️</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>Provide emotional support and comfort to many people</td>
<td>✗</td>
<td>✔️</td>
<td>✗</td>
</tr>
</tbody>
</table>

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Navigating the Differences, Qualifying Animals

Americans with Disabilities Act (ADA)
Service Dog  Miniature Horse

Fair Housing Act (FHA)
Cannot be wild or dangerous, but few other limits
Any dog 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 University must make reasonable modifications in policies and practices where necessary to avoid discrimination.
Navigating the Differences

Under the FHA, a person may keep an assistance animal in their dwelling unit as a reasonable accommodation if:

(1) the person has a disability;
(2) the animal is necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling; and
(3) there is an identifiable relationship or nexus between the disability and the assistance the animal provides.

Fair Housing Act (FHA)-Emotional Support Animals (ESA)
Navigating the Differences, Services or Supports

Americans with Disabilities Act (ADA)--Services

✓ Hearing, alert to sound
✓ Mobility, stability
✓ Retrieval, navigation
✓ Medical (Seizures, etc.) = preliminary warning, alert to on-set, help from passersby
✓ Psychological = onset of anxiety attack, grounding for dissociative experiences, interrupting/tactile (bumping, nudging)
✓ Is being or has been provided specific training related to the disability

Fair Housing Act (FHA)--Supports

✓ Empathy = care of the animal
✓ Soothing
✓ Proximity/presence
✓ Security (not protection), familiarity
# Navigating the Differences, Accommodations

<table>
<thead>
<tr>
<th></th>
<th>ADA Service Dog</th>
<th>FHA ESA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability documentation</td>
<td>Not required but recommended (RDS/OEO)</td>
<td>Required; nexus between disability and animal (RDS/OEO)</td>
</tr>
<tr>
<td>Animal</td>
<td>Dog (or miniature horse)</td>
<td>Almost any common, domesticated, non-dangerous</td>
</tr>
<tr>
<td></td>
<td>Can be in-training (Colo. Law)</td>
<td></td>
</tr>
<tr>
<td>Where it can go</td>
<td>Anywhere owner can go</td>
<td>Owner’s residence (may include common areas)</td>
</tr>
<tr>
<td>Inquiries by staff</td>
<td>(1) Is this a service animal for an individual with a disability?</td>
<td>Reasonable and respectful; discuss with RDS</td>
</tr>
<tr>
<td></td>
<td>(2) What work or task(s) is it trained to perform?</td>
<td></td>
</tr>
</tbody>
</table>
Increasing presence of animals in halls

- 2013-14 = 9
- 2014-15 = 37
- 2015-16 = 63
- 2016-17 = 110
Handler’s Responsibilities

- Maintain control of the animal
  - Comply with laws and regulations
    - Harness, leash or tether
      - Unless disability prevents their use—then voice control, hand signals
    - CSUPD enforces leash law
  - Dogs, cats must wear license
  - Vaccination tags required
- Animal must be housebroken
  - Responsible for any cleanup
- All necessary care and supervision
  - Responsible for any damages
Leash required on CSU property
No animals in buildings
No animals tied to any object on CSU property
Wild animal problems: call EHS
Exceptions:
  Service Dog/ESA, Research Animals
  Police Dogs
  In vehicle during transit
Alert Building Proctor
  Proctor may call CSUPD
Limits

Community & Operations

- Animals cannot be a threat to the health or safety of others
- Animals that may cause substantial physical damage may not be allowed
- Animals will not be allowed if they pose an undue financial or administrative burden to the University
- Animals that may fundamentally alter CSU’s operations (including housing operations) may not be allowed
Limits

Animal Welfare

- Animals need to be well cared for, clean and hygienic
- Animals must be in good health with regular checkups and must comply with all state and local licensure and vaccination requirements
- Documentation of vaccinations and licensure are required if the student and animal reside in campus housing facilities
Limits

Student Management

- The student owner is responsible for controlling the animal and its behavior.
- The student owner is responsible for all clean up and/or damages associated with the animal.
- The student owner is responsible for educating others in the campus community on how to appropriately interact with the animal.
Causes for Removing an Animal

1. The dog is out of control of its handler
2. Not housebroken
3. Being mistreated
4. Poses a direct threat to health or safety of others (can include other animals) such as vicious behavior
New State Laws on Misrepresentation

At least 20 states now have laws on intentionally misrepresenting an assistance animal.

These laws are designed to address:

- Abuses/false claims of disability causing harm to businesses and to those with legitimate needs
- Misuse of a vest, harness, leash, ID card or tag identifying dog as a service dog
- New Colo. Law: Health care providers—lack of standards
New Colorado Law, continued

- **Requirements of Professionals (Licensees)**
  - Applies to MDs, PAs, Anesthesiology Ass’ts, Nurses, Psychologists, Social Workers, Marriage & Family Therapists, Professional Counselors, Addiction Counselors (“licensees”)
  - Must be “professionally qualified” to make disability determinations
  - Must meet with patient personally or by telemedicine (interactive audio, video, data) to discourage online “mills”
  - If “approached” by patient seeking “assistance animal in housing,” must make written finding of disability and related need for animal (or find insufficient information to establish need)
New Colorado Law, continued

- Intentional Misrepresentation of Entitlement to an Assistance Animal
  - Makes it a crime (Class 2 Petty Offense) if the person
    - Knows that animal is not an assistance animal for that person or that he or she does not have a disability
    - Has been given 1 prior warning of illegality of misrepresentation (ignorance of the law IS an excuse)
  - Penalty: from $25 to $500 depending on how many offenses
  - Applies to service animals in training, too
  - Some states much tougher: California, max penalty of $1,000 fine and up to 6 mos. jail!
Related State Laws

All states have their own laws regarding service animals. These include:

- Crime of harassment of or interference with the rights of a disabled individual to be accompanied by a service animal
- Laws against injuring or killing a service animal
- Laws requiring drivers and/or pedestrians to take all necessary precautions to avoid injury to the disabled individual or the service dog
- Licensing laws requiring individual with a service dog to sign an affidavit or prove that a dog is a trained service dog, with penalties for making a false affidavit
- Laws exempting service dogs from licensing fees or charges
- Laws requiring employers and businesses to allow service dogs in training to accompany their trainer (whether or not disabled)
- Laws making owner or handler of an animal responsible for any damages caused by the animal
An individual with disabilities or a trainer of a service animal has the right to be accompanied by a service animal without being required to pay an extra charge in any place of employment, housing, or public accommodation; during any programs, services, or activities conducted by a public entity; for any public transportation service; or at any other place open to the public. CRS 24-34-803(1),(2)

An employer must allow an employee with a disability to keep the employee’s service animal with them at all times in the place of employment. CRS 24-34-803(3)

The owner or individual with a disability who has control or custody of a service animal or the trainer of a service animal is liable for any damage to persons, premises, or facilities, including places of housing, places of public accommodation, and places of employment, caused by that individual's service animal or service animal in training. CRS 24-34-803(4)
Related Laws, continued

- C.R.S. 42-4-808  Drivers and pedestrians, other than persons in wheelchairs, to yield to individuals with disabilities

  Any pedestrian, other than a person in a wheelchair, or any driver of a vehicle who approaches an individual who has an obviously apparent disability shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said individual. A disability shall be deemed to be obviously apparent if ... the individual is using a mobility device, is assisted by a service animal, ... is being assisted by another person, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a class A traffic offense.

Give people some space!
Selected City Ordinances

- Sec. 4-31. - License required (cats and dogs)
- Sec. 4-34. - License tags (cats and dogs)
- Sec. 4-51. - Rabies vaccination required
- Sec. 4-52. - Reporting animal bites; confinement
- Sec. 4-70. - Improper care or treatment prohibited
- Sec. 4-71. - Removal of animal waste required
- Sec. 4-73. - Limitation on possession and feeding of wild or exotic animals
- Sec. 4-93. - Animals at large prohibited
- Sec. 4-94. - Animal disturbance of peace and quiet prohibited.
- Sec. 4-95. - Public nuisance prohibited
- Sec. 4-96. - Dangerous animals prohibited; permits; impoundment
- Sec. 4-97. - Vicious animals prohibited
Other CSU Policies of Interest

- **Animal Control and Removal**
  - Leash required
  - No animals in buildings (except for service dogs/ESAs, research animals)
  - No animals tied to any object on CSU property
  - Wild animal problems: call EHS

- **Violence in the Workplace**
  - Everyone should report threats/acts of violence
  - CSUPD, SSA investigate/review
  - Threats or expression of intent to cause physical or mental harm, however communicated, directly or through intermediary
  - Assault
  - Intentional damage to property
  - Display or use of a weapon in threatening manner
When to call the police?

Staff and campus community should be encouraged to call CSUPD when:

- Animal is creating a threat to safety of people, animals—aggressive/vicious behavior
- Dog off leash
- Dogs in buildings that are not service dogs and owner/handler refuses to leave (trespass)
- Incessant barking, causing property damage (nuisance)
- Escalation of dispute to point of threat, violence, serious disruption
- Animal is unattended/at large
- Animal is being abused, malnourished
- In sum: enforcement of Colo. and City laws
Thank You

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