

SERVICE DOGS AND EMOTIONAL SUPPORT ANIMALS POLICY

FAQs

As part of CSU's commitment to aiding those with disabilities, CSU has adopted a policy affirming their rights to have the assistance of service animals and emotional support animals while living, working, and visiting on our campuses.

The information below is intended to help understand the policy and how it is applied at CSU.

1. *Who is an individual with a disability?*

An individual with a disability, as defined by law, is a person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such an impairment.

2. *What is a service animal?*

A service animal is 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 work must be active and specifically related to the person's disability. Simply providing comfort or emotional support does not qualify a dog as a service animal under the Americans with Disabilities Act (ADA). Also, aggressive protective behavior is not a qualified service task. On a limited, case-by-case basis, a miniature horse that has been similarly individually trained may also qualify as a service animal. Because these are so rare, the policy uses the phrase "service dog" but would encompass miniature horses should they be required. Animals other than dogs (or a trained miniature horse) are not service animals and will not be permitted into University facilities, except as provided for emotional support animals.

3. *What is an emotional support animal (ESA)?*

An emotional support animal is not the same as a service dog. An ESA is an animal that has been verified by a qualified professional to be necessary to accommodate an individual with a disability by providing emotional support, comfort, or therapy in a University housing facility. The professional must be appropriately licensed and have personally examined the individual; online examinations are not sufficient. The type of animal is not limited to a dog or miniature horse, it may be any type of animal, other than one that is wild or dangerous, or that cannot reasonably and safely live in University housing. The animal helps alleviate one or more identified symptoms or effects associated with its owner's disability, with or without training. ESAs have been known to assist disabled individuals with severe depression, generalized anxiety disorder, post-traumatic stress disorder, and many other emotional and psychiatric disabilities.

ESAs, including ESA dogs, are only permitted in University housing facilities and are prohibited from accompanying their owner/handler to other campus facilities including but

not limited to classrooms, the LSC, dining/food service areas, and so forth.

4. *What are the differences between service dogs and emotional support animals?*

Service dogs are needed by individuals with disabilities to enable them to access all the areas of our campuses where they may go, and obtain the benefits of our facilities and services, just as a person without a disability would do. These dogs are specially trained for this; for example, they may help a person with low vision find their way around campus and within buildings, or assist a person with epilepsy by responding to early signs of a seizure.

Emotional support animals are used to accommodate an individual with a disability within that person's residence. University policy says that ESAs may be permitted only when the student or employee residing in a University housing facility has first been determined to be an individual with a disability who has requested an ESA as an accommodation, and that individual with a disability demonstrates that the animal is necessary to afford the individual an equal opportunity to use and enjoy their residence. ESAs do not have to be specially trained in order to qualify, but there must be an identifiable relationship between the disability and the support that the animal provides.

ESAs do not necessarily have to perform a specific task; their mere presence may be sufficient to alleviate the symptoms of the individual's disability. ESAs do not accompany their owners to places outside of their residences, except as needed to care for the animal. They also are not permitted in other University buildings or at events. Students may not bring their ESAs to class, nor may employees have them in the workplace unless the University has determined that a reasonable accommodation must be provided to an individual with a disability under the ADA.

5. *What are the procedures for the owner to gain approval from the University to have a service dog or ESA?*

Owners of service dogs are not required to go through any particular procedure in order to have and use their dogs on campus. There is no requirement that the dog be certified or registered, or wear an identifying harness or vest. However, owners are strongly encouraged to contact the appropriate office (Resources for Disabled Students for students, or the Office of Equal Opportunity for employees and others) in order to minimize the potential for conflicts and impediments to arise on campus.

Owners of ESAs must contact RDS before bringing any animal to a University residence hall or apartment. (Non-student residents of University housing should contact OEO). They will be required to provide sufficient evidence that the animal is required in order to alleviate an established disability. For more information as to what evidence to bring and to schedule an appointment, contact the appropriate office in advance.

6. *What happens when a person intentionally misrepresents an animal as a service dog or ESA in order to be able to have a pet with them where pets are not allowed?*

In Colorado, it is a crime to intentionally misrepresent your pet as a service dog or ESA. Police officers may enforce this law on campus. Fines for violations can be imposed up to \$500, depending upon the number of offenses by the same person. [C.R.S. § 18-13-107.3, 107.7]. It is also a crime to falsely impersonate an individual with a disability. [C.R.S. 18-13-107].

7. *When should a service dog or emotional support animal be excluded from an area where such animals are normally allowed?*

Service dogs may be restricted from University property, including residence halls, and may be removed by the University, when:

- The dog is out of control and its handler does not take effective action to control it; or
- The dog is not housebroken.

Examples of when a dog is out of control is when it is off leash (or other effective means of control), or aggressively approaches other dogs or people other than its handler. When a dog is out of control, it may pose a threat of harm to other animals, people, or property. Any service dog that displays vicious or unsafe behavior towards others may be excluded. Each situation must be considered individually; the mere fact that a dog is of a breed sometimes associated with aggressiveness is not a reason to exclude it.

Emotional support animals may also be excluded from University housing when their behavior poses a direct threat to the health or safety of others. For example, any animal that displays vicious or unsafe behavior may be excluded. In addition, an emotional support animal may be excluded from University housing when its owner fails to take proper care of the animal or fails to be responsible for the animal's behavior. These animals are also required to be housebroken, when applicable.

Service dogs may be restricted from certain areas where considerations of public health and safety, safety of the individual with a disability or of the service dog, or research integrity must take precedence. These include research laboratories where contamination caused by the presence of an animal, or risk of contamination of an animal, may be present; mechanical rooms and custodial closets; medical treatment areas; areas posing dangerous hazards to service dogs; and food preparation areas where public safety regulations prohibit the presence of a service dog. Restricted areas will be identified by the department responsible for controlling access to the area after consultation with the Office of Equal Opportunity. Where restrictions are necessary, access to these areas will be accommodated through other reasonable means to be determined on a case-by-case basis.

8. *I am a CSU employee. Sometimes I see people bringing their dogs into CSU buildings and it doesn't look to me like they are really service dogs. What should I do?*

First of all, it's important not to jump to conclusions about a person's disability or whether

their dog is really a service dog, or a service dog in training, that should be accommodated. Service dogs are not required by law to be identified by any vest, harness, tag or other indicators. While CSU strongly recommends that owners do use these methods, it is not mandatory. Furthermore, an individual cannot be required to “demonstrate” the service their dog provides.

Second, there are only two questions that a person with authority over a building or area may ask an individual in order to determine whether or not the dog is a service dog:

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- (1) *Is the dog required because of a disability?* and
- (2) *What work or task has the dog been trained to perform?*

If the answer to question (1) is no, or if the dog has not been trained to perform a specific, active task that aids the individual with a disability, it should be excluded. (Also see FAQ #7, above).

It is important not to be confrontational when these questions are asked. Everyone is entitled to be treated with dignity and respect. Additionally, if it is an individual and dog you have previously contacted, and the dog was not excluded for any of the reasons discussed above, do not make additional contact unless there is a behavior issue that needs to be addressed. Once the dog has been established/regarded as a service animal, repeated questioning could be detrimental. If you are unsure how to proceed when faced with this situation, the dog should be allowed into the area, and you may contact Resources for Disabled Students or the Office of Equal Opportunity for assistance. Also contact the responsible building proctor or administrator. If the dog’s behavior is threatening or vicious, call CSUPD by dialing 911 from any landline or cell phone on campus.

9. *Is a service dog in training treated differently from a fully trained dog?*

No. Under Colorado law, an individual with a disability is entitled to be accompanied by a service dog in training, just as with a fully trained service dog. The same rules apply.

10. *May a student bring a small puppy to class as a service dog in training?*

No. Puppies must be obedience trained, housebroken, vaccinated and licensed, and be ready to learn to perform a specific task to aid an individual with a disability, before they can be trained to carry out disability-related tasks. Male dogs usually must be neutered to avoid showing aggression, as well. Many puppies will not grow into dogs that are suitable for service dog training. Young puppies are not service dogs in training, and cannot be brought to class or into other buildings and areas where pets are not allowed.

11. *What else should I know, as a member of the CSU community, about these animals?*

To ensure equal access and nondiscrimination of individuals with disabilities who are using a service dog, members of the CSU community should abide by the following practices:

- Allow service dogs to accompany people with disabilities on campus;
- Do not ask for details about a person's disabilities;
- Do not pet, interact, or feed a service dog. It distracts the dog from its work;
- Do not deliberately startle, tease, or taunt a service animal;
- Do not separate or attempt to separate a person from their service animal; and
- Provide individuals with service animals with the right of way with respect to pedestrians, cyclists and skateboarders.
- If a dog bites a person and breaks the skin, the police must be called immediately.
(City of Fort Collins Municipal Code sec. 4-52)

Remember, the purpose of CSU's policy is to aid individuals with disabilities who need these animals in order to enjoy the same kinds of access to and benefits from CSU facilities, programs, and experiences as do those without disabilities, and to accommodate them safely.