

## 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 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.

3. *What is an emotional support animal?*

An emotional support animal is not the same as a service dog. An emotional support animal is an animal that has been verified by the university to be necessary to accommodate an individual with a disability by providing emotional support, comfort, or therapy in a University housing facility. The animal helps alleviate one or more identified symptoms or effects associated with its owner's disability.

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, 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 emotional support animals 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 emotional support animal 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. There must be an identifiable relationship between the disability and the support that the animal provides. For example, a person with an anxiety disorder may benefit from an emotional support animal. Emotional support animals 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 emotional support animals to class, nor may employees have them in the workplace.

5. *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;
- The dog is not housebroken;
- The dog's handler is mistreating or neglecting the animal; or
- The dog poses a direct threat to the health or safety of others. For example, any service dog that displays vicious or unsafe behavior towards others may be excluded. Each situation must be considered individually.

Emotional support animals may 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.

6. *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.

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:

*Is the dog required because of a disability? and What work or task has the dog been trained to perform?* Only if the answers to these questions establish that the animal is not a service dog, may it be excluded (except for the kinds of behaviors noted above in #5).

It is important not to be confrontational when these questions are asked. Everyone is entitled to be treated with dignity and respect. 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. If you are not the person with authority over the building or area in question, do not approach an individual with a dog to inquire about it. 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.

7. *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.

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.