2220 -- Animals in College Facilities and in College Vehicles

In an effort to provide a safe and healthy environment for employees, students and visitors, this procedure establishes requirements for accessibility, behavior and treatment of animals in college facilities and in college vehicles. Access may be denied for certain areas in college facilities.

College Facilities

An animal may not be in college facilities, except for:

1. a police or military dog in the line of duty.
2. those used for educational purposes which have been approved by the appropriate departmental administrator~~s~~ and where the individual housing the animal assumes responsibility for providing proper care and sanitation for the animal.
3. a service animal[1] supporting an individual (non-employee) with a disability seeking access to public places under Titles II or III of the ADA.
4. a service animal[1] supporting an employee with a disability that has been approved by the College as a reasonable accommodation under Title I of the ADA.
5. when approved, an assistance animal[2] supporting the emotional needs of an individual with a disability in Student Housing under the Fair Housing Act and Section 504.
6. a service animal[1] or an assistance animal[2] accompanied by a handler who is training the animal for someone else and who is seeking public access under Kansas Statute.

Please note: Under the ADA, only an employee with a disability is entitled to a reasonable accommodation. Therefore, an employee without a disability who is training a service animal for someone else, will not be allowed to bring the service animal with them into the workplace.

College Vehicles

An animal may not ride in college vehicles, except for:

1. a service animal supporting an individual with a disability that has been approved by the College as a reasonable accommodation.

Service Animals

When it is not obvious what service a service animal provides, the college may ask those seeking public access under Title II and III of the ADA (non-employees/non-trainers)

1. if the service animal is required because of disability; and
2. what work or task the service animal has been trained to perform.

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[1] Under Title II and Title III of the ADA, a service animal is defined as dogs (In some cases, the College may also permit miniature horses to serve in this capacity) that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include: guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with a mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder during an anxiety attack, or performing other duties. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Under Title I of the ADA, there is not a specific definition of a service animal. However, employers do not have to allow an employee to bring an animal into the workplace if it is not needed because of a disability or if it disrupts the workplace.

[2] Under the Fair Housing Act and Section 504, an assistance animal is defined as an animal that provides emotional support which alleviates one or more identified symptoms or effects of a person's disability.

Under Title I of the ADA, the College may ask an employee requesting to bring a service animal into the workplace to support his or her disability for documentation or a demonstration of the need for the service animal to substantiate the employee's accommodation request.

Under Kansas Statute, the College may ask a handler who is training a service animal or an assistance animal for someone else, and who is seeking public access, for the following:

1. The legal name of the trainer.
2. The name of the training center.
3. The address and telephone number of the training center.
4. The types of functions for which the service or assistance animal are trained by the center.
5. A picture or digital photographic likeness of the trainer.

Assistance Animals

If an animal does not meet the service animal definition under the ADA, and is being requested solely as an assistance animal in Student Housing to support the emotional needs of an individual with a disability, the College may consider the following:

1. Does the person seeking to use and live with the animal have a disability?
2. Does the person making the request have a disability-related need for an assistance animal? (i.e. The request and supporting documentation establishes the relationship between the disability and the support that the animal provides.)

If the answer to either question is "no", then the requested accommodation may be denied. If the answer to both questions is "yes", then the requested accommodation may be approved on a case-by-case basis, unless:

1. Doing so would impose an undue financial and administrative burden;
2. Doing so would fundamentally alter the nature of the College's services;
3. The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or
4. The specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

The College may ask individuals who have disabilities that are not readily apparent or known to submit reliable documentation of a disability and their disability-related need for an assistance animal.

If the disability is readily apparent or known but the disability-related need for the assistance animal is not, the College may ask the individual to provide recent professional documentation from a physician, psychiatrist, social worker or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability.

Students must receive approval for an assistance animal in student housing prior to bringing their animal to campus. If students are cited for a violation to the pet policy (located in the Student Housing Handbook), they must remedy the violation before requesting approval for the

assistance animal. Animals living on-campus in violation of the pet policy may not remain on-campus pending review and determination of an assistance animal request.

Responsibility/Liability

The College is not responsible for or liable for the behavior, actions, supervision or care of a service or assistance animal. The handler accepts full responsibility and liability for the animal and as such, may be asked to remove an animal if the animal

1. is not housebroken;
2. is out of control and the handler is not able to control it; or
3. poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices, and procedures.

A police or military dog, a service animal or an assistance animal must have a harness, leash or other tether, unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the animal's ability to safely perform its work or tasks. In these cases, the animal must be under the handler's control through voice commands, hand signals, or other effective means.

The handler is responsible for ensuring

- the animal is in good health;
- the animal is clean and free from offensive odors;
- the animal is licensed per state law
- all vaccinations are kept up-to-date;
- the animal wears a rabies vaccination tag;
- the animal wears an owner identification tag containing the owner's name and phone number at all times (service and assistance animals only); and
- the immediate clean-up and proper disposal of all animal waste.

Damages

Although the College may not assess a surcharge, it may impose charges for damages caused by a service or assistance animal in the same manner it would impose charges for other damages to college property.

Service Animal Identification

It is strongly encouraged that all service animals wear the appropriate identification, including an appropriate vest or harness, service animal patches and ID card visibly displayed.

Contact: Dean of Administration and Dean of Student Services

Related Form(s)

- None

References

Kansas Statutes 39-1101 through 39-1113; National Service Animal Registry; U.S. Department of Justice, Civil Rights Division, Disability Rights Section; U.S. Department of Housing and

Urban Development, Office of Fair Housing and Equal Opportunity; ADA National Network; and Job Accommodation Network

Relevant Policy or Procedure(s): 1200 – College Facilities, Equipment, and Other Resources

Approved by: President

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Revision(s):