

Office of Institutional Equity & Compliance

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## Definitions

**Service animal:** Pursuant to the ADA and C.R.S., a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

**Service animal-in-training:** An animal that is being trained as a service animal, whether by an individual with a disability or by a trainer of service animals.

**Task:** Work that the service animal has been trained to perform that is directly related to the person's disability.

**Emotional support animal:** Animals whose sole function is to provide comfort or emotional support. Emotional support animals, or ESAs, are not covered by the ADA or C.R.S. § 24-34301.

## Requirements

If a dog is a service animal (including a service animal-in-training) as defined under the ADA and C.R.S. § 24-34301, the dog must comply with the applicable standards for public accommodation, including but not limited to:

- x Only service animals and service animals-in-training are entitled to public accommodation.
- x It is unlawful to discriminate against a person with a disability because of the presence of a service animal or service animal-in-training for the purpose of obtaining public accommodations, rights, or privileges.
- x Service animals and service animals-in-training must be allowed to accompany their handler.
  - o Service animals and service animals-in-training must be harnessed or leashed unless those devices would interfere with the animal's ability to perform its task.
  - o In cases where the service animal-in-training must be leashed or harnessed, the handler must have the service animal-in-training.

A handler may be asked to remove their service animal if it causes an actual disruption to university operations, or if its behavior poses a direct threat to the health or safety of others. For example, if a service animal displays aggressive behavior towards others, it may be excluded. If it is not housebroken, bites or jumps on another person, wanders away from its handler, or is clearly out of the owner's control, it may be removed. If a service animal is excluded for these reasons, the handler is still permitted to access services without having the service animal remaining on premises.

## FAQs for Service Animals in Public Accommodation

***Does a service animal need to be approved by the University?*** No. Service animals are not required to go through any specific accommodations review procedure to be on campus or in public accommodation. There is no requirement that service dogs be "certified" or wear an identifying harness or vest. Service animals need only be trained to perform a task for their handler. Service animal handlers are encouraged to contact the Disability Resource Center (DRC) bringing a service animal to campus. DRC provide information and support related to navigating campus with a service animal. Service animal owners living in campus residences must provide current vaccination records directly to Housing & Residential Education (HRE). This is in accordance with local municipal code and for the health and safety of UNC's living communities.

***Must a service animal always be on a leash?*** Service animals must always be under the control of their handler. Service animals must be harnessed or leashed unless those devices would interfere with the safe and effective performance of their task. In cases where the service animal cannot be leashed or harnessed, the handler must have the service animal under voice, signal, or other effective controls.

***What happens if a person intentionally misrepresents their animal as a service animal to gain access to places where pets are normally not permitted?*** It is a crime to intentionally misrepresent an animal as a service animal. C.R.S. § 18-13-107.3, 107. Also a crime to falsely impersonate a person with a disability. C.R.S. § 18-107. Both actions are also violations of University regulations and may result in a referral to Student Conduct and Accountability (for students) or Human Resources (for employees).

***If I am not sure if a dog is a service animal, what can I do?*** First, recognize that not all disabilities are apparent to others, so the dog may be a service animal for a disability that you do not recognize. Persons with authority over a place of public accommodation (e.g., a building manager or faculty member over a classroom) may ask only two questions: (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 either question is no, the animal may be excluded from public accommodation. You are not permitted to ask the handler to have the dog demonstrate the task.

*What else should I know about service animals?* To ensure equal access and nondiscrimination for individuals with disabilities who are using a service animal, the University encourages the following best practices:

- x Allow service animals to accompany persons with disabilities on campus
- x Do not ask for details about a person's disabilities or ask for medical documentation
- x Do not pet, interact with, or feed a service dog as this distracts from the performance of its tasks
- x Do not deliberately startle, tease, taunt, or annoy a service animal

If, following the issuance of a written warning, the service animal continues to be disruptive or dangerous, OIEC may disqualify a service animal from public accommodation. OIEC will meet with the handler to issue the notice of disqualification letter.

The handler will have five (5) calendar days to submit a written appeal of the disqualification to the University's General Counsel stating the reasons why the disqualification was arbitrary and/or capricious. The General Counsel may affirm, overturn or modify the disqualification and will advise the handler in writing of the outcome of the appeal. The outcome of the appeal is final.

### Public Health Notice

Individuals who have been bitten by an animal should immediately report the incident to UNC Police and seek medical attention.

If a service animal bites a human or another animal on campus, the University must immediately notify Weld County Department of Public Health and Environment (WCDPHE) and Animal Control. Per Weld County Animal Control, "If your animal bites someone, an animal control officer will need to meet with you and place your animal on a 10-day quarantine. This can be done at your home, at a humane society, private boarding kennel or vet clinic. The location of the quarantine will depend on your ability to keep the animal confined during the 10 days. If at any time during the 10 days your animal breaks the quarantine and leaves your property, for anything other than a medical emergency, we may quarantine it at the Humane Society of Weld County at your cost."

Service animals in quarantine are not permitted on campus