

# AP 145b Service Animals/Service Animals in Training on Campus

**Associated Board Policy:** 145.00 Pets and Animals on Campus

**Procedure Owner:** Executive Director of Student Services

**Related Procedures:** AP 145a Animals/Assistance Animals on Campus

AP 145c Emotional Support/Facility Dogs on Campus

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## I. Procedure Scope and Purpose

Cowley College is committed to providing support for students with disabilities and compliance with state and federal laws regarding individuals with disabilities, including the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Fair Housing Act.

This procedure establishes the protocol for the use of service animals and service animals in training on Cowley College property or at college-sponsored events. This procedure has been developed to provide guidance and instructions for those who bring or who come into contact with such animals on campus.

## II. Definitions

**Approved Trainer:** An individual who is certified by a state organization whose primary mission is to train animals for the purpose of assisting individuals with disabilities.

**Assistance Animals:** a generic term for a guide, hearing, or service dog specifically trained to do three or more tasks to mitigate the effects of an individual's disability. The presence of a dog for protection, personal defense, or comfort does not qualify that dog as an assistance dog. Assistance dogs are covered under many legislative access laws for public access rights when working with their disabled handler.

There are two types of assistance animals: (1) service animals and (2) Emotional Support Animals (ESA).

**Direct Threat:** a significant risk to others that cannot be eliminated or reduced to an acceptable level by reasonable modifications to Cowley College's policies, practices, or procedures or by the provision of appropriate auxiliary aids or services.

**HUD:** U.S. Department of Housing and Urban Development

**Emotional Support Animal (ESA):** An animal that is prescribed by a healthcare or mental health professional to an individual with a disability and is necessary to afford the individual with an equal opportunity to use and enjoy on-campus housing. The animal is intended to provide companionship and emotional support that helps alleviate one or more identified symptoms or effects of a person's disability, as defined by the Americans with Disabilities Act (ADA). ESA's are not pets.

**Fair Housing Act (FHA):** An Act that prohibits discrimination against individuals when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other

housing-related activities. The FHA prohibits discrimination in housing because of race, color, national origin, religion, sex, familial status, and/or disability. The FHA requires a housing provider – including an institution of higher education – to make reasonable accommodations and allow reasonable modifications to allow a person with a disability to enjoy their housing. This may include allowing an individual with a disability to keep an animal for emotional support even when their housing provider has a general “no pets allowed” policy or rule. Campus housing on a public institution is subject to the FHA.

**Handler:** As defined under the ADA, the “Handler” is the person with a disability who is using a service animal.

**Individual with a Disability:** As defined under the ADA, a person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

**Organization:** a not-for-profit operation, that may be part of a larger organization, involved in the training of assistance dogs.

**Owner:** the individual who has requested and received approval of an accommodation to bring an emotional support animal into Cowley College housing.

**Pet:** Pets are domestic animals (i.e. members of species that normally and customarily shares human habitat and is normally dependent on humans for food and shelter including dogs, cats, birds, rabbits, and other common domestic animals). Service animals and emotional support animals are not pets.

**Public Facility:** includes a street, highway, sidewalk, walkway, common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation; a hotel, motel, or other place of lodging; a public building maintained by any unit or subdivision of government; a retail business, commercial establishment, or office building to which the general public is invited; a college dormitory or other educational facility; a restaurant or other place where food is offered for sale to the public; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

**Service Animal:** The Americans with Disabilities Act (ADA) defines Service Animals as dogs\* that are individually trained to do work or perform tasks for people with disabilities. Service Animals are working animals, not pets. To be a Service Animal, the work or task a dog has been trained to provide must be directly related to the person’s disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, and alerting/protecting a person who is having a seizure. Dogs whose sole function is to provide comfort or emotional support do not qualify as Service Animals under the ADA. The provision of emotional support, wellbeing, comfort, or companionship does not constitute work or tasks for the purposes of defining a service animal. Under certain circumstances, miniature horses may also be trained as a service animal and be permitted within college buildings, where reasonable. Other species of animals, whether wild or domestic, trained or untrained, are not service animals and will not be allowed.

**Service Animal in Training:** a dog undergoing training by a trainer. For purposes of this procedure, approved trainers with Service Animals in Training have the same rights and responsibilities as applicable to Service Animals. Service Animals in Training are not pets.

**Task:** A specific action that a dog is trained to do when needed to assist the person with a disability. For example, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

**Therapy Dog:** a pet dog trained to provide affection, comfort, and love to those it interacts with in many different settings. Therapy dog owners may volunteer their time to visit with their animals to facilities in which the team is welcomed or may be practitioners who utilize the dog in a professional setting. Therapy dogs are not covered under the legislative public access laws, and therefore do not have the same public access rights as an assistance dog and its handler.

**Trainer:** a person affiliated with a certified organization who is recognized by that organization as being directly responsible for task-training the assistance dog.

### III. Procedure

Cowley College permits individuals to bring animals on campus property subject to the conditions set out in these procedures and applicable federal and state laws, and city ordinances. The college reserves the right to exclude an animal from campus if it causes disruption, threatens the health or safety of others, or otherwise fails to meet the criteria set forth in these procedures.

Under the Americans with Disability Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) Cowley College must provide reasonable accommodations to persons with disabilities so that they may access the programs and services of the college. Service animals may assist a person with a disability to perform specific tasks needed to mitigate the effects of their disability. The service animal must be trained to perform a specific task that assists the person with a disability.

The work or tasks performed by a service animal must be directly related to the Handler's disability. The specific work or tasks may be to support individuals with a variety of disabilities, including visual impairments, hearing impairments, physical impairments, and mental health-related issues, such as post-traumatic stress disorder. Examples of such tasks include, but are not limited to, assisting an individual with low vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; or providing assistance with stability or balance to an individual with a mobility disability.

Service animals must be able to perform their duties/tasks in the presence or within the vicinity of another animal. If a nonaggressive animal is in the vicinity of a service animal, this should not constitute interference with a service dog. Individuals and animals must not impede or interfere with a service animal's performance of its duties or place a person with a disability who is using a service animal or a trainer who is training a service animal in danger of injury.

Handlers may be accompanied by their service animals in all Cowley College facilities where members of the public or participants in services, programs, or activities are allowed to go.

Federal regulations do not require a Handler to provide documented proof of training or provide documentation of their disability in order to enter a building or area that is open and accessible to the general public. The only questions that Cowley College employees can ask of the person with a service animal are:

- Do you have the service animal because of a disability?
- What work or task is the service animal trained to do?

No other questions can be asked and no proof or demonstration of training is required. However, these questions should not be asked when it is readily apparent that the Handler has a disability and that the animal is trained to assist the individual. The service animal is not required to wear any type of service animal identification symbol while in public (e.g., vest, collar, or other representative attire).

If the Handler answers “no” or “none” to the above questions or responds that the animal is not trained but is used for emotional support, the animal does not qualify as a “service” animal under federal law and should be removed from Cowley College premises.

Animals must be under the direct control of a handler/owner and have the requisite tags affirming they are properly licensed and that required vaccinations are current. Handlers/Owners must maintain control of the animal using a leash or harness that does not exceed six feet in length. No animal may not be left unattended or tied to any object. Handlers/Owners must immediately clean up after their animal and all injuries or damages caused by an animal are the responsibility of the handler/owner.

Students with questions regarding assistance animals should contact Cowley College’s Accessibility Services Coordinator (ASC). Employees with questions regarding assistance animals should contact Cowley College’s Human Resources Office.

### **Responsibilities of Individuals with Service Animals**

Handlers have certain responsibilities. The service animal is considered an extension of the Handler and therefore must comply with the same public rules and regulations that the Handler must comply with. Just as a person cannot yell out loud or be disruptive, neither may a service animal.

Handlers are responsible for the control, care, and supervision of their service animals at all times and must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. It is the owner’s responsibility to know, understand, and pay any fees associated with these ordinances, laws, and regulations. Collars and tags must be worn at all times. Service animals are required to be trained to do work or perform tasks for a person with a disability, however, no proof of training is required.

A service animal must be under the control of its Handler at all times. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the Handler’s disability prevents using these devices or these devices interfere with the service animal’s safe, effective performance of the specific task they are trained to perform. In that case, the Handler must maintain control of the animal through voice, signal, or other effective controls.

The animal must be in good health and care. The care and supervision of the animal is solely the responsibility of its Handler. Animals that are ill or contagious must not be taken into public areas. A Handler with an ill or contagious animal may be asked to remove the animal from Cowley College premises. It is the Handler's responsibility to pay for any fees associated with the care of their animal.

The Handler of the animal bears sole liability (criminal or civil) for the actions of the animal (bites, scratches, property damage, etc.). Although Cowley College may not charge an individual with a disability a service animal surcharge, it may impose charges for damages caused by an animal in the same manner Cowley College imposes charges for damages caused by students or others. Cowley College recommends that the Handler have appropriate liability insurance in the event of an animal bite, scratch, etc.

Handlers are responsible for ensuring the immediate clean-up and proper disposal of all animal waste. A Handler with a disability who physically cannot clean up after their animal shall make all necessary arrangements for assistance.

Regular and routine cleaning of floors, kennels, and cages must occur. The odor of an animal emanating from the residence hall room or apartment is not acceptable.

Service animals cannot be left unattended at any time. An animal left unattended in a vehicle or other area and is perceived to be in distress is to be reported to Cowley College's Public Safety Department (CCPSD) for appropriate response. A person who leaves an animal unattended may be reported to CCPSD. Any animal found unattended in, or on, any campus facility may be impounded. Owners of an impounded animal will be held responsible for payment of any impoundment and/or license fees required to secure the release of their animal.

Faculty members may not prevent service animals from entering their classrooms and staff or administrators may not refuse entry to other public buildings on campus, including libraries. If a faculty member is allergic to the animal, the faculty member should consult with the ASC so that the faculty member's and student's respective needs for accommodation can be evaluated.

### **Removal of Service Animals from College Property**

Cowley College may require the Handler to remove the Service Animal from Cowley College's property if:

- The Service Animal is out of control and the Handler does not take effective action to control it.
  - If improper animal behavior happens repeatedly, the Handler may be prohibited from bringing the Service Animal into any Cowley College facility until the Handler can demonstrate that they have taken sufficient steps to mitigate the behavior;
- The animal or its presence creates an unmanageable disturbance or interference with the Cowley College community;
- The Service Animal is not housebroken;
- The Handler does not comply with the Handler's responsibilities set forth in these regulations;
- Admitting service animals would fundamentally alter the nature of the service or program;
- The animal poses a direct threat to the health or safety of others; and/or

- The specific animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Cowley College may prohibit the use of Service Animals in certain locations based on health and safety restrictions. Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories maintaining sterile conditions, classrooms with research/demonstration animals, areas where protective clothing is necessary, sterile environments, and areas outlined in state law as being inaccessible to animals. In teaching labs where hazardous materials may harm a service animal, the instructor should have an interactive conversation about the hazards with any student accompanied by a service animal.

When there is a legitimate reason to ask that a Service Animal be removed, Cowley College must offer the Handler the opportunity to participate in the service, program, or activity without having the service animal on the premises. The individual may request the use of other reasonable accommodations if needed.

Because removal of a service animal is a significant action that may adversely impact the person with a disability, before making a decision to exclude a specific animal on campus, Cowley College will evaluate other alternatives relating to the concern. Cowley College will base its determination to remove the Service Animal upon the consideration of the behavior of the particular Service Animal at issue, and not on speculation or fear about the harm or damages a Service Animal may cause. The ASC will be informed of and consulted with for any removal of the Service Animal.

### **Service Animals in Cowley College Housing**

Employees who receive requests from a student for an accommodation of an assistance animal should direct the student or applicant to the ASC. The ASC will handle the request on a confidential basis. If the request is approved, residence hall staff will be informed that the accommodation is needed because of a disability but details about the disability will not be provided.

If an animal qualifies as a service animal, Cowley College must allow the animal in student housing. The Handler must complete a form that provides the animal's name, vaccination information, and contact information in case of emergency. The request for a service animal to reside in Cowley College Housing must also be accompanied by proof of vaccinations from a licensed veterinarian stating that the animal has all required vaccination(s) and is in general good health.

If the student does not complete the request packet, or if the student has provided insufficient information, Cowley College is not required to grant the accommodation so long as the requester has been provided a reasonable opportunity to provide the necessary information. The student will be notified via their Cowley email if additional information is required to process their accommodation request.

The accommodation request for a service animal to reside in Cowley College Housing must be completed each academic year. Documentation provided with the request must meet the requirements stated above each year if applicable.

Some students may have medical conditions that are adversely impacted by the presence of another person's assistance animal (*e.g.*, respiratory disease, asthma, severe allergies) and may be unable to

live in or occupy shared spaces with assistance animals. The Director of Housing will consider the needs and/or accommodations of all persons involved on a case-by-case basis.

If the animal qualifies as a service animal, then Cowley College will not charge a deposit or fee for the animal.

Handlers must take regular precautionary measures to prevent flea and tick infestation such as flea medications prescribed by veterinarians, flea and tick collars, or taking the animal to the veterinarian for flea and tick baths. For dogs and cats, regular measures will include a monthly treatment or other regime prescribed in writing by the animal's veterinarian. Handlers will receive periodic email reminders to ensure compliance with this requirement. The Handler's living accommodations may also be inspected for fleas, ticks or other pests, if necessary, as part of Cowley College's standard or routine inspections or in response to a specific complaint about fleas, ticks, or other pests. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a Cowley College-approved professional extermination company at the Handler's expense.

Handlers, any other residents, and/or Cowley College staff must promptly notify the Student Services Office when any fleas or ticks are observed. Any flea or tick infestation must be attended to promptly by a College District-approved professional extermination company at the Handler's expense. Housing staff may not use chemical agents and insecticides to exterminate fleas and ticks. Because not all of these precautions will prevent flea and tick infestations, the animal Handler is responsible for extermination costs after vacating the residence hall room or apartment. The Handler will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. Cowley College shall have the right to bill the Handler's account for unmet obligations under this provision.

The Handler will provide an emergency contact to the Housing Department in the Student Services Office area. The Handler identifies this individual as someone local who can care for the animal in case of emergency. In the case of an emergency when the Handler fails to provide this emergency contact, Cowley College will board the animal at the Handler's expense.

Service animals may not be left overnight in Cowley College housing to be cared for by any individual other than the Handler. If the Handler is to be absent from his/her residence hall overnight or longer, the Handler must take the animal.

The Handler of a service animal that has escaped or cannot be located within one hour shall promptly notify CCPSD. If the Handler resides on campus, the Handler must also notify a member of Cowley College housing staff.

### **Removal of Service Animals from Cowley College Housing**

A request to reside with a service animal in a residence hall may be denied or a Handler may be asked to remove a service animal if:

- The Service Animal is out of control and the Handler does not take effective action to control it.

- If improper animal behavior happens repeatedly, the Handler may be prohibited from bringing the Service Animal into any Cowley College facility until the Handler can demonstrate that they have taken sufficient steps to mitigate the behavior;
- The animal or its presence creates an unmanageable disturbance or interference with the Cowley College community;
- The Service Animal is not housebroken;
- The Handler does not comply with the Handler's responsibilities set forth in these regulations;
- Admitting service animals would fundamentally alter the nature of the service or program;
- The animal poses a direct threat to the health or safety of others; and/or
- The specific animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.

Cowley College will base the decision to remove a service animal upon the consideration of the behavior of the service animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done and the ASC shall be notified. If circumstances require an immediate removal of the animal, the Handler will receive written notice via their Cowley email to remove the animal within twenty-four (24) hours. The Handler will be afforded procedural and appeal rights as outlined in the ASC accommodation request process.

If the situation allows, there is not an immediate threat to health or safety, or the animal's presence does not result in a fundamental alteration of a Cowley College Program, the Handler will be given written notice of a violation of these regulations via the Handler's Cowley email. If the behavior of an animal can be addressed by the Handler and the Handler can change the behavior of an animal so that the animal does not have to be removed, then a written action plan must be submitted by the Handler within two (2) business days of the email notification. The action plan must outline the action that will take place to alleviate the problems and must give a deadline as to length of time the plan will take. Any action plan must meet the approval of the administrative housing and ODS staff. This action plan shall be submitted to the Director of Housing and to the ASC. Any action plan must meet the approval of the administrative housing and ASC staff.

If the violation is not corrected within the approved upon time frame, the Handler does not follow the written action plan, or there is an immediate threat to health and safety, the Handler will receive notice via the Handler's Cowley email that they must remove the service animal within twenty-four (24) hours. Any Handler does not comply with a removal directive will be subject to disciplinary action that could include housing contract cancellation.

Should the service animal be removed from the premises for any reason, the Handler is expected to fulfill their housing obligations for the remainder of the housing contract.

### **Service Animals in Training**

Kansas law allows for service animals in training to access areas normally accessible to the public as long as they are accompanied by an approved trainer.

The ADA does not recognize service animals in training. The ADA defers to individual states for regulations on service animal in training and the requirements for such. Service animals in training must meet all of the regulations under ADA for trained service animals.



An approved trainer recognized by Cowley College is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. If the student is not an approved trainer, an approved trainer must be with the student and the animal while in campus buildings.

The animal must meet all standards of behavior that mirrors a trained service animal. These standards include that the animal is under the owner’s control at all times, does not create an unmanageable disturbance or interference with the Cowley College community, does not pose an immediate threat to the health and safety of any individual on Cowley College premises, and does not pose a substantial risk of damage to the property of Cowley College or to individuals on the Cowley College premises.

Additionally, service animals in training must be tethered at all times (unless the leash interferes with the task the animal performs), be at least one year of age, must be housebroken and meet all local health requirements, including current vaccinations.

### **Contact Information**

For any questions or concerns involving animal emergencies, disruption, or property damage, please contact Cowley College’s Public Safety Department (CCPSD) as they are the primary response agency for the college. CCPSD may be reached at: (620) 441-5599 or [security@cowley.edu](mailto:security@cowley.edu).

CCPSD should be contacted in response to the following animal related issues or concerns:

- Emergencies and other requests for immediate assistance.
- Animal bites and attacks.
- Disruptive, unsafe, unrestrained, or unattended animals on college property.
- Damage to college property.

For administrative inquires of these procedures, please contact Kristi Shaw, Executive Director of Student Services at (620) 441-5206 or [Kristi.shaw@cowley.edu](mailto:Kristi.shaw@cowley.edu).

For information on Assistance Animals, please contact Dawn Simpson, Accessibility Services Coordinator at (620) 441-5557 or [dawn.simpson@cowley.edu](mailto:dawn.simpson@cowley.edu).

Student residents with questions or non-emergency concerns may contact Lynlea Bartlett, Director of Housing, at (620) 441-5289 or [Lynlea.bartlett@cowley.edu](mailto:Lynlea.bartlett@cowley.edu).

### **IV. Effective Date(s)**

This procedure first became effective November 21, 2024.

This procedure was reviewed on \_\_\_\_\_.

### **V. Signature and Title:**

This procedure is implemented by: \_\_\_\_\_



Title: Executive Director of Student Services