

# AP 145c Emotional Support/Facility Dogs 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 145b Service Animals/Service Animals in Training on Campus

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## I. Procedure Scope and Purpose

Cowley College is committed to providing support for students with disabilities in 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 regulation outlines the rules and guidelines for granting authorization to a student of Cowley College for an emotional support animal (ESA). The regulation outlines the procedures to request an ESA, the expectations for students if an ESA request is granted, and guidance to those 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 for Emotional Support Animals

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.

Unlike *service* animals, which may have access to all facilities and buildings on campus that are open to the public, an ESA must remain in the student's personal residence and cannot have access to other buildings or other parts of campus.

When an animal does not qualify as a service animal under the ADA, Cowley College will evaluate whether the animal qualifies as an ESA under the Fair Housing Act (FHA). In contrast to service animals, ESAs require:

- prior authorization,
- are only allowed in the student's personal residence, and
- cannot be brought to public common spaces in the residence halls or elsewhere on campus.

When outside the student's personal residence, an ESA must be restrained in an animal carrier or restricted with a harness, leash, or other tether, unless the Owner's disability precludes the use of a restraint or if the restraint would interfere with the animal's safety. If an animal is not tethered, it must be otherwise under the Owner's control, whether by voice control, signals, or other effective means.

Cowley College will require that a student requesting authorization of an ESA in campus housing complete the Emotional Support Animal Authorization form and provide supporting documentation, which is further outlined below, that establishes the following:

- The individual has a disability for which the animal is needed;
- A description of how the animal assists the individual, including whether the animal has received special training; and

- The relationship between the disability and the assistance that the animal provides.

The Emotional Support Animal Authorization form must be obtained through the ASC Office.

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 Emotional Support Animals**

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

Owners are responsible for the control, care, and supervision of their 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. While formal training is not required for ESAs, obedience and training programs are highly recommended for ESAs. When appropriate for the type of animal, collars and tags must be worn at all times.

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

Owners 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 shall include a monthly treatment or other regime prescribed in writing by the animal's veterinarian. Owners will receive periodic email reminders to ensure compliance with this requirement. The Owner's living accommodations may also be inspected for fleas, ticks or other pests, when 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 Owner's expense.

Owners, 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 Cowley College-approved professional extermination company at the Owner'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 Owner is responsible for extermination costs after vacating the residence hall room or apartment. The Owner 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 Owner's account for unmet obligations under this provision.

Owners are responsible for ensuring the immediate clean-up and proper disposal of all animal waste. An owner 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, cages, and litter boxes must occur. The odor of an animal emanating from the residence hall room or apartment is not acceptable.

The Owner 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 assistance 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 Owner have appropriate liability insurance in the event of an animal bite, scratch, etc.

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

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

The Owner of an ESA that has escaped from the residence hall or container or cannot be located within one hour shall promptly notify Cowley College's Public Safety Department (CCPSD) or a member of the housing staff.

An ESA left unattended in a vehicle and is perceived to be in distress is to be reported to the 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, except in the residence of a student with an approved ESA, 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.

### **Emotional Support Animals in Cowley College Housing**

Employees who receive requests for 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, Director of Housing and the public safety staff will be informed that the accommodation is needed because of a disability but details about the disability will not be provided.

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 an ESA. 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 an ESA, then Cowley College will not charge a deposit or fee for the animal.

Students with a disability who desire to reside with an ESA must submit a request for an ESA to the ASC. No animal will be allowed in campus housing until the authorization process is finalized. This

process may take up to seven (7) business days. The ASC will send an email to the student through the student's Cowley email stating whether or not the student has submitted the necessary paperwork for the request and whether or not the animal is approved as an ESA. If approved, the ASC will notify the Director of Housing, the Student Life Counselor, and CCPSD that the animal is approved as an ESA and is allowed in campus housing.

The mere submission of an ESA authorization request does not allow a student to bring their animal into their residence. Unauthorized animals must be removed immediately. The presence of an unauthorized animal will result in disciplinary action and may result in the assignment of disciplinary points in accordance with the Student Code of Conduct. A student that refuses to remove an unauthorized animal will remain in violation until the animal is removed. Approval of an ESA authorization request is not retroactive. Any points or other disciplinary action accrued prior to the authorization request being approved will remain on the student's disciplinary record.

The authorization request form requires documentation to determine whether an animal qualifies as an ESA. Cowley College will require the following documentation:

1. A completed 'ESA' and 'ESA Guidelines/Agreement' forms which may be obtained through the ASC.
  - a. A statement that the provider knows the student and has *personal knowledge* of the individual
    - 1) Tele-health assessments is not recognized
    - 2) Documentation from an online website is generally not acceptable and is not recognized by HUD
  - b. A statement that the student has a disability—documentation does NOT need to include the specific disability diagnosis but must include the following:
    - 1) the dates of treatment and the date the diagnosis was first made;
    - 2) The symptoms for which treatment is needed;
    - 3) A statement that treatments other than the use of an ESA have been used for symptom reduction; and
    - 4) The date on which the use of an ESA was prescribed.
  - c. A statement confirming the therapeutic need for the ESA as it relates to the student's disability including evidence of the connection between the diagnosis/symptoms and use of the ESA.
2. Proof of vaccination(s) from a licensed veterinarian stating that the animal has all required vaccinations and is in general good health.
3. Information about the animal and the animal's care including the name and age of the animal, a physical description of the animal, and confirmation that the animal is housebroken or confined such that housebreaking is not necessary (e.g., fish in a fishbowl).
4. A color photo of the animal.
5. If applicable, a Roommate Acknowledgment Form obtained from Director of Housing is required each semester.

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 Cowley email if additional information is required to process their request.

The request for an ESA must be completed each academic year. An ESA Guideline/Agreement yearly renewal form must be completed with the ASC annually if the same assistance animal is returning. Updated vaccination(s) shall be provided with the request. For any new assistance animal, the process will require a new contract.

Emotional Support Animals may be dogs, cats, small birds, rabbits, hamsters, gerbils, other rodents, fish, turtles, and other small, domesticated animals that are traditionally kept in the home for pleasure rather than for commercial purposes. If an individual requests to keep a unique type of animal that is not commonly kept in households, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal.

Owners 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 should include a monthly treatment or other regime prescribed in writing by the animal's veterinarian. Owners will receive periodic email reminders to ensure compliance with this requirement. The Owner'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 Owner's expense.

Owners, 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 Cowley College-approved professional extermination company at the Owner'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 Owner is responsible for extermination costs after vacating the residence hall room or apartment. The Owner 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 Owner's account for unmet obligations under this provision.

The Owner will provide an emergency contact to the ASC when the application for approval is submitted. The Owner identifies this individual as someone local who can care for the animal in case of emergency. In the case of an emergency when the Owner fails to provide this emergency contact, Cowley College will board the animal at the Owner's expense.

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

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

### **Removal of an Emotional Support Animal**

Cowley College may require the owner to remove their ESA from the premises under the following circumstances:

- The ESA is out of control and the Owner does not take effective action to control it;
- The animal or its presence creates an unmanageable disturbance or interference with the Cowley College community;
- The ESA is not housebroken;
- The Owner does not comply with the Owner's responsibilities set forth in these regulations;
- Admitting an ESA 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 an ESA upon the consideration of the behavior of the ESA at issue, and not on speculation or fear about the harm or damage 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 Owner will receive written notice via their Cowley email to remove the animal within twenty-four (24) hours. The owner's procedural and appeal rights are 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, an Owner will be given written notice of a violation of these regulations via the Owner's Cowley email. If the behavior of an animal can be addressed by the Owner and the Owner can change the behavior of an animal so that the ESA does not have to be removed, then a written action plan must be submitted by the Owner 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. 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, the ASC, and the Public Safety Department.

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

Should the ESA be removed from the premises for any reason, the Owner must fulfill their housing obligations for the remainder of the housing contract.

If Cowley College personnel determines that the ESA must be removed and the Owner does not take immediate possession of it, Cowley College will first attempt to contact the emergency contact



provided by the Owner. If that emergency contact is not available or is unwilling to take possession of the animal, then Cowley College will collaborate with the local animal shelter to care for the animal until the Owner is able to resume these responsibilities. The Owner will be responsible for incurring all costs associated with this temporary care.

Cowley College must provide the Owner with the location of their animal within 24 hours of their removal. The Owner will be responsible for any cost associated with their ESA's removal, including but not limited to, its temporary care.

### **Exclusions or Special Circumstances for Facility Dogs**

Animal therapy is a popular type of event programming used on campus as it has been shown to reduce stress, anxiety, depression, fatigue, loneliness, as well as increase mood-elevating hormones, mental stimulation, and provides relaxing and social atmosphere with the college community.

Cowley College sponsored events by or attended by the Student Life Counselor as part of mental wellness programming for the college community in which facility dog(s) will be brought into campus buildings are exempt from these procedures. Cowley College departments and student organizations may request therapy dogs for events on campus. The exemption extended to facility dogs under the guidance of the Student Life Counselor comes with specific conditions including:

- Advanced signage will be placed at the location to provide notice of the event.
- Signage will be placed near the entrance(s) alerting individuals that dogs are on the premises.
- Dogs will be located away from any entrance/exit.
- Event will include staff or volunteers who can provide counseling services.
- Event will utilize certified therapy dogs that are brought to the event by their handlers.

These conditions seek to alert and accommodate any individual that may have allergies to dogs or prefer not to interact with them. Cowley College does not recognize facility dogs involved in these programs as either service animals or emotional support animals. This exemption is not applicable to other types of therapy animals.

### **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 inquiries 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