



UNIVERSITY OF
**NORTHERN
COLORADO**

Office of Institutional Equity & Compliance

**Service Animals in Public Accommodation
Standard Operating Procedure**

Purpose

This Procedure codifies the University’s requirements for accommodating service animals in all University properties and articulates the University’s response to service animals which are disruptive or dangerous.

Statutory Basis

The University of Northern Colorado supports the rights of individuals with disabilities to enjoy full access to the University’s programs and services. The University is a public entity and must accommodate service animals in alignment with state and federal law. Title II of the Americans with Disabilities Act (ADA) requires State and local government agencies, businesses, and non-profit organizations (covered entities) that provide goods or services to the public to make “reasonable modifications” in their policies, practices, or procedures when necessary to accommodate people with disabilities. Service animals fall under this general principle. Furthermore, C.R.S. § 24-34-803 requires that a qualified individual with a disability has the right to be accompanied by a service animal (or service animal-in-training) individually trained for that individual without being required to pay an extra charge for the service animal in or on the following places or during the following activities and subject to the conditions and limitations established by law and applicable alike to all individuals:

- Any place of employment, housing, or public accommodation (e.g., concert hall, classroom, or lab);
- Any programs, services, or activities conducted by a public entity;
- Any public transportation service; or
- Any other place open to the public.

An individual with a disability who owns a service animal is exempt from any state or local licensing fees or charges that might otherwise apply in connection with owning a similar animal.

Application

This Procedure applies to all University employees and students as well as members of the public while on campus or participating in University-sponsored programs or activities.

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 service animals under the ADA and are not entitled to public accommodation.

Handler: A person who is an individual with a qualifying disability who requires the service animal to perform a task, or a person who is training a service animal-in-training to perform a task.

Disqualification: A process by which the University may prohibit a service animal from coming to campus property or entering a place of public accommodation.

Requirements

If a dog is a service animal (including a service animal-in-training) as defined under the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and the Colorado Anti-Discrimination Act (C.R.S. § 24-34-301 et seq.), the handler and service animal (or service animal-in-training) must comply with the applicable standards for public accommodation, including but not limited to:

- Only service animals and service animals-in-training are entitled to public accommodation.
- It is unlawful to intentionally misrepresent an animal in one's possession as a service animal or service animal-in-training for the purpose of obtaining public accommodations rights and privileges.
- Service animals and service animals-in-training must always be under the control of their handler.
 - Service animals and service animals-in-training 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 or service animals-in-training cannot be leashed or harnessed, the handler must have the service animal under voice, signal, or other effective controls.
- It is unlawful for the legal owner of an animal (including a service animal or service animal-in-training) to willfully or wantonly allow such an animal to cause harm to a service animal or a service animal-in-training.

A handler may be asked to remove their service animal or service animal-in-training 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 or service animal-in-training is excluded for these reasons, the handler is still permitted to access services without having the service animal or service animal-in-training 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) prior to bringing a service animal to campus. DRC can 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, 107.7. It is also a crime to falsely impersonate a person with a disability. C.R.S. § 18-13-107. 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:

- Allow service animals to accompany persons with disabilities on campus
- Do not ask for details about a person's disabilities or ask for medical documentation
- Do not pet, interact with, or feed a service dog as this distracts from the performance of its tasks
- Do not deliberately startle, tease, taunt, or antagonize a service animal
- Do not interfere with the service animal's performance of tasks
- Do not separate or attempt to separate a service animal from its handler
- Allow the handler breaks to take the service animal outside for bathroom breaks
- Provide right of way to individuals with service animals
- Fear and allergies are not valid reasons for denying access to a service animal or refusing service to people using service animals
- People with disabilities who use service animals may not be isolated from others or treated differently than others

It may be appropriate to exclude a service animal from limited access areas that employ general infection control measures, such as operating rooms and burn units, where the animal's presence may compromise a sterile field environment (please contact OIEC or DRC if you have questions).

Reporting and Response to Concerns

Disruptive service animals are those service animals who are out of control and whose handler does not take immediate and effective action to control it, who are not housebroken, or who disrupt University activities (e.g., barking, jumping upon people, wandering away from its handler, vacating on the floor, or is clearly out of the handler's control).

Dangerous service animals are those service animals that pose a direct threat to the safety and welfare of an individual or property (e.g., biting or attacking a person or another animal) that cannot be mitigated or eliminated by modifying policies, practices, or procedures.

If a University employee or student is concerned that someone is misrepresenting an animal as a service animal or if a service animal becomes disruptive or dangerous, please report the concern immediately to the Office of Institutional Equity and Compliance (OIEC) at 970-351-4899 or titleix@unco.edu. If there is an immediate threat to safety and welfare, or if a person or another animal has been bitten by a dog and the bite breaks the skin, please call UNC Police at 970-351-2245.

Following a report of a disruptive or dangerous service animal, OIEC will meet with the handler to discuss the incident. Unless the incident poses a serious and/or ongoing risk to the community, OIEC will issue a written warning to the handler reiterating expectations.

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 repeal or uphold 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 for the duration of the quarantine period.

Contact

For questions regarding this Procedure or the requirements herein, please contact the University's ADA/504 Coordinator:

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