



**Policy Number 3.3.4.2**

**Chapter: Administration**

**Title: Service Animals**

**Division/Department: Administration/ Human Resources**

**Policy Administrator: Human Resources Director/Equal Opportunity Officer**

**Adoption Date:**

**Revision Dates:**

## **1. PURPOSE**

Auraria Higher Education Center strives to be welcoming and accessible to all members of the community who seek to enjoy its facilities, services and benefits. The purpose of this policy is to enable and support those Individuals with Disabilities who require the use of a Service Animal to aid them. In accordance with the federal Americans with Disabilities Act (ADA), ADA Amendments Act of 2008 (ADAAA), and state of Colorado disability laws, the Auraria Board adopts this policy to provide guidance to the campus community regarding the use of Service Animals on the Auraria Campus.

## **2. DEFINITIONS**

- 2.1. Auraria Campus: All real property, and all buildings, facilities, grounds, and areas located on the real property comprising the Auraria Higher Education Center.
- 2.2. Constituent Institution: As defined in C.R.S. § 23-70-101(b), an institution of higher education at and within AHEC, including Community College of Denver (CCD), University of Colorado Denver (CU Denver), and Metropolitan State University of Denver (MSU Denver).
- 2.3. Emotional Support Animal (ESA): An animal (other than a Service Animal) that has been verified by a Constituent Institution to be necessary to accommodate an Individual with a Disability by providing emotional support, comfort, or therapy in a university housing facility, to alleviate one or more identified symptoms or effects associated with its Owner/Handler's disability. ESAs are sometimes referred to as therapy, comfort, or companion animals. Pets are not ESAs.
- 2.4. Individual with a Disability: A person who:
  - 2.4.1. Has a physical or mental impairment that substantially limits one or more major life activities; or

- 2.4.2. Has a record of such impairment; or
- 2.4.3. Is regarded as having such an impairment. An individual is regarded as having an impairment when the individual shows that they have been subjected to an action prohibited under the ADA because of an actual or perceived impairment.
- 2.5. Owner/Handler: An individual who has the lawful right to possess an animal or is in immediate possession of the animal or has it under their control. References to an Owner/Handler herein shall mean all such Owners/Handlers in the circumstances.
- 2.6. Service Animal: A dog or miniature horse that has been individually trained, or is in the process of being trained, to do work or perform tasks for an Individual with a Disability. The task(s) performed by the animal must be directly related to the person's disability.

### **3. POLICY**

- 3.1. Subject to some limitations, a Service Animal may accompany an Individual with a Disability throughout the Auraria Campus in places where the public or Owner/Handler is allowed, such as in classrooms, recreational facilities, dining facilities, and common areas.
- 3.2. Before entering onto the Auraria Campus, all Service Animals must be currently vaccinated, licensed, and housebroken.
- 3.3. It is strongly encouraged, but not required, that a Service Animal be identifiable to others through a visible signifier (e.g., clearly marked vest or harness).
- 3.4. To be used by an Individual with a Disability, a Service Animal that is a dog need not be formally registered or approved by AHEC prior to entering onto the Auraria Campus, but a miniature horse must be approved by Human Resources.
- 3.5. There may be circumstances when a Service Animal cannot be accommodated because doing so would result in a fundamental alteration to the nature of the goods, services, programs, or activities provided at AHEC. Human Resources should be consulted in these circumstances.
- 3.6. Causes for Restriction or Removal:
  - 3.6.1. Service Animals may be restricted from the Auraria Campus, and AHEC staff may require their removal, when:
    - The animal is out of the Owner/Handler's effective control and the Owner/Handler does not take effective action to control it;
    - The animal is not housebroken;
    - The Owner/Handler is mistreating or neglecting the animal; or

- The animal poses a direct threat to the health or safety of others. For example, any Service Animal that displays vicious or unsafe behavior towards others may be excluded. Each situation must be considered individually.
- 3.6.2. If a Service Animal is excluded from an area for one of these reasons, the administrator responsible for the area shall afford the Individual with a Disability the opportunity to access the needed services or items through other reasonable means. Assistance with reasonable accommodations may be obtained from Human Resources.
- 3.7. To be under the Owner/Handler's effective control, a Service Animal must be attached to a harness, leash, or tether, unless the person is unable because of a disability to use such items, or such use would interfere with the animal's safe, effective performance of work or tasks. In such cases, the Service Animal must be otherwise under the Owner/Handler's control (e.g., by voice control, signals, or other effective means). Effective control also includes addressing disruptive behavior such as barking, whining, or pawing at other people.
- 3.8. A pet is not a Service Animal. If there is a question whether an animal is a pet or a Service Animal, a responsible administrator may inquire, before allowing the animal to enter or remain, as to the following:
- 3.8.1. If the animal is required because of a disability, and
- 3.8.2. What work or tasks the animal has been trained to perform.
- 3.8.3. No inquiries may be made regarding the nature of the individual's disability.
- 3.9. Emotional Support Animals are not Service Animals, and their use is restricted in accordance with the policies of the Constituent Institution.
- 3.10. Service Animals in training: An animal being trained to perform as a Service Animal will be treated as a Service Animal when accompanied by the Owner/Handler. The animal must meet the same requirements as a trained Service Animal and must be under the effective control of the Owner/Handler.
- 3.11. To ensure access and nondiscrimination for Individuals with Disabilities who are using a Service Animal, members of the Auraria Campus community should abide by the following practices:
- Freely allow Service Animals to accompany their Owner/Handler on campus in accordance with this policy.
  - Do not ask for details about a person's disabilities.
  - Do not pet, interact, or feed a Service Animal, as it distracts the animal from its work.

- Do not deliberately startle, tease, or taunt a Service Animal.
- Do not separate or attempt to separate a person from their Service Animal.
- Provide individuals with Service Animals the right of way with respect to pedestrians, cyclists and skateboarders.

3.12. Colorado Law concerning Misrepresentation of a Service Animal or ESA:

It is a crime in Colorado to intentionally misrepresent any animal as a Service Animal or ESA when it is not actually required for an Individual with a Disability. Pursuant to C.R.S. §§ 18-13-107.7 and 18-13-107.3, a person commits intentional misrepresentation of a service animal if:

- The person intentionally misrepresents an animal in his or her possession as his or her service animal or service-animal-in-training for the purpose of obtaining any of the rights or privileges set forth in C.R.S. § 24-34-803;
- The person was previously given a written or verbal warning regarding the fact that it is illegal to intentionally misrepresent a service animal; and
- The person knows that the animal in question is not a service animal or service-animal-in-training.

**4. APPROVAL AND ADOPTION**

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Chairperson of the Auraria Board