

KAPI'OLANI COMMUNITY COLLEGE POLICY

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Kapi'olani Community College Animals on Campus Policy

I. Introduction:

It is Kapi'olani Community College's goal to provide a safe and welcoming place to learn and work. To this end, the College is committed to both ensuring that it meets the needs of individuals requiring animals for assistance while also protecting the health and safety of our employees, students, and visitors.

This policy supplements other applicable laws and regulations governing the presence of animals on public property or in eating establishments.

- II. Related Policies** (Pets are permitted on campus roads, walkways and grounds provided they are on a leash not more than 6 feet in length or otherwise appropriately secured. Pets are not permitted in indoor common areas such as classrooms, cafeteria, the bookstore and the library. Those bringing pets onto the campus are responsible for cleaning up after their pets.)

[M11.102](#) University of Hawai'i at Mānoa Policy, Animals on Campus (undergoing revisions)

III. Policy Objectives

The primary objectives of this policy are; 1) to provide and promote a safe and healthy learning and working environment; 2) to ensure that potential animal-related concerns are identified and properly mitigated; 3) to reduce potential risk, liability, and complaints resulting from animals on campus; and 4) to emphasize the campus community's shared role in the responsibility and stewardship in providing a clean, attractive, and welcoming campus environment.

IV. Definitions

Service animal: any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. (Department of Justice, Title II Regulations, 28 CFR Part 35)

Research, teaching, or training animal: any animal that is officially part of the College's teaching, research, training and/or clinical programs.

Feral animal: any once-domesticated animal that has reverted to an untamed state. Feral animals select specific areas on the campus grounds as their habitat and gather/reside in colonies, flocks, or packs.

Comfort (therapy) animal: any animal that provides emotional support, well-being, comfort, or companionship. A companion, comfort, or therapy animal does not qualify as a service animal under the Americans with Disabilities Act (ADA). (Suggest deleting "(therapy)" since these types of animals are associated with visiting patients in facilities. Throw out what we can and narrow down what we are defining. Comfort Animal: Any animal that provides necessary emotional support, well-being and companionship as certified by a qualified medical professional. A comfort animal does not qualify as a service animal under the Americans with Disabilities Act (ADA), and therefore only comfort animals authorized by the Disability Support Services Office (DSSO) are allowed in academic study areas of the campus.) (A comment in the previous section of "Comfort Animals" about directing students to DSSO. I don't know if I want that option to be as pronounced. Maybe we could add more subtle language, see below: "In addition to service dogs, other types of assistance animals for persons with disabilities may be authorized on a case-by-case basis." (UHM)

V. Procedures

Service Animals

Only service animals and comfort (therapy) animals as defined in Part IV of this policy, are allowed in academic study areas of the campus. The United States Department of Justice, which is the agency with primary authority for enforcement and interpretation of the Americans with Disabilities Act (ADA), prohibits the College from asking about the nature or extent of a person's disability or requiring proof that an animal has been certified, trained, or licensed as a service animal. (https://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_withbold.htmon service animals)

However, unless it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (*e.g.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability), the College may ask two questions to determine whether an animal qualifies as a service animal. (delete "and comfort (therapy) animals")

1. Is this animal required because of a disability?
2. What work or task is this animal trained to perform?

While on the College's property, a service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether. Exception: if the handler is unable to use a harness, leash, or tether because of a disability, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, the service animal must at least be under the handler's control (*e.g.*, voice control, signals, or other effective means).

The College is not responsible for the care or supervision of a service animal. The College may ask an individual with a disability to remove a service animal from the premises if the animal is out of control (and the animal's handler does not take effective action to control it) or if the animal is not housebroken. While the College's usual practice is to charge persons for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. [See ADA REGS Attachment B]

The request to have a dog treated as a service animal may be denied if the specific animal in question poses a direct threat to the health and safety of others that cannot be reduced or eliminated by a reasonable accommodation or if the specific animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by a reasonable accommodation.

Miniature Horses

A public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public accommodation shall consider –

- A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- B. Whether the handler has sufficient control of the miniature horse;
- C. Whether the miniature horse is housebroken; and
- D. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Comfort or Therapy Animals (Revise to "Comfort Animals")

While Emotional Support Animals (Emotional Support Animals is not a term we need to include in our policy since it applies to animals in housing/residential situations.)

or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Even though some states have laws defining therapy animals, these animals are not limited to working with people with disabilities and therefore are not covered by federal laws protecting the use of service animals. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning. [See attachment C]

Research, Teaching and Training Animals

All vertebrate animals used for these purposes must have a valid animal protocol approved by the University of Hawai'i Institutional Animal Care and Use Committee (IACUC), unless exempted by the IACUC.

Feral Animals

- A. Feral animals can inhabit the campus grounds provided that the animal(s) do/does not pose any risks and do/does not represent a hazard, cause property damage, create a public nuisance, or interrupt the campus' operations.
- B. Entrapment of feral animals is allowed:
 - 1. For rescue or surgical sterilization (spay and neuter) purposes and provided that doing so does not create a hazard, cause property damage, create a disruption, or interrupt the campus' operations
 - 2. When the size of the population of animals creates a hazard, causes property damage, creates a disruption, or interrupts the campus' operations.
- C. The feeding of feral animals, including cats, shall be restricted only to feeding areas that are located on the perimeter of the campus, which are located away from buildings, at designated locations established by the College. Feeding of feral animals shall only occur at designated areas and not within the "inner campus".

VI. Responsibilities

- A. Animal owners are responsible for clean-up and proper disposal of animal droppings and any damages or injuries caused by the animal(s) under their care.
- B. Deans, Directors and Department Chairs are responsible for communicating and enforcing this policy on a regular basis with their faculty, staff, students and visitors. Campus Security is responsible for coordinating medical and other emergency response and law enforcement services, including first aid medical care as necessary. **Campus Security will respond immediately if there is a danger to people and property; to handle an animal that is unattended or unrestrained; or if an animal bite/attack occurs.** (Is it possible to also add some kind of statement that would be inclusive of difficulties with animal behavior?) (This is addressed in Section V, last paragraph under Service Animals. Do you think it should be reiterated in this section?)
- C.
- D. The Safety and Emergency Management (SEM) Director and Auxiliary Services Director are responsible for communicating and enforcing this policy on a regular basis with the external College community (i.e., cat feeders, dog walkers, etc.) through verbal and written methods.
- E. The Disability Student Support Office (DSSO) (Disability Support Services Office (DSSO) is correct) and Human Resources Office (HR) are responsible for assisting with the interpretation and application of this policy and coordinating efforts with the Vice Chancellor of Administrative Services, Auxiliary Services Office, Campus Security, and other Kapi'olani CC groups as necessary. If there are questions or concerns in situations related to animals on campus, please contact the Vice Chancellor for Student Affairs for students and the Human Resources Office (HR) for employees
- F. The College reserves the right to prohibit animals from any campus buildings, grounds, and events.

Attachment A. Department of Justice ADA 2010 Revised Requirements – Service Animals

file:///Users/joannewhitaker/Desktop/ADA%20Requirements_%20Service%20Animals.htm

Attachment B. ADA Title II Regulations, pp. 36-37, Service Animals

https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

Attachment C. ADA Booklet: Service Animals and Emotional Support Animals

<https://adata.org/publication/service-animals-booklet>