



Service & Emotional Support Animals Policy Overview

As stated in Kilgore College Policy, Kilgore College (hereinafter referred to as “College”) is committed to 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.

The College recognizes that some individuals with disabilities use assistance animals. These are animals that work, perform tasks, assist, and/or provide therapeutic emotional support. There are **two types** of assistance animals: (1) **service animals** and (2) **emotional support animals**. Specific rules apply to these two categories, as discussed below. Questions regarding assistance animals should be directed to the Office of Disability Services at disabilityservices@kilgore.edu .

An individual with a disability who uses a service animal may have access to all facilities and buildings on campus that are open to the public. No documentation will be required to establish that the animal is trained or certified. However, in the case of support animals residing with a student in College housing, the College will require that the student provide documentation 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;
- The relationship between the disability and the assistance that the animal provides.

Service Animal Regulations

Under the ADA and Section 504, the 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.

Under federal regulations, the only animals that qualify as service animals are dogs. (In some limited cases, a miniature horse may qualify.) The dog must be trained to perform a specific task that assists the person with a disability.

Service Animals at Kilgore College

Individuals with disabilities may be accompanied by their service animals in all College buildings where members of the public or participants in services, programs or activities are allowed to go. By law, a service animal means 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.

The work or tasks performed by a service animal must be directly related to the individual's disability. 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 are trained for a variety of disabilities, including visual impairments, hearing impairments, physical impairments, and mental health issues, such as Post Traumatic Stress Disorder. For example, with certain mental health impairments, the dog is trained to recognize and sense when the person is beginning to have a panic attack and will paw or pull the person to remove them from the situation. This is a specific task; the dog provides more than emotional support.

A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Federal regulations do not require a person with a disability 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 College District employees can ask of the person with a service animal are:

- Do you have the dog because of a disability?
- What task is it trained to do?

No other questions can be asked, and no proof can be required of training. However, these questions should not be asked when it is readily apparent that the individual has a disability and that the animal is trained to assist the individual.

If the person with a disability 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.

An animal that is not a service animal might still qualify as a "support" animal. Whether the animal qualifies as a support animal will depend on other factors as stated below. An approved support animal is permitted in a residence hall but no other location on campus.

Responsibilities of Individuals with Service Animals: Disruptive Service Animals

Persons with the disabilities who use service animals have certain responsibilities. The service animal is considered an extension of the person and therefore must comply with the same public rules and regulations that the disabled person must comply with. Just as a person cannot yell out loud and run around being disruptive, neither may a service animal.

Individuals with disabilities are responsible for the control of their service animals at all times and must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. A service animal shall be restrained with a harness, leash, or other tether, unless an individual's disability precludes the use of a restraint or if the restraint would interfere with the animal's safe, effective performance of work or tasks. If an animal is not tethered, it must be otherwise under the individual's control, whether by voice control, signals, or other effective means.

The owner of the animal bears sole liability (criminal or civil) for the actions of the animal (bites, scratches, property damage, etc.).

Individuals are responsible for ensuring the immediate clean-up and proper disposal of all animal waste. Although the 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 the College imposes charges for damages caused by students or others.

Faculty members may not prevent service animals from entering their classroom, and staff and administrators may not refuse entry to other public buildings on campus, including libraries. Faculty, staff, and administrators may respond to disruptive or other inappropriate animal conduct by directing the individual with a disability to remove the animal. If a faculty member is allergic to the animal, the faculty member should consult with the Office of Disability Services so that the faculty member's and student's respective needs for accommodation can be evaluated.

If a service animal becomes disruptive in class, office or any other function (uncontrollable barking, out of control behavior, not housebroken, etc.), the faculty or staff member may direct that the student remove the animal; however, the student is welcome to return. A service animal that is disruptive a second time may not return to class for one class session (or three calendar days, whichever is shorter). The student is still permitted to attend class without the animal. If the student is not able to participate without the animal and if the animal continues to be disruptive, the student and the Office of Disability Services shall confer regarding other potential accommodations. These rules apply to all visitors and service animals as well.

While no proof of training is required, dog obedience and training programs are highly recommended for individuals with support animals.

Additional Health and Safety Requirements Service Animals in Training

Texas 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.

Service animals in training must meet all of the other regulations under ADA for trained service animals.

An approved trainer recognized by the 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, the student must provide proof of an approved trainer and the trainer will be with the student and the dog while in campus buildings.

Additionally, service animals must be tethered at all times (unless the leash interferes with the task the animal performs) and meet all local health requirements, including vaccinations.

Service/Emotional Support Animals in Kilgore College Residence Halls

GENERAL RULES STATEMENT:

Kilgore College is committed to complying with all applicable laws and regulations related to emotional support animals. With respect to a request for an emotional support animal to be allowed in housing, Kilgore College will determine on a case-by-case basis, and in accordance with federal, state and local laws and regulations, whether the animal is approved. Kilgore College Office of Campus Life approval of a request for an emotional support animal in Kilgore College Housing is subject to the Handler's complying with the KC Emotional Support Animal General Rules and signing the attached Handler's Agreement.

DEFINITION:

For the purpose of this document, emotional support animals (hereinafter referred to as ESA) are defined as an animal that provides emotional support or therapeutic benefits that alleviate one or more identified symptoms of an individual's disability. This rule is not meant to address service animals. An ESA is a companion animal that a licensed health care professional has prescribed as an integral part of the individual's treatment process for a documented disability. There must be a relationship between the individual's disability and the assistance the animal provides that is documented by a licensed health care professional. ESAs alleviate one or more identified effects of a person's disability.

For the purpose of this rule and the attached agreement, the term "Handler" will refer to the individual who is requesting and/or has been authorized to have an emotional support animal in a campus residence.

For purposes of this rule, "licensed health care professional" means a health care professional licensed by the State of Texas or the state where the student resides. The term does not include internet or online professionals and documentation from such individuals will not be considered.

HOUSING AND URBAN DEVELOPMENT (HUD)/FAIR HOUSING ACT REGULATIONS:

HUD/Fair Housing Act provides that ESAs be considered a reasonable accommodation in campus housing. Since HUD/Fair Housing Act regulations only apply to housing facilities, an approved ESA is not allowed in other areas of campus.

RULES:

Handler's failure to follow these rules may result in removal of the ESA from housing and possible disciplinary actions, up to and including removal of the Handler from housing. ESAs must be maintained in their assigned room. When the Handler is not present, the ESA must be adequately housed and secured in the room in an appropriately sized container or kennel. The ESA cannot be left in the room unattended overnight and cannot be left overnight in housing to be cared for by another person. Residence hall showers may not be used to clean an ESA. Handler must take the most direct route to the inside/outside when entering/exiting housing with the ESA. ESAs are not allowed in common areas of housing or in/on any other College controlled property. ESAs are only allowed in their assigned room and areas immediately surrounding housing for relief. The Handler must pick up all ESA waste and dispose of it properly. Handler must keep the ESA clean and well groomed at all times, including a pest control (fleas, ticks) program. Handler must follow all Board policies and housing rules related to ESAs at all times.

ESA LIMITATIONS:

No Handler may have more than one (1) ESA. Kilgore College campus residences are unique in their construction, layout, age and building materials. As a result, campus residences cannot support every request

a Handler makes for an ESA. Animals that fall into the below categories will not be approved by the Office of Campus Life. This list is illustrative, and is not meant to be all-inclusive.

1. Venomous or poisonous snakes or amphibians
2. Constricting snakes
3. Wild or exotic animals
4. Any species not spayed/neutered
5. Any species that is not allowed under applicable law, regulation, ordinance, or code
6. Animals not current on vaccinations
7. Animals not "house trained"
8. Not spayed/neutered if appropriate
9. Animals lacking a clean bill of health from a veterinarian and/or animals that are sick
10. Animals not on a pest control program for fleas/ticks
11. Dangerous or aggressive animals that pose a threat to others
12. Animals that would cause substantial damage or destruction to College property due to size or other trait.
13. Animals that are simply too large to be adequately accommodated in a residence hall room

PROCESS FOR ATTAINING ESA PERMIT:

This is a two-step process. First, the requested documentation demonstrating the need for an ESA must be received and approved. Second, the particular ESA requested must be approved. This second step is approved on a case-by-case basis. Failure to follow the procedures and timelines set forth below will result in denial of an ESA permit.

1. Handler must submit all fully completed forms requesting an accommodation, including a statement from the Handler's licensed health care professional, to the Office of Disability Services, which will be responsible for coordinating the request with the Office of Campus Life.
 - a. This request must be submitted at least 30 days prior to the animal arriving on campus.
2. Current (within the last 6 months) documentation from a licensed health care professional must be submitted and must include:
 - a. Verification from a licensed health professional that meets the requirements set forth herein.
 - b. Statement on how the animal serves as an integral part of the student's treatment process for the verified disability
 - c. Statement describing the student's disability and the relationship between the disability and the assistance that the animal provides.
3. Handler must provide completed and up to date applicable veterinarian records.
4. If approved, Handler will then meet with Coordinator of Campus Life to review the ESA General Rules and sign the attached Handler's Agreement.
5. If approved, Campus Life Specialist will be notified about the ESA and are provided with expectations for engagement.

HANDLER'S AGREEMENT

CONTROL:

The resident is responsible for ensuring the ESA does not interfere with the routine activities of the campus residences or the residential students. Reported behaviors that are not conducive to the community will be adjudicated through the discipline process (*see DISCIPLINE*)

The Handler must comply with all state laws and local animal ordinances (*see LOCAL ORDINANCES*) as well as Campus Life rules, policies, and procedures including, but not limited to, the following:

- An ESA may reside in the campus residence only after the approval process has been completed.
- Within the campus residences, ESAs are not permitted in any public common space including community/shared spaces, lounges, recreational rooms, study rooms, computer labs, laundry rooms, bathrooms or staff offices. The ESA is not permitted in any other students' campus residence rooms.
- The Handler of the ESA is solely responsible for the care, restraint, control and supervision at all times.
- In the event the ESA no longer resides in the campus residence, the Handler should contact Campus Life Staff.
- Campus Life reserves the right to request an ESA receive veterinary attention or request updated verification, including an additional Clean Bill of Health at any time during the ESAs residency.

LOCAL ORDINANCES:

Handlers who are approved for an ESA in Kilgore College Housing must familiarize themselves with City of Kilgore Animal Ordinances located in the link below.

<http://www.cityofkilgore.com/environmental-services/animal-ordinance>

NOISE:

The ESA must not disrupt others. The Handler is responsible for maintaining the ESA in a manner that does not disturb other residents due to noise. If this occurs and/or complaints are made and the issues continue, the ESA may be removed from housing.

LIABILITY:

The Handler understands and agrees that he/she is solely responsible for any damages or injuries caused by the ESA, and agrees that Kilgore College will not, under any circumstance, be liable for personal injuries or damages of any kind caused by the ESA under any circumstance. The Handler agrees to indemnify, hold harmless and defend Kilgore College against any claims or damages related in any way to the ESA's presence on the Kilgore College campus. By signing below, the Handler warrants and attests that the ESA has never injured another animal or person.

UNATTENDED ESAs:

When left alone, the ESA must be secured in a kennel, cage or other appropriate container. ESAs shall not be left alone for extended periods in a Handler's room and should never be left overnight without the Handler.

The ESA is not permitted to be left in the care of another student. In the event an ESA is left for an extended period of time without proper care, Campus Life will contact the Handler or their emergency contact to remove the ESA. If either parties are unable to be reached, Campus Life may notify Animal Control and have the ESA removed. Any costs for removal of the ESA shall be the responsibility of the Handler.

EMERGENCY CONTACT:

Upon signing the Handler's agreement, the Handler must provide information for an alternative, off-campus caregiver to be notified if the Handler is unable or unwilling to provide adequate care. Kilgore College Office of Campus Life assumes no responsibility or liability for the care of the ESA.

ESA CONTAINMENT:

ESAs must be contained within the assigned residential room at all times, except when being transported outside. When outside assigned room, ESA must be in a carrier or restricted by a collar, leash and/or harness. Dogs and cats must wear a collar with a tag identifying the ESA and its Handler with name and telephone number.

ESA IDENTIFICATION:

The ESA must meet legal requirements for licensing. Campus Life reserves the right to request documentation that the ESA has been licensed. ESAs must wear a collar with current vaccination and identification tags at all times.

ESA BEHAVIOR:

Handlers are responsible for any odors, noise, damage or other conduct that disturbs or damages the premises. Violations of this standard will result in disciplinary action and/or removal of the ESA from housing. (See *DISCIPLINE*)

FIRE DRILLS AND EMERGENCIES:

Fire drills are scheduled to test building systems and student compliance with building evacuation expectation. All students present at the time of the fire drill are required to leave the building until the fire drill is over. Handlers who are in the campus residence when an alarm activates should promptly exit the building with their ESA. Please note that Handlers not in the campus residence at the time of a fire alarm or anyone else WILL NOT be allowed into the building to retrieve their EAS. Therefore, the ESA Handler should:

- Be aware that fire alarms will ring for an extended period, often in excess of five minutes as part of the drill.
- Be aware of how the continuous alarm may affect the ESA, which will be left alone in its living space during this time.

If an emergency occurs that requires the residence to be evacuated, no person including the Handler will be allowed to enter the residence to retrieve the ESA.

REMOVAL FROM HOUSING:

If Handler is removed from housing for any reason (academic, disciplinary, pandemic, quarantine, health reasons, etc.), then the ESA must be removed by Handler simultaneously.

WELL-BEING:

Campus Life considers that Handlers may be away from their rooms for extended periods relating to their class schedule. During these periods, the Handler must provide any extended care requirements for the ESAs physical and dietary needs. The ESA must not be left alone beyond its unique physical and dietary needs.

CLEANLINESS AND SANITATION:

The Handler agrees to weekly cleaning, or as needed, of their living space to minimize the accumulation of ESA fur/dander. The Handler is responsible for providing the equipment necessary to clean their living space (broom, vacuum, duster, etc.). Kilgore College reserves the right to clean the assigned living space and charge the Handler for the cost of same. ESA food should be kept in a closed container within the Handler's room.

The Handler is responsible for properly containing and disposing of the ESA's waste, which will necessitate different handling precautions and responsibilities based on the ESA species.

- Indoor ESA waste, such as used litter, must be disposed of in a sealed plastic bag. Used litter must be disposed of daily, including sealing in a plastic bag and removing to an outside dumpster. ESA waste may not be flushed down the toilets.
- Outdoor ESA solid waste must be immediately removed by the Handler, placed in a plastic bag, securely tied and placed in an outside dumpster.
- If the ESA vomits or becomes incontinent, it is the responsibility of the Handler to make sure the contaminated area is cleaned up immediately. Affected surfaces must be cleaned by the Handler with appropriate disinfectant.

ROOMMATE CONFLICT:

If any time one or more roommates do not approve of the ESA in their living space, then the Coordinator of Campus Life will evaluate the information and make adjustments, if necessary. Campus Life also reserves the right to provide other reasonable accommodations as necessary dependent on circumstances.

INJURIES:

If the ESA is be alleged to have caused an accident or injury to a person, the ESA will be removed from the campus residence while an inquiry into the matter takes place. If it is determined the incident did not occur or the ESA was not at fault, the ESA will be allowed to return to the campus residence. However, if it is determined that the incident did occur and the ESA was the cause, the ESA may be subject to more stringent

restrictions or removal from all campus residences. This determination shall be made solely within the discretion of Campus Life.

ADDITIONAL CONSIDERATIONS:

CAMPUS RESIDENCE PROCEDURES:

The Handler agrees to abide by all residence life procedures outline in the Residence Life Handbook. Though an approval of an ESA constitutes an exception to the prohibition of animals in the campus residences, this does not constitute an exception to any other campus residence policy, procedure, or rule.

DISCIPLINE:



Any violation of the policies outlined in this document may be considered grounds for immediate removal of the ESA. The Handler will be afforded the right to an evaluation of the infraction through the three levels of the discipline process (listed above) as described in the Campus Residence Handbook.

Depending on the severity of the infraction, the discipline process may be expedited and can include disciplinary measures up to and including removal (*see REMOVAL*) of animal and dismissal from campus residences. For the complete campus residence disciplinary procedures, as well as an explanation of the three levels of the discipline process, please see the current Residence Life Handbook, appendix A.

POLICIES:

The Handler agrees to abide by all Board policies, procedures, and/or administrative rules related to ESAs and/or animals on campus. Handler further agrees to abide by the Kilgore College Office of Campus Life Emotional Support Animal General Rules in all respects. Handler understands that his/her failure to abide by these referenced policies, rules and/or the terms of this Agreement may result in the ESA's removal from housing.

REMOVAL:

Should the ESA be removed for any reason, the resident is expected to fulfill their contractual obligations for the remainder of the contract period, and is not excused from same.

DAMAGES:

The Handler is solely responsible for any and all damage to persons or property caused by ESA. The Handler’s financially responsible for the action of the ESA including bodily injury. The Handler is responsible for any cleaning or repairs above and beyond a standard cleaning. If excessive cleaning is required or if fleas or ticks are detected in the campus residences as a result of the ESA, Campus Life reserves the right to clean and/or treat the building and charge that back to the Handler’s account.

ESA MISSING, DAMAGE, or DEATH:

The Handler is responsible for immediately notifying Campus Life if they ESA dies or goes missing. Campus Life is not responsible for loss, damage to or death of the ESA.

REQUEST FORM FOR SERVICE ANIMAL AND ESA

By signing below, I agree to the terms set forth herein. Further, I warrant and represent I am at least eighteen (18) years old. If Handler is not at least eighteen (18) years old, his/her parent or legal guardian must also sign below. If a parent or guardian signs below, he/she is signing as guarantor for the Handler.

Printed Name of Handler/Student

Printed Name of Parent or Legal Guardian

Signature

Signature

Date

Date

Office of Campus Life ONLY below this line:



<input type="checkbox"/> Approved <input type="checkbox"/> Denied (Reason below) _____ Coordinator’s Initials Signature and Date
