

KAUA'I COMMUNITY COLLEGE

Animals on Campus

1. Scope

This policy shall apply to all persons on Kaua'i Community College (KCC) property; all land and property owned or leased by KCC, including buildings and structures; and all animals whether they are service, domestic (i.e. pets, comfort animals, and therapy animals), feral, wild, or related to research, teaching or testing.

2. Policy Statement

To provide a safe and clean environment that is conducive for learning to all students, faculty, staff, and visitors, while maintaining reasonable accommodations for persons with disabilities, and preserving academic freedom with respect to the use of vertebrate animals for research, teaching or testing.

3. Rationale

To establish guidelines and procedures regarding admittance of animals at KCC in accordance with all applicable Federal, State and County laws, and all State and University of Hawai'i policies, rules and procedures. Specifically the following:

- A. Code of Federal Regulations, Title 28 - Judicial Administration, Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services as referenced herein.
- B. Hawai'i Administrative Rules, Title 3 - Department of Accounting and General Services, Subtitle 10 - Central Services Division Public Building Management Services Branch, Chapter 111 - State Facilities and Grounds, Part 14 Animals:

§3-111-14 Animals. All animals are prohibited, except service animals such as, but not limited to guide, signal and service dogs, who are trained to do work or perform tasks for the benefit of an individual with a disability. It shall be the individual's responsibility for all damages caused by the animal, including but not limited to, cleaning up after the dog, and properly disposing of any dropping. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6).

4. Definitions

- A. Handler - The person responsible for an animal while that animal is on KCC property.
- B. 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." (*Code of Federal Regulations*, title 28, § 35.104)

- C. Domestic Animal - Any animal that is bred and raised under human control for many generations and has a pleasant disposition towards humans. This includes all pets and emotional support animals, otherwise referred to as comfort or therapy animals.
- D. Feral Animal - Any animal that has escaped from a domestic or captive status and is living more or less as a wild animal.
- E. Wild Animal - Any animal that experiences their full life cycle without deliberate human intervention.

5. Procedures

A. Service Animals

i. Determination

- (1) Two inquiries can be made to determine whether an animal qualifies as a service animal when the individual's disability and the work or tasks performed by the service animal are not readily apparent (e.g., individual with a seizure disability using a seizure alert service animal, individual with an autism-related disability using an autism service animal). (*Code of Federal Regulations*, title 28, § 35.136f)
 - a. Is this a service animal that is required because of a disability?
(*Code of Federal Regulations*, title 28, § 35.136f)
 - b. What work or tasks has the animal been trained to perform?
(*Code of Federal Regulations*, title 28, § 35.136f)
- (2) The two permissible inquiries may not be made when it is readily apparent that the 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). (*Code of Federal Regulations*, title 28, § 35.136f)

- (3) Documentation shall not be required to prove that an animal has been certified, trained, or licensed as a service animal. (*Code of Federal Regulations*, title 28, § 35.136f)

(4) Student and Employee Accommodations for Service Animals

a. Students

- i. Students may notify the Disability Services Office that they require the assistance of service animals.
- ii. Upon notification by a student, the Disability Services Office shall notify Policy Officials and affected instructors in writing of the student's need for a service animal.

b. Employees

- i. Employees requiring the assistance of service animals must seek an accommodation through the Human Resources Office.
- ii. The Human Resources Office shall notify Policy Officials and affected supervisor in writing of all service animal accommodations.

ii. Responsibilities

- (1) "A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means)." (*Code of Federal Regulations*, title 28, § 35.136d)
- (2) The handler shall ensure that the service animal is collared with a current County of Kauai dog license tag. (*Kauai County Code*, title 8, §22, article 10)

- (3) The handler shall maintain appropriate hygiene and cleanliness of a service animal to control odor, shedding, and fleas.
- (4) The handler shall ensure that the service animal shows appropriate behavior, including full socialization, good temperament, and is not disruptive on KCC property.
- (5) The handler shall ensure that the service animal eliminates its waste in an appropriate area, and that the waste is cleaned-up and properly disposed.

iii. Admittance

- (1) Service animals shall be allowed to accompany persons with disabilities if they are:
 - a. Students and members of the general public who are conducting business on campus;
 - b. employees who have received a service animal accommodation from the Human Resources Office; or
- (2) Service animals shall be allowed in all areas where the person would otherwise be allowed, unless:
 - a. the animal is out of control and its handler does not take effective action to control it;
 - b. the animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination); or
 - c. the animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by a reasonable modification to other policies, practices and procedures. (*Code of Federal Regulations*, title 28, § 35.136b)
 - i. A determination that an animal poses a direct threat must be based on an individualized assessment of the specific animal's actual conduct - not on fears, stereotypes or generalizations. (*Code of Federal Regulations*, title 28, § 35 Appendix A)
- (3) When there is a legitimate reason to ask that a service animal be removed, KCC shall offer the person with the disability the

opportunity to conduct their business at KCC without the animal's presence. (*Code of Federal Regulations*, title 28, § 35.136c)

B. Domestic Animals

i. Determination

- (1) Unless determined to be a service animal, for purposes of this policy, all other domesticated animals shall be considered a domestic animal. This includes all pets and emotional support animals, otherwise referred to as comfort or therapy animals.

ii. Admittance

- (1) Domestic animals are prohibited in accordance with Hawai'i Administrative Rules, §3-111-14 Animals.

C. Feral or Wild Animals

i. Determination

- (1) Unless determined to be a service animal or domestic animal, for purposes of this policy, all other animals shall be considered a feral or wild animal.
- (2) The most common feral or wild animals found on KCC property are pigs, cats, chickens, and other birds.

ii. Admittance

- (1) Feral or wild animals may pose a health and safety hazard to KCC due to their untamed and uncontrollable nature, and as such any activity that encourages or promotes the presence of feral and wild animals on KCC property is strictly prohibited. The prohibited activities include but are not limited to feeding, sheltering, or abandoning feral or wild animals.
- (2) Campus Public Safety should be notified of any threats to health, safety or property from feral or wild animals.

D. Research, Teaching and Testing Animals

i. Determination

- (1) Any vertebrate animal that is used in research, teaching or testing at KCC.

ii. Responsibilities

- (1) The handler shall comply with all policies, guidelines and procedures of the University of Hawai'i's Institutional Animal Care and Use Committee (IACUC), including ensuring compliance with all IACUC training requirements.
- (2) Prior to submitting an Animal Use Protocol Application to IACUC, the handler shall provide to the Vice Chancellor for Academic Affairs and the Vice Chancellor for Administrative Services the following information:
 - a. description of the research/teaching/training activity;
 - b. justification for the use of animal;
 - c. description of all of the procedures to be performed on the animals, and precautions taken to assure humane care and treatment of animal subjects;
 - d. the species and number of the animals;
 - e. description of the animal holding facilities, use of anesthetics/analgesics/paralytic agents, methods of restraint, survival/non-survival surgery procedures; and
 - f. methods of euthanasia, and final disposition of animal subjects.

iii. Admittance

- (1) Research, teaching or testing animals shall only be admitted upon the handler receiving an approved Animal Use Protocol from IACUC.
- (2) In accordance with IACUC's authority, KCC Administration reserves the right to suspend or deny protocols which have been approved by IACUC.

6. Administrative Procedures

A. Policy Officials

- i. Authority to enforce this policy is delegated by the Chancellor to members of Executive Administration, and members of Campus Public Safety as follows:
 - (1) Vice Chancellor for Academic Affairs
 - (2) Vice Chancellor for Administrative Services
 - (3) Vice Chancellor for Student Affairs
 - (4) Director of the University Center and Academic Support
 - (5) Director of the Office of Continuing Education and Training
 - (6) Campus Public Safety Manager

- (7) Campus Security Officers
- (8) Contracted Security Guards

B. Policy Violations

i. Notification

- (1) An unlawful inquiry made to a handler regarding their service animal shall be considered a policy violation and should be reported to the Campus Public Safety Manager, Vice Chancellor for Administrative Services, or Chancellor.
- (2) Notice of policy violations that pose an immediate health or safety threat to the campus shall be made verbally and documented through a Security Incident Report.
- (3) Notice of policy violations that do not pose an immediate health or safety threat to the campus shall be in writing using the Animals on Campus Policy Violation form (see Appendix A) and forwarded to the Vice Chancellor for Administrative Services.

ii. Remedy

- (1) Persons given proper notification of a policy violation shall immediately cease and desist from committing that policy violation.
 - a. Handlers of animals in violation of the policy may be ordered to remove the animal from KCC property.
 - b. Once an animal is ordered to be removed for a policy violation, the handler must obtain approval from the Vice Chancellor for Administrative Services in order for the animal to be readmitted onto KCC property.

iii. Failure to Comply

- (1) Failure to remedy a policy violation, including compliance with an order to remove an animal or a ban, shall be subject to disciplinary action or penalties in accordance with the applicable governing item listed below:
 - a. Student Conduct Code for students
 - b. Respective collective bargaining agreement for represented employees

- c. UH Administrative Procedure A9.130 for non-represented employees
- d. Hawai'i State trespass laws for members of the general public

iv. Appeals

- (1) A person or handler of an animal given proper notice of a policy violation may file a written appeal using the Animals on Campus Policy Violation Appeal form (see Appendix B). The appeal must be delivered to the Vice Chancellor for Administrative Services no later than five (5) business days from the date of notice of the violation.
 - a. Appeals shall be heard by the Campus Safety and Operations Committee as soon as practicable, but within 60 days of the filing date of the appeal.
 - i. The enforcement official and person filing the appeal shall be given at least 5 business days notice to attend the hearing and defend their case.
 - b. All remedies to the policy violation shall be in full force and effect until a final determination is made.
 - c. The person or handler filing the appeal shall accept the final determination made by the CSOC.

Helen A. Cox, Chancellor

Appendix A

Animals on Campus Policy Violation

Violation Number: <div></div>		Campus Official:	
		First Name	Last Name
Date:	Time:	Offender(s):	
		First Name(s)	Last Name(s)
Location:		Other Witnesses:	
		First Name(s)	Last Name(s)
Description of Violation:			
Order or Remedy:			

Appeals may be filed with the Vice Chancellor for Administrative
Services no later than five (5) business days from the receipt of this

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Appendix B

Animals on Campus Policy Violation Appeal

Violation Number:	Offender(s):	
	<small>First Name</small>	<small>Last Name</small>
Appeal Filing Date:	Other Witnesses:	
	<small>First Name(s)</small>	<small>Last Name(s)</small>
Reason for Appeal:		
CSOC Final Ruling:		Date of Ruling:

This appeals must be filed w ith the Vice Chancellor for Administrative Services no later than five (5) business days from the receipt of the

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