

APPENDIX E-3-2016
Service and Assistance Animal Procedures

PURPOSE:

To provide guidance and procedures for administrators, faculty and staff in implementing the College's Service Animal Policy (235.0225.16) and Assistance Animal Policy (235.0226.16).

I. SERVICE ANIMALS

A. Definitions and Guidelines

GENERAL GUIDELINES

The Department of Justice /ADA rules defines "service animal" as 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.

Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Examples of such work or tasks include:

- 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

Individuals with mental disabilities may use service animals that are individually trained to perform a specific task. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, well-being, comfort, or companionship are not service animals under the ADA.

Other animals, whether wild or domestic, do not qualify as service animals. Exception: A miniature horse may be considered a service animal as defined by the U.S. Department of Justice, Civil Rights Division.

B. Care and supervision of service animal:

The owner / users of service animals are responsible for the care or supervision of a service animal. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

The service animal must be clean and in good health. Owners and/or users of service animals must abide by current city ordinances and laws pertaining to licensing and vaccination requirements for service

animals. It is the responsibility of the owner and/or user of the animal to know about these ordinances and laws. All owners and/or users of service animals are responsible to clean up after and properly dispose of their animal's waste.

The College will not ask for or require an individual with a disability to pay a surcharge or to comply with other requirements generally not applicable to people without pets. However, an individual with a disability may be charged for any damage caused by his or her service animal.

C. Inquiries regarding service animals:

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:

- (1) Is the dog a service animal required because of a disability?
- (2) What work or task has the dog been trained to perform?

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. An individual with a service animal may not be segregated from other students.

D. Exclusions of service animals:

A service animal is generally permitted to accompany the individual with a disability to College facilities where members of the public, students, staff, and faculty are allowed to go. However, the College may ask the individual with a disability to remove a service animal from any of its facilities if: (1) the service animal is out of control and the handler does not take effective action to control it or (2) the service animal is not housebroken. The College may also ask the individual with a disability to remove a service animal from any of its facilities, if the use or presence of the service animal poses a direct threat to the health or safety of others if the animal's behavior, such as barking, is unreasonably disruptive to the other participants within the facility. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

A service animal may be excluded from the College temporarily or permanently if it is found to be in violation of the above requirements.

E. Concerns regarding service animals:

Students wishing to utilize a service animal at the College should contact the Vice President of Student Services and/or delegate (the College officer's name, address, email address, and phone number shall be included in all actual, appropriate publications).

Any person who wishes to appeal a decision related to service animals should pursue resolution through the College's Discrimination, Harassment, or Retaliation Complaint Operating Procedure. The written

complaint shall be submitted to the Chief Human Resources Officer (College officer's name, address, email address, and phone number shall be included in all actual, appropriate publications).

A member of the College who has concern about the behavior of a service animal should direct his / her concern to the Chief Human Resources Officer (College officer's name, address, email address, and phone number shall be included in all actual, appropriate publications).

II. ASSISTANCE ANIMALS

A. Definitions and Guidelines

An Assistance Animal is a category of animal that may work, provide assistance, or perform tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of an individual's disability, but which are not considered Service Animals under the ADA(AA) and WNCC's Service Animal Policy. An Assistance Animal is not a pet. A pet is an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an Assistance Animal.

Although it is the policy of WNCC that individuals are generally prohibited from having animals of any type in College housing, the College will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Assistance Animal that is necessary because of a disability. Under the Fair Housing Act and this procedure, a student may keep an "Assistance Animal" in his or her room in on-campus housing as a reasonable accommodation if:

- (1) the student has a disability;
- (2) the animal is necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling; and
- (3) there is an identifiable relationship or nexus between the disability and the assistance the animal provides.

Some, but not all animals that assist persons with disabilities are professionally trained. Other Assistance Animals are trained by the owners. In some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed to afford the individual an equal opportunity to use College housing and its presence in College housing is reasonable.

B. Care and supervision of Assistance Animal:

Section I(B) of this procedure applies to assistance animals. In addition to the requirements set forth in Section I(B) above, the owner must comply with the following provisions regarding care and supervision of an Assistance Animal:

- (1) The owner is responsible for assuring that their assistance animal does not unduly interfere or adversely affect the routine activities of on-campus housing or other residents. In addition, the approved assistance animal must not pose a threat to the health, safety, or property of anyone in the College community. If the College determines that the approved assistance animal threatens the health, safety or property of anyone in the College community, the College will take appropriate measures, up to and including a determination that the approved assistance animal may no longer be permitted on campus.

- (2) The assistance animal must be contained within the student room at all times, except as required for transportation or to eliminate waste. While outside the owner's on-campus housing, the animal must be in an animal carrier or controlled by leash or harness.
- (3) The care and supervision of the approved assistance animal is solely the responsibility of the owner. The owner is responsible for ensuring the safety of the approved assistance animal and the College community.
- (4) Approved assistance animals may not be left overnight in on-campus housing without the owner. Approved assistance animals must be taken with the owner if the owner leaves campus overnight.
- (5) The owner is responsible for ensuring the clean-up of the approved assistance animal's waste (e.g. urine, excrement, fur, etc.)
- (6) The owner is financially responsible for the approved assistance animal, including bodily injury or property damage caused by the approved assistance animal. The owner's responsibility may include replacement of furniture, carpet, window, wall covering, and costs of damage to other College owned property. The owner is expected to cover these costs of repair and as otherwise set forth in the College's Residential Contract for Housing and/or other applicable rules and regulations.
- (7) The owner must notify the Disability Services Officer in writing if the approved assistance animal is no longer needed or is no longer in residence. To replace an approved assistance animal, the owner must file a new Housing Accommodations Request Form as set forth in Section II(c) of this procedure, as appropriate.
- (8) Residence Life may relocate the owner and approved assistance animal as necessary according to the Residential Contract for Housing and/or other applicable rules and regulations governing on-campus housing.
- (9) Other conditions: Disability Services or Residence Life may place other reasonable conditions or restrictions on the assistance animal depending on the particular facts and circumstances, including the nature and characteristics of the Assistance Animal.

C. Inquiries regarding Assistance Animals:

A student that wants to keep an assistance animal in his or her room in on-campus housing must make a request by:

- 1) Making an accommodation request by filling out the Housing Accommodations Request Form, available on-line or at the Disability Services Office. This request must be made as soon as the need arises so the College can best accommodate the student and the animal.
- 2) Submitting documentation of a disability to the Disability Services Officer. (College officer's name, address, email address, and phone number shall be included in all actual, appropriate publications). The documentation must be provided from an appropriate professional service provider and permit the College to determine:
 - The student has a disability for which the animal is needed;
 - How the animal will assist the student; and
 - The nexus between the student's disability and the assistance the animal provides.
- 3) If all applicable criteria are met, as determined by the College's Disability Services Officer, a meeting will be arranged between the student, the Disability Services Officer, and a representative from Residence Life to discuss how best to accommodate the student, the assistance animal, and the campus community. The owner shall sign an acknowledgement and release giving permission to the Disability Services Officer to disclose to others impacted by the presence of the assistance animal (e.g. Residence Life staff, potential and/or actual roommate(s)/neighbor(s)) that the owner will be living with an animal as an accommodation. This information shall be shared solely with the intent of preparing for the presence of the

assistance animal and/or resolving any potential issues associated with the presence of the assistance animal.

D. Exclusions of Assistance Animals

Assistance animals may be considered for access to college housing, however, they are not permitted in other areas of the college (e.g. academic buildings, athletic building, classrooms, dining facilities, labs, library, student center, etc.). Any approved assistance animal in on-campus housing must also meet the requirements/policies for animal health and behavior set by the Disability Services Officer and Housing / Residence Life as well as their Residence Life Housing Contract. Assistance animals must not be left for extended periods of time either unattended or to be cared for by someone other than the owner.

A request for an assistance animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue burden (financial and/or administrative); (2) fundamentally alters College housing policies; (3) and/or poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including College property.

E. Concerns regarding Assistance Animals:

Students wishing to utilize an assistance animal at the College should complete a Disability Services Housing Accommodations request form and contact the Disability Services Officer and/or delegate (the College officer's name, address, email address, and phone number shall be included in all actual, appropriate publications).

Any person who wishes to appeal a decision related to assistance animals should pursue resolution through the College's Discrimination, Harassment, or Retaliation Complaint Operating Procedure. The written complaint shall be submitted to the Chief Human Resources Officer (College officer's name, address, email address, and phone number shall be included in all actual, appropriate publications).

A member of the College who has concern about the behavior of an assistance animal should direct his / her concern to the Chief Human Resources Officer (College officer's name, address, email address, and phone number shall be included in all actual, appropriate publications).

WNCC will not retaliate against any person because that individual has requested or received a reasonable accommodation in College housing, including a request for an assistance animal.