

AP 5140B Service Animal Procedures and Guidelines

References:

Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

I. Background

Feather River College ("FRC") Board Policy addresses the college's compliance with the Americans with Disabilities Act (the "ADA") and Section 504 of the Rehabilitation Act ("Section 504"). The following procedures implement this policy with regard to the use of service animals by qualified students with disabilities in District facilities and on District campuses.

The purpose of these guidelines and procedures is to ensure that qualified students with disabilities who have service animals can participate in and benefit from District services, programs, and activities, and to ensure that the District does not discriminate on the basis of disability as identified in Title II of the ADA and state antidiscrimination laws.

Service animals are animals trained to perform some of the functions and tasks that people with disabilities cannot perform for themselves. A service animal is:

Any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. 28 CFR § 36.104 (definition from Title III of the ADA applicable to private entities).

While service animals have been traditionally identified as dogs, it should be noted that a variety of animals are used as service animals.

II. Primary College Contacts

Coordinator of Disabled Student Programs and Services (DSP&S), Director of Human Resources, and Chief Student Services Officer.

III. Definitions

- a. **Access Animal:** An animal that does not meet the definition of "service animal" The term access animal encompasses companion animals and therapy animals.
- b. **Companion Animal:** An access animal used for its calming influence, affections, stability, or a feeling of security.

- c. **Disability:** “A physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.” 28 CFR § 35.104.
- d. **Handler:** A person who works with a service animal but is not the person the service animal serves (usually a trainer).
- e. **Partner:** A person with a disability who uses a service animal or access animal.
- f. **Service Animal:** An animal individually trained to perform specific tasks, like those described in Section III.g., for the benefit of a person with a disability. It is not a pet.
- g. **Service Animal Tasks:** A service animal may be trained to perform a variety of services depending on the nature of the disability. Examples include, but not limited to:
 - o For someone with a visual impairment: obstacle avoidance, signaling changes in elevation, and locating objects.
 - o For someone with a hearing impairment: alerting to specific sounds and other tasks such as retrieve unheard dropped objects.
 - o For someone with mobility or other health impairment: retrieving, carrying, tugging, pulling, bracing, and calling for emergency help.
 - o For someone with a seizure disorder: tasks supporting an individual before, during, and after a seizure.
 - o For someone with autism: tasks may include alerting the individual of distracting repetitive movements.
- h. **Team:** A person with a disability, or a handler, and a service animal. The two work as a cohesive team in accomplishing the tasks of everyday living.
- i. **Therapy Animal:** An access animal used as therapy for various mental health issues.
- j. **Trainee:** An animal being trained to become a service animal. It has the same rights as a fully trained dog when accompanied by a trainer and identified as such.

IV. General Rule Regarding Service Animals

As a general rule, FRC will modify policies, practices, and procedures to permit the use of a service animal by an individual with a disability. When appropriate, students may be issued documentation verifying that the animal is a service animal to be used at FRC.

V. Restrictions/Areas of Safety

FRC imposes some restrictions on service animals for safety reasons. Restrictions may include but are not limited to nursing and health sciences program practicums, food services programs, rooms with heavy machinery, custodial closets, areas where protective clothing is required, or areas that can

pose a safety risk to the animal. Restrictions are considered individually to determine if the animal poses a possible danger or could be in possible danger and to determine if other reasonable accommodations can be provided to assure the student equal access to the activity. Questions about restrictions on service animals should be directed to the DSP&S.

VI. Responsibilities of Individuals Using Service Animals or Access Animals

An individual with a service animal or access animal is responsible for the following:

- a. Ensuring that the animal meets any licensing requirements of the state of California. (The animal must be immunized against diseases common to that type of animal. Dogs are required to wear an owner identification tag, a current rabies tag, and a dog license tag at all times.)
- b. Ensuring that the animal is on a leash at all times.
- c. Controlling the animal at all times. The care and supervision of an animal is solely the responsibility of its partner/handler.
- d. Ensuring that all city ordinances or other laws regarding cleaning up after the animal defecates are followed. Individuals with disabilities who physically cannot clean up after their own service animals are not be required to pick up and dispose of feces. However, these individuals should use marked service animal toileting areas where provided.
- e. Ensuring that the animal behaves properly in public settings. The animal must:
 - o Not be allowed to sniff people, restaurant tables, or the personal belongings of others.
 - o Not initiate contact with someone without the handler's direct permission.
 - o Not display any disruptive or aggressive behaviors or noises (such as barking, whining, growling or rubbing against people). Not block an aisle or passageway.
 - o Not be more than twelve inches from the handler or partner.
 - o Not be attracted to food that may be in the area.
- f. Ensuring that the animal is in good health. If the animal becomes ill, the partner/handler must remove it from the area and College staff may require it to leave.
- g. Complying with FRC's Code of Student Conduct.

FRC may exclude a service animal or access animal from all or part of its property if a partner/handler fails to comply with these restrictions in a manner fundamentally alters the nature of FRC's programs or services, or poses a threat to the health or safety of others.

VII. Requirements for Faculty, Staff and Students

Members of the FRC community are responsible for the following:

- a. Allowing service animals to accompany the partner/handler at all times and everywhere on campus except where animals are specifically prohibited.
- b. Not distracting a service animal in any way. Do not pet, feed, or deliberately startle the animal.
- c. Not separating a partner/handler from a service animal.

FRC may take disciplinary action against a student who fails to abide by these guidelines.

VIII. Temporary Exclusion of Service Animals and Access Animals

A community member may request the exclusion of a service animal or access animal if he or she believes the partner/handler is not complying with the responsibilities in Section VI. Such a request should be made to the DSP&S or Campus Safety.

In response to a request, an employee from the DSP&S or Campus Safety will:

- a. Inform the partner/handler of the reason that the animal is being asked to leave campus, investigate the appropriateness of the request, and determine whether the animal should be excluded from campus.
- b. If the DSP&S employee or Campus Safety Officer determines the animal should be excluded
 1. He or she must inform the student that the campus Chief Student Services Officer must be contacted before the animal may return to campus.
 2. He or she must report the incident in writing to the campus Chief Student Services Officer with a copy to the College's ADA Coordinator at the earliest opportunity.
- c. In the event of an emergency involving a service animal or access animal, the campus Chief Student Services Officer, the College's ADA Coordinator, and DSP&S staff will consult and work together with the student to resolve the situation.

An individual who does not agree with the resolution may file a complaint or grievance following the College's Grievance Procedures.

IX. Conflicting Disabilities

Students with medical issues that are impacted by animals (such as respiratory diseases) should contact the DSP&S if they have a concern about exposure to a service animal or access animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation and must comply with all DSP&S procedures.

DSP&S will then facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of all persons involved.

X. Clarifying an Animal's Status

In many cases it is easy to discern whether or not an animal is a service animal by observing the animal's harness, cape, or backpack, or the partner's disability. However, in other cases, an animal may only have a leash or the partner's disability is not visible. Therefore, it may be appropriate to ask the partner whether or not the animal is a service animal and FRC does not consider a legitimate inquiry about whether an animal is or is not a service animal as a violation of policy.

Other questions regarding the status of a service animal should be referred to the DSP&S.

XI. Emergency Situations

Emergency Response Teams ("ERTs") should be trained to recognize service animals and access animals and to be aware that animals may try to communicate the need for help. Also, an animal may become disoriented from the smell of smoke in a fire or laboratory emergency, or from sirens, wind noise, or shaking and moving ground. A partner and/or animal may be confused from any stressful situation. ERTs should be aware that animals may be trying to be protective and, in its confusion, should not to be considered harmful. ERTs should make every effort to keep a service animal with its partner; however, the ERTs' first effort should be toward the partner, which may result in the animal being left behind in some emergency evacuation situations.

XII. Access Animals

Access animals may be authorized as an effective accommodation on a case-by-case basis through consultation with DSP&S. Decisions by the DSP&S will be made in a manner consistent with Section 504, the ADA, and local laws regarding disabled persons. Qualified students will be provided with documentation verifying that the animal is an access animal to be used at FRC on a quarterly basis.

Approvals:

Cabinet: September 11, 2007