

Service and Assistance Animal Policy

Purpose To provide a policy for faculty/staff and students in regards to the laws, regulations, rights and protocol for service and assistive animals on campus.

Definitions

“Handler” - A person with a disability that a service animal assists, or a personal care attendant who handles the animal for the person with the disability.

“Service Animal” - A service animal is defined as a *dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability (28 C.F.R. 35.104). According to these guidelines a service animal is considered to be a reasonable accommodation. Under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, individuals with disabilities may use service animals in any public area including campus buildings, unless doing so would pose a danger to the health or safety of others or cause undue burden. Disability according to the ADA includes, but is not limited to, a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals are working animals, not pets.

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.

** Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.*

“Assistance Animal” - An assistance or emotional support animal is defined as any animal that is a companion animal and provides therapeutic benefit to an individual with a mental or psychiatric disability. Assistance animals are not the same as service animals in that they are not individually trained to do work or perform a specific task. The animal is viewed as a “reasonable accommodation” under the Fair Housing Amendments Act of 1988 (the FHA) to those housing communities that have a “no pets” rule (24 CFR 5.303). In other words, just as a wheelchair provides a person with a physical limitation the equal opportunity to use and enjoy a dwelling, an emotional support animal provides a person with a mental or psychiatric disability the same opportunity to live independently. Most times, an emotional support animal will be seen as a reasonable accommodation for a person with such a disability. A request to have an assistance animal on campus is considered a request for accommodations and will be reviewed on a case-by-case basis following the same process as receiving any other accommodations through Disability Services. Assistance animals are only allowed on the campus grounds according to TVCC’s INGB - Pet/Animal/Dog Policy and must follow TVCC pet policy, and in the dorms under Fair House laws. No specific training of the animal is required. The one requirement for a person to legally qualify for an emotional support animal is that the person has a letter from a licensed mental health professional (therapist, psychologist, psychiatrist-Not the family doctor) on his/her letterhead that states that person is under his/her care, is emotionally or psychiatrically disabled, and prescribes for the person and emotional

support animal. Without this letter, if the person presents an animal as an assistance animal, he/she is in violation of federal law; an offense punishable by fine and imprisonment, if convicted.

“Places of Public Accommodation” - Public accommodation means a place of public accommodation as defined in ORS 659A.400: “a place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements or otherwise”. A place of public accommodation does not include any institution, bona fide club, or place of accommodation which is in its nature, distinctly private.

Expectations, Rights and Responsibilities Related to the Use of Animals on Campus

The animal will be the full responsibility of the individual with a disability, and the owner must be consistently in control of the animal. If the animal is not under control or poses a risk to the health or safety of others, then the individual may be asked to remove the animal.

Service or assistance animals may not be left in any TVCC area to be cared for by another student or person.

To the extent possible, the animal should be unobtrusive to other individuals and the learning, living and working environment.

The handler should ensure that the animal does not sniff people or their personal belongings.

The animal should not display any behaviors or noises that are disruptive to others, unless part of the service being provided the handler.

Service animals should not block an aisle or passageway for fire egress.

Service and assistance animals must be harnessed, leashed, tethered or in an animal carrier at all times, 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. Exceptions may be granted in an emergency situation, when the animal needs to perform a task requiring it to travel beyond the length of the restraint, or when the owner is unable to retain an animal on a leash due to a disability.

It is recommended that the animal wear some type of commonly recognized identification symbol, identifying the animal as a working animal, but not disclosing disability.

People with disabilities who use service animals cannot be charged extra fees, isolated from other patrons, or treated less favorably than other patrons. However, if TVCC normally charges patrons for damage that they cause, an individual with a disability may be charged for damage caused by his or her service animal.

The owner is responsible for removing or arranging for the removal of the animal’s waste. This will result in placing the waste in a closed container and then removing the container to an outdoor trash bin. TVCC is not required to provide care or food for a service animal or provide a special location for it to relieve itself.

Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals. Individuals with medical issues that may be impacted by the presence of service animals should communicate with Disability Services (DS) if they have a concern about exposure to a service animal. The individual will be asked to provide documentation that identifies a disability and the need for an accommodation. The DS will facilitate a process to resolve the conflict that considers the disability-related needs/accommodations of all persons involved. If necessary DS will work with the Student Conduct Officer.

Licensing

According to Oregon Law (OR 690.100) and Idaho law (25-2801), any animal that has reached a proper level of maturity must be licensed and must display a license on its collar at all times.

It is the student's responsibility to know and understand these ordinances, laws, and regulations according to the state that they reside in.

Health

Animals on campus must have an annual clean bill of health (including vaccinations and immunization shots against rabies and/or other diseases common to the type of animal) that is signed by a licensed veterinarian. A valid vaccination tag must be worn by the animal at all times. Owners need to make sure that the animal is kept as clean as possible. Regular bathing/grooming and pest control measures also need to be performed by the owner.**

Emergency Situations

In the event of an emergency, Campus Security or the TVCC representative that responds will be trained to recognize service animals and be aware that the animal may be trying to communicate the need for help. The animal may become disoriented from the smell of smoke in a fire or laboratory emergency, from sirens or wind noise, or from shaking and moving around. The handler or animal may be confused from the stressful situation. Campus security or the TVCC representative should be aware that the animal is trying to be protective and, in its confusion, is not to be automatically considered harmful. Campus Security should make every effort to keep the animal with its handler. However, the first effort should be toward the handler; this may necessitate leaving the animal behind in certain emergency evacuation situations.

Assistance Animals in Residence Halls

TVCC's Residence Life will allow an assistance animal if certain conditions are met. The animal must be necessary for the resident with a disability to have equal access to housing and the accommodation must be reasonable. There must be a link between the animal and a disability. Emotional distress from having to give up an animal because of a "no pets" policy, does not qualify a person for an accommodation under federal law. An accommodation is unreasonable if it presents an undue financial or administrative burden on the College, poses a substantial and direct threat to personal or public safety, or constitutes a fundamental alteration of the nature of the service or program.

Steps to make a request for assistance animals in College Housing:

1. Contact Disabilities Services and provide documentation of your disability to receive eligibility.
2. Apply for housing and on the housing application submit initial information about your housing accommodation request.
3. Contact Residence Life to request and complete a *Dietary and Disability Accommodation Request Form*.

Once the student has completed these first three steps, Residence Life and DS will review the request and the student will be notified of any decision. Assignments are made based on availability of housing and approved housing accommodations.

** Any student approved assistance animal in College Housing facilities must also meet TVCC's policies requirements for animal health and behavior, as well as students Housing and Dining Agreement.

Primary College Contacts

Disability Services:

- Disability Services contact information is available at www.tvcc.cc
- Students may contact Disability Services for information or guidance.
- Guests may be accompanied by a service animal when participating in programs and accessing services without requesting an accommodation, but are welcome to contact the college's DS for information or guidance.

Human Resource Director:

- Employees may request to have a service animal as a workplace accommodation through Human Resources.

Restrictions and Exclusions

TVCC may impose some restrictions or remove from campus a service animal. Restrictions or removals are considered on a case-by-case basis in accordance with applicable laws. Reasons for consideration of exclusion of a service or assistance animal:

- The animal is not under the direct control of the owner.
- The animal is not housebroken
- The animal poses a direct threat to the health or safety of others
- The animal's presence would result in substantial property damage to the property of others, including, but not limited to TVCC property
- The animal's presence results in a fundamental alteration of a TVCC program
- The animal or its presence creates an unmanageable disturbance or interference with the TVCC community.

In determining whether a service animal poses a direct threat to the health or safety of others, TVCC will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

In those circumstances where a service animal is believed to fundamentally alter a service, program, or activity, TVCC has the burden of proving that a fundamental alteration would occur. The decision that allowing the service animal would result in a fundamental alteration must be made by TVCC CARE Team with the recommendation of Disability Services.

The disabled individual must be provided with a written statement of the reasons for reaching that conclusion. If allowing the service animal would result in a fundamental alteration, TVCC shall take other actions to ensure that individuals with disabilities may participate in services, programs and activities without having the service animal present.

Questions about restrictions on service animals should be directed to the primary college contacts listed above.

Protocol for Exclusion of Service Animals

A community member may report a concern regarding a service animal to Campus Security. In response to an immediate concern, Campus Security may determine that a service animal must be removed from campus on a temporary basis. The security officer will notify the person who experiences disability of this decision and the incident will be turned over to DS.

The DS will investigate all reported concerns and cases where service animals have been temporarily removed from campus and will consult with the CARE Team to determine whether or not the animal should be excluded from campus on a permanent basis.

If it is appropriate for the animal to be excluded from campus permanently, DS will work to ensure the individual receives appropriate accommodations in place of the use of a service animal.

An individual who does not agree with the resolution may file a complaint or grievance per the appropriate policy.

Requirements for Faculty, Staff and Students

Members of the TVCC community are responsible for the following:

- Allowing service animals to accompany the person they are assisting in all areas of campus where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.
- Not distracting a service animal in any way. Do not pet, feed, or interact with the animal without the handler's permission.
- Not separating a disabled person from his or her service animal.
- TVCC cannot require special ID cards for the animal or ask about the person's disability. Clarifying an animal's status as a service animal only when it is not readily apparent that an animal is a service animal. In such cases, designated staff may not ask about the nature or

extent of a person's disability, but may make the following inquiry to establish whether the animal is a service animal:

- Is the animal a service animal
- What task the animal has been trained to perform

Other questions regarding the status of a service animal should be referred to the contacts noted above. TVCC may take disciplinary action against any individual who fails to abide by these guidelines.

END OF POLICY

Legal Reference(s):

[ORS 341.290](#)

[ORS 659A.400](#)

[OAR 581-053-0010](#)

[OAR 581-053-0545\(4\)\(c\)\(V\)](#)

[OAR 581-053-0550\(5\)\(u\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2006); 28 CFR §§ 35.104, 35.136 (2006).
Americans with Disabilities Act Amendments Act of 2008.