

SOUTHWESTERN COMMUNITY COLLEGE	HUMAN RESOURCES/INFORMATION TECHNOLOGY SERVICE ANIMALS	Policy 4.04.12
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I. OVERVIEW

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and other applicable federal and state law, the College may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs or activities. This Policy addresses the use of Service Animals on campus by qualified individuals with disabilities or individuals authorized to provide training.

II. DEFINITIONS

1. **Emotional Support Animal** – an animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process (e.g., in alleviating the symptoms of that individual's disability). An emotional support animal does not assist a person with a disability with activities of daily living and does not accompany a person with a disability at all times. An emotional support animal is not a "Service Animal".
2. **Service Animal** – an animal 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. The work or tasks performed by a Service Animal must be directly related to the handler'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 nonviolent 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. Service Animals may or may not have been licensed by a state or local government or a private agency.

III. PROCEDURES

A. Responsibilities of the Person with a Disability

The care and supervision of a Service Animal is the responsibility of the person with a disability who is using the animal's services. This individual must ensure the animal is in good health and has been inoculated and licensed in accordance with local regulations with the burden of proving licensure and inoculation on the person with a disability. Dogs must wear a rabies tag at all times.

The Service Animal must be under the control of the person with a disability at all times. A Service Animal must be restrained by a leash or other appropriate device that does not exceed six (6) feet in length or otherwise be under the control of the person with a disability if the leash or tether will interfere with the ability of the Service Animal to perform required tasks.

Persons with a disability are encouraged, but not required, to contact Student Services to register their Service Animal.

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Domestic animals and/or Emotional Support Animals are not permitted on campus and may not be left in vehicles on campus property.

B. Responsibilities of the College Community

If the need for a Service Animal is clear, individuals may not question the presence of the animal on campus. If the need for a Service Animal is not apparent, members of the campus community are permitted to ask the individual two questions:

1. Is the animal required because of a disability?
2. What work or task(s) has the animal been individually trained to perform?

At no point may campus community members require a Service Animal to demonstrate the tasks for which they have been trained nor may they inquire as to the nature of the individual's disability.

If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals and that person has contact with a Service Animal, a request for accommodation should be made by the individual to the Director of Human Resources (if an employee) or the Dean of Students (if a student). All facts surrounding the concern will be considered in an effort to resolve the concern and provide reasonable accommodation for both individuals.

C. Removal of Service Animals

The College has the authority to remove a Service Animal from its facilities or properties if the Service Animal becomes unruly or disruptive, unclean and/or unhealthy to the extent that the animal's behavior or condition poses a direct threat to the health or safety of others or otherwise causes a fundamental alteration in the College's services, programs, or activities. The person with a disability is responsible for the costs of repair to any damage to College property caused by the service animal.

It is a Class 3 misdemeanor "to disguise an animal as a service animal or service animal in training". N.C.G.S. § 168-4.5. In other words, it is a crime under North Carolina law to attempt to obtain access for an animal under the false pretense that it is a Service Animal.

Additionally, any faculty member or student who violates any portion of this procedure is subject to disciplinary action.

Legal Reference: Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act of 1990
N.C.G.S. § 168-4.5

Adopted: July 28, 2015

Revised: