

## SERVICE ANIMALS

The South Orange County Community College District Board Policy addresses the colleges' compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The following procedures implement Board Policy 3440 with regard to the use of service animals in district facilities and on college campuses.

The purpose of these guidelines and procedures is to ensure that individuals with disabilities who have service animals can participate in and benefit from district-wide services, programs, and activities, and to ensure compliance with Title II of the ADA (28 C.F.R. § 36.104) and state antidiscrimination laws. The protections of Section 504 of the Rehabilitation Act extend only to individuals who meet the regulatory definition of a person with a disability.

California State Law makes falsely claiming an animal to be a service animal a misdemeanor, punishable by imprisonment in a county jail for up to six (6) months or a fine up to \$1000 or both. (CA Penal Code §365.7, CA Food & Agriculture Code §30850(a-b))

Questions about whether an animal is a service animal should be directed to the college's Disabled Students Programs and Services (DSP&S) Coordinator.

### I. DEFINITIONS

Access Animal - An animal that does not meet the definition of service animal or pet. The term access animal encompasses companion animals, emotional support animals, and therapy animals. Access animals are not permitted in district facilities or on college campuses.

- Companion Animal - An access animal used for its calming influence, affections, stability, or a feeling of security.
- Therapy Animal - An access animal used as therapy for various mental health issues.

Assistance Dog – a dog specially trained as guide dog, signal dog, or service dog that has been issued with an assistance dog identification tag by the local or state animal control department.

Disability - A physical or mental impairment that substantially limits one or more major life activities of an individual as defined in the Section 504 regulations; a record of having such an impairment, or being regarded as having such an impairment (Title I of the ADA Regulations, 29 C.F.R. § 1630.2 (g) & 34 C.F.R. 104.3(j)(2)(i-ii)).

Partner/Handler - A person with a service animal. A person with a disability is called a partner; a person without a disability is called a handler. An authorized trainer who is handling a service dog, even if the trainer does not have a disability, has the same rights as a partner.

Pet - A domestic animal kept for pleasure or companionship. Pets are not permitted in district facilities or on college campuses.

Service Animal - A service animal is any guide dog, signal dog, or other dog individually trained to work or perform tasks for the benefit of an individual with a disability. This includes 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. While service animals have been traditionally identified as dogs, miniature horses may be considered service animals. A service animal is sometimes called an assistance animal. (28 CFR § 35.104, 35.136(i), 36.104)

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:

- For someone with a visual impairment: obstacle avoidance, signaling changes in elevation, and locating objects.
- For someone with a hearing impairment: alerting to specific sounds and other tasks such as retrieve unheard dropped objects.
- For someone with mobility or other health impairment: retrieving, carrying, tugging, pulling, bracing, and calling for emergency help.
- For someone with a seizure disorder: tasks supporting an individual before, during, and after a seizure.
- For someone with autism: tasks may include alerting the individual of distracting repetitive movements.

Team - A person with a disability, or a handler, and his or her service animal. The twosome works as a cohesive team in accomplishing the tasks of everyday living.

## II. GENERAL RULE REGARDING SERVICE ANIMALS

Disabled individuals may be accompanied by their service animals on all District premises where members of the public or participants in services, programs or activities are allowed to go.

The use of a service animal in district facilities and on college campuses (i.e., attendance at a concert or special event) may not be challenged except if the use of the animal poses a direct threat to the health or safety of other persons, or if the presence of the service animal will result in a fundamental alteration of the service, program, or activity involved. (Title II of the ADA Regulations, 28 C.F.R. § 130 [b] [7])

Employees seeking authorization to be accompanied to work by a service animal as an accommodation shall consult with the District Human Resources Department. Employees shall provide current verification of a disability that requires accommodation and provide the function the service animal performs as a disability accommodation. Decisions will be made in a manner consistent with Section 504, the ADA, and local laws regarding disabled persons. When appropriate, qualified employees will be provided with documentation verifying that the animal is

a service animal to be used at work on an annual basis. Periodic re-evaluation of eligibility is required at three-year intervals or more frequently if conditions warrant.

Enrolled students wishing to be accompanied to class by a service animal on a regular basis as an accommodation shall request authorization from the DSP&S Office. Students shall provide current verification of a disability that requires accommodation and provide the function the service animal performs as a disability accommodation. As a general rule, the colleges will modify policies, practices, and procedures to permit the use of a service animal by an individual with a disability. When appropriate, qualified students with a disability may be issued documentation verifying that the animal is a service animal to be used at the college on a semester basis. Periodic re-evaluation of eligibility is required at one-year intervals.

### III. RESTRICTIONS/AREAS OF SAFETY

The District imposes some restrictions on service animals for safety reasons. Restrictions may include but are not limited to nursing and health sciences programs, food services programs, rooms with heavy machinery, custodial closets, areas where protective clothing or personal protective equipment is required, or areas that can pose a safety risk to others and 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 partner/handler equal access to the activity. Questions about restrictions on service animals should be directed to the college Disabled Students Programs and Services (DSP&S) Coordinator, Vice President for Student Services, or District Human Resources Department.

### IV. RESPONSIBILITIES OF FACULTY, STAFF, AND STUDENTS

Members of the college community are responsible for the following:

1. Allowing a service animal to accompany the partner/handler at all times and in public areas on district property.
2. Not petting a service animal; petting a service animal when the animal is working distracts the animal from the task at hand.
3. Not feeding a service animal.
4. Not deliberately provoking a service animal.
5. Not separating or attempting to separate a partner/handler from his or her service animal.

### V. RESPONSIBILITIES OF PARTNERS/HANDLERS

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

1. Ensuring that the animal meets any state requirements and county ordinances.
  - a. California Department of Public Health (CDPH) regulations require all domestic dogs:
    - i. Must be healthy.
    - ii. Four (4) months or older are required to be vaccinated for rabies. The rabies vaccine must be approved for use in California and administered by a licensed veterinarian. (Ord. No. 2836, § 3, 5-6-75; Ord. No. 2908, § 1, 5-4-76)

- b. California Food and Agriculture Code § 30850 provides for standardized identification tags for assistance dogs, which by its definition includes services dogs. Partners may apply for identification tags from their county clerk or animal control department. The tags are blue or gold in color, shaped like the State of California, 1”x1.5” in size and numbered in sequence. Service animals are required to wear an identification tag when on District premises.
  - c. Orange County requires licenses for all pets or animals. Every person owning or having custody of any dog four (4) months of age or older shall procure for said dog an Orange County dog license. Furthermore, each dog required to be licensed shall wear at all times the current license tag assigned to that dog when on District premises. (Ord. No. 2836, § 5, 5-6-75; Ord. No. 2908, § 1, 5-4-76)
- 2. Ensuring that the animal is on a leash or harness at all times.
  - 3. Controlling the animal at all times. The care and supervision of an animal is solely the responsibility of its partner/handler.
  - 4. Ensuring that all county and/or city ordinances or other laws regarding cleaning up after the animal defecates are followed (Ord. No. 3693, § 5, 3-22-88). Individuals with disabilities who physically cannot clean up after their own service animals are not required to pick up and dispose of feces. However, these individuals should use marked service animal toileting areas where provided.
  - 5. Ensuring that the animal behaves properly in public settings.
  - 6. Ensuring that the animal is in good health. If the animal becomes ill, the partner/handler must remove it from the area or District premises.
  - 7. If the partner/handler is a student, then s/he must comply with the SOCCCD Code of Student Conduct.

VI. TEMPORARY EXCLUSION OF SERVICE ANIMALS

A community member may request the exclusion of a service animal if he or she believes the partner/handler is not complying with the responsibilities listed above. If the partner/handler is a student, such a request should be made to the college DSP&S Coordinator or Vice President for Student Services. If the partner/handler is an employee, such a request should be made to the District Human Resources Department. If the partner/handler is neither an employee nor student, such a request should be made to the college Police Department.

In response to a request for exclusion of a service animal, the responding entity will:

- 1. Inform the partner/handler of the reason that the animal is being asked to leave campus or district facility, investigate the appropriateness of the request, and determine whether the animal should be excluded from the campus or district facility.  
  
If the DSP&S Coordinator or Vice President for Student Services, determines the animal should be excluded he or she must:
  - a. Inform the student that the Vice President for Student Services must be contacted before the animal may return to campus.

- b. Report the incident in writing to the Vice President for Student Services and District Risk Management at the earliest opportunity.
- c. In the event of an emergency involving a student's service animal, the Vice President for Student Services and DSP&S Coordinator will consult and work together with the student to resolve the situation.
- d. An individual who does not agree with the resolution may file a complaint following the district's complaint procedures (AR 4000.5).

If District Human Resources Department determines the animal should be excluded they must:

- 1. Inform the employee that the Vice Chancellor for Human Resources must be contacted before the animal may return to campus.
- 2. Report the incident in writing to the Vice Chancellor of Human Resources and District Risk Management at the earliest opportunity.
- 3. In the event of an emergency involving an employee's service animal, District Human Resources Department and the employee's immediate supervisor will consult and work together with the employee to resolve the situation.
- 4. An individual who does not agree with the resolution may file a complaint following the district's complaint procedures (AR 4000.5).

If the college Police Department determines the animal should be excluded they must:

- 1. Inform the partner/handler that the college Chief of Police must be contacted before the animal may return to campus.
- 2. Report the incident in writing to the Chief of Police and District Risk Management at the earliest opportunity.
- 3. In the event of an emergency involving a community member's service animal, the college Police Department and the Chief of Police will consult and work together with the employee to resolve the situation.
- 4. An individual who does not agree with the resolution may file a complaint following the district's complaint procedures (AR 4000.5).

## VII. CONFLICTING DISABILITIES

Students or employees with medical issues that are impacted by animals (such as respiratory diseases) should contact the college DSP&S office or District Human Resources Department if they have a concern about exposure to a service 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 procedures. In consultation with the Vice President for Student Services, the DSP&S Coordinator and District Human Resources Department will facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of all persons involved.

## VIII. 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 identification tag, 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.

SOC CCD considers a legitimate inquiry regarding an animal's service status to be within policy. If it is not readily apparent that an animal is trained to do work/perform tasks, then District employees may ask two questions only:

- 1) Is the animal required because of a disability; and
- 2) What work/tasks is the animal trained to perform?

If the answer to the first question is yes and the answer to the second question is some work or task related to the disability, then the animal is a Service Animal. District employees may not ask about the nature/extent of the disability, may not require documentation that the animal is trained or is a service animal, and may not ask the animal to perform the work/task. If the employee believes the partner/handler or the service animal is not in compliance with this administrative regulation, then s/he may follow the procedures outlined in Section VI to request exclusion of the service animal. Other questions regarding the status of a service animal should be referred to the DSP&S Coordinator, Vice President for Student Services, or District Human Resources Department.

## XI. EMERGENCY SITUATIONS

In the event of an emergency, the colleges' emergency response personnel should be trained to recognize service animals and to be aware that the animal may be trying to communicate the need for help. The animal may become disoriented from the smell of smoke from a fire or laboratory emergency, from sirens or wind noise, or from shaking and moving ground. The partner and/or animal may be confused by the stressful situation. Emergency response personnel should be aware that the animal is trying to be protective and, in its confusion, is not to be considered harmful. Emergency response personnel should make every effort to keep the animal with its partner. However, an emergency response personnel's first effort should be toward the partner; this may necessitate leaving an animal behind in certain emergency evacuation situations.

### *References:*

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.*
- The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101*
- 28 Code of Federal Regulations, Part 35, 36*
- 29 Code of Federal Regulations, 1630.2*
- 34 Code of Federal Regulations, 104.3*
- CA Food & Agriculture Code §30850*
- CA Penal Code §365.7*
- CA Department of Public Health, Ord. No.2836, 2908, 3693*