

Chapter 3 – General Institution

AP 3440 Service Animals (NEW)

References:

Education Code Sections 67302, 67310, and 84850; Title 5 Sections 56000 et seq.; 42 U.S.C. Section 12101; 34CFR Sections 104.3 and 104.44; 36CFR Section 11135, BP 3410, BP 3420, BP 3440, BP 3940, BP 5140, BP 5500; Penal Code Section 365.5; The Americans with Disabilities Act of 1990—42 United States Code Sections 12101 et seq.

Introduction

Under federal and state laws, the College is required to ensure that academic requirements and practices, facilities, electronic information technology, printed and audiovisual materials, and College services and activities are reasonably accessible to individuals with disabilities. The College will make modifications and adjustments as necessary in order to provide equal access. The following procedures implement this policy with regard to the use of service animals by students, employees, and guests with disabilities in College facilities and on the College campus. The purpose of these procedures is to ensure that individuals with disabilities who have service animals can participate in and benefit from College services, programs, and activities, and to ensure the College does not discriminate on the basis of disability as identified in Titles I, II, and III of the ADA and state antidiscrimination laws.

Although federal and state laws grant the right of access to service animal users, with that comes the duty to ensure that the animal behaves and responds appropriately at all times in public. Additionally, the individual with a disability and/or animal handler, as applicable, must abide by the Standards of Conduct outlined in Mt. SAC Board Policy 5500 and in this Service Animal Procedure. At Mt. SAC the individual, the animal, and the College have responsibilities to ensure the success of using a service animal.

The College will allow an individual with a disability to use a miniature horse as a service animal in College facilities and on College campuses if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability, and the College has determined, based on the assessment factors provided in this procedure, that a reasonable accommodation can be made.

Definitions

Service Animal: A “service animal,” for purposes of this procedure, means any dog (or miniature horse, as provided herein) 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.

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the individual's disability. 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.

In addition to the provisions about service dogs, revised ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for persons with disabilities.

Partner/Handler: A person with a disability who has a service animal is called a partner; a person who accompanies the individual with a disability for the purpose of directing and controlling the animal is called a handler. In many instances, the person with a disability is both the partner and the handler.

Team: A partner or a handler and his or her service animal. The two work as a cohesive team in accomplishing the tasks of everyday living.

Trainee: An animal being trained to become a service animal. A trainee has the same rights and responsibilities as a fully trained service animal when accompanied by a partner/handler.

Therapy/Comfort Animal: An animal with good temperament and disposition, and who has reliable, predictable behavior, selected as a therapy tool to achieve specific physical, social, cognitive, and emotional goals with patients. The therapy/comfort animal is incorporated as an integral part of a treatment process under the direction of a health professional. Therapy/comfort animals are NOT service animals and are NOT entitled to the same benefits as service animals. Therefore, persons requiring the use of a therapy/comfort animal must provide documentation of their medical condition describing the need for the therapy/comfort animal to the Human Resources Office or Disabled Student Programs & Services for authorization of the accommodation.

Pets/Companion Animal: A domestic animal kept for pleasure or companionship. Mt. San Antonio College has a "no-pets-on-campus policy." (See Board Policy 3940 - Animals on Campus.)

Functions of Service Animals

Assistance: A dog or miniature horse that has been trained to assist a person who has a mobility, sensory, or health impairment. Types of duties the dog or miniature horse may perform include carrying, fetching, opening doors, and ringing doorbells.

Guide: A dog or miniature horse that is carefully trained and serves as a travel tool by individuals who are blind or have low vision.

Hearing: A dog that has been trained to alert a person with a significant hearing loss or who is deaf when a sound occurs (e.g., a knock on the door, a fire alarm, a ringing phone).

Ssig: A dog trained to assist a person with autism. Ssig stands for “Sensory signal.” The dog alerts the autistic individual to distracting repetitive movements common among those with autism, allowing the person to stop the movement, such as hand flapping. A person with autism may have deficits in sensory input and may need the same support services from a dog that one might provide for a person who is blind or deaf.

Seizure Response: A dog trained to assist a person with a seizure disorder. The method in which the dog serves the person depends on the individual’s need. Some dogs have learned to predict a seizure and warn the person in advance.

Inquiries

On the occasion that it is not immediately obvious what service an animal provides, only limited inquiries are allowed. Under the ADA, College personnel are permitted to ask only the following two questions regarding the need for a service animal:

1. Is the service animal required because of a disability?
2. What work or tasks is the animal trained to perform?

The College will not make either of these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

An individual may choose to produce a county service dog license or identification tag as proof that the animal is a service animal. Licensure or certification is not required in order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.

Requirements of Service Animals and Partner/Handlers

Grooming: The animal must be well groomed, and measures should be taken at all times for flea, tick, and odor control. Animals should be bathed and groomed outside of the campus. Campus facilities and restrooms cannot be used for animal bathing or grooming. Consideration of others must be taken into account when providing maintenance and hygiene of assistance animals.

Physical Control: Under the ADA, 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 handler/partner must be in full control of the animal at all times, and the animal must be as unobtrusive as possible (U.S. Department of Justice, Civil Rights Division, Disability Rights Office. *ADA 2010 Revised Requirement*, July 6, 2011, 2).

Toileting: Toileting areas are designated as the grassy areas on campus. Upon request, designated toileting areas can be included in mobility training and orientation of students, employees, and animals that are new to the campus. It is the service animal handler's responsibility to be aware of the animal's need to relieve itself and act accordingly.

Clean Up: The County of Los Angeles ordinance requiring cleaning up after the animal must be followed. The ordinance requires the partner/handler to pick up feces and wrap in plastic bag and dispose of same using trash cans provided on campus grounds. Individuals who physically cannot clean up after the animal may be required to make personal arrangements for a handler to provide that service.

Conduct: The service animal and the individual with the disability (or handler when applicable) must abide by the standards of conduct outlined in Mt. SAC Board Policy 5500 - Standards of Conduct - and in this Service Animal Procedure.

Assessment Factors for Miniature Horses

When determining if a miniature horse meets the criteria of a service animal, the College shall consider the following factors:

- whether the facility can accommodate the type, size, and weight of the miniature horse;
- whether the handler has sufficient control of the miniature horse;
- whether the miniature horse is housebroken; and
- whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Public Behavior Requirements by the Animal

- Must not be allowed to sniff people, shelves, tables in eating areas, or personal belongings of others;
- Must not initiate contact with someone without the partner/handler's direct permission;
- Must not display any behaviors or noises that are disruptive to others, such as barking, whining, or growling;
- Must avoid excessive personal grooming in public settings;
- Must not block an aisle or passageway; and
- Must be trained not to be attracted to food that may be in common areas.

Public Behavior Requirements by Students/Staff/Faculty/Administration and Visitors on Campus

The College will provide notification and training to employees to assure compliance with the following legal requirements:

- Must allow a service animal to accompany the partner/handler at all times except where service animals are specifically forbidden. Under the ADA, Mt. SAC must allow service animals to accompany persons with disabilities in all areas of the campus where the public is normally allowed to go (see Areas Off Limits to Service Animals);
- Should ask the person if he/she would like assistance if the team seems confused about a direction to turn, an accessible entrance, the location of an elevator, etc.;
- Should never pet a service animal while it is working. Petting distracts service animals from their responsibilities;
- Should never feed a working service animal. Do not offer any beverages to a service animal;
- Should never deliberately startle, tease, or taunt a service animal; and
- Should never separate or attempt to separate an animal from the handler.

Conflicting Disabilities and Other Medical Conditions

Individuals may have a disability that precipitates an allergic reaction to dogs or miniature horses. Persons who have allergic reactions or other medical issues with a service animal in the academic setting are required to make a complaint to the ADA/504 Compliance Officer who is the Director of Equal Employment Opportunity Programs located in the Office of Human Resources on the lower level of the Administration Building (Building 4 on the Campus Map) and accessible by phone at 909.274.4225. The individual making the complaint must provide verifiable medical documentation citing the nature of the medical condition or disability, seriousness of the condition or disability, and the nature of the conflict. Action will be taken to consider the needs of both individuals to resolve the problem as efficiently and effectively as possible.

Exclusions

While legal access rights are granted to individuals with disabilities and service animals, certain circumstances may occur where a service animal and partner/handler can be asked to leave the campus.

1. interfering with the work of another service animal;
2. causing a “fundamental alteration” of curricula, services, activities, or programs due to the presence of an animal;
3. failing to maintain appropriate behavioral standards (as stated above);

4. abridging the rights of others with disabilities under the ADA;
5. damaging College property;
6. presenting a “direct threat” to the health and safety of any member of the public including an employee or student;
7. exhibiting poor hygiene (e.g., visibly dirty, has a strong odor, not groomed, evidence of having fleas, ticks, etc.);
8. aggressive behavior;
9. causing a disruption to the learning environment (as defined in Standards of Conduct, Board Policy 5500); and
10. an animal that is ill.

Areas Off Limits to Service Animals

The College may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger or where their use may compromise the integrity of the curriculum. Such restricted locations include, but are not limited to: food preparation areas, certain laboratories, mechanical rooms/custodial closets, classrooms with demonstrations/research animals, areas where protective clothing is necessary, areas where a sterile environment might be compromised and other areas where the animal’s presence may constitute a danger or a fundamental alteration of the program or activity conducted in the area. Access to restricted areas may be granted on a case-by-case basis by contacting the appropriate department, the ADA/504 Compliance Officer, who is the Director of Equal Employment Opportunity Programs, located in the Office of Human Resources on the lower level of the Administration Building (Building 4 on the Campus Map), and accessible by phone at 909.274.4225, or Disabled Student Programs & Services, Student Services Building (9B), lower level, 909.274.4290.

No Surcharge

The College will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the College normally charges individuals for damage caused by pets, an individual with a disability may be charged for damages caused by his or her service animal.

Campus Coordination

Students with disabilities planning to use a service animal on campus are strongly encouraged to register with Disabled Student Programs & Services (DSPS) for evaluation as a student with a disability at Mt. San Antonio College. The Director of DSPS or designee will evaluate the need for additional appropriate accommodations based on the educational limitations of the disability. DSPS is located in the Student Services Building (9B), lower level. Telephone inquiries can be made by contacting DSPS at 909.274.4290.

Faculty or staff desiring the use of a service animal on campus should contact the College's ADA/504 Compliance Officer, who is the Director of Equal Employment Opportunity Programs, located in the Office of Human Resources on the lower level of the Administration Building (Building 4 on the Campus Map), and accessible by phone at 9909.274.4225. The ADA/504 Compliance Officer or designee will evaluate the need for additional appropriate accommodations based on the functional limitations of the disability.

Visitors with service animals must adhere to the same service animal control, behavior, and safety guidelines as students and employees of the College.

Complaints and Grievances

Anyone dissatisfied with a decision made concerning a service animal should refer to Mt. SAC's Discrimination and Harassment Investigations (Administrative Procedure 3435) and Student Rights and Grievances (Administrative Procedure 5530), and Students with Disabilities (Administrative Procedure 5140).

Students, employees, or members of the public wishing to file complaints or grievances, based upon discrimination on the basis of physical or mental disability, should contact the College's ADA/504 Compliance Officer, who is the Director of Equal Employment Opportunity Programs, located in the Office of Human Resources on the lower level of the Administration Building (Building 4 on the Campus Map) and reachable by phone at 909.274.4225.

Alternately, students may contact the Office for Civil Rights regarding their complaint resolution processes:

United States Department of Education
Office for Civil Rights
Region IX
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102
1-800-421-3481 or 1-415-486-5555
www2.ed.gov

or The California Community College Chancellor's Office:

Chancellor's Office, California Community Colleges
1102 Q Street
Sacramento, CA 95811-6549
Attention: Legal Affairs Division
www.cccco.edu

A College employee may file an employment-related discrimination complaint with the Equal Employment Opportunity Commission (EEOC)

Los Angeles District Office
Equal Employment Opportunity Commission
Roybal Federal Building
255 East Temple Street, 4th Floor
Los Angeles, CA 90012
1-800-669-4000
www.eeoc.gov

or the California Department of Fair Employment and Housing

California Department of Fair Employment and Housing
Los Angeles Regional Office
1055 West 7th Street, Suite 1400
Los Angeles, CA 90017
1-800-884-1684
www.dfeh.ca.gov

All others may contact the U.S. Office for Equal Opportunity or the California Department of Fair Employment and Housing, as listed above, to file a complaint.

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