

Service and Assistance Animal Policy

Policy Abstract: Guidance and directives for all administrative and academic departments, as well as all students, faculty, and staff who request the utilization of a service or assistance animal, in facilitating their participation in the Birmingham-Southern College learning community.

Responsible Office: Disability Services, within Student Development
Human Resources, within Finance

Official: Coordinator for Disability Services, overseen by Vice President for Student Development/Chief Student Affairs Officer
Director of Human Resources, overseen by Vice President for Finance/Chief Financial Officer

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Applies to: All college departments, students and employees

Effective Date: January 26, 2015

Revision Dates: None

Introduction/Background

Birmingham-Southern College (BSC) is committed to providing an effective learning and working environment for all students and employees. By implementing the following policy, the College supports students and employees who require the use of a service animal to enable them to learn and function fully as a member of the campus community, as well as students who require the utilization of an assistance animal in their residential area to enable more effective engagement as a student.

Purpose

This policy is intended to maintain the College's compliance with federal, state, and local regulations governing the presence of service and assistance animals on campus. It is also intended to establish good practice for the College regarding service and assistance animals at a residential institution of higher education. This policy does not supersede the College's Pet Policy (found online and in the *Student Handbook*), but instead provides guidance regarding applicable exceptions for approved individuals.

Applicable Regulations

Relevant Sections of the Fair Housing Act and Americans with Disabilities Acts (specifically, http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf)

SACSCOC 2.10 – Student Support Services

BSC Pet Policy

Policy Statement

The Service and Assistance Animal Policy ensures that the College provides appropriate support to students and employees who need the aid of service animals to enable them to function fully as a member of the campus community, as well as students who require the utilization of an assistance animal in their residential area to enable more effective engagement as a student. In addition, the policy directs compliance with the applicable regulations governing the presence of service and assistance animals on campus. This policy does not supersede the College's Pet policy, but instead provides guidance regarding applicable exceptions for approved individuals.

Details

Responsibilities of Persons with Service or Assistance Animals:

1) Health, including Vaccinations

Student owners of animals living in BSC residence halls must provide to Residence Life/Disability Accommodations proof of good health with current vaccinations in accordance with local ordinances and regulations, through documentation from a licensed veterinarian. All animals required to have rabies vaccinations must have the vaccination and wear a rabies vaccination tag. Faculty and staff owners of service animals must provide relevant documentation to Human Resources.

BSC has an obligation to protect the health and interests of its students and employees and may require an animal to receive veterinary attention or otherwise remove the animal from campus if the College determines that the animal poses any threat to the health or welfare of other individuals, or if BSC determines that the animal's health or welfare is being neglected by the owner.

2) Maintenance and Supervision

Owners of animals that fit within the definition of service or assistance are responsible for the care, hygiene, and maintenance of the animal, including maintaining control of the animal at all times and cleaning up the animal's waste. Complaints by other students or employees because of failure to remove waste, odor, or other hygiene issues will be handled on a case-by-case basis. Failure to maintain hygiene of animals or remove their waste can result in fines or removal of the animal from campus.

Service animals should be on a harness or leash at all times when in public places, unless the animal's purpose (which must be tied directly to service of the disability) calls for the animal to be

untethered. In such a situation, however, the animal still must be within control of the owner by other effective means (voice control, etc.).

Assistance animals are permitted in residential areas occupied by their owners, in outside spaces for waste disposal, and otherwise in compliance with the Pet Policy as applied to students. When outside, the animals must be harnessed or leashed and under the control of their owner. Assistance animals may not be left unattended by student owners beyond reasonable time frames, such as class attendance and other regular student and life activities. The animals shall not be left unattended in the residence halls when the residence halls are closed. The animals remain the responsibility of the student receiving the accommodation – not a roommate, suitemate, or friend. Any animal found in a residential space other than that of the student receiving the accommodation is subject to immediate removal from campus.

3) Compliance with Ordinances/Laws

Owners of service or assistance animals are responsible for complying with all city and state ordinances/laws regarding licensing, vaccination, care and supervision of their animals. Safety and protection of BSC students and employees is paramount, and therefore failure to follow these laws may result in fines or removal of the animal from campus.

4) Damage

Owners of service and assistance animals are responsible for all harm and damage caused by the animal to other people or their property, as well as to College property, including damage in residential spaces. Restitution for all damages will be expected from students or employees who have animals on campus or at College events. Animals damaging College property (including residential spaces) may be immediately removed from campus.

Process of Registering a Service or Assistance Animal

Students requesting to have a service or assistance animal on BSC's campus or in their place of residence **must notify Disability Accommodations or Residence Life at least 30 days before they intend to bring the animal to campus** in order for the officials in these departments to verify compliance with applicable laws, regulations, and policies. This same 30-day waiting period is expected if students make a request **in the middle of a term**, in order for College officials to conduct the same due diligence. The 30-day period does not begin accruing until the owner has submitted documentation noted otherwise in this policy, including but not limited to information regarding the student's disability, as well as a clean bill of health, vaccinations, licensing, and training for the animal.

College employees should notify Human Resources of their need for a service animal at the time of their appointment as an employee, and submit relevant documentation at that time. If the need for a service animal arises during their term of employment, the employee should notify Human Resources as soon as possible after they become aware of the need for the animal. Human Resources will conduct due diligence regarding the presence of the service animal as soon as possible.

All student service and assistance animals must remain properly documented with Disability Accommodations, and all employee service animals must remain properly documented with Human Resources.

Documentation/Verification Necessary for Service and Assistance Animals

Students who require **service animals** must report them to Disability Accommodations, though documentation meeting the “Documentation Requirements for Accommodations” guidelines is not mandated. However, Disability Accommodations may request disclosure of proof of a clean bill of health, vaccinations, and the proper licensing or training of the animal. Employees who require service animals must report them to Human Resources, providing similar documentation.

BSC faculty, staff, or administration may ask the owner of a service animal a) what tasks the animal is trained to perform, and b) how these tasks help serve the owner in support of his/her disability. Disability Accommodations can give guidance to students with service animals as to how to handle inquiries from BSC officials. Human Resources can provide similar guidance for employees. Documentation that includes the type of service animal, a picture of the service animal, and the direct relationship between the disability and the service the animal provides will be greatly beneficial in allowing Disability Accommodations and Human Resources to assist an owner of a service animal.

Assistance animals are treated as an accommodation and student owners may be asked to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that:

- 1) The individual has a diagnosed disability (though specific details of the disability need not be disclosed); and
- 2) That the animal alleviates one or more of the identified symptoms or effects of the existing disability.

An assistance animal does not have to be certified as a therapy or emotional support animal, but there should be a direct relationship between the disability and the assistance provided by the animal, as designated by a licensed medical professional with expertise in the field.

Conflicting Disabilities

Students with physical or emotional disabilities (allergies, asthma, diagnosed phobias) may contact Disability Accommodations if they believe and can provide documentation that the presence of an animal keeps them from equal access to their place of residence or challenges them in any other way directly connected to their disability. Employees may contact Human Resources if they can provide documentation that they are challenged by the presence of an animal in direct connection to a disability. Disability Accommodations and Human Resources will consider the opposing needs and disabilities as well as any accommodations involved, and will attempt to accommodate the needs of all involved individuals. Disability Accommodations and Human Resources may use Health Services as a resource for information on health issues.

Impact on Residential Location of Students

Maintaining a service or assistance animal on campus will impact where students will be able to live within the residential community. Certain locations provide the greatest convenience in care for animals, as well as provide greater flexibility in honoring the interest of other students' health and safety, compared to other locations. When students submit their request for a service or assistance animal and relevant documentation, officials in Residence Life and Disability Accommodations will discuss these issues with the student and determine the most appropriate location for the student to reside, based on relevant factors.

Removal of Service & Assistance Animals

Along with situations outlined in the above sections, BSC may refuse or remove a service or assistance animal in the following situations:

- 1) The animal would pose a direct threat to the health or safety of others;
- 2) Permitting the accommodation of an assistance or service animal would result in a fundamental alteration to BSC's operations or would present an undue financial or administrative burden;
- 3) Lack of training or proper care of and control over the animal would lead to damage to BSC or other individuals' property, or harm to the animal.
- 4) Disruption of the peace and quiet enjoyment of the academic and residential experience for other students.

This list is not comprehensive. The safety and care of BSC students and officials is paramount and BSC will review all matters regarding the potential refusal or removal of animals on a case-by-case basis.

Process for Responding to Complaints or Problems Regarding Service & Assistance Animals

When a complaint is made to the College regarding a service or assistance animal by an individual, or the College otherwise becomes aware of challenges created by the presence of the animal, officials in the offices of Student Development, Residence Life, Disability Accommodations, and/or Human Resources will initially meet with the student or employee to discuss the concerns that have been raised.

Depending on the circumstances of the situation, the student or employee may be given an opportunity to explain how he or she will ensure that no further problems occur, and may be provided a probationary timeframe in which to demonstrate the problem has been corrected.

If the student or employee is unable to control the animal and rectify the issues, the individual may be fined or required to remove the animal within 24 hours or both.

Definitions

Service Animal: The 2008 amendments of Americans with Disabilities Act (ADA) re-defined a service animal as: "...any dog 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.”

According to the ADA, the only animals that fit under the definition of “service animal” are dogs or small horses, excluding animals such as cats, monkeys, or ferrets. Service animals are not to be confused with assistance animals. Animals used solely for protection also do not fit under the ADA’s definition, which states, “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 purpose of this definition.”

The ADA requires service animals be allowed in certain public places on campus, such as classrooms, offices, residences, and student centers, as well as outdoor spaces like campus lawns. Service animals must be contained via leash or harness outside of residential spaces, except when the need to perform tasks directly related to the animal’s services of the owner’s disability requires the animal to be released. BSC may prohibit or restrict the use of service animals in certain locations due to safety or health concerns, such as situations where the animal or another person may be in danger or where research may be compromised.

Assistance Animal: The Fair Housing Act allows an owner with a disability to house a pet in their residence if having the animal allows the individual “equal access” to the dwelling, also defined as “an equal opportunity to use and enjoy the dwelling” as an individual without the disability. Therefore a student must document that they have a diagnosed disability (although specific details need not be disclosed) and that the animal provides necessary support related to the disability for the student.

The presence of assistance animals on campus is largely governed by the Pet Policy, with exceptions granted for their presence in student residential spaces. Assistance animals are not permitted in any residential spaces other than the space occupied by their particular owner, and must remain within the care and control of their student owners at all times, including those times the animals are outdoors for waste disposal.

References

FHEO Notice – FHEO-2013-01; Issued April 25, 2013; Subject: Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs

SACSCOC The Principles of Accreditation 2012 Edition.

BSC Pet Policy