

McLennan Community College

POLICIES AND PROCEDURES

Subject: Service/Assistance Animals Reference: E-XXXV

Source: Vice President, Student Success Eff. Date: February 18, 2019

Approval Auth.: President Approved: _____

Remarks: Replaces previous policy dated August 1, 2017

Date: February 18, 2019

Guidance on Service/Assistance Animals

1. Introduction and Purpose

The purpose of this guidance is to notify the college community of the responsibilities of the College regarding service and assistive animals in college facilities, programs and activities.

2. Definition of Service Animal

The Americans with Disabilities Act [ADA] defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Service animals are not pets. They are working animals who have been trained to perform work or tasks for a person with a disability. The work or task must be directly related to the person's disability. Examples of such work or tasks include:

- Guiding people who are blind;
- Alerting people who are deaf;
- Pulling a wheelchair;
- Alerting and protecting a person who is having a seizure;
- Reminding a person with mental illness to take prescribed medications; or
- Calming a person with Post Traumatic Stress disorder (PTSD) during an anxiety attack.

Individuals with mental health disabilities may also use service animals that are individually trained to perform a specific task.

Service animals that are not trained to perform tasks that mitigate the effects of a disability, including service animals that are used purely for emotional support, comfort, therapeutic benefit and/or companionship, are not service animals under the ADA. Individuals with animals fitting this description may be asked to remove their animals from certain campus locations or situations (such as non-public spaces, for example).

A miniature horse may be considered a service animal as defined by the U.S. Department of Justice, Civil Rights Division. Other animals, whether wild or domestic, do not qualify as service animals.

3. Rules of Services Animals

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 service animal must be clean and in good health. Owners and/or users of service animals must abide by current city ordinances/laws pertaining to licensing and vaccination requirements for service animals. It is the responsibility of the owner and/or user of the animal to know about these ordinances and/or laws. All owners and/or users of service animals are responsible to clean up after and properly dispose of their animal's waste.

4. Inquiries Regarding Service Animals

When it is not obvious what service an animal provides, only limited inquiries are allowed. Employees may ask two questions:

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

Employees cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the animal demonstrate its ability to perform the work or task.

If the person responds that the animal is just there to help keep her/him calm when asked the two questions, then that is not a task and thus would not be considered a service animal.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility. An individual with a service animal may not be segregated from other students.

It is a highly recommended best practice to forward ADA concerns to trained employees who can help address the matter:

Accommodations Coordinator
Amy Sireci
254-299-8122

Director, Human Resources
Missy Kittner
254-299-8514

Title II - Education & Section 504 of the Federal
Rehabilitation Act of 1973
Dr. Drew Canham, Vice President, Student Success
254-299-8645

Titles I and II - Employment and Facilities
Dr. Stephen Benson, Vice President, Finance &
Administration
254-299-8649

5. Concerns Regarding Service Animals

Persons who have a concern about the behavior of a service animal should direct his/her concern to a resource listed in section four above. Concerns regarding service animals of employees should be reported to the Human Resources Director.

A service animal may be excluded from the college, or any part thereof, temporarily or permanently if it is found to be in violation of the requirements for use of service animals. When there is a legitimate reason to ask that a service animal be

removed, the person with the disability may return without the animal's presence.

6. Exclusions of Service Animals

Unless the service animal is not meeting the behavioral or sanitary expectations outlined in this policy, a person with a disability cannot be asked to remove a service animal from the premises.

While the College is limited in its ability to control the access and use of service animals in all public areas, people with disabilities have certain responsibilities as well. The service animal is considered an extension of the person and, therefore, must be compliant with the same public rules and regulations that the disabled person must comply with. Just as a person cannot yell out loud and run around being disruptive in a restaurant or store, neither may a service animal. Campus personnel may ask the person to remove any service animal that is being disruptive or exhibiting threatening behavior just as they would ask any person to leave for the same reasons. Once the service animal has been removed, the person may reenter the establishment without the animal if she/he so chooses. This same situation applies to all academic buildings on the MCC campus. Service animals are under the same *General Conduct Policy* as students, employees and campus visitors. Faculty members may not refuse students with service animals entrance into their classroom, but they can control the behavior of service animals.

Assistance and emotional support animals (ESA's) are not allowed into buildings that are accessible to the general public as is the case with service animals. This includes all academic buildings on campus.

Assistance and ESA's can be a variety of animals and are not limited to dogs. They are, however, limited to the city and county restrictions related to domestic animals that are allowed within an incorporated entity. Exotic or wild animals not allowed as pets inside a city limit also cannot be classified as assistance animals.