

Northwest Mississippi Community College Service and Support Animal Policy

Northwest Mississippi Community College is committed to assuring equal access for disabled students, staff and faculty as well as guests and visitors to the campus. It is the College's policy to permit service animals, as defined by the Americans with Disabilities Act, and may permit Support Animals as determined on a case-by-case basis, to reside in the residence halls/classrooms with a student with a documented disability as a reasonable accommodation. This policy and the following requirements are designed to facilitate a process for assuring equal access while addressing health and safety concerns, particularly in residence halls/classrooms. This policy supports Northwest's commitment to comply with state and federal laws, rules and regulation pertaining to the Americans with Disabilities Act of 1990, as amended and related laws, rules and regulations including, without limitation to, Section 504 of the Rehabilitation Act of 1973. Adherence to these policies and requirements is essential to support a foundation of understanding, comfort and security that make Northwest a welcoming and accessible place for all.

Section 1: Service Animals under the Americans with Disabilities Act

Service animals are defined under the ADA as dogs that are trained to perform one or more specific tasks for a person with disabilities. Service animals are permitted in all public areas of campus, except where specific restrictions apply as described in the Restricted Area sections of the campus. The policies below apply to students as well as visitors, guests and temporary residents.

Employees, both staff and faculty, must contact Human Resources if they wish to request allowance of a service animal as a reasonable job accommodation based on a disability. Please contact our Human Resources Department for assistance if accommodations are needed.

Examples of Service Animal Tasks: The work or tasks performed by a service animal must be directly related to the individual's disability. Example 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, pulling a wheelchair, assisting an individual during a seizure, 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 actively preventing or interrupting impulsive or destructive behaviors. **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.** (ADA, March 15, 2011) (Current law also includes a limited exception for miniature horses.)

Identification: Service animals (including puppies and trainees) shall be reasonably identified to the community by harness or service animal vest or other gear when not in a private or student residence in accordance with the provision stated under Control Requirements. If there is no identification, college staff may ask the two questions below to determine if a dog is a service animal:

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

Faculty/staff may not ask about the individual's disability, require medical documentation, require a special identification card or training documentation for the dog or ask that the dog demonstrate its ability to perform the work or task.

Control Requirements: 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.

Care of Service Animals: Individuals with disabilities who use service animals are expected to:

1. Attend to the well-being and cleanliness of their animal.
2. Keep animals under control at all times and not allow disruptive behavior toward others, or the animal may be removed.
3. Be responsible for removal of animal waste and maintaining clean conditions.
4. Have a plan in place for animal care in the event of an emergency.
5. Arrange alternative shelter if the animal has to be removed from campus due to disruptive or unsafe behavior, environmental conditions or if the handler becomes unable to care for the Service Animal.
6. Maintain up-to-date licensing.

Relief Area: Relief areas may be designated on an individual basis with the collaboration of the Disabilities Services Office and the College grounds personnel for individuals, events or programs.

Service Animals in Training/Service Puppies: User/Handler will provide College with written evidence that Puppy is a bona fide service dog candidate supplied by an authorized service dog organization and is one that the service dog organization expects will return for specialized training when the puppy is old enough.

General Rules:

- a. Service Animals are allowed in public areas where food is sold or prepared even if state or local health codes prohibit animals on premises.
- b. Allergies and fear of dogs are not acceptable reasons for excluding a service animal, but cooperation is essential to accommodate those with allergies or other conflicting disabilities when necessary. Those individuals with conflicting requests may be asked to show documentation of a disability to help determine appropriate accommodations.
- c. An individual with a service animal may not be isolated or treated less favorably than others.
- d. College staff is not required to provide food or care for service animals.

Removal of a Service Animal: A person with a disability can be asked to remove his or her service animal when the dog is out of control and the handler does not take action to control it, when the dog is not housebroken or when it poses a threat to health and safety. When there is a legitimate reason that a service animal must be removed, staff must offer to still provide services or assistance without the animal being present.

Restricted Areas: The College may prohibit the use of service animals in certain locations due to health or safety hazards, where service animals may be endangered or where their use may compromise the integrity of research or fundamentally alter the nature of a program or activity. Restricted locations may include, but are not limited to: research laboratories, classrooms with demonstration/research animals present, medical areas, research areas using radioactive materials or lasers, mechanical rooms or custodial closets, workshops with operating machinery and food preparation areas. The safety of locations will be individually considered by the Disabilities Services Coordinator, the laboratory director or professor and the College risk management team when appropriate. If a location is determined to be unsafe for the use of a service animal, alternative reasonable accommodations will be explored and provided as appropriate to ensure the individual equal access to the activity.

Exceptions to restricted areas may be granted on a case-by-case basis by contacting the Disabilities Services Office. In making its decision, the Disabilities Services Office will consult with appropriate departments and/or laboratory representative regarding the nature of the restricted area and any ongoing research.

General Community Guidance:

Public Etiquette by Students/Staff/ Faculty/Administrators on Campus

Service animals are working animals; they perform tasks and are not pets. Accordingly, the College recommends that members of the Northwest community adhere to the following best practices when interacting with service animals.

Do not pet a service animal while it is working. Service animals are trained to be protective of their partners and petting distracts them from their responsibilities.

Always speak to the service animal's owner/handler first and ask before interacting with the service animal.

Never feed a working service animal.

Do not deliberately startle, tease or taunt a service animal.

Do not separate or attempt to separate a partner from his/her handler.

Ask the service animal's owner/handler if he/she would like assistance if the team seems confused about a direction in which to turn, an accessible entrance, the location of an elevator, etc.

Don't be offended if the service animal's owner/handler does not want to discuss the animal, their disability, let you pet the animal or otherwise interact with you.

Appeals/Grievances:

Individuals may submit a grievance regarding service animals to the Vice President for Student Services by submitting a written appeal letter that specifically addresses the reason for the appeal. The appeal will be reviewed, and the individual will be notified in writing on the status of the case.

Any employee dissatisfied with a decision concerning the use of a service animal at work is entitled to bring a grievance under the College Employee Grievance Procedures.

Any claims of discrimination on the basis of a disability or failure to provide reasonable accommodations regarding the use of a service animal on campus may be brought by any person (student, faculty, staff, and visitor) pursuant to the College's Grievance Procedures.

Section II: Service Animals/Support Animals in College Housing

Service animals as defined by the ADA are allowed in college housing as a reasonable accommodation. Under Section 504 of the Rehabilitation Act and the Fair Housing Amendments, an individual with a disability may also request to keep a support animal, sometimes called assistance animals, as a reasonable accommodation in housing facilities as a modification to pet policies or other imposed restrictions or prohibitions on animals. In order to qualify for such an accommodation, the support animal must be necessary to afford the individual an equal opportunity to use and enjoy a dwelling or to participate in the residential life program. Further, there must be a relationship between

the individual's disability and the assistance the animal provides. To request such an accommodation:

Application process:

1. Students with service animals as defined by the ADA may request to have a service animal in college housing/classroom by registering with the Office of Disability Services. It will be necessary to provide information that supports the presence of a disability and that the animal is a service animal.
2. Students requesting to have a support animal residing in college housing/classroom must register with the Office of Disability Services and provide medical documentation of a disability which also describes the assistance the animal provides and the need for this type of accommodation. Documentation guidelines and all necessary forms can be found on Northwest's website at www.northwestms.edu/information/disability.
3. Students should submit a written request to the Office of Disability Services outlining the reason for the request and why it is necessary no later than **June 1st** for fall semester or **October 1st** for spring semester, otherwise 30 days in advance during the school year and 30 days prior to room assignments for the following year. Current students with roommates/suitemates must submit Roommate Consent form with their written request.
4. The Coordinator of Disabilities Services will initially review all requests and determine whether the necessary information or documentation is present. The Coordinator will make a determination, in cooperation with Dean of Students and with

- other appropriate college staff, about whether this is a reasonable accommodation.
5. Upon approval, the student will be notified and a plan must be made with Housing/Disability Services for proper care and control of the animal as described in other sections of this policy.
 6. Alternative accommodations may be discussed during this process and offered where appropriate.

Restriction:

Northwest will not allow support animals if it would fundamentally alter the nature of the program.

Support animals must be kept in student rooms and are not allowed in public areas of the facility except to enter or exit the building and are not allowed in other campus buildings.

Animals that may pose a health risk or danger to others will not be permitted.

Owner's Responsibilities for Animals in College Housing

1. The owner is responsible for assuring that the approved animal does not unduly interfere with the routine activities of the residence/classroom or cause difficulties for students who reside/attend class there.
2. The owner is financially responsible for the actions of the approved animal including bodily injury or property damage. The owner's responsibility covers but is not limited to replacement of furniture, carpet, windows, wall covering and the like. The owner is expected to cover these costs at the time of repair and/or move out.
3. The owner is responsible for any expenses incurred for cleaning above and beyond a standard cleaning or for repairs to College premises that are assessed after the student and animal vacate the residence/classroom. The College shall have the right to bill the student account of the owner for unmet obligations.
4. The owner must notify Disabilities Services in writing if the approved animal is no longer needed as an approved animal or is no longer in residence/classroom. To replace an approved animal, the owner must file a new request in writing to the Disability Support Services Office according to the application process in Section II.
5. The owner's residence/classroom that is being used may be inspected for fleas, ticks or other pests once a semester or as needed. The Campus Life and Housing Department/Building Supervisor will schedule the inspection. If fleas, ticks or other pests are detected

through inspection, the residence/classroom will be treated using approved fumigation methods by a College-approved pest control service. The owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls/classrooms.

6. All roommates or suitemates of the owners must sign an agreement allowing the approved animal to be in residence with them. In the event that one or more roommates or suitemates does not approve, either the owner and animal or the non-approving roommates or suitemates, as determined by Campus Life and Housing, may be moved to a different location.
7. **Service Animals** may travel freely with their owner throughout College Housing (and other areas of the College, except where restrictions apply for health and safety reasons).
8. **Support Animals** must be contained within the assigned residential area (room, suite or apartment) at all times, except when transported outside the private residential area in an animal carrier or controlled by leash or harness. When outside the residence, the owner of a support animal shall carry proof that the animal is an approved animal.
9. Approved animals may not be left overnight in College housing/classroom to be cared for by another student. Animals must be taken with student if they leave campus for more than one day.

10. The Campus Life and Housing Department has the authority to relocate owner and approved animal as necessary according to current contractual agreements.
11. The owner agrees to continue to abide by all other residential policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does constitute an exception to any other policy.
12. Any violation of the above rules may result in immediate removal of the animal from the College and may be reviewed through the College's student conduct process. The owner will be afforded all rights of due process and appeal as outlined in that process.
13. Should the approved animal be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract, unless a waiver is granted. Alternative accommodations and support will be discussed with the student as appropriate.
14. The owner undertakes to comply with animal health and well-being requirements as set forth in this policy.

Guidelines for maintaining a Service animal/Support animal on campus.

A. Introduction

The following guidelines apply to all approved animals and their owners, unless the nature of the documented disability of the owner precludes adherence to these guidelines, or permission for a variance from the guidelines has been granted.

B. Care and Supervision:

Care and supervision of the animal are the responsibility of the individual who benefits from the approved animal's use. Owners are required to maintain control of the animal at all times.

Owners are also responsible for ensuring the cleanup of the animal's waste and when appropriate, must use relief areas designated by the College consistent with the reasonable capacity of the owner. Indoor animal waste must be placed in a sturdy plastic bag and securely tied up before being disposed of in outside trash dumpsters.

C. Animal Health and Well-being

1. Vaccination: The animal must be immunized against diseases common to that type of animals. Dogs must have current vaccination against rabies and wear a rabies vaccination tag.
2. Health: Animals to be housed in college housing must have an annual clean bill of health from licensed veterinarian.

Documentation can be a vaccination certificate for the animal or a veterinarian's statement regarding the animal's health. The College has the authority to direct that the animal receive veterinary attention.

3. Licensing: The College reserves the right to request documentation showing that the animal has been licensed.
4. Behavior: Service animals must be properly trained.

D. Removal of Approval Animal

The College may exclude/remove an approved animal when;

the animal poses a direct threat to the health or safety of others, or

the animal's presence results in a fundamental alternative of the College's program, or

the owner does not comply with owner's responsibilities in College housing, or

the animal or its presence creates an unmanageable disturbance or interference with the Northwest community.

E. Appeals:

Students may appeal the College's decision regarding service or support animals to the Vice President for Student Services. In all cases, a detailed, written appeal must be submitted within five (5) class days after written notification of the decision. The student must write an appeal letter that specifically addresses the reason for the appeal. The written appeal will be reviewed and the student will be notified in writing on the status of the case.

F. Damage

Owners of approved animals are solely responsible for any damage to persons or College property caused by their animals.