

BAY de NOC COMMUNITY COLLEGE BOARD OF TRUSTEES POLICIES

1000 GENERAL ADMINISTRATION

1064 ASSISTANCE ANIMAL POLICY

It shall be the policy of the Bay de Noc Community College Board of Trustees that the College is committed to providing reasonable accommodations to persons with disabilities and fulfilling obligations under State and Federal law. This Policy governs the use of assistance animals on campus by persons with disabilities.

Persons with disabilities may be accompanied by working service animals on the campus of Bay College consistent with the provisions of this Policy.

Disability under the Americans with Disabilities Act (ADA): A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

DEFINITIONS:

Pets

A "pet" is any animal kept for ordinary use and companionship. Assistance animals (service and support animals), as defined below, are not considered pets.

Pets are generally prohibited indoors on the Bay College campus, except in Bay College Housing, where fish are sometimes permitted as pets. For more information on pets in Bay College Housing, please refer to the Bay College Housing Handbook.

Assistance Animals

This policy applies to assistance animals that may be used by individuals with disabilities at Bay College. The term "assistance animal" is the overarching term that refers to both service animals as well as support animals as defined below. Therefore, an assistance animal is an animal that either (1) works, provides assistance, or performs tasks for the benefit of a person with a disability; or (2) provides emotional or other type of support that alleviates one or more identified symptoms or effects of a person's disability.

a. Service Animals

A "service animal" means any dog that is individually trained to do work or perform tasks for the benefit of a person 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 person's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition. Species other than dogs or, in some cases,

miniature horses, are not considered service animals for the purpose of this definition of a service animal. The work or tasks performed by a service animal must be directly related to the handler'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.

Service animals will be permitted to accompany people with disabilities in all areas of Bay College's facilities, including Bay College Housing, where students, members of the public, and other participants in services, programs or activities are allowed to go. Bay College does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Individuals accompanied by a service animal on campus but who do not need any disability-related accommodations are not required to register with the Office of Access, nor is such individual required to submit a request for a reasonable accommodation to receive access of his or her service animal.

Additionally, Bay College cannot ask about the nature or extent of a person's disability to determine whether a person's animal qualifies as a service animal. However, when it is not readily apparent that an animal (dog) is a service animal, Bay College employees may make two inquiries to determine whether the animal qualifies as a service animal, which are:

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

A service animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether, unless the person is unable to hold those, or such use would interfere with the service animal's performance of work or tasks. In such instances, the service animal must be kept under control by voice, signals, or other effective means.

Bay College will assess requests for the use of miniature horses by people with disabilities on a case-by-case basis. Requests should be submitted to the Office of Accessibility and, consistent with applicable laws, Bay College may make modifications in its policies to permit their use if they meet certain criteria and have been individually trained to do work or perform tasks for the benefit of people with disabilities.

b. Support Animals

A "support animal" is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability. Unlike service animals, support animals are not required to be trained to perform work or tasks, and they include species other than dogs and miniature horses.

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PROCEDURE:

1064.1 Support animals are generally not allowed to accompany persons with disabilities in all public areas of Bay College as a service animal is allowed to do, but a support animal may reside in Bay College Housing, including accompanying such individual in all public or common use areas of Bay College Housing, when it may be necessary to afford the person with a disability an equal opportunity to use and enjoy Bay College Housing. Before a support animal can move into Bay College Housing with a person with a disability, a request must be submitted to Bay College's Director of Student Life (DSL) and approval must be granted (preferably 30 days prior to move in). If the disability is not obvious, the DSL may require documentation (please refer to *Student Housing Accommodations Policy*), from a licensed physician or mental health provider, including without limitation a qualified psychiatrist, social worker, or other mental health professional, to provide sufficient information for Bay College to determine:

- that the individual qualifies as a person with a disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities); and
- that the support animal may be necessary to afford the person with a disability an equal opportunity to use and enjoy Bay College Housing (i.e. that the animal would provide emotional support or other assistance that would ameliorate one or more symptoms or effects of the disability).

While support animals are generally not allowed indoors on Bay College's campus other than in Bay College Housing, people with disabilities may request approval from the Office of Accessibility to have the support animal accompany them to other campus areas as a reasonable accommodation.

Such requests will be considered on a case-by-case basis consistent with applicable laws.

1064.2 Guide and Hearing Trainees

Service dogs in training are permitted on campus and in all public facilities on the same basis as working service animals, provided that all of the following conditions are met:

The guide or leader dog in training is wearing a harness or the hearing dog or service dog in training is wearing a hearing dog cape or service dog

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backpack;

The dog is being led or accompanied by a trainer for the purpose of training the dog; and

The trainer has in his or her possession picture identification and identification stating that he or she is a representative or employee of an organization or trainer, or is a trainer, included on the department of labor list of organizations or trainers that train guide or leader dogs, hearing dogs, or service dogs.

Only adult dogs (twelve months of age or older) are considered service dogs in training under Michigan law.

1064.3 Bay College is not responsible for the care or supervision of assistance animals. People with disabilities are responsible for the cost, care, and supervision of assistance animals, including:

- compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
- keeping the animal under control and taking effective action when it is out of control; and
- feeding and walking the animal, and disposing of its waste.

For specific campus areas designated by Bay College for toileting service animals, contact the Director of Student Life. Waste disposal via Bay College plumbing is prohibited in Bay College Housing, but the Director of Student Life and/or Student Services can provide guidance on where to appropriately dispose of animal waste.

Bay College will not require any surcharges or fees for assistance animals. However, a person with a disability may be charged for damage caused by an assistance animal to the same extent that Bay College would normally charge a person for the damage they cause.

People with disabilities who are accompanied by assistance animals must comply with the same Bay College rules regarding noise, safety, disruption, and cleanliness as people without disabilities.

1064.4 Exceptions and Exclusions

Bay College may pose some restrictions on, and may even exclude, an

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assistance animal in certain instances. As noted above, support animals are generally not allowed indoors on Bay College's campus other than in Bay College Housing. Persons with disabilities may request approval from the Office of Accessibility to have the support animal accompany them to other campus areas as a reasonable accommodation. Such requests will be considered on a case-by-case basis consistent with applicable laws. Any animal may be excluded from an area in which it was previously authorized to be only if:

- it is out of control and effective action is not taken to control it;
- it is not housebroken (or in the case of a support animal that deposits waste in a designated cage or litter box, the owner fails to clean such cage or box such that the cleanliness of the room is not maintained); or
- it poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services.

In considering whether an assistance animal poses a direct threat to the health or safety of others, Bay College will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine: (1) the nature, duration, and severity of the risk; (2) the probability that the potential injury will actually occur; and (3) whether reasonable modifications of policies, practices, procedures, or the provision of auxiliary aids or services, will mitigate the risk. The Bay College President shall name a designee who shall provide a written statement of explanation to any person with a disability if a determination is made that the presence of that person's assistance animal would fundamentally alter the nature of a program, service, or activity.

In the event that restriction or removal of an assistance animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the assistance animal present.

The above provisions on restrictions and exclusions is not intended to cover modifications to reasonable accommodations. The reasonable accommodation process and modifications to reasonable accommodations are covered under Bay College's policy on reasonable accommodations.

1064.5 Guidelines for Members of the Bay College Community

To ensure equal access and nondiscrimination of people with disabilities, members of the Bay College community must abide by the following practices:

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- Allow assistance animals to accompany people with disabilities on campus;
- Do not ask for details about a person's disabilities;
- Do not pet a an assistance animal, as it distracts the animal from its function;
- Do not feed an assistance animal;
- Do not deliberately startle, tease, or taunt an assistance animal; and
- Do not separate or attempt to separate a person from his/her assistance animal.

If you are a student that has a disability that may be affected by the presence of animals, please contact the Office of Accessibility; all others please contact the Director of Human Resources. Bay College is committed to ensuring that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible.

1064.6 Grievance Procedure

A student or employee who wishes to file a disability discrimination complaint should contact the Director of Human Resources at 906-217-4049 or hr@baycollege.edu. The website for the Human Resources Department is <http://www.baycollege.edu/About-Bay/Employment.aspx>

Students with concerns about potential discrimination may also contact:

United States Department of Education:
 Cleveland Office
 U.S. Department of Education
 1350 Euclid Avenue
 Suite 325
 Cleveland, OH 44115
 Telephone: (216) 522-4970
 Facsimile: (216) 522-2573
 Email: OCR.Cleveland@ed.gov

United States Department of Housing and Urban Development by phone at (800)-877-0246, or on the web at <http://www.hud.gov/complaints/> (and click on "Housing Discrimination"); or the United States Department of Justice, Disability Rights Section by email at ADA.complaint@usdoj.gov, or on the web at <http://www.ada.gov>.

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