

College Operating Procedures (COP)



Procedure Title: Service Animals
Procedure Number: 01-0105
Originating Department: Office of the President

Specific Authority:

Board Policy 6Hx6:2.03
Florida Statute 413.08
Florida Administrative Code n/a

Procedure Actions: Adopted: 09/17/2018

Purpose Statement: To provide equal access to individuals who utilize a service animal and to provide guidance regarding the legal requirements surrounding the use of service animals.

Guidelines:

I. Statement of Commitment

The College is committed to making reasonable modifications to its rules, policies, and practices as required by law to afford individuals with disabilities equal opportunity to access its programs, services, and activities. The Procedure below applies to allowing service animals on College campuses, facilities, and activities by individuals with disabilities.

II. Terms and Definitions

A. Service Animal:

A service animal is any dog or miniature horse 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 considered to be service animals.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples 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, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Service animals can include an animal that is trained to assist an individual with psychiatric disabilities. An animal (including a dog) whose sole function is to provide comfort or emotional support does not qualify as a service animal. However, a service animal that is trained to calm a person with Post Traumatic Stress Disorder during an anxiety attack is an example of work or a task that would fall within the definition of a service animal. Further, an animal that has

been trained to sense that a person will have an anxiety attack and takes specific action to help avoid the attack or lessen the impact of the attack, would qualify as a service animal.

The law makes a distinction between psychiatric service animals and emotional support animals. If the animal has not been trained to perform a specific task or job, they do not qualify as a service animal under law. 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 and as such do not meet the definition of a service animal.

B. Comfort Animals:

Comfort animals, emotional support animals, and therapy dogs are not service animals under the Americans with Disabilities Act. This procedure addresses only service animals as described above.

C. Pets:

A pet is any animal kept for ordinary use and companionship. Pets are generally prohibited on the College campuses.

III. Training of Service Animals

Florida law allows animals on campus that are being trained to be service animals.

IV. Allowable Access

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the College or outside the College when an individual is participating in an offsite college-sponsored activity where students, members of the public, program participants, clients, customers, patrons, or invitees are allowed to go.

If a service animal's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation, they can be excluded from the facility (e.g., from a surgery or intensive care unit in a hospital in which a sterile field is required.)

College staff may ask an individual with a disability to remove a service animal from the premises if the animal is not housebroken or if the animal is out of control and the individual does not take effective action to control it.

An individual shall use a harness, leash or other tether with their service animal unless either the individual is unable to do so because of a disability or unless the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. In these cases, the service animal must be under the individual's control through voice control, signals, or other effective means. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

V. Responsibilities

A. Faculty and Staff: To ensure equal access and nondiscrimination of individuals with disabilities, members of the College's community must abide by the following practices:

1. Allow service animals to accompany individuals with disabilities on campus;
2. Do not ask for details about a person's disabilities;
3. Do not pet a service animal, as it distracts the animal from its work;
4. Do not feed a service animal;

5. Do not deliberately startle, tease, or taunt a service animal; and
6. Do not separate or attempt to separate a person from his/her service animal unless the animal is not housebroken or if the animal is out of control and the individual does not take effective action to control it.
7. Do not 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 is a service animal, College staff may make two inquiries to determine whether the animal qualifies as a service animal, which are:
 - a. Is the animal required because of a disability?
 - b. What work or task has the animal been trained to perform?

B. Other Provisions:

1. The College is not responsible for the care and supervision of a service animal.
2. Depending on the nature of the damage, if the College normally charges individuals for the damage they cause, an individual with a disability may be charged for reasonable damage caused by his or her service animal.
3. The 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 Disability Resources.
4. A service animal must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident).

C. Students Using Service Animals:

The College is not responsible for the care or supervision of service animals. Individuals with disabilities are responsible for the cost, care, and supervision of service animals, including:

1. Compliance with any laws pertaining to animal licensing, vaccination, and owner identification;
2. Keeping the animal under control and taking effective action when it is out of control; and
3. Feeding and walking the service animal, and disposing of its waste.

Students with disabilities who are accompanied by animals must comply with the same rules regarding noise, safety, disruption, and cleanliness as students without disabilities.