



# SMC Service & Assistance Animal Policy

APPLICABILITY: ALL EMPLOYEES AND STUDENTS OF SMC

RELATED POLICIES: ANIMALS ON CAMPUS, DISABILITY SERVICES POLICY AND PROCEDURE GUIDE

Southwestern Michigan College (SMC) recognizes the importance of service and assistance animals to individuals with disabilities and established the following policy regarding service and assistance animals to assist those individuals. This policy ensures that individuals with disabilities, who require service animals, receive the benefits of work or tasks performed by such animals. SMC is committed to allowing individuals with disabilities to use a service animal on campus to facilitate their full participation and equal access to SMC's programs and activities.

This policy also fosters the rights of individuals with disabilities who require assistance animals as a reasonable accommodation to obtain the therapeutic or other support these animals provide. SMC is committed to allowing individuals to have assistance animals in residence when determined appropriate and necessary.

Below are specific requirements and guidelines concerning the appropriate use of and protocols associated with service and assistance animals. SMC reserves the right to amend this policy as circumstances require.

## Definitions

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### Pet

A pet is an animal kept for ordinary use and companionship. Pets are not considered service or assistance animals and therefore not covered by this policy. According to SMC's Student Handbook, "Pets are prohibited, except for aquarium fish with a maximum tank size of 20 gallons. This restriction does not apply to residents needing service animals."

### Approved Animal

An approved animal is a service animal that does not live on campus but comes with an individual who commutes to campus each day, a service animal that resides in SMC housing, or an assistance animal granted as a reasonable accommodation under this policy.

### Service Animals

Service animals are defined by the Americans with Disabilities Act (ADA) as dogs that have been individually trained to do work or perform tasks for the benefit of an individual with a disability. Examples include, but are not limited to, guiding individuals who are blind or have low vision with navigation or other tasks, alerting individuals who are deaf or hard of hearing, pulling a wheelchair, assisting an individual who is having a seizure, and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Service animals are working animals, not pets. Attack dogs or emotional support, therapeutic, or companion animals do not qualify as service animals.

A dog's trained work or task must be directly related to the individual's disability. Service Animals may travel freely with their owners through SMC housing (and other areas of the college) subject to certain bona fide limitations based on safety concerns associated with the animal or others. Some exceptions may be justified, wherein the dog presents a safety risk to itself or others or whose presence could fundamentally alter a College program, activity, or service. Under the ADA, Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal's ability to perform

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the work or task the animal has been trained to provide, or the nature of the individual's disability prevents such usage. Nonetheless, the animal must always be under the handler's control through voice control, hand signals, or other effective measures.

This definition does not affect or limit the broader definition of assistance animals covered under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973. Animals who provide comfort or emotional support regardless of training to perform a work or task do not qualify as service animals. (See sections of this document that apply to assistance animals.)

## Assistance Animals

Under the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973, assistance animals may be allowed in SMC housing upon meeting certain conditions. An assistance animal is an animal that is necessary for a resident with a disability to have equal access or an equal opportunity to use and enjoy SMC housing.

An assistance animal is not a pet. It is an animal that works, provides assistance, performs tasks for the benefit of an individual with a disability, or provides emotional support that alleviates one or more identified symptoms of a person's disability.

Unlike a service animal, assistance animals are not limited to dogs and need no individual training to perform work or tasks. Assistance animals are typically limited to accompanying students to their dwelling unit (bedroom). Assistance animals are not permitted in other areas of the college (e.g., libraries, academic buildings, classrooms, labs, the Student Activity Center, other students' rooms, etc.) Due to these restrictions, students should carefully consider bringing an assistance animal on campus as many animals should not be left unattended in a room.

## Requesting Service Animals in SMC Housing

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Although an individual with a disability accompanied by a service animal is entitled to reside on campus with the animal, procedures must be in place to ensure other residents' health and safety. Advance planning enables SMC and the individual to collaborate on appropriate housing assignments, considering the individual's needs and preferences, the size of the animal, and others' willingness to live with the animal in a room or suite.

Students should submit a request and provide all requested documents by the deadline established for housing accommodations (May 15 for fall accommodations, August 15 for spring), along with their housing application. Should the student need a service animal in housing after the deadline or a student's placement in housing, the student is strongly encouraged to submit all required documents and applications 30 days before the animal's residency is necessary.

### Request Process

Any individual requesting a service animal in housing must submit an **Approved Animal Application** for the express purpose of identifying appropriate housing options. Requests for service animals in housing do NOT require documentation of disability. Instead, individuals should answer relevant questions on their application. The Disability Services Coordinator reviews the request and determines the appropriate next step.

The Disability Services Coordinator contacts students following a request. The Director of Human Resources contacts employees. A meeting with the individual includes a careful review of this policy. The individual provides proof of animal vaccination.

The Disability Services Coordinator notifies relevant housing staff and the individual's roommate(s) or suitemate(s) of the approved animal's residency in the shared living space. Requests to relocate roommates or suitemates are considered for a good cause.

## Service Animals in Training

The state of Michigan does not consider service animals in training as having the same rights as service animals. Until a service animal in training completes individual training, SMC considers the animal an assistance animal. SMC handles requests for these animals in housing as assistance animal requests.

## Requesting Assistance Animals in SMC Housing

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Qualified individuals with disabilities can request assistance animals as a reasonable accommodation. Advance planning enables SMC and the individual to collaborate on appropriate housing assignments, considering the individual's needs and preferences, the size of the animal, and others' willingness to live with the animal in a room or suite.

Students should submit a request and provide all requested documents by the deadline established for housing accommodations (May 15 for fall accommodations, August 15 for spring), along with their housing application. Should the student need a service animal in housing after the deadline or a student's placement in housing, the student is strongly encouraged to submit all required documents and applications 30 days before the animal's residency is necessary.

### Employee Requests

Employees requesting Assistance Animals in housing as a reasonable accommodation must submit an **Approved Animal Housing Application**, answer relevant questions, and provide all required documentation. Requests are considered complete when employees submit both the application and the **Required Treating Professional Documentation Form**.

Acceptable professionals qualified to fill out **Required Treating Professional Documentation Form** include physicians, social workers, psychologists, psychiatrists, or other mental health professionals. The Director of Human Resources may need to contact the individual's healthcare provider for more information or clarification.

The Director of Human Resources meets with the student to carefully review this policy and discuss the request's reasonableness. Decisions are communicated through a determination letter.

When a request is approved, these letters outline the date the approved animal can reside on campus, pending the submission of any outstanding documentation.

Should the Director of Human Resources consider the request unfounded, the employee may need to provide additional documentation. Employees have the right to appeal denied decisions. After speaking with the Director of Human Resources for clarification, the employee can submit an appeal to the Chief of Staff.

Employees must notify the Director of Human Resources in writing if the approved animal is no longer needed as an approved animal or is no longer in residence. To replace an assistance animal, the owner must file a new **Approved Animal Application**.

Should employees wish to bring an approved animal back to SMC housing after removing the animal of their own volition, must contact the Director of Human Resources to review the circumstances of the animal's return. Additional documentation or beginning the request process again may be required.

Employees may allow their approved animal in any part of their dwelling unit.

### Student Requests

Students requesting assistance animals in housing as a reasonable accommodation must submit an **Approved Animal Housing Application**, answer relevant questions, and provide all required documentation. Requests are considered complete when students submit both the application and the **Required Treating Professional Documentation Form**.

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Acceptable professionals qualified to fill out the **Required Treating Professional Documentation Form** include physicians, social workers, psychologists, psychiatrists, or other mental health professionals. The Disability Services Coordinator may need to contact the individual's healthcare provider for more information or clarification.

The Disability Services Coordinator meets with the student to carefully review this policy and discuss the request's reasonableness. Decisions are communicated through a determination letter.

When a request is approved, these letters outline the date the approved animal can reside on campus, pending the submission of any outstanding documentation.

Should the Disability Services Coordinator consider the request unfounded, the student may need to provide additional documentation. Students have the right to appeal denied decisions. After speaking with Disability Services for clarification, the student can submit an appeal to the Dean of Student Development.

Disability Services communicates determinations to the Housing Committee and appropriate campus housing staff. The student's roommate(s) and suitemate(s) also receive notification and an **Approved Animal Roommate Agreement** to get their consent to the animal's approved residency in their shared living space. Copies of this policy accompany the determination letters.

Requests to relocate roommates or suitemates are considered for a good cause. Students cannot bring an approved animal into the dwelling unit until Disability Services has all completed documentation.

Documentation includes:

- Proof of Licensing (for dogs)
- Veterinary documentation
- All **Approved Animal Roommate Agreement(s)**

Assistance animals are not authorized to be in any area except the student's dwelling unit (bedroom), other than when relieving themselves in a designated area, without prior authorization from Disability Services. Unless otherwise authorized, the animal must remain in an animal carrier or controlled by a leash or harness when transporting the animal outside the private residential area.

Students must notify Disability Services in writing if the approved animal is no longer needed as an approved animal or is no longer in residence. To replace an assistance animal, the owner must file a new **Approved Animal Application** before bringing the animal to campus.

Should students wish to bring an approved animal back to SMC housing after removing the animal of their own volition, must contact Disability Services to review the circumstances of the animal's return. Additional documentation or beginning the request process again may be required.

## **Conflicting Conditions and Other Considerations**

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Individuals with medical conditions adversely affected by animals (e.g., respiratory diseases, asthma, severe allergies, phobias/anxiety) should contact Disability Services if they have a health or safety-related concern. SMC is prepared to reasonably accommodate individuals with such medical conditions that require accommodation when living in proximity to approved animals. SMC also considers requests for accommodation based upon one's faith or other special circumstances.

Resident Housing Managers (RHMs) make attempts to resolve conflicts between roommates or suitemates. RHM's consider conflicting needs and potential accommodations of all persons involved. When residents cannot reach an agreement, Disability Services is authorized to make a final decision.

## Owner Responsibilities

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The individual receiving the benefits of an approved animal is considered the owner. The approved animal owner is responsible for ensuring that the animal does not unduly interfere with the residence hall's routine activities. Approved animals cannot cause unreasonable difficulties for students who reside there, including barking that may disturb student study and sleep and any threat to anyone's health, safety, or property.

### Care and Supervision

Care and supervision of the approved animal are the responsibility of the animal's owner. This individual must always maintain control of the animal. Owners are also responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated by SMC housing personnel.

Approved animals may not be left overnight in SMC housing to be cared for by another individual. Animals must be taken with the owner if they leave campus for a prolonged period, even in response to unexpected circumstances. SMC expects owners to refrain from leaving dogs for more than six (6) hours. Owners are encouraged to make arrangements with family members or private services to take care of animals when an individual may be unable to do so. SMC reserves the right to call Animal Control should an approved animal be left on campus unattended.

Owners must store food for the approved animal in a manner that does not attract insects or rodents. The owner's room or suite may be inspected for fleas, ticks, insects, or other pests once a semester or as needed. The Executive Director of Campus Life schedules inspections. If SMC detects fleas, ticks, or other pests through inspection, the school uses approved fumigation methods by an SMC-approved pest control service to treat the residence. SMC bills the owner for the expense of any pest treatment above and beyond standard pest management.

During standard health and safety checks performed regularly by housing personnel, owners with approved animals must provide access to the animal's food supply to ensure proper storage. Animal food storage areas must be clearly labeled if the individual is not present for inspections.

SMC informs the individual where to do laundry to minimize harmful effects of dangerous or other elements in the machine potentially transmittable to others.

Owners must contain approved animals in a crate, cage, or similar confining container during all times when the owner is not present in the dwelling unit. Owners are solely responsible for the Approved Animal's well-being. **Under no circumstances is SMC responsible for removing an animal during an emergency or evacuation.**

### Health

Approved animals must have an annual clean bill of health from a licensed veterinarian. Documentation can be a vaccination certificate for the animal or a veterinarian's statement regarding its health. SMC has the authority to direct that the animal receives veterinary attention (following local licensing law.)

Approved animals require up-to-date immunizations against diseases common to the animal's type and have current vaccination against rabies, per local ordinances and regulations. Animals must wear their rabies vaccination tags, and vaccinations must remain current while the approved animals reside in SMC housing.

Should an animal's vaccination expire during the school year, owners are responsible for the approved animal's immunization update. The Disability Services Coordinator notifies approved animal owners 60 days before their animal's rabies vaccination expires. If the student fails to update vaccinations, SMC reserves the right to remove the approved animal from campus.

## Training and Control

Service animals must be individually trained to perform the work or task necessary for the individual with a disability. Approved assistance animals may not require training; however, SMC highly recommends dog obedience and training programs to minimize disruption and aggressive behaviors.

Outside an owner's residential unit, a service animal must be harnessed, tethered, or on a leash unless such restraint precludes the dog's ability to perform the work or task or the nature of the owner's disability precludes such usage. In all instances, the dog must be under the handler's control (e.g., voice, signal). Assistance animals must always be on a leash or contained if taken outside of the residential unit.

## Licensing

SMC reserves the right to request documentation showing that the animal is licensed in accordance with local laws. All dogs must be licensed in Cass County, Michigan.

## Damage

Owners of approved animals are solely responsible for the approved animal's actions, including bodily injury or property damage. The owner's responsibility covers but is not limited to replacing furniture, carpet, window treatments, wall coverings, and the like. Owners must cover these costs at the time of repair or move-out date. Owners are encouraged to consider securing personal liability insurance.

Owners are financially responsible for any expenses incurred for cleaning above and beyond a standard cleaning or repairs to SMC housing premises assessed after the individual and the animal vacate the residence. SMC shall have the right to bill the student account of the owner for unmet obligations.

## Other Conditions

Disability Services may place other reasonable conditions or restrictions on the animals depending on the animal's nature and characteristics.

The Executive Director of Campus Life has the authority to relocate the owner and approved animal, as necessary, according to current contractual housing agreements.

Owners agree 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 not constitute an exception to any other policy.

## Removal of Approved Animals

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Violation of the above rules may result review through the Residential Judicial Process or result in immediate removal of the approved animal from SMC premises. Owners are afforded all rights of due process and appeal. Employees are subject to review by the Director of Human Resources.

SMC may immediately exclude or remove an approved animal in campus housing when the college determines (1) the animal poses a direct threat to the health or safety of others, (2) the animal's presence results in a fundamental alteration of the college's program, (3) the owner does not comply with owner's responsibilities, or (4) the animal or its presence creates an unreasonable disturbance or interference with the Southwestern Michigan College community.

SMC determinations of removal occur on a case-by-case basis based on the immediacy of the threat to students and staff and the severity of the concern. In many cases, following a complaint regarding an approved animal, the Disability Services Coordinator contacts the student to create an action plan for addressing the complaint. If a second complaint is received, Disability Services investigates the claim. The Housing Committee convenes to determine the next course of action. Determinations may include moving the individual to another room or removing the animal from campus, depending on the severity of

the concern as determined by the Committee. SMC reserves the right to immediately remove an animal presenting a direct threat to the SMC community.

Should approved animals be removed from the premises for any reason, SMC expects the owner to fulfill all housing obligations for the remainder of the housing contract. The owner undertakes to comply with animal health and well-being requirements as outlined in this policy.

## **Expectations for Faculty, Staff, Students, and Other Members of the College Community**

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Members of the college community are expected to abide by the following practices when interacting with service animals.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Owners may be asked two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform?

Questions may not be asked about the owner's disability. Individuals may not require medical documentation, special identification cards, or the dog's training documentation from the owner or ask that the dog demonstrates its ability to perform the work or task. Owners may have identification for their dog, but it is not required.

Service animals must be allowed to accompany their owners in all places on campus, except where animals are expressly prohibited. If a service animal presents a safety risk or is disruptive to the educational environment, individuals should contact Campus Security. Allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals.

When an individual is allergic to dog dander and a service animal owner must spend time in the same room or facility, for example, in a school classroom, they both should be accommodated. If possible, assign them to different locations within the room or different rooms in the facility. If an individual is allergic to or adversely affected by a service animal's presence, the individual should promptly contact Disability Services.

Individuals should refrain from touching or petting a service animal unless invited to do so. Do not offer food to a service animal and avoid startling the animal. Do not separate or attempt to separate owners from their service animals other than in an emergency.

Owners may not be asked to remove service animals from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it, or (2) the dog is not housebroken. Unless authorized to do so because of the nature of their position, individuals may not inquire about details of the owner's disabilities. The nature of a person's disability is a private matter.

When there is a legitimate reason to ask for the removal of a service animal, individuals must offer the owner the opportunity to obtain goods or services without the animal's presence. (Taken from Revised ADA Requirements: Service Animals 9/15/2010, 3/15/2011)

This policy is subject to change based on Federal, State, County, and College Policy.