

# COLLEGE of CHARLESTON

## OFFICIAL POLICY

6.1.8

Service Assistance and Animal Policy

1/20/2016

### Policy Statement

**UPON ADOPTION, THIS POLICY REPEALS AND SUPERSEDES IN ITS ENTIRETY ANY PREVIOUS POLICIES REGARDING SERVICE AND ASSISTANCE ANIMALS.**

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THE PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

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### Policy Manager and Responsible Department or Office

The Executive Vice President for Student Affairs and the Vice President for Human Resources shall be responsible for the administration and implementation of the Policy.

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### Purpose/Reason for the Policy

# **Policy Statement**

## **1.0 APPLICABILITY**

This Policy shall be applicable to the College Board of Trustees; faculty and staff of the College, whether part-time, full-time, or temporary; students while attending or employed by the College; contractors and consultants performing work or providing services on College-owned or leased property; individuals and organizations renting, leasing, or otherwise granted permission to use campus facilities; College affiliates; alumni and alumnae, guests, visitors, or invitees of the College; and members of the general public. All members of the campus community and members of the general public shall comply with this policy.

## **2.0 USE OF SERVICE ANIMALS**

It is the Policy of the College of Charleston to generally allow service animals in its buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities, events, and other places to which the general public is invited where the animal is accompanied by a qualified individual with a disability who indicates the service animal is trained to provide, and does provide, a specific service to the individual that is directly related to his or her disability.

The College of Charleston may not permit service animals when the animal poses a substantial and direct threat to health or safety or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service or would present an undue hardship for the College. The College of Charleston will make those determinations on a case-by-case basis.

It is the Policy of the College of Charleston to conduct evaluations of requests for assistance/therapy animals using the general principles applicable to all reasonable accommodation requests.

### **3.0 DEFINITIONS**

The definitions contained in this Policy will be interpreted and applied by the College in a manner that is consistent with applicable law, professional usage, and conventional understanding within the community. In the event of any alleged conflict in meaning, statutory and legal interpretations shall prevail and be deemed controlling.

**“ASSISTANCE ANIMAL”** – An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified systems or effects of a person’s disability. Evaluations of requests for assistance animals will be conducted using the general principles applicable to all reasonable accommodation requests.

**“HANDLER”** – The person who is responsible for controlling a service animal.

**“QUALIFIED INDIVIDUAL WITH A DISABILITY”** – Qualified individual with a disability means:

a. With respect to any program or activity (except employment), an individual with a disability who, with or without reasonable modifications or aids, meets the essential requirements for participation in, or receipt of benefits from, that program or activity.

b. With respect to employment, a qualified individual with a disability means an individual with a disability who satisfied the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

**“SERVICE ANIMAL”** – Means any dog 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 service animals for the purposes of this definition, except that, consistent with the applicable federal regulations, a miniature horse may also qualify as a service animal. 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 persons with psychiatric and neurological disabilities by 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 purposes of this definition.

#### **4.0 REQUESTS FOR SERVICE ANIMAL ACCOMMODATION**

**a. Students** - Student requests for disability accommodations, including requests to have a service animal accompany a student on campus are approved by the Center for Disability Services through an accommodation request and review process, subject to review and determination by the Office of Legal Affairs. When it is not readily apparent that the service animal is trained to do work or perform tasks for an individual with a disability, the following inquiries may be made: (1) “Is this a service animal that is required because of a disability?” and (2) “What work or tasks has the service animal been trained to perform?” Students can reach the Center for Disability Services at [SNAP@cofc.edu](mailto:SNAP@cofc.edu), or phone (843) 953-1431. If a student requests an accommodation and the need for the accommodation is not obvious, written documentation from a doctor or other professional with knowledge of the person’s functional limitations may be required. Decisions regarding requests for service animals on campus will be made in accordance with applicable laws, regulations, and guidance.

**b. Faculty and Staff Members** - Employee requests for disability accommodations, including requests to have a service animal in the workplace, are approved by the Office of Human Relations and Minority Affairs, subject to review and determination by the Office of Legal Affairs. Information regarding the employee accommodation process may be located on the Office of Human Relations and Minority Affairs webpage. Further information may be obtained by contacting the Office of Human Relations and Minority Affairs at [HRMA@cofc.edu](mailto:HRMA@cofc.edu), or by phone (843) 953-5758. If an employee requests an accommodation and the need for the accommodation is not obvious, written documentation from a doctor or other professional with knowledge of the person’s functional limitations may be required. Decisions regarding requests for service animals on campus will be made in accordance with applicable laws, regulations, and guidance.

**c. Visitors** - Service animals accompanying individuals with disabilities are welcome in all areas of campus that are open to the general public. When it is not readily apparent that the service animal is trained to do work or perform tasks for an individual with a disability, the following inquiries may be made: (1) “Is this a service animal that is required because of a disability?” and (2) “What work or tasks has the service animal been trained to perform?” Questions related to the use of service animals on the College of Charleston campus by visitors should be directed to the Office of Human Relations and Minority Affairs via email, [HRMA@cofc.edu](mailto:HRMA@cofc.edu), or phone (843) 953-5758. Decisions regarding visitor requests for service animals on campus will be made by the Office of Human Relations and Minority Affairs in accordance with applicable laws, regulations, and guidance, subject to review and determination by the Office of Legal Affairs.

#### **5.0 RESPONSIBILITIES OF HANDLERS**

Handlers are responsible for any damage or injuries caused by the animals they are responsible for and must take appropriate precautions to prevent property damage or injury. The cost of

care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the handler at all times.

**a. Service Animal Control Requirements**

- i. The animal should be on a leash, harness or other tether when not providing a needed service to the handler.
- ii. The animal should respond to voice or hand commands at all times, and be in full control of the handler.
- iii. To the extent possible, the animal should be unobtrusive to other individuals and the learning, living, and working environment.
- iv. It is recommended, but not required, that the animal wear some type of commonly recognized identification symbol, identifying that the animal is a working animal, but not disclosing disability.
- v. The handler must adhere to and be aware of all applicable City of Charleston ordinances regarding ownership of animals (i.e., leash law, proper identification, vaccinations, etc.)

**b. Animal Etiquette** - To the extent possible, the handler should ensure that the animal does not:

- i. Sniff people, desks or the personal belongings of others.
- ii. Display any behaviors or noises that are disruptive to others, unless part of the service being provided to the handler.
- iii. Block an aisle or passageway for fire egress.

**c. Waste Cleanup**

Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically able to clean up after the animal, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal. The person cleaning up after the animal should abide by the following guidelines:

- i. Always carry equipment sufficient to clean up the animal's feces whenever the animal is on campus.
- ii. Properly dispose of waste and/or litter in appropriate containers.
- iii. Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler.

**6.0 REMOVAL OF SERVICE ANIMALS**

Service animals may be ordered removed by the Department of Public Safety for the following reasons:

- a. Out of control animal: A handler may be directed to remove a service animal if the service animal is out of control and the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any College facility until the handler can demonstrate that (s)he has taken significant steps to mitigate the behavior.
- b. Non-housebroken animal: A handler may be directed to remove an animal that is not housebroken.
- c. Direct Threat: A handler may be directed to remove an animal that the College of Charleston determines to be a substantial and direct threat to the health and safety of others.

Where a service animal is properly removed pursuant to this Policy, the College of Charleston will work with the handler to determine reasonable alternative accommodations and/or opportunities to participate in the service, program, or activity without having the service animal on the premises. Decisions regarding requests for service animals on campus will be made in accordance with applicable laws, regulations, and guidance.

## **7.0 PUBLIC ETIQUETTE TOWARDS SERVICE ANIMALS**

Faculty, staff, students and visitors should avoid the following:

- a. Petting a service animal, as it may distract them from their task at hand.
- b. Feeding a service animal.
- c. Deliberately startling a service animal.
- d. Separating or attempting to separate a handler from their service animal.

## **8.0 REQUESTS FOR ASSISTANCE/THERAPY ANIMALS IN COLLEGE HOUSING**

As a general rule, pets are forbidden in on-campus housing. However, Residence Life and Housing will allow an assistance/therapy animal if certain conditions are met in accordance with the applicable laws, regulations, and guidance. Students seeking assistance animals in College housing must have a disability and have a disability-related need for an assistance animal. The request may be denied (1) if the requested accommodation is not reasonable, (2) if the assistance/therapy animal would impose an undue financial or administrative burden, (3) if the specific assistance/therapy animal in question poses a direct threat to the health or safety of others, or (4) if the specific assistance animal in question would cause substantial physical damage to the property of others. Requests for assistance animals in Residence Life and Housing should be made by:

a. Contacting the Center for Disability Services at SNAP@cofc.edu, or phone (843) 953-1431.

b. Completing the Housing Accommodation Request Procedure, available online: <http://disabilityservices.cofc.edu/accommodations/housing.php>

In order for a request for an assistance/therapy dog in on-campus housing to be considered, there must be a disability-related need for the assistance animal. Emotional distress resulting from not being able to bring your pet to college does not qualify a person for an accommodation under federal law. Any approved assistance animal in College of Charleston facilities must also meet College of Charleston requirements/policies for animal health and behavior as well as their College of Charleston Housing Contract. Assistance Animals must also meet all City of Charleston requirements for ownership of animals (i.e. leash law, proper identification, vaccinations, etc.). Like all reasonable accommodation requests, the determination of whether a student has a disability-related need for an assistance/therapy animal will be considered on a case-by-case basis under the general principles and legal requirements related to requests for reasonable accommodations.

## **9.0 RESPONSIBILITY FOR POLICY MAINTENANCE**

The Director of Human Relations and Minority Affairs, upon consultation with the Director of the Center for Disability Services, Dean of Students and the Senior Vice President for Legal Affairs, shall be responsible for the periodic review and maintenance of this Policy. Such reviews shall take place no less frequently than once during each three year period and shall be provided to the President's Executive Team within seven calendar days of completion.

## **10.0 AMENDMENTS**

This Policy may be amended at any time in accordance with the College's *Campus Wide Policy Making Procedures*.

**Departments/Offices Affected by the Policy**

Office of Institutional Effectiveness  
Office of Human Resources  
Office of Student Affairs

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**Procedures Related to the Policy**

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**Related Policies, Documents or Forms**

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**Review Schedule**

**Issue Date: 04/22/2014**  
**Date of Policy Revision: 1/21/16**

**Next Review:10/21/2020**

**POLICY APPROVAL**

**(Four use by the Office of the Board of Trustess or the Office of the President**

Policy No.: 6.1.8

President or  
Chairman, Board of Trustees



Date:

1-21-16