

Southwestern Oregon Community College

AP 3440 Service/Assistance Animals and Other Animals on Campus

References:

The Americans with Disabilities Act of 1990 -- 42 U.S. Code Sections 12101 et seq.;

28 Code of Federal Regulations Part 35;

28 Code of Federal Regulations Part 36;

34 Code of Federal Regulations Part 104.44(b)

ORS 659A.143

OAR 839-006-0345

ORS 167.310; 336.067; 433.340 – 405; 609.020 - 994

Service/Assistance Animals

Southwestern Oregon Community College will allow an individual with a disability to use a service/assistance animal in the College's facilities and on the College's campuses in compliance with state and federal law.

Southwestern Oregon Community College will allow an individual with a disability to use a dog or miniature horse as a service/assistance animal in College's facilities and on college campuses if the dog or miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the College has determined, based on the assessment factors provided in this procedure, that a reasonable accommodation can be made.

Southwestern Oregon Community College will allow an individual with a disability to be accompanied by their service/assistance animal in all areas of the College's facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go.

These procedures shall also be applicable to an individual who is training a service/assistance animal.

Service/Assistance Animal Defined

Please note that Oregon law uses the term "assistance" animal and federal law uses the term "service" animal but defines them the same way. Southwestern will use the terminology service/assistance animal.

A "service/assistance animal" for purposes of this procedure means 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, training or untrained, are not service/assistance animals for the purposes of this definition.

Southwestern Oregon Community College does not discriminate on the basis of race, color, gender, sexual orientation, marital status, religion, national origin, age, disability status, gender identity, or protected veterans in employment, education, or activities as set forth in compliance with federal and state statutes and regulations.

The work or tasks performed by a service/assistance 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.

Exceptions

Southwestern Oregon Community College may ask an individual with a disability to remove a service/assistance animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken unless in training to be a service/assistance animal.

If a service/assistance animal is excluded under one of these exceptions, the College will give the individual with a disability the opportunity to obtain goods, services, and accommodations or to participate in the service, program, or activity without having the service animal on the premises.

Assessment Factors for Miniature Horses

Southwestern Oregon Community College shall consider the following factors:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Control

The service/assistance animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service/assistance animal's safe, effective performance of work or tasks, in which case the service/assistance animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

Care or Supervision

Southwestern Oregon Community College is not responsible for the care or supervision of the animal.

Inquiries by Southwestern Oregon Community College:

Southwestern may make two inquiries to determine whether an animal qualifies as a service/assistance animal:

- Whether the animal is required because of a disability; and
- What work or task the animal has been trained to perform.

Southwestern will not make either of these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

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Individuals must have their service/assistance animals be in compliance with any laws pertaining to animal vaccinations, licensure, and ID tags that are mandated by state and local ordinances. Licensure or certification is not required in order to meet the definition of service/assistance animal under this procedure.

No Surcharge

Southwestern Oregon Community College will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the College normally charges individuals for damage caused by pets, an individual with a disability may be charged for damage caused by his/her service/assistance animal.

Other Animals/Pets:

Domestic animals and pets including emotional support animals (ESA) and companion animals are not permitted in college facilities or sponsored events (unless certified or in training to be certified to assist individuals with disabilities). Persons who bring animals on campus pursuant to this procedure will be responsible for ensuring the animal or pet remains on a leash of six feet or less at all times and under the control of the person, for removing any animal waste, and shall not leave the animal confined or attached to a tree, pole, building, sign, or other objects on college property.

The disposition of unsupervised animals will be determined on a case-by-case basis by Campus Security. This could include but is not limited to the breaking of vehicle windows, calling animal control, or any additional actions needed to resolve the situation. If animal neglect or abuse is suspected, Southwestern Oregon Community College will report this information to Animal Control.

Permission to bring an ESA/Companion animal into student housing must be obtained from the Accessible Education office. Once approval is granted, the animal must be adequately cared for and appropriately secured. Housing residents shall review and acknowledge the guidelines for ESA/Companion animals in student housing.

It is the procedure of the Southwestern Oregon Community College that an animal's handler is responsible for the animal's behavior, containment, and removal of the animal's waste while on college property. If the animal's behavior is deemed disruptive by College Administration to College programs, activities or services, poses a threat to the health and/or safety of others, or displays threatening behavior, the animal must be removed from college grounds.

Handlers of animals are required to adhere to any local, state, and federal animal laws including but not limited to:

- The animal must be kept under control at all times.
- Animals may not be tied to buildings, fixtures, etc., left unattended, or permitted to run at large on campus.
- Animals are not allowed in athletic facilities and playing fields.
- If the animal relieves itself indoors or outdoors, the animal's handler or the responsible person must immediately clean up after the animal and dispose of the waste properly.

Southwestern Oregon Community College does not discriminate on the basis of race, color, gender, sexual orientation, marital status, religion, national origin, age, disability status, gender identity, or protected veterans in employment, education, or activities as set forth in compliance with federal and state statutes and regulations.

- The animal's handler must comply with all state and city laws and ordinances governing the animal's license and vaccinations and have proof of compliance (wear current tags) available when on college grounds.

Large animals may not be ridden, led, or otherwise allowed on campus.

Any concerns regarding animals on campus should be reported to Campus Security at 541-297-4200.

Violations may result in the ESA/Companion or other animals being banned from campus

Approved: December 14, 2022