



Pima County Community College District Administrative Procedure

<i>AP Title:</i>	Guidelines for Service Animals and Other Animals on Campus and in College Programs and Activities
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<i>Board Policy Title & No.:</i>	Diversity and Inclusion, BP 2.01
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<i>Cross Reference:</i>	Complaint Procedure for Students with Disabilities, AP 3.46.06; Americans with Disability Act Reasonable Accommodation Guideline for Employees/Applicants

STATEMENT OF COMPLIANCE

Pima Community College (“College”) is committed to complying with all applicable federal and state laws and regulations prohibiting discrimination on the basis of disability.

SECTION 1: Definitions

“ADA” means the Americans With Disabilities Act of 1990 and the Americans With Disabilities Amendments Act (“ADAAA”) of 2008, as well as the federal regulations applicable to the requirements of the ADA and the ADAAA.

“ADR” means the College’s office of Access and Disability Resources.

“Applicant” means any person applying for employment with the College.

“Campus Police” means the Pima Community College Police Department.

“College” means Pima Community College.

“College Community” means, collectively, all persons employed by, applying for employment with, volunteering for, enrolled in classes at, or visiting the College, or who are attending any College Sponsored Activity.

“College Property” means any campus, building, or grounds owned, leased, operated, or controlled by the College.

“College Sponsored Activity” means any event, service, program, or activity officially sanctioned by the College or any on- or off-campus program or activity initiated, aided, authorized, or supervised by the College’s administration or official organizations.

“Direct Threat” means a significant risk to health or safety that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of having such an impairment, or being regarded as having such an impairment, without regard to the effects of mitigating measures other than eyeglasses or contact lenses.

“Dog” means any breed of domestic dog (*canis familiaris*). For purposes of this AP, the definition “Dog” does not include wolves, coyotes, wolf-dog hybrids, coyote-dog hybrids, or any non-domestic canine species. (See Arizona Administrative Code (“A.A.C.”) R12-4-406 (“Restricted Live Wildlife”).)

“Employee” means any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the direct supervision of the College. This definition does not include independent contractors or unpaid Volunteers.

“Emotional Support Animal” means a domesticated animal of any Non-Restricted Species that serves as a companion for and/or provides a sense of safety, comfort, and well-being to an individual with a Disability that ameliorates one or more symptoms or effects of the individual's Disability, although the animal may not be individually trained to do work or to perform a task directly related to the individual's Disability. An Emotional Support Animal is not recognized as a Service Animal under the ADA or Section 504.

“ESC” means the College's Employee Service Center.

“Fundamental Alteration” means a change so significant that it alters the essential nature of an Employee's position or job duties, the College's curriculum, or a service, program, or College Sponsored Activity.

“Miniature Horse” means a domestic horse (*equus caballus*) generally 24-34 inches in height measured to the shoulders and weighing generally 70-100 pounds.

“Non-Restricted Species” means any animal the possession of which is not regulated pursuant to A.A.C. R12-4-406 (“Restricted Live Wildlife”).

“Pet” means a legally possessed animal of a Non-Restricted Species that is commonly kept in, at, or near an individual's personal residence primarily for the purpose of companionship and that meets the requirements of all state, county, and city statutes or ordinances pertaining to licensing, vaccinations, and other legal requirements.

“Program Animal” (sometimes called a therapy animal) means any type of legally possessed animal of a Non-Restricted Species whose authorized presence on College Property or at a College Sponsored Activity is part of an officially sanctioned and approved College service or program.

“Service Animal” means a Dog or, in certain instances, a Miniature Horse that has been individually trained to do work or perform tasks for a person with a Disability that is directly related to the person's Disability. This definition does not include any species of animal other than a Dog or Miniature Horse. Unless specified otherwise, this definition also includes Service Animals In Training.

“Service Animal In Training” means a Dog or Miniature Horse that is in the process of being trained as a Service Animal.

“Section 504” means Section 504 of the Rehabilitation Act of 1973.

“Student” means any person currently enrolled in courses at the College on either a full-time or part-time basis, as well as any person currently registered for or participating in continuing-education workforce development, adult basic education, or developmental education classes through the College.

“Undue Burden” means significant difficulty or expense, taking into account factors such as the nature and cost of an action; the College’s financial, personnel, and other resources; legitimate safety concerns (including crime prevention), and the overall impact of the action on College operations.

“Unacceptable Behavior” means not being house broken, biting, snapping, lunging, growling, barking or making other uncontrolled or excessively distracting noises, or being out of the control of a User, owner, or handler, unless the animal is a Service Animal that must engage in an otherwise Unacceptable Behavior in order to perform the work or task it is trained to perform. (See Section 5 below).

“User” means 1) a person with a Disability for whom a Service Animal is performing work or tasks directly related to that person’s Disability, or 2) a person training a Service Animal In Training.

“Visitor” means any person physically present on College Property or in attendance at a College Sponsored Activity who is not a current Student, Employee, Applicant, or Volunteer.

“Volunteer” means any unpaid individual who is not an Employee or Student of the College and is authorized by the College to perform and voluntarily performs services for the College without promise, expectation, or receipt of compensation, future employment, or other tangible benefit, including academic credit. A Volunteer is not an Employee of the College for any purpose.

SECTION 2: Purpose and Scope

2.1 The information contained in this Administrative Procedure (“AP”) is intended to help the College Community understand the differences between various kinds of animals, where they are permitted, and when they could be removed.

- 2.2 This AP establishes standards to ensure that all persons with Disabilities who utilize Service Animals are able to do so on all College Property and at all College Sponsored Activities, with appropriate exceptions to prevent unacceptable risks to health and safety or the Fundamental Alteration of College services, programs, and activities.
- 2.3 The standards set forth in this AP apply to all Students, Employees, Volunteers, Applicants, and Visitors who are present on College Property or at a College Sponsored Activity and who utilize or attend College programs, services, and activities.
- 2.4 This AP specifies expected behavior for Service Animals and their User's responsibilities, establishes protocols for the exclusion of Service Animals under specific conditions, and identifies the general responsibilities of all members of the College Community regarding Service Animals to ensure both access and compliance with applicable law.
- 2.5 Animals are generally not permitted in College buildings or in non-public outdoor spaces on College Property (such as athletic fields) with some exceptions, such as for Service Animals. The College reserves the right to exclude from College Property any animals that does not meet the definition of a Service Animal.

SECTION 3: Service Animals Generally

- 3.1 Any breed of Dog may be a Service Animal, regardless of any breed restrictions imposed by local laws or by any public or private policies.
- 3.2 Professional training is not required for a Dog or Miniature Horse to qualify as a Service Animal, and individuals with Disabilities may train their Service Animals themselves.
- 3.3 Visible indicators such as vests, harnesses, or tags identifying a Dog or Miniature Horse as a Service Animal are not required. However, the College encourages the use of visible indicators to assist others in easily distinguishing between Service Animals and Pets or other animals and to recognize that a Service Animal is working and should not be distracted or interrupted.

- 3.4 Examples of work or tasks a Service Animal could be individually trained to perform for a User may include, but are not limited to, the following:
- a. Guiding a User;
 - b. Alerting a User to the sound of voices, alarms, doorbells, ringing telephones, or other audible signals;
 - c. Opening and closing doors, drawers, and cabinets for a User;
 - d. Reminding a User to take medication or alerting a User of a need to take medication;
 - e. Pulling a wheelchair for a User;
 - f. Picking up and/or retrieving items for a User;
 - g. Sensing an imminent change in a User's physical or emotional state, such as a seizure or anxiety attack and taking specific responsive action in accordance with the Service Animal's training, such as leading the User to a safer location or applying pressure or other tactile stimulation to the User to induce a calming effect.
- 3.5 The crime-deterrent effect of an animal's presence or the provision of personal protection, emotional support, comfort, or companionship do not constitute "work" or "tasks" for the purposes of the ADA or this AP.
- 3.6 Persons representing any animal other than a Dog or a Miniature Horse as a Service Animal will be required to remove the animal from College Property or a College Sponsored Event, unless the animal would be otherwise permissible as a Pet.
- 3.7 Misrepresenting a Pet or other animal as a Service Animal interferes with the important function of genuine Service Animals within the College Community and consumes College resources needed to assist persons whose Disabilities require the use of Service Animals. The College reserves the right to remove from College Property or College Sponsored Activities any person who intentionally misrepresents any animal, including a Dog or Miniature Horse, as a Service Animal. Students or Employees of the College who intentionally misrepresent animals as Service Animals may also be subject to College code-of-conduct proceedings and possible

sanctions, up to and including expulsion or termination of employment.

SECTION 4: Service Animals In Training

- 4.1 A Service Animal In Training may accompany a non-disabled trainer or a person with a Disability who is training the animal to the same places and in the same manner as a Service Animal with no additional restrictions or requirements.
- 4.2 Service Animals In Training may not be fully proficient in the provision of work or performance of tasks for a person with a Disability or completely reliable in their behavior. However, they are expected to demonstrate good progress toward the behavior expected of a Service Animal and must not show aggression or other Unacceptable Behavior.
- 4.3 A Service Animal In Training must be under the control of its User at all times. If the Service Animal In Training engages in Unacceptable Behavior, its User must act promptly and in accordance with relevant training guidelines to correct the animal's conduct or remove the animal from College Property or the College Sponsored Activity. The person training a Service Animal in Training takes full responsibility for the animal's behavior.

SECTION 5: Behavioral Expectations for Service Animals and Their Users

- 5.1 Service Animals must be supervised by their Users at all times. College Employees are not responsible for the supervision of Service Animals.
- 5.2 Service Animals may not engage in Unacceptable Behavior on College Property or at College Sponsored Activities.
- 5.3 Service Animals must remain quiet, calm, and in close proximity to their Users unless the work or tasks a Service Animal is specifically trained to perform for its User require otherwise.
- 5.4 When not performing work or tasks for their Users, Service Animals are to remain stationary and out of the paths of other members of the College Community.
- 5.5 Service Animals must be under the physical control of its User at all times through the use of a leash, lead, harness or other physical restraint, unless

the Service Animal must be unrestrained in order to perform the specific work or tasks it is trained to perform for its User. In such circumstances, the User must still maintain control of the Service Animal at all times through voice commands, audible signals, gestures, or other effective means.

- 5.6 A Service Animal must not pose a Direct Threat to the College Community, to other animals, or to itself or otherwise engage in Unacceptable Behavior.
- 5.7 A Service Animal must be housebroken and urinate and/or defecate only in appropriate outdoor areas. The Service Animal's User must ensure the Service Animal's feces is disposed of properly.
- 5.8 Service Animals must behave in such a way as to maintain appropriate hygienic standards for the College Community, including, but not limited to, keeping paws, noses, and other body parts away from table-/countertops and trays in areas where food is served or regularly consumed.
- 5.9 Users must ensure their Service Animals' grooming, cleanliness, and overall health are maintained to standards appropriate for public spaces.
- 5.10 Users must comply with all applicable animal welfare laws and municipal, county, and state statutes and regulations pertaining to animals, including all vaccination requirements, except where laws, statutes, or regulations conflict with the ADA (such as breed restrictions for Dogs).

SECTION 6: Pre-Authorization for the Use of Service Animals

- 6.1 For Students and Visitors:
 - a. Pre-authorization is not required for the use of a Dog as a Service Animal by a Student or Visitor on College Property or at a College Sponsored Activity.
 - b. For Students, Miniature Horses must be pre-authorized by ADR before being used on College Property or at a College Sponsored Activity (see Section 3.3 above). ADR's authorization process will include an assessment of the type, size, and weight of the Miniature Horse and whether a particular facility can accommodate those characteristics.
 - c. For Visitors, the use of a Miniature Horse as a Service Animal must be pre-approved by ESC.

6.2 For Employees, Applicants, and Volunteers:

- a. Pre-authorization from the ESC is required for the use of a Service Animal (either a Dog or Miniature Horse) by an Employee, Applicant, or Volunteer.
- b. The ESC is responsible for analyzing a pre-authorization request by an Employee, Applicant, or Volunteer and deciding on a case-by-case basis if the use of a Service Animal is as a reasonable accommodation.

6.3 Appeals of Denials of Pre-Authorization Requests:

- a. Decisions by the ESC to deny pre-authorization requests may be appealed to the College's Chief Human Resource Officer or designee in accordance with AP 5.10.04 ("Americans with Disabilities Act Reasonable Accommodation Guidelines for Employees/Applicants").

SECTION 7: Use of Service Animals

- 7.1 Only Users with a qualifying Disability or who are training a Service Animal In Training may use Service Animals on College Property or at College Sponsored Activities, subject to certain standards and requirements for both the Service Animals and their Users (see Section 5 above).
- 7.2 A User may utilize more than one Service Animal at a time on College Property or at a College Sponsored Activity, but each Service Animal will be individually subject to the same requirements, restrictions, and, where applicable, reasonable-accommodation analysis as a single Service Animal.

SECTION 8: Exclusion or Removal of Service Animals

- 8.1 General restriction of College Property to Service Animals will be determined on a case-by-case basis by ADR and/or the ESC in consultation with the College administrative authority/-ies directly responsible for the department or facility encompassing the area at issue and with input from the College Employees providing academic instruction or student services and/or performing other College services and/or functions in the area.

- 8.2 A Service Animal may be excluded or removed from College Property or a College Sponsored Activity under any of the following circumstances:
- a. The Service Animal engages in Unacceptable Behavior or does not adhere to the College's behavioral expectations for Service Animals (see Section 5 above), and its User does not take prompt and effective corrective action;
 - b. The Service Animal is not housebroken;
 - c. The Service Animal poses a Direct Threat to the College Community, to other animals, or to itself;
 - d. The presence of the Service Animal causes a Fundamental Alteration to College curriculum or to a College service, program, or activity, or an Undue Burden on the College Community, including, but not limited to, the following:
 - i. The presence of a Service Animal would compromise a sterile scientific laboratory or medical environment;
 - ii. The presence of a Service Animal would frighten or otherwise be disruptive to other animals that are fundamental to a College Sponsored Activity;
 - iii. Food for human consumption is being prepared in a non-public area;
 - iv. The presence of a Service Animal would violate a Federal health and safety requirement or a State health and safety requirement that is not contrary to the ADA.
- 8.3 Service Animals that pose a Direct Threat to the College Community, other animals, or themselves, or that engage in other Unacceptable Behaviors, may be excluded immediately from College Property and College Sponsored Activities.
- 8.4 Violations of the College's behavioral expectations for Service Animals or their Users (see Section 4 above) that do not involve a Direct Threat or Unacceptable Behaviors will be reviewed and exclusion/removal determinations will be made as follows:

- a. A review of the facts and circumstances, including any mitigating factors, will be conducted by the College prior to the exclusion of a Service Animal for a violation of the College's behavioral expectations for Service Animals and their Users;
 - b. Violations involving Service Animals of Student-Users will be reviewed and decided by the Vice President of Student Affairs ("VPSA") in consultation with ADR;
 - c. Violations involving Service Animals of Employee-, Applicant-, Volunteer-, or Visitor-Users will reviewed and decided by the ESC.
- 8.5 If a Service Animal is excluded or removed from College Property or a College Sponsored Activity, the College must permit its User to access College Property and College Sponsored Activities without the Service Animal.
- 8.6 The College is not responsible for supervising or providing food or other care to a Service Animal if the College excludes or removes the Service Animal from College Property or a College Sponsored Activity.
- 8.7 Persons who wish to dispute the exclusion or removal of a Service Animal may do so as follows:
- a. Students who wish to dispute the exclusion or removal of a Service Animal may do so in accordance with the complaint process set forth in AP 3.46.06;
 - b. Employees, Applicants, Volunteers, and Visitors who wish to dispute the exclusion or removal of a Service Animal may do so in accordance with the complaint process set forth in AP 5.10.04;
 - c. Any member of the College Community who wishes to dispute the exclusion of a Service Animal may also do so by contacting the appropriate state and/or federal agencies outside the College.
- 8.8 A Service Animal previously excluded or removed from College Property or a College Sponsored Activity may be permitted to return upon a showing to the College official who made the decision to exclude or remove the Service Animal (*i.e.*, either the VPSA or the ESC) that the reasons for the Service

Animal's exclusion or removal have been remediated.

SECTION 9: Conflicting Disability Interests

- 9.1 In the event a User's use of a Service Animal negatively affects another member of the College Community due to the other individual's own Disability (such as in the case of a Disability related to an allergy to or fear of Dogs or Miniature Horses), the College will consider the needs of both persons in meeting its obligations and reasonably accommodating both/all Disabilities.
- 9.2 The College reserves the right to determine how conflicting disability interests will be address and accommodated.
- 9.3 Another individual's allergy to and/or fear of Dogs or Miniature Horses, whether or not qualifying as a Disability, is not a valid reason to exclude or remove a Service Animal from College Property or a College Sponsored Activity.

SECTION 10: Requirements for All Members of the College Community Regarding Service Animals

- 10.1 All members of the College Community must adhere to the following requirements:
 - a. Allow a Service Animal to accompany its User at all times and in all locations on College Property, at College Sponsored Activities, or where other Students and the public are generally permitted;
 - b. Never intentionally (and be mindful of engaging in conduct that could unintentionally) harass, startle, distract, or interfere with the work of or tasks performed by a Service Animal. Violations may be subject to College Code of Conduct proceedings, or penalties from other applicable policies, statutes, or regulations (*e.g.*, cruelty to animals, interference with a Service Animal);
 - c. Never attempt to separate a User from the User's Service Animal unless required to do so by emergency circumstances;

- d. Do not feed, pet, or otherwise interact with a Service Animal without the User's express permission. Follow any instructions given by the User for any interaction with a Service Animal. Petting or otherwise giving attention to Service Animals may distract them and make it difficult for them to serve their Users.

10.2 Questions Regarding the Use of Service Animals

- a. College Employees should not question a User about the use of a Service Animal if either the User's Disability or the work or task the Service Animal is performing is obvious (e.g., when a person is using a wheelchair pulled by a Dog).
- b. If it is not obvious or readily apparent that an animal is a Service Animal, College personnel may, in a discrete and confidential manner, ask the individual bringing the animal onto College Property or to a College Sponsored Activity only the following two questions:
 - i. *“Is this a Service Animal required because of a Disability?”*
 - ii. *“What work or task has this Dog (or Miniature Horse) been trained to perform?”*
- c. College Employees are expressly prohibited from asking Users of Service Animals any of the following:
 - i. Questions about the nature or extent of the User's Disability;
 - ii. For proof that the animal has been certified, trained, or licensed as a Service Animal;
 - iii. To have a Service Animal wear an identifying vest, tag, or other indication that it is a Service Animal;
 - iv. To demonstrate the Service Animal's ability to perform a task or work for the User.
- d. If an individual indicates an animal is an Emotional Support Animal, rather than a Service Animal, College Employees should contact ADR (if the individual is a Student) or the ESC (if the individual is an

Employee, Applicant, Volunteer, or Visitor) to confirm the animal has been approved by the College as an Emotional Support Animal. For additional information about Emotional Support Animals, see Section 12 below.

SECTION 11: Complaints Regarding Service Animals

- 11.1 Anyone with a complaint about or regarding a Service Animal may contact ADR, the College's ESC, the VPSAE, College Police, or campus security. Employees may also contact their administrative supervisors.
- 11.2 Complaints concerning an Employee's, Applicant's, Volunteer's, or Visitor's Service Animal, should be referred to the College's ESC.
- 11.3 Complaints concerning a Student's Service Animal should be referred to ADR.
- 11.4 Campus Police should be called in cases of a Direct Threat involving a Service Animal or when an injury to a person or property damage involving a Service Animal has occurred.

SECTION 12: Emotional Support Animals

- 12.1 The College is not required to and generally does not permit Emotional Support Animals on College Property or at College Sponsored Activities, except to the extent such animals would be otherwise permitted as Pets (see Section 13 below).
- 12.2 Emotional Support Animals may, in limited circumstances, be permitted on College Property or at College Sponsored Events on a case-by-case basis as a reasonable accommodation for persons with Disabilities under the following conditions:
 - a. Individuals must request the use of an Emotional Support Animal as a reasonable accommodation prior to bringing an Emotional Support Animal on College Property or to a College Sponsored Event.
 - i. Students should submit requests for the use of Emotional Support Animals through ADR;

- ii. Employees, Applicants, Volunteers, and Visitors should submit requests for the use of Emotional Support Animals through the College's ESC.
 - b. An individual requesting to utilize an Emotional Support Animal must provide medical documentation from a qualified physician/medical doctor, psychiatrist, clinical psychologist, or licensed clinical social worker demonstrating the following:
 - i. The requesting individual has a qualifying Disability;
 - ii. The Emotional Support Animal ameliorates the requesting individual's Disability;
 - iii. The Emotional Support Animal is necessary for the requesting individual to access College services or programs, including College employment;
 - iv. No equally effective alternative accommodation is available.
- 12.3 Requests to utilize Emotional Support Animals will be considered and determined through the College's applicable interactive Disability-accommodation processes.
- 12.4 If a request is approved, an Emotional Support Animal and its user will be required to meet all of the same behavioral expectations of a Service Animal and its User (see Section 5 above), except for the performance of specific work or tasks.
- 12.5 If approved, Emotional Support Animals will be subject to the same standards and processes as Service Animals for exclusion and removal from College Property and College Sponsored Activities (see Section 8 above), the resolution of conflicting disability interests (see Section 9 above), and for complaints regarding the animal (see Section 11 above).
- 12.6 Denials of requests for the use of Emotional Support Animals may be appealed in the same manner and through the same processes as denials of other requests for accommodations. (See AP 3.46.06 for Students and AP 5.10.04 for Employees, Applicants, Volunteers, and Visitors).

- 12.7 All members of the College Community must conduct themselves around approved Emotional Support Animals in accordance with the same requirements applicable to their conduct around Service Animals. (See Section 10.1, above).
- 12.8 Persons representing any animal as an Emotional Support Animal on College Property or at a College Sponsored Activity without first receiving the appropriate approval from the College will be required to remove the animal from College Property or the College Sponsored Event, unless the animal would be otherwise permissible as a Pet.
- 12.9 Misrepresenting a Pet or other animal as an approved Emotional Support Animal interferes with the important function of Service Animals and approved Emotional Support Animals within the College Community and consumes College resources needed to assist persons whose Disabilities require the use of Service Animals or Emotional Support Animals. The College reserves the right to remove from College Property or College Sponsored Activities any person who intentionally misrepresents any animal as an approved Emotional Support Animal. Students or Employees of the College who intentionally misrepresent animals as approved Emotional Support Animals may also be subject to College code-of-conduct proceedings and possible sanctions.

SECTION 13: Pets

- 13.1 Pets are not permitted inside College buildings or other enclosed College facilities or at College Sponsored Activities, unless specifically authorized by the Chancellor or designee.
- 13.2 Pets are permitted on College Property only on sidewalks, roadways, and in outdoor public spaces provided they are on a leash, harnessed, or in a carrier and under the physical control of an owner or handler at all times.
- 13.3 Pets are not permitted to engage in any Unacceptable Behavior on College Property or at College Sponsored Activities.
- 13.4 Pets that disrupt or interfere with Service Animals' performance of work or tasks for Users with Disabilities will be removed immediately from College Property or College Sponsored Activities.

- 13.5 A Pet's owner/handler must ensure it urinates/defecates only in appropriate outdoor areas, clean up after it, and properly dispose of its feces in a safe and sanitary manner.
- 13.6 Pet owners/handlers are entirely responsible for their Pets' behavior on College Property and at College Sponsored Activities and for any injuries to persons or damages to College Property or personal property caused by their Pets.

SECTION 14: Program Animals

- 14.1 Program Animals may be brought on College Property or to specific College Sponsored Activities by various organizations as part of College-authorized and pre-approved programs or events (*e.g.*, bringing animals for students to pet and interact with to alleviate stress during finals).
- 14.2 Requests for approval of Program Animals on College Property or at College Sponsored Activities must be submitted through the "Use of College Facilities" process specified in the College's Administrative Procedure, AP 2.05.01.
- 14.3 Approved Program Animals will be subject to the same behavior standards and other requirements as Pets on College Property or at College Sponsored Activities. (See Section 11 above).