

# ARC-ISP 641

## Service Animal Policy

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### PURPOSE

To establish guidelines for students to have service animals in programs, classrooms, or other campus areas.

### SUMMARY

Clackamas Community College, in compliance with applicable state and federal laws, is committed to reasonably accommodating people with disabilities who require the assistance of a service animal to access college courses, programs, and activities. This policy complies with the [Americans with Disabilities Act](#) (ADA) of 1990 as amended; Section 504 of the Rehabilitation Act of 1973 (P.L. 93-11), and the Animals in College Facilities or on Campuses Board of Education Policy ING. A service animal is any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability. The work or task a dog has been trained to provide must be directly related to the person's disability. Title II of the ADA also permits the use of a miniature horse by an individual with a disability if the miniature horse has been trained to do work or perform tasks for the benefit of the individual with a disability but subject to limitations where using a horse is not appropriate. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties.

A qualified animal that is not trained to perform tasks that mitigate the effects of a disability, including animals that are used purely for emotional support e.g. comfort, therapeutic benefit, companionship, etc. are not service animals and are not permitted access to college courses, programs, or activities.

## **STANDARD**

As a general rule, Clackamas Community College will modify policies, practices, and procedures to permit the use of a service animal by an individual with a disability within guidance of the following definitions and guidelines;

- a. Service Animal is defined as the following; a dog (or miniature horse) that has been individually trained to do work or perform tasks directly related to the disability for the benefit of an individual with a disability.
- b. Other animals, whether wild or domestic, do not qualify as service animals.
- c. Individuals must keep the service animal under their direct control at all times, such as by a harness, leash, or other tether; however, if the use of a harness, leash, or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice control, signals, or other effective means.
- d. A "service animal trainee" means any eligible animal undergoing training to assist a person with a physical impairment and has the same rights as a fully trained dog when accompanied by a trainer.

### **1. Conflicting Disabilities**

If an individual with a disability who is accompanied by a service animal is registered in a course or present in a college area and another person arrives with a disability such as a serious allergy to animals, the first person cannot be removed to accommodate the second person. Individuals with conflicting disabilities or conflicting needs for accommodation are encouraged to meet with the Disabilities Coordinator or Human Resources Division to discuss possible solutions to each individual situation.

### **2. Threat to Safety**

If a service animal is determined to be out of control or threatening to others as reported by students, staff, or other members of the college community, the disruption will be referred to Public Safety and the CARE team. Consequences may include exclusion of that service animal from college facilities.

The health, care, and control of the service animal is the sole responsibility of the handler or owner who is also held accountable to clean and dispose of all animal waste.

### **3. Access to College Premises**

An individual with a disability shall be permitted to be accompanied by a service animal in all areas of the college where members of the public, participants in services, programs, or activities are allowed to go. The Disabilities Coordinator can be contacted and will review any situations on a case-by-case basis where there is

anticipation of potential risk for the individual with the disability, service animal, other students, etc.

#### **4. Employees**

Employees who need to use a service animal must see Human Resources to arrange the appropriate accommodation.

END OF POLICY

## **REFERENCES**

*ING Animals in College Facilities or on Campus*. Clackamas Community College Board of Education Policy. (n.d.). <https://policy.osba.org/clackcc/index.asp>

*KG-AR - Facilities USE and Terms*. Clackamas Community College Board of Education Administrative Regulation. (n.d.). <https://policy.osba.org/clackcc/index.asp>

*Title II*. 2 USC 1311: Rights and protections under Title VII of Civil Rights Act of 1964, age discrimination in employment act of 1967, Rehabilitation Act of 1973, and title I of Americans with disabilities act of 1990. (n.d.).  
<http://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title2-section1311&num=0&edition=prelim>

*Department of Administrative Services*. State of Oregon: Department of Administrative Services - Policies and guidelines (statewide). (n.d.). Retrieved March 13, 2023, from <https://www.oregon.gov/das/Pages/policies.aspx>

*Title II Fact Sheet*. Highlights of the Final Rule to Amend the Department of Justice's Regulation Implementing Title II of the ADA. (n.d).  
[https://archive.ada.gov/regs2010/factsheets/title2\\_factsheet.html](https://archive.ada.gov/regs2010/factsheets/title2_factsheet.html)

*The Federal Register*. Federal Register :: Request Access. (n.d.).  
<https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-84?toc=1>

*Service animals*. Portland.gov. (n.d.).  
<https://www.portland.gov/civic/disability/service-animals#:~:text=This%20means%20that%20service%20animals,in%2Dtraining%20are%20also%20protected>

## APPROVALS

Last Reviewed	Date: December 1, 2023
Administered by	Disability Resource Center
Maintained by	Access, Retention, and Completion Committee (ARC)
ISP Committee - if appropriate	Date: 1.14.2023
College Council - first reading	Date 3.20.2023
College Council - second reading	Date 10.6.2023
President's Council	Date 11.14.2023