

BREVARD COLLEGE

BREVARD, NORTH CAROLINA

General Policy for Service Dogs and Other Animals on Campus

Members of the Brevard College community and visitors often wish to bring animals onto college grounds and into College buildings for multiple reasons or purposes. The conditions and context under which animals may be permitted access to campus grounds and facilities are the subject of federal, state, and local laws, as well as Brevard College policy considerations. The presence of animals may present challenges and concerns for members of the College community. The purpose of this Policy is to provide the College community with an understanding of the sanctioned use of different types of assistance animals on campus. Refer to **Guidelines for Service and Support Animals in College Housing** for additional information regarding the use of Assistance Animals in residence as defined by the Fair Housing Act.

I. Definitions

A. **Disability:** A physical or mental impairment that substantially limits one or more major life activities.

B. **Service Animal:** Per the Americans with Disabilities Act, a Service Animal is a dog individually trained to do work or perform tasks for a person with a disability. The work or tasks must relate directly to the person's disability, and such work or tasks must entail a specific action needed to assist the Owner. Examples of qualifying tasks for which dogs may be trained include the following:

1. guiding individuals who are blind or who have low vision;
2. alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
3. pulling a wheelchair;
4. providing physical support and stability, and performing other tasks for persons for persons with mobility disabilities, etc.

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 (ADA, March 15, 2011).

C. **Emotional Support Animal (or Comfort Animal):** An animal defined through the Fair Housing Act as an "Assistance Animal" is one that is prescribed through a healthcare or mental healthcare provider to be part of a treatment plan in alleviating symptoms of the individual's disability. An ESA does not have to be trained, nor limited to be a dog, and therefore is not a Service Animal. When approved, an ESA is only authorized to live in the student's campus residence. An ESA is NOT authorized to accompany a person with a disability in places other than in the student's residence. ESAs are not permitted on school sponsored field trips nor are allowed to accompany a participant during school-sponsored athletic trips and events. (Note: Theoretically, an ESA could be approved through OSADS to be permitted to accompany the Owner in settings other than the student's residence but must meet the unlikely standard of being a necessary and non-disruptive reasonable disability-related accommodation under ADA guidelines).

D. **Therapy Animal:** An animal that has received training and certification through a National Therapy Animal organization and is typically used by a health care or mental health professional in a therapeutic setting. A Therapy Animal is not a Service Animal and is not an ESA unless the Owner qualifies through the procedures outlined in the **Service and Support Animal in College Housing Guidelines**.

E. **Owner/Handler:** A person with a disability-related need for the Assistance Animal as detailed in these Guidelines. A Handler is a person without a disability who is approved to assist an Owner with necessary tasks he or she cannot perform alone.

F. **Pet:** A domestic animal excluded from the definitions of ESA and Service Animal. Pets are not permitted in College housing (except fish kept in an aquarium less than 20 gallons in size) nor to be taken within campus buildings or performance venues.

G. **Office of Student Accessibility and Disability Services (OSADS):** This office serves as a resource for students and campus staff to help solve accessibility needs for students with disabilities on campus.

III. **General Guidelines for Animals on College Grounds**

Students, staff, and community members at large may walk dogs on general campus grounds under the following conditions:

A. All animals on College grounds must be under the control of the Owner/Handler at all times and must be restrained by a leash or other appropriate device.

B. All animals brought onto College grounds must be fully inoculated and licensed in accordance with North Carolina and Transylvania County ordinances.

C. The Owner/Handler should have access to waste disposal bags and must immediately remove and properly dispose of fecal matter deposited on College grounds or within any College building or facility in a safe and sanitary manner.

D. The College may remove or require the removal of any animal, including a Service Dog, that poses a direct threat to the health or safety of others, is not housebroken, or otherwise disrupts the uses to which the campus grounds or facilities are intended.

E. Except for Trained Service Dogs, or unless approved by a Brevard College administrator for a specific program-related or disability-related purpose, animals may not enter any campus building; enclosed or delineated outdoor athletic or recreational facility; or officially scheduled outdoor events on campus.

IV. General Guidelines Regarding Service Dogs

A. **Appropriate Inquiry:** If the disability is not obvious and if the employee has a work-related need to know this information, the Americans with Disabilities Act allows for two questions that may be asked in order to determine whether an animal qualifies as a Service Dog:

1. Is this a service animal (dog) that is required for you because of a disability?

2. What disability-related work or task has the animal (dog) been trained to perform?

If the Owner cannot sufficiently answer these questions to establish that an animal is a Service Dog, the Owner may be asked to remove the animal from the building/campus venue and should be referred to consult with the Office of Student Accessibility and Disability Services for additional advisement. It is considered to be a violation of ADA to ask a person directly about their disability or to require the show of certification or documentation (there is none nationally recognized).

B. Service Dogs are generally permitted to accompany their owners to areas on campus where students or other members of the public are normally allowed to go including classrooms, dining facilities, and performance venues. Restrictions may apply to some settings for health and safety reasons or when the presence of the Service Dog fundamentally alters the nature of a program or activity. Such places may include but are not limited to the following: research and science laboratories, clinical or field sites, settings with operating machinery, and food preparation areas.

C. Allergies and fear of dogs are not acceptable reasons for excluding a Service Dog. The College will make an effort to mitigate these concerns when possible and when brought to the attention of the Director of Student Accessibility.

D. It is not legally required but is strongly encouraged that a Service Dog wear identifying attire when in public or when working. It is unlawful under North Carolina law (N.C.G.S 168-4.5) to disguise an animal as a Service Animal or Service Animal in Training.

E. Commuter Students with Service Dogs are not required to register with the College as a student with a disability but are encouraged to establish a relationship with the Office of Student Accessibility and Disability Services particularly if other academic or facility related accommodations are needed.

F. A Service Dog must be under handler control at all times. A Service Dog shall be leashed, harnessed, or tethered, unless these devices interfere with the Service Animal's work or if the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

G. A Service Animal (or ESA) may be excluded from campus, classrooms, or other facilities, when:

1. The animal poses, or has posed in the past, a direct threat to the health and safety of persons or other animals. Animals who exhibit aggressiveness are not appropriate for College residences, regardless of whether they have "actually" injured someone. In other words, the College does not have to wait until someone is harmed; aggressive behavior is disqualifying.
2. The animal is out of control, and the Owner/handler does not take effective action to control it;
3. The animal is not housebroken;
4. The animal's behavior or presence fundamentally alters the nature of the College's programs and services.

If a Service Animal must be excluded from a particular setting, the College will make every reasonable effort to provide similar accommodations or assistance for the person with a disability to be able to participate in the program, service, or activity. College personnel are not required to provide care or food for the animal.

H. An individual with a disability is not required to pay a surcharge related to the use of a Service Dog. However, an individual with a disability is responsible for any damages caused by their Service Dog.

I. Service Dog Etiquette Guidelines for the Public: The Brevard College campus community should follow these rules of etiquette when a Service Dog is present:

1. The Service Dog and its Owner are a working team. Refrain from attempting to distract or touch the Service Dog without permission.
2. Refrain from offering food or treats to the Service Dog without permission.
3. Refrain from asking personal questions about the handler's disability.
4. Reports of mistreatment, neglect, or abuse of a Service Dog will result in referral to the Director of Security, Dean for Students, and Associate Dean for Students for investigation and any necessary corrective actions.

VII. Service Dogs in Residence in College Housing

If a student is planning to have their previously trained Service Dog in College housing, the student should contact the Director of Student Accessibility and Disability Services as soon as practically possible to establish that the dog meets the intent of the provisions established under Americans with Disabilities Act and to initiate discussion regarding housing accommodation needs. Sufficient notice is needed in order for The Office of Housing and Residence Life to make any appropriate arrangements regarding placement, roommates, etc.

The Owner is financially responsible for the actions of the Service Dog including bodily injury or property damage. Brevard College will not require an individual with a disability to pay a preliminary deposit or surcharge for an approved Assistance Animal. However, an individual with a disability will be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's responsibility covers but is not limited to replacement of furniture, carpet, windows, wall covering, etc. The owner is expected to cover these costs including any cleaning beyond what is routinely required at the time of repair and move-out. Costs incurred for cleaning or pest control beyond a reasonable standard as a result of the animal's presence will also be the Owner's responsibility who will be expected to cover these costs at the time of repair or when vacating the residence. The College shall have the right to bill the Student's account for unmet financial obligations.

Although it is expected that the Owner/Handler of a trained Service Dog will need the animal to be with them the majority of the time, residents with animals should complete the **BREVARD COLLEGE SUPPORT ANIMAL IN HOUSING REGISTRATION FORM** to provide emergency contact information.

Current state and locally required vaccination records as well as spay/neuter records are required to be submitted in advance of occupancy for any Service or Emotional Support Dog living in college housing. Owners/Handlers in residence should also review and sign the **Support Animal in Housing Contract**.

VI. Service Dogs in Training

NC statute GS 168-4.2(b) states that “an animal in training to become a service animal may be taken into any of the places (where the general public is invited) listed in (GS 168-3) for the purpose of training the animal. Service animals in training are only given access rights when accompanied by a trainer who is actively engaged in the training process. The statute further specifies that the Service Dog in Training must wear a collar and leash, harness, or other identifying apparel. Because North Carolina state law does not clarify its use of the term “in training,” the College has established standards of identity based on accepted practices suggested by Assistance Dogs International (ADI). A service-dog-in-training is a dog, accompanied by its trainer, that is undergoing individual training to provide specific disability-related work or service for an individual with a disability. Such task-specific training is undertaken with an adult dog, only after having completed a period of socialization training including obedience training, being house broken, getting acclimated to public places, etc. Generally, a service animal trainer may bring such dog onto campus and interact with the campus community in public areas where the public is generally invited. The trainer shall be liable for any damages caused by the animal.

Puppies or adult dogs undergoing socialization training in preparation for participating in formal service animal training are not the same as a Service Dog in Training and therefore are not covered under the NC statute. Therefore, the NC statute does not convey permission for Service Dogs undergoing training to live in-residence in College housing nor to be present in other areas of campus where the general public is not invited.

VIII. Assistance/Emotional Support/Comfort Animals

The Fair Housing Act states that in addition to the ADA Service Animal, an untrained “assistance animal” can be prescribed to an individual with a disability by a healthcare or mental health professional to live in campus housing and perform tasks or provide assistance, including by means of “emotional support,” that alleviates the symptoms of that individual’s disability. An Assistance/Emotional Support/Comfort Animal or ESA (not limited to just dogs) can be permitted in College housing facilities only when approved as a reasonable accommodation through the Office of Student Accessibility and Disability Services and the Office of Housing and Residence Life. Following are summary guidelines. Refer to **Guidelines for Service and Support Animals in College Housing** for additional information regarding Emotional Support Animals in residence.

A. Persons who wish to have an ESA in campus housing are required to request approval and provide necessary documentation of a disability through the Office of Student Accessibility and Disability Services before bringing an animal on campus. An ESA must be registered with the Housing Office with proof of state and locally required health certification requirements in order to be approved to be in the student’s residence.

B. An ESA is NOT allowed to accompany a person with a disability in places other than in the student’s residence. They are not allowed on school sponsored field trips nor are to accompany a participant at school sponsored athletic trips and events. (Note: an ESA could theoretically be approved through OSADS to be allowed in settings other than the student’s residence but must meet the unlikely standard of being a necessary and non-disruptive reasonable accommodation under ADA guidelines).

For additional information, please contact:

Office of Student Accessibility and Disability Services
(Located in the ELC -Jones Library, Room 112)
Phone: 828-884-8131
Fax: 828-884-8293
Email: disabilityservices@brevard.edu