

Administrative Guideline 1015

ADMINISTRATIVE GUIDELINE TYPE: Accessibility Services

ADMINISTRATIVE GUIDELINE TITLE: Accessibility Services, Student Affairs, and Human Resources

I. STATEMENT OF PURPOSE

This Administrative Guideline addresses the presence and possession of animals on Southeastern Community Colleges property, including its buildings and grounds. This guideline also explains the college's requirements and guidelines regarding the presence of service animals, service-animals-in-training, emotional support animals, and pets.

SCC is committed to fostering an inclusive environment for all members of its community, including individuals with disabilities who require service or emotional support animals. In order to support individuals with disabilities and promote adherence to laws requiring accommodations for individuals with disabilities, including the Americans with Disabilities Act Amendment, the Fair Housing Act, and the Iowa Civil rights Act, this policy and the accompanying procedures and guidance provides information concerning the appropriate use of and procedures associated with services and emotional support animals on college property.

Southeastern Community College reserves the right to amend this Administrative Guideline at any time as circumstances require.

II. USERS GOVERNED

This guideline applies to credit and non-credit students, employees, and Southeastern Community College guests.

III. TOPIC DEFINITIONS

A. Per the Fair Housing Act, an "Assistance animal" is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. They further distinguish assistance animals as one of three types: Service animal, Service-animal-in-training, or Emotional support animal. An Assistance animal is not a pet.

- i. "Service animal" means a dog or miniature horse as set forth in the implementing regulations of Tit. II and Tit. III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq. that performs a specific task(s) for the individual.

- ii. “Service-animal-in-training” means a dog or miniature horse that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual. 2019 Acts, ch 65, §4
- iii. An Emotional support animal provides some therapeutic benefit to a person with a mental or psychiatric disability, while requiring no specific training. The mere presence of this animal mitigates the effects of the emotional or mental disability.

- B. The College defines “pet” as an animal kept for ordinary use and companionship. A pet is not considered a service or emotional-support animal. Individuals are not permitted to keep or bring pets (with the exception of fish in housing) on college property.
- C. “Approved Animal” is a Service animal, Service-animal-in-training, or Emotional support animal that has been permitted on the Southeastern Community College campus as a reasonable accommodation under this administrative guideline.
- D. “Owner” is the student, staff, or faculty who has been permitted to have an approved animal on campus or in housing under this administrative guideline.
- E. “Individual with a Disability” is an individual with a documented physical or mental impairment that substantially limits one or more life activities.
- F. “Reasonable accommodation” is a modification or adjustment to a college class, housing assignment, program, service or employment position that would allow a qualified individual with a disability to participate in class, housing assignment, program, service or to perform the essential functions of the employment position, without creating an undue burden on the college or fundamentally altering academic, conduct, performance, or other essential elements.
- G. Accessibility Services Office collaborates with individuals, faculty, and staff to ensure that students with disabilities have equal access to all Southeastern Community College programs and activities.
- H. Human Resources ensures that employees with disabilities have equal access to employment activities

IV. PROCEDURES FOR SERVICE ANIMALS IN AN ACADEMIC SETTING

Student requests for the utilization of animals for any other purpose must be made as a reasonable accommodation through the Accessibility Services Office. Requests from staff and faculty need to be submitted to the Human Resources Office. Southeastern Community College does not require documentation or proof that the animal has been certified, trained, or licensed as a service animal. Individuals accompanied by a service

animal on campus who do not need any disability-related accommodations are not required to register with the Accessibility Services Office, nor is such an individual required to submit a request for a reasonable accommodation to receive access for their service animal. The college may not ask the nature of the handler's disability.

Two questions are permitted to determine if an animal is a service animal (as opposed to an emotional support animal or pet):

1. Is this animal required due to a disability?
2. What work or task has this animal been trained to perform to mitigate the impact of the disability?

Service-animals-in-training are treated in the same manner under this administrative guideline.

V. PROCEDURES FOR EMOTIONAL SUPPORT ANIMALS

Southeastern Community College recognizes the importance of allowing students the use of Emotional Support Animals that are approved as reasonable disability accommodations under the Fair Housing Act. Emotional Support Animals (“ESAs”) provide physical and/or emotional support to individuals with disabilities. Southeastern Community College is committed to allowing ESAs necessary to provide individuals with disabilities an equal opportunity to use and enjoy college housing.

The procedures for requesting, approving, and using ESAs by students in college housing are identified below. ESAs may not be present in housing at any time prior to approval as a reasonable accommodation. These procedures apply solely to Emotional Support Animals which may be necessary in college housing. These procedures do not apply to Service Animals.

Aggressive, poisonous/venomous, oversized, and/or illegal animals are not permitted in College owned or maintained housing. ESA requests for multiple animals or animals other than one dog, cat, hamster, chinchilla, ferret, white mouse, rabbit, and fish, are made on a case-by-case basis. They must be immunized against disease(s) common to that species, as applicable. Any species known to pose an infection risk to humans will not be considered as an emotional support animal. (For example, reptiles, such as turtles, often carry diseases that are harmful to people.)

Neither emotional support animals nor pets are allowed in academic settings.

VI. CRITERIA FOR DETERMINING IF PRESENCE OF THE SERVICE OR EMOTIONAL SUPPORT ANIMAL IS REASONABLE IN HOUSING

College housing is unique in several aspects, including the mandatory assignment of rooms for many individuals and the mandate that individuals must share a room or suite in certain residence halls. To ensure the presence of Service Animals or Emotional Support Animals (ESA) is not an undue administrative burden or fundamental alteration of college housing, Southeastern Community College reserves the right to

assign an individual with a Service Animal or ESA to a single room without a roommate.

In reviewing all requests for a Service Animal or ESA, Accessibility Services staff will consult with Residence Life in making determinations on a case-by-case basis whether or not the presence of a Service Animal or ESA is reasonable.

- A. Request for a Service Animal or ESA may be determined unreasonable if any of the below happen:
 - a. Imposes an undue financial and/or administrative burden;
 - b. Fundamentally alters college housing policies;
 - c. Poses a direct threat to the health and/or safety of others;
 - d. Would cause substantial property damage to the property of others, including college property

- B. Southeastern Community College may consider the following factors as evidence in determining whether the presence of the animal is reasonable in the assigning of housing arrangements for individuals with a Service Animal or ESA, including, but not limited to:
 - a. The size of the animal is too large for available assigned housing space
 - b. The animal's presence would force another individual from remaining in housing (e.g. – serious allergies)
 - c. The animal's presence otherwise would violate an individual's right to enjoyment of peace and quiet
 - d. The animal is not housebroken or is unable to live with others in a reasonable manner
 - e. The animal's vaccinations are not up to date
 - f. The animal poses or has previously posed a direct threat to the individual or others, such as aggressive behavior towards or injuring the individual or others
 - g. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear

- C. Southeastern Community College will not limit room assignments for individuals with an approved reasonable accommodation for Service Animal or ESA to any particular building

VII. INDIVIDUAL'S RESPONSIBILITIES FOR SERVICE ANIMAL OR EMOTIONAL SUPPORT ANIMAL

If the college grants an individual's request to live with a Service Animal or Emotional Support Animal, the individual is solely responsible for the custody and care of the Animal and must meet the following requirements:

- A. General Responsibilities



- a. The owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, registration, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The college has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. Southeastern Community College reserves the right to request documentation showing that the animal has been licensed.
- b. The owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner, and when provided, must use animal relief areas designated by Southeastern Community College.
- c. The owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment/abuse may result in immediate removal of the Service Animal or ESA and/or discipline for the individual.
- d. Southeastern Community College will not ask for, or require, any individual with a disability to pay a fee or surcharge for an approved Service Animal or ESA.
- e. An individual with a disability may be charged for any damage caused by his/her Service Animal or ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond considered reasonable wear and tear. The owner's living accommodations may also be inspected for fleas, ticks, and/or other pests if necessary, as part of the Southeastern Community College standard/routine inspections.
- f. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a college approved pest control service. The owner will be billed for the expense of any pest management in the residence halls. The college shall have the right to bill the individual's student account for unmet obligations under this provision.
- g. The owner must fully cooperate with college personnel with regard to meeting the terms of this Administrative Guideline and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, and disposing of feces, etc.)
- h. Service Animals or ESAs may not be left overnight in college housing or to be cared for by any individual other than the owner. If the owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the owner.
- i. The owner agrees to abide by all equally applicable residential polices that are unrelated to the individual's disability, such as assuring the animal



does not unduly interfere with the routine activities of the residence or cause difficulties for the individuals who reside there.

- j. The animal is allowed in college housing only as long as it is necessary because of the owner's disability. The owner must notify the Accessibility Services Office in writing if the Service Animal or ESA is no longer needed or is no longer in the residence. To replace a Service Animal or ESA, the new animal must be deemed necessary due to the owner's disability, and the owner must follow the procedures in this policy.
- k. Southeastern Community College personnel should not be required to provide care or food for any Service Animal or ESA including, but not limited to, removing the animal during emergency evacuations (e.g., fire alarm, etc.). Emergency personnel could determine to remove the animal, but they may not be held responsible for the care, damage to, and/or loss of the animal.
- l. The owner must provide written consent for Accessibility Services to disclose information regarding the request and presence of the Service Animal or ESA to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life personnel, Security, Maintenance Staff, current roommate(s)/neighbor(s), and or potential roommate(s)/neighbor(s).
- m. Emotional Support Animal must be contained within the student's privately assigned individual living accommodations (e.g., room, suite, apartment) except to the extent that the individual is taking the animal outdoors for natural relief. When a Service/Emotional support is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness.
- n. Emotional Support Animals are not allowed in any college facilities other than college residence halls (e.g., rooms, suites, apartments, etc.) to which the individual is assigned.
- o. Service Animals and ESAs must be properly housed and restrained or otherwise under the domain and control of the owner at all times. No owner shall permit the animal to be loose or run at large. If an animal is found running at large, the animal is subject to be captured and confined, and could lead to immediate removal from college housing. When the owner is not present in the room, the animal must be kept in a kennel.

VIII. REMOVAL OF SERVICE ANIMAL OR EMOTIONAL SUPPORT ANIMAL

The college may require the individual to remove the animal from college housing if:

- A. The animal poses a direct threat to the health and/or safety of others or causes substantial property damage to the college or property of others.

- B. The animal's presence results in a fundamental alteration of a college program
- C. The owner does not comply with the owner's responsibilities set forth above
- D. The animal or its presence creates disturbances or interferences with the college community
- E. The college will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause.
 - a. Any removal of the animal would be done in consultation with the Director of Accessibility Services and may be appealed to the college through the Accessibility Services Housing Accommodations Appeal/Grievance Form. The owner will be afforded all rights to due process and an appeal as outlined in that process.
 - b. Should the animal be removed from the premises for any reason, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

IX. NON-RETALIATION PROVISION

Southeastern Community College will not retaliate against any person because that individual has requested or received a reasonable accommodation in college housing, including a request for a Service Animal or Emotional Support Animal.

Acknowledgment and Release of Information Consent Form

I have read and understand the Administrative Guideline 1015 and I agree to abide by the requirements applicable to animals on campus guideline. I understand that if I fail to meet the requirements set forth in the guideline, SCC has the right to remove this Animal and I would still be required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to the Accessibility Services Office to disclose to others impacted by the presence of my Animal (e.g., residence life staff, potential and/or actual roommate (s)/ neighbor(s) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Animal and/or resolving any potential issues associated with the presence of this Animal.

The presence of this Animal may be noticed by others who are visiting or residing in college housing and I agree that staff may acknowledge the presence of the animal, and they may need explain that under certain circumstances Animals are permitted for persons with disabilities.

Student Signature

Date

Accessibility Services Representative

Date

Residential Life Coordinator

Date

It is the policy of the Southeastern Community College not to discriminate on the basis of race, color, national origin, sex, disability, age, employment, sexual orientation, gender identity, creed, religion, and actual or potential family, parental, or marital status in its program, activities, or employment practices. If you have questions or complaints related to compliance with this policy, please contact Director of Human Resources (employment concerns) at 319-208-5063 or the Vice President of Student Affairs (student concerns) at 319-208-5049, 1500 West Agency Road, West Burlington, Iowa 52655, equity@scciowa.edu or the Director of the Office for Civil Rights U.S. Department of Education, John C. Klucynski Federal Building , 203 S. Dearborn Street 37th Floor, Chicago, IL 60604-7204, Telephone: (312) 730-1560 Facsimile: (312) 730-1576, TDD 800-877-8339 Email: OCR.Chicago@ed.gov.