

ADMINISTRATIVE REGULATION 3440

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

GENERAL INSTITUTION

SERVICE ANIMALS

The District will allow an individual with a disability to use a service animal in District facilities and on District campuses where members of the public, invitees, clients, customers, patrons, or participants in services, programs, or activities, as relevant, are allowed to go in compliance with state and federal law.

The District will allow an individual with a disability to use a miniature horse as a service animal in District facilities and on District campuses if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the District has determined, based on the assessment factors provided in this regulation, that a reasonable accommodation can be made.

California Penal Code makes falsely claiming a canine to be a service dog a misdemeanor, punishable by imprisonment in a county jail for up to six (6) months or a fine up to \$1,000 or both.

These regulations shall also be applicable to an individual who is training a service animal.

I. DEFINITIONS

A. Service Animal:

1. A service animal is defined as a dog that is individually trained to do work or perform tasks for people with disabilities.
2. In addition to a service dog, the Americans with Disabilities Act (ADA) regulations have a specific provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities where reasonable, and as determined by ADA assessment factors as defined herein. In order to accommodate a miniature horse as a service animal within the District's facilities, the four ADA assessment factors include:
 - a. Whether the miniature horse is housebroken;
 - b. Whether the miniature horse is under the handler's control;
 - c. Whether the facility can accommodate the miniature horse's type, size (measured to the shoulders, between 24 to 34 inches), and weight (between 70 and 100 pounds); and
 - d. Whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

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3. A service animal shall be further defined as an assistive animal and shall mean an animal that is necessary as a reasonable accommodation for a person with a disability and specifically includes the following:
 - a. Guide Dog/Miniature Horse: Trained to guide a blind or visually impaired person.
 - b. Signal Dog/Miniature Horse: Trained to alert a deaf or hearing impaired person to sounds.
 - c. Service Dog/Miniature Horse: Individually trained to the requirements of a person with a disability.
 - d. Support Dog/Miniature Horse: Provides emotional, cognitive, or other similar support to a person with a disability, including, but not limited to, traumatic brain injuries or mental disabilities, such as major depression.

Minimum standards for assistive animals in the workplace include, but are not limited to the following:

- a. Is free from offensive odors and displays habits appropriate to the work environment, for example, the elimination of urine and feces; and
 - b. Does not engage in behavior that endangers the health or safety of the individual with a disability or others in the workplace.
4. The work or tasks performed by a service 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.
 5. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
- B. Disability - 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.
- C. Handler - A person with a service animal, who is responsible for caring for and supervising the service animal, which includes toileting, feeding, grooming, and veterinary care.

II. GENERAL INFORMATION AND EXCEPTIONS

A. General Information

1. Work or Tasks – Examples of work or tasks that a service animal can perform for an individual with a disability, include, but are not limited to the following:
 - a. Guiding people who are blind or have low vision;
 - b. Alerting people who are deaf or hard of hearing;
 - c. Pulling a wheelchair;
 - d. Alerting and protecting a person who is having a seizure;
 - e. Reminding a person with mental illness to take prescribed medications;

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- f. Calming a person with Post Traumatic Stress Disorder during an anxiety attack;
 - g. Providing non-violent protection or rescue work;
 - h. Retrieving, carrying, tugging, pulling, bracing, and calling for emergency help;
 - i. Alerting individuals to the presence of allergens;
 - j. Providing physical support and assistance with balance and stability to individuals with mobility disabilities;
 - k. Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors; or
 - l. Alerting an individual with autism of distracting repetitive movements.
2. Control – A service animal shall be under the handler’s control at all times and shall have a harness, leash, or other tether. The service animal must be under the handler’s voice control, signals, or other effective means of control, if:
- a. The handler is unable because of a disability to use a harness, leash, or other tether; or
 - b. The use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or task.

Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

3. Care or Supervision – The District is not responsible for the care or supervision of any service animal.
4. Inquiries by the District – The District may make two inquiries to determine whether an animal qualifies as a service animal:
- a. Whether the animal is required because of a disability; and
 - b. What work or task the animal has been trained to perform.

The District 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).

5. License or Identification – An individual may choose to produce a county service dog license or identification tag as proof that the animal is a service animal. Licensure or certification is not required in order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.
6. No Surcharge – The District will not ask or require an individual with a disability to pay a surcharge or to comply with other requirements generally not applicable to other

- people. The District may charge an individual with a disability for damages caused by the service animal.
7. Individuals with Allergies – Allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
 8. Food Service Facilities/Cafeteria – Service animals are allowed in public areas of the food service facilities/cafeteria, even if state or local health codes prohibit animals on the premises.
 9. Employee Accommodation – Employees seeking authorization to be accompanied to work by a service animal as an accommodation shall consult with the District Human Resources department. Employees shall provide current verification of a disability that requires accommodation and provide the function the service animal performs as a disability accommodation. When appropriate, qualified employees will be provided with documentation verifying that the animal is a service animal to be used at work on an annual basis. Periodic re-evaluation of eligibility is required at three-year intervals or more frequently if conditions warrant.
 10. Student Accommodation – Enrolled students needing the accompaniment of a service animal may be required to speak with the Disabled Students Programs and Services/AKA: Disability Support Programs for Students (DSPS) and/or College 504 Coordinator. This interactive process is to ensure the safety of the student and the service animal should the presence or performance of activities pose a legitimate health, safety, or operational concern.

B. Exceptions

1. Removal – The District may ask an individual with a disability to remove a service animal from the premises if:
 - a. The animal is out of control and the animal's handler does not take effective action to control it; or
 - b. The animal is not housebroken.

If a service animal is excluded under one of these exceptions, the District 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.

2. No Accommodation Requirement – The District is not required to modify policies, practices, or regulations should they “fundamentally alter” the nature of the services, programs, or activities provided. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited.
3. Direct Threat – A service animal may not be prohibited on District premises based on assumptions or stereotypes about the animal's breed or how the animal might

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behave. However, if a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be prohibited on District premises. If a service animal is prohibited on District premises for such reasons, the District must still offer services, programs, and activities to the person without the service animal present.

- C. Restricted Areas – The District imposes some restrictions on service animals for safety reasons. Restrictions may include but are not limited to nursing and health sciences programs, food services programs, rooms with heavy machinery, custodial closets, areas where protective clothing or personal protective equipment is required, or areas that can pose a safety risk to others and the animal. College/school safety committee(s) may impose additional restrictions in some lab settings. Student inquiries regarding service animal restrictions should be directed to DSPS and/or the Vice President for Student Services. Employee inquiries should be directed to the District Human Resources department.

III. RESPONSIBILITIES

- A. Faculty, classified professionals, management team members, and students – Members of the college community are responsible for the following:
1. Allowing a service animal to accompany the handler at all times and in public areas on District property;
 2. Not petting a service animal; petting a service animal when the animal is working distracts the animal from the task at hand;
 3. Not feeding a service animal;
 4. Not deliberately provoking a service animal; and
 5. Not separating or attempting to separate a handler from their service animal.
- B. Handlers – An individual with a service animal is responsible for the following:
1. Ensuring that the animal meets any state requirements and county ordinances such as:
 - a. California Department of Public Health (CDPH) regulations requiring removal of the service animal from the area or District premises if the service animal becomes ill;
 - b. California Food and Agriculture Code providing for standardized identification tags for service animals and requiring them to wear an identification tag when on District premises.
 - c. Orange County regulations requiring licenses for all pets or animals and ensuring the service animal wears the current license tag when on District premises.
 - d. County and/or City ordinances requiring cleaning up after the service animal defecates. Individuals with disabilities who physically cannot clean up after their own service animals are not required to pick up and dispose of feces. However, these individuals are encouraged to use marked service animal toileting areas where provided.

2. Ensuring that the animal behaves properly in public settings.
3. If the handler is a student, then they must comply with the District's and colleges' Code of Student Conduct.

IV. TEMPORARY REMOVAL PROTOCOLS OF SERVICE ANIMALS

A community member may request the removal of a service animal if they believe the handler is not complying with the regulations stated herein. Requests for removal of a service animal should be directed to DSPS and/or the Vice President for Student Services for student handlers, and to the District Human Resources department for employee handlers. If the handler is neither an employee nor student, such a request should be made to the Campus Police department.

In response to a request for removal of a service animal, the responding entity will investigate the appropriateness of the request, determine whether the animal should be removed from the campus or District premises and inform the handler of the reason that the service animal is being asked to leave campus or District premises.

A. If the DSPS Director or Vice President for Student Services determines the service animal should be removed, they must:

1. Inform the student handler that the Vice President for Student Services must be contacted before the service animal may return to campus.
2. Report the incident in writing to the Vice President for Student Services and District Risk Management at the earliest opportunity.
3. In the event of an emergency involving a student's service animal, the Vice President for Student Services and DSPS Director will consult and work together with the student to resolve the situation.

An individual who does not agree with the resolution may file a complaint following the District's complaint procedures (AR 3430).

B. If the District Human Resources department determines the service animal should be removed for an employee, they must:

1. Inform the employee that the Vice Chancellor for Human Resources must be contacted before the service animal may return to campus.
2. Report the incident in writing to the Vice Chancellor of Human Resources and District Risk Management at the earliest opportunity.
3. In the event of an emergency involving an employee's service animal, District Human Resources Department and the employee's immediate supervisor will consult and work together with the employee to resolve the situation.

An individual who does not agree with the resolution may file a complaint following the District's complaint procedures (AR 3430).

C. If the Campus Police department determines the service animal should be removed they must:

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1. Inform the handler that the college Chief of Police must be contacted before the service animal may return to campus.
2. Report the incident in writing to the Chief of Police and District Risk Management at the earliest opportunity.
3. In the event of an emergency involving a community member's service animal, the Campus Police department and the Chief of Police will consult and work together with the community member to resolve the situation.

An individual who does not agree with the resolution may file a complaint following the District's complaint procedures (AR 3430).

V. CONFLICTING DISABILITIES

Students or employees with medical issues that are impacted by animals (such as respiratory diseases) should contact the college DSPS office or District Human Resources department if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation and must comply with all procedures. For students, the Vice President for Student Services and/or the DSPS Coordinator, and for employees, the District Human Resources department will facilitate a process to resolve the conflicting needs/accommodations of all persons involved.

VI. EMERGENCY SITUATIONS

Emergency response personnel should be trained to recognize service animals and to be aware that the service animal may be trying to communicate the need for help. In the event of an emergency, the handler and/or service animal may be confused by the stressful situation. Emergency response personnel should be aware that the service animal is trying to be protective and, in its confusion, is not to be considered harmful. Every effort should be made to keep the service animal with its handler. However, an emergency response personnel's first effort should be toward the handler; this may necessitate leaving a service animal behind in certain emergency evacuation situations.

References:

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794

Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101

28 Code of Federal Regulations, Parts 35 and 36

34 Code of Federal Regulations, 104.3 (j)(2)(i-ii) and 104.4(b)

CA Penal Code Section 365.7

CA Civil Code Section 54.1

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