

## SWCC Service Animal Policy

### I. SWCC's Policy on Service Animals

In compliance with applicable law, SWCC generally allows service animals in its buildings, classrooms, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied by an individual with a disability who indicates the service animal is trained to provide, and does provide, a specific service to them that is directly related to their disability.

Under Code of Virginia 51.1-44.1, any person who knowingly and willfully fits a dog with a harness, collar, vest, or sign, or uses an identification card commonly used by a person with a disability, in order to represent that the dog is a service dog or hearing dog to fraudulently gain public access for such dog pursuant to provisions in 51.5-44 is guilty of a Class 4 misdemeanor.

SWCC may not permit service animals when the animal poses a substantial and direct threat to health or safety or when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. SWCC will make those determinations on a case-by-case basis.

#### Definitions

- 1. Service Animal** – Any dog\* individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of “service animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual’s disability.

*\*Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136 (i), a miniature horse may qualify as a service animal.*

Examples include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 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.

You may learn more about service animals and the ADA at the following website:  
[http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

2. **Service Dogs in Training** - A dog being trained has the same rights as a fully trained dog when accompanied by a trainer and identified as such in any place of public accommodation (as defined in ORS 659A.400). Handlers of service dogs in training must also adhere to the requirements for service animals and are subject to the removal policies as outlined in this policy
3. **Comfort Animal** - Under ADA, comfort animals are not service animals. Comfort animals of any species, which may provide emotional support to a person but are not trained to perform work or tasks related to a person's disability, are not permitted inside College building and facilities.
4. **Place of public accommodation** – A place of public accommodation as defined in ORS 659A.400.: “a place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements or otherwise.” A place of public accommodation does not include any institution, bona fide club or place of accommodation which is in its nature distinctly private.
5. **Assistance Animals (including Emotional Support Animals):** Southwest Virginia Community College is a non-residential institution and does not offer dormitory or other housing services for students. SWCC is considered a place of public accommodation; therefore, Assistance animals (including emotional support animal) are not allowed on SWCC's campus or any associated physical facility.

## II. SWCC's Inquiries Regarding Service Animals

In general, SWCC will not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. SWCC may ask:

1. If the animal is required because of a disability and;
2. What work or task the animal has been trained to perform.

SWCC **cannot require documentation**, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, SWCC may not make any inquiries about a service animal 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).

Specific questions related to the use of service animals on the SWCC campus by visitors can be directed to the Director of Academic Accessibility Services via e-mail - [dionne.cook@sw.edu](mailto:dionne.cook@sw.edu) or phone - (276) 964-7301.

### III. Responsibilities of Handlers

**Handler** – A person with a disability that a service animal assists or a personal care attendant who handles the animal for a person with a disability.

Students who wish to bring a service animal to campus are strongly encouraged to partner with Academic Accessibility Services, especially if other academic accommodations are required. Students who intend to bring a service animal to campus on a regular basis (e.g., for regularly scheduled classes and co-curricular activities) **are required** to notify Academic Accessibility Services so that the service animal's regular presence on campus is known. Staff and faculty with service animals are strongly encouraged to contact Academic Accessibility Services and **required** to do so if the service animal will be present on campus on a regular basis.

Handlers are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury. The cost of care, arrangements and responsibilities for the well-being of a service animal are the sole responsibility of the handler at all times.

#### 1. Service Animal Control Requirements

- A. The animal should be on a leash when not providing a service that requires them to be off leash to the handler.
- B. The animal should respond to voice or hand commands at all times, and be in full control of the handler.
- C. To the extent possible, the animal should be unobtrusive to the other individuals and the learning, living, and working environment.
- D. Identification – It is recommended that the animal wear some type of commonly recognized identification symbol, identifying the animal as a working animal, but not disclosing disability.

#### 2. Animal Etiquette

**To the extent possible, the handler should ensure that the animal does not:**

- A. Sniff people, food tables or the personal belongings of others.
- B. Jump on people.

- C. Display any behaviors or noises that are disruptive to others, unless part of the service being provided the handler.
- D. Block an aisle or passageway for fire or other emergency egress.

### 3. Waste Cleanup Rule

Cleaning up after the animal is the sole responsibility of the handler. In the event that the handler is not physically able to clean up after the animal, it is then the responsibility of the handler to hire someone capable of cleaning up after the animal. The person cleaning up after the animal should abide by the following guidelines:

- Always carry equipment sufficient to clean up the animal's waste whenever the animal is on campus.
- Properly dispose of waste and/or litter in appropriate containers.
- Contact staff if arrangements are needed to assist with cleanup. Any cost incurred for doing so is the sole responsibility of the handler.

## IV. Removal of Service Animals

Service Animals may be ordered removed by the Chief of Police or College Administration for the following reasons:

1. **Out of Control Animal:** A handler may be directed to remove an animal that is out of control if the handler does not take effective action to control it. If the improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any college facility until the handler can demonstrate that s/he has taken significant steps to mitigate the behavior.
2. **Non-housebroken Animal:** A handler may be directed to remove an animal that is not housebroken.
3. **Direct Threat:** A handler may be directed to remove an animal that SWCC determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like an allied-health facility, certain laboratories or mechanical or industrial areas.
4. **Conflicting Disabilities:** Some people may have allergic reactions to animals that are substantial enough to qualify as disabilities. SWCC will consider the needs of both persons in meeting its obligations to reasonably accommodate all disabilities and to resolve the problem as efficiently and expeditiously as possible. Students, staff, and faculty requesting allergy accommodations should contact Academic Accessibility Services.

Where a service animal is properly removed pursuant to this policy, SWCC will work with the handler to determine reasonable alternative opportunities to participate in the service, program, or activity without having the service animal on the premises.

**Appeals and Grievances:** Any person dissatisfied by a decision concerning a service animal may appeal using the Student Grievance Procedure found on the SWCC website.

#### **V. Public Etiquette towards Service or Assistance Animals**

It is okay to ask someone if she/he would like assistance if there seems to be confusion. However, faculty, staff, students, visitors, and members of the general public should avoid the following:

- Petting a service animal, as it may distract them from the task at hand.
- Feeding the service animal.
- Deliberately startling a service animal.
- Separating or attempting to separate a handler from his/her service animal.

#### **VI. Voluntary Registration of Service Animal**

We encourage students to register their service animal with the Academic Accessibility Services office, to ensure that our documentation supports the student's rights under ADA regulations.

Southwest Virginia Community College  
Office of Academic Accessibility Services

SERVICE ANIMAL INTAKE FORM

(Voluntary use only)

Name: \_\_\_\_\_ Emplid: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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Is the service animal required because of a disability?

Type of animal:

Is this a service animal or service animal-in-training?

Description (breed, color, weight):

What work or task has the animal been trained to perform?

Is this animal current on all of their shots?