

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE  
BOARD OF GOVERNORS  
MEETING OF OCTOBER 20, 2020**

**ITEM:** SCP-4800, *Service Animals on Campus*

**RECOMMENDED RESOLUTION:** *RESOLVED*, That the Southern West Virginia Community and Technical College Board of Governors grant approval for the distribution of SCP-4800, *Service Animals on Campus*, to Southern's constituents and the Chancellor for Community and Technical College Education to accept public comments for an additional 30-day period on proposed changes.

**STAFF MEMBER:** Darrell Taylor

**BACKGROUND:**

At its August 18, 2020 meeting, the Southern WV Community and Technical College Board of Governors released this policy for a 30-day public comment period to provide the public an opportunity to address the modifications recommended. The comment period was from August 19, 2020 through September 17, 2020. Notice of the opportunity to comment was announced via campus email to all Southern employees and via email to the staff of the West Virginia Community and Technical College System. A copy of the policy was available for public viewing during this time period.

While the General Counsel for the West Virginia Community and Technical College System did not have substantive recommendations for this policy, Counsel did have technical/drafting suggestions and comments regarding language contained in the policy. The proposed new language is reflected in blue font and double underlined. Proposed deleted language is stricken and redlined in the policy which follows this resolution.

Based upon the additional modifications to this policy, the staff recommends that the Board of Governors advance SCP-4800, *Service Animals on Campus*, to Southern's constituents and the Chancellor for Community and Technical College Education for an additional 30-day public comment period. The public comment period is October 21, 2020 to November 19, 2020. During this period interested parties may submit written comments concerning the proposed changes. The proposed policy will be available for public viewing on the College's website.

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE  
BOARD OF GOVERNORS  
SCP-4800**

**SUBJECT:** Service Animals on Campus

**REFERENCE:** Americans with Disabilities Act (ADA); 504 of the Federal Rehabilitation Act; West Virginia's White Cane Law, W. Va. Code § 5-15-1, et seq.; SIP 4200, *Accessibility and Accommodations for Persons with Disabilities*

**ORIGINATION:** December 2019

**EFFECTIVE:**

**REVIEWED:** New

### **SECTION 1. PURPOSE**

- 1.1 The purpose of this policy is to define what a service animal is and to establish guidelines and procedures for students, faculty, staff and visitors, to have a service animal on campus or in any of its rented spaces or facilities.
- 1.2 Southern complies with the Americans with Disabilities Act amendments in allowing the use of service animals for students, staff, and visitors. The College is committed to allowing service animals as necessary to provide individuals with disabilities an equal opportunity to access the programs, services, and physical facilities of the College.

### **SECTION 2. SCOPE AND APPLICABILITY**

- 2.1 ~~Southern complies with the Americans with Disabilities Act amendments in allowing the use of service animals for students, staff, and visitors. The College is committed to allowing service animals as necessary to provide individuals with disabilities an equal opportunity to access the programs, services, and physical facilities of the College.~~ (This is duplicative of Section 1.2 above). [This policy applies to all operational units of Southern West Virginia Community and Technical College.](#)

### **SECTION 3. DEFINITIONS**

- 3.1 Service Animal - Any dog, or miniature horse, that is 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 including, but not limited to, guiding, alerting, pulling a wheelchair, fetching and/or opening doors. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. 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.
- 3.2 Emotional Support Animal - An animal that provides emotional support or therapeutic benefits that alleviate one or more of the identified symptoms or effect of a person's disability; however, the animal is not required to be individually trained or certified to perform such a task. Emotional support animals may also be referred to as "comfort animals," "companion animals" and "assistance animals" used to support individuals with

mental or emotional disabilities. These animals are not service animals.

- 3.3 Recreational Animal - A domestic animal used for sport, companionship or other non-service/assistance functions. Recreational animals are not allowed inside college facilities.
- 3.4 Unauthorized Animal - Any animal not controlled by leash or harness, unless the animal is a service animal and the handler is unable because of disability to use a leash or harness or if the leash or harness restricts the service animal from functioning appropriately as such. Also, any animal that exhibits violent, uncontrollable, aggressive or unhealthy behavior, including service animals, is also considered an unauthorized animal for purposes of this policy.
- 3.5 Handler - The individual with a disability who uses a service animal.

#### **SECTION 4. POLICY**

- 4.1 Southern may make two inquiries to determine whether an animal qualifies as a service animal:
  - 4.1.1 If the animal is a service animal required for a disability; and
  - 4.1.2 What work or task the animal has been trained to perform.
- 4.2 Staff may not ask about the person's disability, require medical documentation, require certification of the animal's training or ask that the animal demonstrate its ability to perform the work or task.
- 4.3 Use of miniature horses as a service animal will be reviewed based on the inquiries and exceptions listed below and allowed by law.

#### **SECTION 5. BACKGROUND OR EXCLUSIONS**

- 5.1 Every attempt for accommodations for service animals on Southern's campus will be made at all times. However, a service animal may be banned or denied on campus for reasons including, but not limited to, **below:**
  - 5.1.1 Disruptive Behavior - This will include, but is not limited to, barking, whining, growling, wandering, sniffing (people, food, tables, others' belongings), initiating contact with someone without owner's permission, unless such contact is for the purpose of alerting another person to the handler's immediate medical need.
  - 5.1.2 Illness - Any animal that is ill shall not be permitted on any campus grounds.
  - 5.1.3 Hygiene - This includes but is not limited to all animals that are dirty, not groomed, have a strong odor or have fleas and/or ticks.
  - 5.1.4 Aggressive Behavior - Any animal that is aggressive toward another individual on campus shall not be tolerated. This will be determined on a case by case basis by the appropriate campus administrator.
  - 5.1.5 Owner Not Being Responsible - Should the owner ~~break any sections listed in the service animal~~ violate this policy, ~~accommodations~~ his or her permission to utilize the service animal on campus may be revoked. This will be determined on a case by case basis by the appropriate campus administrator.

- 5.2 Removal of Service Animal - Southern may require the handler to remove the service animal from its campus if:
- 5.2.1 The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
  - 5.2.2 The animal's presence results in a fundamental alteration of a College program;
  - 5.2.3 The handler does not comply with the handler's responsibilities set forth above; or
  - 5.2.4 The animal or its presence creates an unmanageable disturbance or interference with the College community.
  - 5.2.5 Southern 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. Any removal of the animal will be done in consultation with the Coordinator of Disability Services and may [be appealed](#) to Southern's ADA Compliance Officer following Southern's complaint procedure set forth in *Accessibility and Accommodations for Persons with Disabilities*, SIP-4200.

## **SECTION 6. GENERAL PROVISIONS**

- 6.1 Persons with conflicting disabilities should contact the appropriate campus administrator and provide verifiable medical documentation to support their claim. All parties involved will be taken into consideration and resolution will be announced as soon as possible.
- 6.2 Concerns regarding a student's service animal should be submitted to the Executive Director for Student Services. The Executive Director for Student Services or his/her designee will work together with the affected party to discuss and resolve all concerns related to service animals on campus in compliance with this policy.
- 6.3 Concerns regarding a faculty or staff member's service animal should be directed to Human Resources. The Director of Human Resources will work with the affected party to resolve all concerns related to service animals on campus in compliance with this policy.
- 6.4 Service animals are allowed on-campus. Unauthorized animals, recreational animals, and emotional support animals are not allowed on campus.
- 6.5 The use of an emotional support animal as an academic or workplace accommodation must be requested and approved through either the Office of Disability Services or Human Resources. The documentation process is found in SIP-4200, *Accessibility and Accommodations for Persons with Disabilities*.

## **SECTION 7. RESPONSIBILITIES**

- 7.1 College Responsibilities
  - 7.1.1 Allow service animals to accompany the handler to all areas of the facility where the handler is normally allowed to go.
  - 7.1.2 A handler may not be segregated from other similar members of the campus community except where there is real danger to the animal or where the natural organisms carried by the service animal would adversely affect research. Exceptions to the exclusions will be reviewed on a case-by-case basis.

- 7.1.3 Not to pet, feed or deliberately startle/disturb a service animal.
- 7.1.4 Not to separate, or attempt to separate, service animals from their handlers.
- 7.1.5 Southern will not retaliate against any person because that individual has requested or received a reasonable accommodation, including a request for a service animal.

## 7.2 Handler or Owner's Responsibility

- 7.2.1 Handlers must abide by all state laws and city ordinances related to animals on campus locations and Southern's guidelines, including but not limited to:
  - 7.2.1.1 The handler is required to obtain a license required by a particular home municipality. The license and/or tag must be reviewed annually.
  - 7.2.1.2 The handler may be required to provide a collar or harness ~~for~~ to which the license and vaccination tags ~~to~~ shall be affixed. The handler shall see that the animal wears the collar and tags at all times.
  - 7.2.1.3 The handler is liable for damages caused by the service animal, emotional support animal or recreational animal beyond reasonable wear and tear to the same extent that Southern charges other individuals for damages beyond reasonable wear and tear.
- 7.2.2 The handler is responsible for the care and supervision of a service animal.
- 7.2.3 The handler must have full control of the service animal at all times. Animals may not run at large; a leash or harness is required unless the handler is unable because of disability to use a leash or harness or it restricts the animal's ability to function properly.
- 7.2.4 Disturbing animal vocalization must be kept to an absolute minimum.
- 7.2.5 Handlers are responsible for relieving animals in designated locations and must ensure immediate clean-up and proper disposal of animal waste.
- 7.2.6 The service animal's ~~V~~vaccinations must be current and based on a veterinarian's recommendations, with records made available at time of request.
- 7.2.7 Southern will not ask for or require an individual with a disability to pay a fee or surcharge for a service animal.
- 7.2.8 The handler agrees to abide by all equally applicable Southern policies that are unrelated to the individual's disability, such as assuring that the animal does ~~duty~~ not interfere with the routine activities of Southern's campus or facilities.
- 7.2.9 Southern personnel shall not be required to provide care or food for any service animal, including but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal, and Southern shall not be held responsible for the care, damage to, or loss of the animal.

## SECTION 8. CANCELLATION

8.1 None.

**SECTION 9. REVIEW STATEMENT**

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

**SECTION 10. SIGNATURES**

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**Board of Governors Chair** **Date**

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**President** **Date**

**Attachments:** None.

**Distribution:** Board of Governors (12 members)  
www.southernwv.edu

**Revision Notes:** December 2019 - Policy Originated.