

**CHAPTER 2: Administration and General Institution
ADMINISTRATIVE PROCEDURES NO. 2.20.2 and 7.41.2 (AP 3440)**

**ADMINISTRATIVE PROCEDURE
San Mateo County Community College District**

Subject: AP 2.20.2 Equal Employment Opportunity: Service Animals
Revision Date: 9/12
References: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C 794; The Americans with Disabilities Act of 1990, 42, U.S.C, 12101; The Americans with Disabilities Amendment Act of 2008, 28 C.F.R, 1630; The Americans with Disabilities Act Revised Requirements, 28 CFR 35.136(i)

1. The San Mateo County Community College District will allow a student, employee or any individual with a disability to use a service animal in District facilities and on District campuses in compliance with state and federal law.

The purpose of this procedure is to ensure that students, employees or any individuals with disabilities can participate in and benefit from District services, programs and activities, and to ensure that the District does not discriminate on the basis of disability.

Procedures for Persons with Disabilities

2. A student with a disability should contact the Disabled Students Service Program to determine if the animal meets the definition of “service animal”; employees and other individuals should contact the Vice Chancellor of Human Resources and Employee Relations. For the purposes of this procedure, a “service animal” means 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. *Note: Other animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.*
3. A student with a disability who brings an animal for participation in the services or classes of the District shall be directed to the Disabled Students Programs and Services (DSPS) office; others will be directed to the Vice Chancellor of Human Relations and Employee Relations.

Individuals must provide documentation of his/her disability and a description of the disability related tasks which the animal performs which facilitates access to District programs, services or activities.

Staff in Disabled Students Programs and Services or the Office of Human Resources, as appropriate, will determine if the tasks performed by the service animal are directly related to the individual’s disability. Examples of work or tasks 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. *Note:*

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The crime deterrent effect 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.

- a. If it is determined that the tasks performed by the service animal are directly related to the person's disability, the use of a service animal will be approved and documented by the Disabled Students Program and Services staff or the Office of Human Resources staff, as appropriate. The individual will be required to complete a Service Animal Agreement form.
 - b. If it is determined that the tasks performed by the service animal are not directly related to the student's disability, the use of the service animal will be denied.
4. If the service animal is a miniature horse, the staff in Disabled Students Programs and Services or the Office of Human Resources, as appropriate, will consider the following factors:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - b. Whether the individual has sufficient control of the miniature horse;
 - c. Whether the miniature horse is housebroken; and
 - d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
 5. The service animal must have a harness, leash, or other tether, unless either the individual is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
 6. An individual may 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.
 7. The care and supervision of a service animal is the responsibility of the individual; the District is not responsible for the care or supervision of the animal. Civil Code Section 54.2 requires that the owner of a service animal be responsible for any damage done to the premises or facility by the animal.
 8. All service animals must be immunized in accordance with State of California Health and Safety Code, 121690. Documentation will be requested.
 9. Service animals must work without threatening or disrupting other service animals, students and/or District personnel.
 10. The Coordinator of the Disabled Students Programs and Services, in consultation with the Vice President of Student Services, or the Vice Chancellor of Human Relations and Employee Relations, as appropriate, may require a student with a disability to remove a service animal from College/District owned or operated property if the service animal poses a threat to health, safety, is out of control and the animal's handler does not take effective action to control it, or if the animal is not housebroken. Failure to comply with this exclusion may result in disciplinary action. If the service animal causes damage to College/District owned or operated property, the individual with a disability will be charged for damages caused by his or her services animal. If a service animal is excluded, the Coordinator of Disabled Students Programs and Services or the Vice Chancellor of Human Resources

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and Employee Relations, as appropriate, will provide the individual an opportunity to obtain services and accommodations to participate in the service, program or activity without having the service animal on the premises.

11. Persons with disabilities will be limited to one approved service animal.

Evaluation Procedures

12. Under the ADAA and Section 504, the District may not impose a rule upon individuals with disabilities prohibiting service animals, if the rule has the effect of limiting the participation of the individuals with disabilities in the District's services, programs or activities. However, the District is not obligated to permit the use of service animals, if doing so would result in a fundamental alteration of the District service, program or activity, or would pose a direct threat to the health or safety of others.
13. The District will determine whether the service animal meets the basic ADAA definition as stated herein. This determination is based upon whether the service animal has been trained to provide the specific task or service required by the student because of his/her disability (ies) and whether the animal can actually provide that task or service. If in the judgment of the District professional, the animal cannot perform the identified task or service, the District may exclude the animal from its facilities and campuses.
14. The District will analyze whether the presence of the service animal would actually have a significant effect upon the service, program, or activity involved. The Governing Board of the District designates the District DSPS professionals, in consultation with the program professionals and Vice Presidents, or the Vice Chancellor of Human Relations and Employee Relations, as appropriate, to make such a determination. If the District official determines that the use of the service animal causes a fundamental alteration of District services, programs or activities, the District may exclude the animal from its colleges, campuses, sites, programs and activities. (Title III of the ADAA Regulations, 28 C.F.R 36.104)
 - a. If the District makes a determination that the use of the service animal would result in such a fundamental alteration, within five instructional days of such determination, the designated person(s) shall issue a written statement identifying the reasons for the determination in sufficient detail to meet the District's burden to demonstrate that such alteration would occur. (Title III of the ADAA Regulations, 28 C.F.R., 36.104)
 - b. If the use of the service animal would result in such fundamental alteration, at the request of an individual with a disability and in accordance with District Policy XXX, the District shall take any other action that would not result in such an alteration but would nevertheless allow the individual with a disability to participate in District services or programs.
15. The District will make an individualized assessment to determine whether the presence of the service animal poses a significant risk to the health or safety of other persons that cannot be eliminated by modification of policies, practices or procedures, or by the provision of auxiliary aids or services. If the District determines that the presence of the service animal does pose a direct threat to the health or safety of persons participating in the District services, programs or activities, the District may exclude the animal from its facilities and campuses. (Title III of the ADAA Regulations, C.F.R., 36.208)

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16. A student with a disability who is denied the use of a service animal by the DSPS Department may file a complaint utilizing the Academic Accommodations for Students with Disabilities procedures. Employees may file a complaint with the Vice Chancellor of Human Resources and Employee Relations.