



## **AP 3440 Service/Assistance Animals**

### **References:**

The Americans with Disabilities Act of 1990 -- 42 U.S. Code Sections 12101 et seq.;  
28 Code of Federal Regulations Part 35;  
28 Code of Federal Regulations Part 36;  
34 Code of Federal Regulations Part 104.44(b)  
ORS 659A.143  
OAR 839-006-0345  
NWCCU 2020 Standards 2. C. 2

Rogue Community College will allow an individual with a disability to use a service animal in RCC's facilities and on RCC's campuses in compliance with state and federal law.

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

RCC will allow an individual with a disability to be accompanied by his/her service animal in all areas of RCC's facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go.

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

### **Service/Assistance Animal Defined**

**Please note that Oregon law uses the term "assistance" animal and federal law uses "service" animal but defines them the same way. RCC is using the "service" animal term.**

A "service animal" for purposes of this procedure 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. Disabilities include, neurological and orthopedic that effect mobility, sensory such as vision and hearing, intellectual, and those related to mental health. 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.

### **Exceptions**

RCC may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken.
- The service animal is a direct threat to the health and safety of others

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

### **Assessment Factors for Miniature Horses**

RCC shall consider the following factors:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

### **Control**

The service animal must have a harness, leash, or other tether, unless either the handler 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).

### **Care or Supervision**

RCC is not responsible for the care or supervision of the animal.

- Service animals must be accompanied and under leash or voice control at all times.
- The handler is responsible for the behavior of their service animal. Unacceptable behaviors such as uncontrolled barking, jumping, sniffing, growling, and whining, not related to the service the animal is providing are prohibited.
- The handler is responsible for feeding, walking, and cleaning up after their service animal whenever the animal is on campus.



- The handler must be compliant with any laws pertaining to animal vaccinations, licensure, ID tags, etc., that are mandated by State and/or local ordinances.
- Identification is not required, but it is recommended that a service animal wear recognizable identification. This will help others know that the animal is working and not a pet.

Individuals must have their service animals be in compliance with any laws pertaining to animal vaccinations, licensure, and ID tags that are mandated by state and local ordinances. Licensure or certification is not required in order to meet the definition of service/assistance animal under this procedure.

### **Inquiries by RCC**

RCC may make two inquiries to determine whether an animal qualifies as a service animal:

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

RCC 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).

### **Vaccination Requirements**

All Service Animals are required to be current on vaccination shots, including but not limited to, the first set of basic vaccinations. It is the responsibility of the handler to ensure this before bringing the animal to RCC. Vaccination records will be requested at the time of meeting with Access and Disability Resources and the handler will be required to provide them within two (2) weeks of their initial meeting or prior to the start of the academic term.

If a student does not wish to work directly with the Access & Disability Resources department, they may alternatively choose to provide vaccination records directly to the office of Risk Management. Students must also provide the vaccination records prior to the start of the academic term. Employees, volunteers, and visitors will work directly with the office of Risk Management to provide vaccination records.

Service Animal Vaccination Records will be stored in a mutually accessible, secure location by Access & Disability Resources and Risk Management.

### **No Surcharge**

RCC will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If RCC normally charges individuals for



damage caused by pets, an individual with a disability may be charged for damage caused by his/her service animal.

**Rescinds Policy Number: II.B.060**

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