

**STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION
PROCEDURE**

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PAGE: 1 of 4

TITLE: SERVICE ANIMALS

**POLICY
REFERENCE NUMBER:** 3-2-107

**DIVISION OF
RESPONSIBILITY:** ACADEMICS, STUDENT AFFAIRS & RESEARCH

DATE APPROVED: May 14, 2020

The South Carolina Technical College System is committed to providing equal access to employment and educational opportunities for persons with disabilities. In keeping with these commitments, service animals are permitted on college property for persons with disabilities in accordance with relevant state and federal laws and the requirements of this procedure.

I. Purpose

Service animals are allowed to accompany their handlers at all times and in all facilities and programs on campus, except in areas where specifically prohibited due to health, environmental or safety hazards (e.g. laboratories, mechanical rooms, machine shops, custodial closets, and areas where there is a danger to the animal.) The College may not permit service animals when the animal poses a substantial and/or 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. The College will make those determinations on a case-by-case basis in alignment with current state and federal laws.

II. Definitions

When used in this document, unless the content requires other meaning,

- A. "Service Animal" means 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 Title III of the Americans with Disabilities Act ("ADA"), regulations at 28 CFR 36.104. Within Title II of the ADA is a provision allowing miniature horses as services animals provided they meet specific assessment factors outlined in 28 CFR 35.136(i)(2). The work or tasks performed by a service animal must be directly related to the individual's disability.
- B. "Handler" means the individual with a disability, as defined under federal and state law,

who uses a service animal to perform a work or task directly related to the individual's disability. A handler may also be a personal care attendant who handles the animal for a person with a disability.

- C. "Emotional Support Animals" (ESA) means any animal providing emotional support, well-being, or comfort that eases one or more identified symptoms or effects of a documented disability. Emotional support animals may also be referred to as comfort or therapy animals. Emotional support animals are not individually trained to perform specific work or tasks. Pets (as defined below) are not considered ESA.
- D. "Pet" means any animal kept for ordinary use and companionship that does not meet the definition of an ESA.

III. Handler's Responsibilities

A. Registering A Service Animal

- 1.) While registering a service animal is not mandatory, students who wish to bring a service animal to campus are encouraged to contact the Office for Students with Disabilities at their College, especially if academic accommodations are required.

B. Service Animal Control & Behavior Requirements

- 1.) Handlers are expected to maintain control of service animals. If a service animal exhibits unacceptable behavior, the handler may be required to employ appropriate training techniques to correct the situation. Failure to maintain control of the service animal at all times may be grounds for immediate removal of the service animal from campus.
 - a. Service animals can be controlled through the use of leashes, harnesses, or tethers unless those devices interfere with the service animals' ability to perform tasks or unless the handler has a disability that prevents him/her from using such a device.
 - b. The service 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 service animal should be unobtrusive to other individuals and the learning, living, and working environment.
- 2.) To the extent possible, the handler should ensure that the service animal does not,
 - a. Display any behaviors or noises that are disruptive to others, unless part of the service being provided to handler.
 - b. Block an aisle or passageway to fire egress.

C. Vaccinations

- 1.) Service animals should be vaccinated in accordance with state and local laws
 - a. Colleges may require proof that a service animal has any vaccinations required by state or local laws that apply to all animals.

D. Waste Cleanup

- 1.) Cleaning up after the service animal is the sole responsibility of the handler. In the event the handler is not physically able to do so, he/she must hire someone to perform this task. The following are guidelines for animal waste cleanup:
 - a. The handler is required to take the animal to an appropriate area on campus (if applicable) for relief.
 - b. The handler should carry equipment sufficient to clean up the animal's feces or urine whenever the animal is on campus.
 - c. Properly dispose of waste and/or litter in appropriate containers.

E. Costs Associated With Service Animal

- 1.) Handlers are responsible for any costs, damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury.
 - a. Costs associated with any damage to the campus facilities or properties resulting from the animal's behavior are the sole responsibility of their handlers.
 - b. The cost of care, along with maintaining the well-being of the service animal, are the sole responsibility of the handler at all times.
 - c. Any cost incurred for assistance with waste cleanup is the sole responsibility of the handler.

IV. Student Rights

- A. When it is not obvious what service an animal provides, only limited inquiries are allowed. Employees may ask two questions: (1) is the service animal required because of a disability, and (2) what work or task the service animal has been trained to perform. Employees cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.
- B. Allergies and fear of service animals are not valid reasons for denying access or refusing service to people using service animals. Each request for service animal use should be considered individually recognizing that documented student academic accommodations take precedence in determining any adjustments to access.
- C. People with disabilities who use service animals cannot be isolated from other students, treated less favorably than other students, or charged fees that are not charged to other students without animals.
- D. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the service animal is out of control and the handler does not take effective action to control it or (2) the service animal is not housebroken. When an animal is removed pursuant to this procedure, the college will work with the handler to suggest reasonable alternative opportunities to participate in college services, programs, or activities without the animal's presence.

V. Removal of Service Animals

The following list identifies violations for which service animals may be subject to

removal. The list is not all inclusive, but it reflects the categories of inappropriate behavior and provides examples of prohibited behaviors.

- A. Handlers will be asked to remove any animal if it is out of control and the handler does not take effective and immediate action to control it. If the out of control behavior happens repeatedly, the handler may be prohibited from bringing the animal into college facilities until the handler can demonstrate that significant steps have been taken to correct and control the behavior.
- B. A handler may be directed to remove an animal that is not housebroken.
- C. An animal that poses a direct threat to the health or safety of others that cannot be reduced or eliminated by reasonable modifications is not permitted on campus. A handler may be directed to remove an animal that the College 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 a certain laboratory, health science facility, food service program, or mechanical or industrial area.

VI. Emotional Support Animals

Emotional Support Animals that are not trained service animals are not allowed to accompany persons with disabilities on college campuses. Emotional support animals are not individually trained to perform specific work or tasks. Providing emotional support, well-being, or comfort does not constitute "work" or "tasks" for the purposes of the definition of "service animal." Therefore, an ESA is not a Service Animal under the ADA. Emotional support animals are permitted in College residential facilities according to college policies and the Fair Housing Act. A person with an emotional support animal should follow existing college policies when bringing an emotional support animal to those facilities.

VII. Grievance Procedures

Any student who is not satisfied with a decision made concerning a purported service animal or emotional support animal may file a written complaint using the SC Technical College System's Grievance procedures outlined in SCBTE 3-2-106.3.