

Service Animals

The College of Southern Maryland (CSM) is committed to compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and all other Federal and state laws as it pertains to individuals with disabilities and the use of service animals in higher education. Students who seek to bring a service animal to campus should contact the Disability Support Services office to discuss their request. CSM will determine, on a case-by-case basis, in accordance with applicable laws and regulations, whether bringing the animal to campus is a reasonable accommodation for the student. CSM will also consider the needs of the student with a disability as well as the impact of the animal on the campus community. This policy governs the use of service animals on campus by individuals with disabilities.

DEFINITIONS

Section 504 of the Rehabilitation Act: Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that receives Federal financial assistance.

Title II of the Americans with Disabilities Act of 1990 (ADA): Title II of the ADA is intended to apply to all programs, activities, and services provided or operated by State and local governments. Title II specifies that to be a "qualified individual with a disability," the individual with a disability must meet the essential eligibility requirements for receipt of services or participation in a public entity's programs, activities, or services with or without 1) reasonable modifications to a public entity's rules, policies, or practices; 2) removal of architectural, communication, or transportation barriers; or 3) provision of auxiliary aids and services.

Individual with a Disability: An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Service Animal: On September 15, 2010, the Department of Justice issued a Final Rule amending Title II of the ADA to define "service animal" as: a dog that is individually trained to do work or perform tasks for a person with a disability. A service animal may also include miniature horses that have been individually trained to do work or perform tasks for individuals with disabilities. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the individual's disability. Dogs whose sole function is to provide comfort and emotional support, therapeutic as they may be to an individual, do not qualify as service animals under ADA.

CSM's POLICY ON SERVICE ANIMALS

Inquiries: CSM cannot *require* documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. However, when it is not obvious what service an animal provides, CSM may **only** inquire whether 1) the dog is required because of a disability, and 2) what work or task the dog has been trained to perform.

Areas of Exclusion: In compliance with applicable law, CSM generally allows service animals in its buildings, classrooms, dining areas, recreational facilities, activities and events. Service animals are not permitted in research laboratories. The natural organisms carried by dogs may have a negative effect on the outcome of research projects. Also, chemicals and other materials used in a lab may be harmful to the service animal. Exceptions to this rule will be made on a case-by-case basis. Services animals are prohibited from mechanical rooms and custodial closets.

Removal of Service Animals: CSM may not permit service animals when 1) the animal is out of control and the animal's handler does not take effective action to control it or 2) the animal poses a substantial and direct threat to the health or safety of others. The service animal must also be housebroken. CSM may not permit service animals when the presence of the animal constitutes a fundamental alteration to the nature of the program or service. These determinations will be made on a case-by-case basis. The Vice President of Student and Instructional Support will be part of the collaboration team to determine the outcome of the reported behavior. Consequences may include, but not be limited to, muzzling a barking animal, exclusion from facilities, or a consultation with the handler regarding behavior management of the animal. Although CSM may exclude any service animal that is out of control, it will give the individual with disabilities using the service animal the option of continued access to services and programs without the animal.

Conflicting Disabilities: It is common for individuals to have a disability that precipitates an allergic reaction to animals. Individuals making an asthmatic, allergy, or medical complaint are to be directed to file the complaint with the Disability Support Services office. The individual making the complaint must provide medical documentation to support the complaint. CSM will consider the needs of both individuals in meeting its obligations to reasonably accommodate all disabilities and resolve the problem as quickly as possible.

Responsibilities of Handlers

Control and Behavior Requirements: The service animal must be harnessed, leashed, or tethered at all times, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. The animal should not be permitted to wander around without a leash. The handler must be in full control of the animal at all times. The animal must be as unobtrusive to others and the environment as possible. The animal should not block an aisle or passageway for fire evacuation. Should the animal become ill, it should not be taken into public areas.

Waste Clean-up: It is the sole responsibility of the handler to clean up after the animal. The handler must be prepared at all times for such occurrences and carry equipment sufficient for cleaning and removing feces. It is important to properly dispose of the animal waste. Individuals who are not physically able to clean up after their service animal should notify the Disability Support Services office and areas will be designated for toileting.

Responsibilities of the CSM Community

- Allow a service animal to accompany its handler at all times and everywhere on campus except where access has been specifically prohibited.
- Do not pet a service animal. Petting a service animal when the animal is working distracts the animal from the task at hand.
- Do not feed a service animal. The animal may have dietary restrictions.
- Do not deliberately startle a service animal.
- Do not separate or attempt to separate a handler from his or her service animal.
- When it is not obvious what service an animal provides, CSM may **only** inquire whether 1) the dog is required because of a disability, and 2) what work or task the dog has been trained to perform

Procedures for Access

A service animal is used by individuals with disabilities to facilitate access. If a student did not identify themselves to the Disability Support Services office, the student will be encouraged to meet with the DSS office. If it is not obvious what service an animal provides, CSM may inquire whether 1) the dog is required because of a disability, and 2) what work or task the dog has been trained to perform. If a student does not follow proper access procedures and a complaint is filed, the Vice President of Student and Instructional Support will contact the student. In collaboration with the Disability Support Services Coordinator, the Dean will inform the student of the policies and procedures regarding service animals on CSM campuses. If the student fails to act in accordance with the above, it will be considered a violation of the Student Code of Conduct and the Student Judicial System process will be initiated.

Grievance

If a student does not agree with the decision made concerning the use of a service animal, the student should follow the grievance procedures as outlined in the Student Handbook.

Section 504 of the Rehabilitation Act of 1973, as amended
29 U.S.C. Part 794

Americans with Disabilities Act of 1990
28 CFR 35.104
28 CFR Part 35.136
28 CFR Part 36.104
28 CFR Part 36.302