308.1 SERVICE AND SUPPORT ANIMALS

Warren County Community College (the "College") limits the presence of privately-owned animals on campus to service animals trained to perform work or tasks for an individual with a disability, as described under the ADA. It is the policy of the College to afford individuals requiring a service, therapy or emotional support animal equal access to College property, programs, and activities in accordance with the ADA.

Definitions and Terms

Service Animal: Under the ADA, a "service animal" is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
Handler: means the disabled individual having an interest in or right of possession to a service animal, or any person having control, custody, or possession of a service animal.
Therapy or Emotional Support Animal: A therapy or emotional support anmal animal is an animal that provides emotional support or comfort that alleviates one or more of the identified symptoms or effects of a disability. A therapy animal is **not** a service animal under this policy. Therapy animals **may** qualify as a reasonable accommodation for a disabled individual and are **only permitted** at the discretion of the College. Access for therapy animals is evaluated similar to any other request for accommodation and should be directed to the VP of Student Services to discuss whether the use of a therapy animal is permissible on campus.
Pet: A pet is any domesticated animal that is not a service animal, therapy animal or emotional support animal. Animals which are solely pets are prohibited on campus.

Service Animals on College Property Pursuant to Title III (Public Accommodation)

1) Where is the Service Animal Permitted

Title III prohibits discrimination on the basis of disability in the activities of places of public accommodation, including the College. Accordingly, the College generally permits the use of a service animal by any individual with a disability. Handlers of service animals are permitted to be accompanied by their service animal in all areas of the College property where the owner is allowed to go. Such areas include public areas, public events, and areas where public activities are held.

2) Permitted Inquiries

College personnel shall permit service animal access to an event or activity with its owner when it is readily apparent that the animal is trained to do work or perform tasks for its owner. Example: a seeing eye dog aiding a blind individual; a dog assisting an individual in a wheelchair.
If the need for the service animal is not readily apparent, personnel may only ask the following of service animal owners:

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

If the owner states that the animal is required because of a disability and that the animal has been trained to do work or a task[1] for the owner, then the service animal shall be admitted.
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. 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. (emphasis added for potential applicability to Employee).
Service animal owners must not be asked about the nature of their disability or for medical documentation of it. The College shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

3) Handler Responsibilities and Removal

The handler may take the service animal onto College property subject to Section 5.1. However, the College may request that the service animal be removed from College property when:

(a) The animal is disruptive/out of control and the animal's handler does not take effective action to control it;

(b) The animal is not housebroken; or (c) the animal substantially interferes with the reasonable enjoyment of the area by others

Further, a service animal shall be under the control of its handler. The College is NOT responsible for the care or supervision of a service animal.

The handler is tasked with the following regarding service animals:

- A service animal shall 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 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).
- Ensure the service animal does not disturb or disrupt normal College functions;
- Immediately clean up after the service animal and properly dispose of the service animal's waste or other debris in accordance with all applicable local and state laws.
- The service animal must be vaccinated and licensed as required by state law and/or local ordinance.
- The animal may not be any “potentially dangerous species” as defined by N.J.A.C. 7:25-4.8.

[1] For example, if a service animal senses that a person is about to have a psychiatric episode and it is trained to respond by nudging, barking, or removing the individual to a safe location until the episode subsides, then the animal has indeed performed a task or done work on behalf of the individual with the disability, as opposed to merely sensing an event.

Under New Jersey law, a person with a disability who has a service or guide dog in his possession shall be liable for any damages done to the premises of a public facility by such dog. See N.J.S.A. 10:5-29(c).

Title I (Employment Accommodation)

Title I of the ADA governs the use of a service or therapy animal by employees. Pursuant to Title I of the ADA, the College will consider all employee requests for the use of a service or therapy animal as a reasonable accommodation to an employee's disability. All persons who require the use of a service or therapy animal in the workplace must make a request for an accommodation in accordance with the College's policy on Reasonable Accommodations in the workplace.

Determining whether a Therapy or Emotional Support Animal is permitted on campus is made on an individual basis, through an interactive process between the student requesting the accommodation and relevant campus personnel. The student's needs will be balanced with the impact of an animal on others.

In order for an Emotional Support Animal to be considered a reasonable accommodation, the individual must make a written request with the College and provide current verification of their need for an Emotional Support Animal from a physician, psychiatrist, licensed clinical social worker, or licensed psychologist which:

a. verifies that the requestor has a disability;
b. describes the need for the Emotional Support Animal to enable the requestor an equal opportunity to use and enjoy the campus; and
c. identifies the relationship between the disability and the assistance the Emotional Support Animal provides.

The College may deny or revoke a request for an Emotional Support Animal if its presence: a) fundamentally alters the nature of a program or activity; b) would result in substantial physical damage to the property of others; c) would substantially interfere with the reasonable enjoyment of University property by others; or d) is disruptive.

Any service or therapy animal shall be under the control of the employee handler and must follow the handler rules noted above. The College is NOT responsible for the care or supervision of a service or therapy animal.

No animals on campus may be neglected or abused. If neglect or abuse is suspected, the College will contact approprite authorities.

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