

## AR 3440 Animals on Campus

### 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

### General

As outlined in BP 3440:

- Animals are not permitted in college-owned or controlled buildings.
- No person shall bring an animal onto college-owned or controlled property and leave it unattended for any length of time except inside a vehicle.
- No person shall attach any animal by leash or other device to any tree, pole, fence, sign, building, fire hydrant, vehicle, or other object on college-owned or controlled property.
- No person shall confine or attach an animal within or to a motor vehicle either leashed, tied, or loose in such a way that the animal can extend beyond that vehicle. They can be contained inside a closed vehicle.
- Animals are not allowed on college-owned or controlled property unless on a leash and under the control of a person capable of controlling the animal.
- Any animal brought onto college-owned or controlled property must be licensed and fully inoculated in accordance with Tillamook County regulations, with the burden of proof on the owner.

### Service Animals

Tillamook Bay Community College fully complies with the 2011 Federal Regulations regarding service animals 28 C.F.R § 35.104 (2010); 76 Fed. Reg. 13285; <https://www.ada.gov/resources/service-animals-2010-requirements>. Animals are not permitted in college buildings unless they fit the following categories:

- They are trained service animal. "Service animals" are defined as: "any dog that is individually trained to do work or perform tasks for the benefit of an individual (students, staff, or visitors) with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. 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 individual's disability." 28 C.F.R § 35.104
- Examples of "works or tasks" include:
  - 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 protections or rescue work.
  - Pulling a wheelchair.
  - Assisting an individual during a seizure.

- Reminding an individual with mental illness to take prescribed medications.
- Calming an individual with Post Traumatic Stress Disorder (PTSD) during a panic attack.
- Alerting an individual 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 individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

## **Title II – ADA Process**

The College fully complies with Title II of the Americans with Disabilities Act (ADA) 28 C.F.R. § 35.136(f) and the Facilities Staff or Human Resources may ask the individual the following two questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

College staff may not ask questions about the individual's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the animal demonstrate its ability to perform the work or task. <https://www.ada.gov/resources/service-animals-2010-requirements> (Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals).

## **Exclusion of Service Animal**

If the College allows the animal, as an accommodation pursuant to Title II – ADA, the College can exclude the service animal for the following reasons:

- The animal is out of control and the animal's handler does not take effective action to control it. 28 C.F.R. § 35.136(b)
- The animal is not housebroken. 28 C.F.R. § 35.136(b). When there is a legitimate reason to ask that a service animal be removed, staff must offer the individual with the disability the opportunity to obtain goods or services without the animal's presence.
- The presence of the animal poses a direct threat to the health or safety of others.
- The presence of an animal would require a fundamental alteration to the service, program, or activity of the College division. 75 Fed. Reg. at 56197; see also 28 C.F.R. § 35.130(b)(7).

Allergies or fear of animals are not valid reasons for denying access or refusing service to an individual using a service animal. When a person who is allergic to an animal's dander and a person who uses a service animal must spend time in the same room or facility (e.g., classroom, office, etc.) they both should be accommodated by assigning them, if possible, to different locations within the room, or different offices within the facility.

If a service/assistance animal is excluded under one of these exceptions, TBCC 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.

**Approved: 10/23**