



Administrative Procedure

Procedure Type:	Risk Management
Procedure Title:	Service Animals Procedure
Office Responsible:	Environmental Health & Safety/Risk Management
Related Policy:	Service Animals Safety in Laboratories Guidance for Students, Faculty & Staff
Related Laws:	Americans with Disabilities Act of 1990 as amended in 2010; Section 504 of the Rehabilitation Act of 1973 as applicable; U.S. Department of Justice, Civil Rights Division's 2015 "Frequently Asked Questions about Service Animals"; Michigan PA 144 of 2015; Michigan PA 75 of 2022

Purpose:

Oakland Community College recognizes the importance of Service Animals to individuals with disabilities and has established the following guidelines for Service Animals to assist people with disabilities. These guidelines adhere to the Americans with Disabilities Act ("ADA") of 1990 as amended in 2010, Section 504 of the Rehabilitation Act of 1973 as applicable, the U.S. Department of Justice, Civil Rights Division's 2015 "Frequently Asked Questions about Service Animals", Michigan PA 144 of 2015, and Michigan PA 75 of 2022. These guidelines ensure that people with disabilities who require the use of Service Animals receive the benefit of the work or tasks performed by such animals.

Scope:

OCC is committed to allowing people with disabilities the use of a Service Animal or Service Animal in Training on campus to facilitate their full-participation and equal access to the College's programs and activities. Below are specific requirements and guidelines concerning the appropriate use of and protocols associated with Service Animals or Service Animals in Training. OCC reserves the right to amend these guidelines as circumstances require.

Definitions:

- **Service Animal** - Any dog that is 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. The work or tasks performed by a Service Animal must be directly related to the individual's disability. 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. Companion, comfort, emotional support, therapy animals or pets are not Service Animals under the ADA's definition as they have not been individually trained to perform disability mitigating tasks. Examples of a Service Animal include but are not limited to the following:

1. Guide Dog – A carefully trained dog that serves as a travel tool by persons with visual impairment or are blind.
 2. Autism Service Dog – A dog trained to assist a person with autism. The animal alerts the handler to distracting, repetitive movements and may provide support similar to that provided by a dog for a person who has visual impairment, hearing loss or hard of hearing.
 3. Seizure Response Dog – A dog trained to assist a person with a seizure disorder. The dog may stand guard over the person during a seizure or may go for help. Some of these types of dogs have learned to predict a seizure and warn their handler in advance.
- Service Animals in Training - Under ADA, a Service Animal in Training is not considered a Service Animal, but may be allowed on campus for safety reviews in OCC laboratories and for training purposes as a service to the community. Although the federal ADA does not apply to service animals in training, Michigan requires service animals in training to be admitted into places of public accommodation, provided they are not disruptive.
 - Animal Raiser or Trainer - An individual who raises and socializes a Service Animal in Training with the intent that the animal will become a Service Animal.
 - Disruptive Service Animal or Service Animal in Training - A disruptive Service Animal or Service Animal in Training is one out of control, and the handler does not take effective action to control it, or one that is not housebroken.
 - Miniature Horse – Although not included in the definition of Service Animal, ADA regulations and Michigan law also identify miniature horses as Service Animals provided that they have been individually trained to do work or perform tasks for individuals with disabilities. Miniature horses generally range in height from 24 to 34 inches measured to the shoulders and weigh between 70 and 100 pounds.

Permissible Questions:

When it is not obvious that an animal is a Service Animal, per ADA rules only two questions may be asked to determine if the animal is a Service Animal. They are:

- Is the animal a Service Animal required because of a disability?
- What work or task has the animal been trained to perform?

If the animal is not a Service Animal or Service Animal in Training, or has not been trained to perform work or tasks, then it will fall under the **OCC Pets on Campus Procedure**.

Procedures:

- Staff may not request that the Service Animal or Service Animal in Training demonstrate the task, ask about the nature of the disability, or compel the handler to register the Service Animal or Service Animal in Training or provide other documentation, although **voluntary** registration of the Service Animal with Public Safety is permissible. For educational laboratories where there are legitimate safety concerns, the College requires the student to seek advance permission from ACCESS to seek review and to provide for appropriate safety arrangements. Students showing up to laboratory classes with a Service Animal or Service Animal in Training who have *not* contacted ACCESS are not allowed to participate in lab

activities until they do.

- Service Animals and Service Animals in Training have few restrictions on where they can go. Thus, they are allowed to be in classrooms, hallways, restrooms, cafeterias, offices, etc.
- The handler of the Service Animal, or the Animal Raiser or Trainer of Service Animals in Training, is responsible for caring for and supervising the Service Animal or Service Animal in Training, which includes toileting, feeding, grooming, and veterinary care.
- Service Animals and Service Animals in Training are subject to local municipal dog licensing and registration requirements.
- The Service Animal or Service Animal in Training must be harnessed, leashed, or tethered while in public places unless the devices interfere with the Service Animal's work or the person's disability prevents use of these devices.
- The ADA does not restrict the type of dog breeds that can be a Service Animal or Service Animal in Training. Municipalities that prohibit specific breeds of dogs must make an exception for a prohibited breed, unless it is determined on a case-by-case basis that the dog poses a direct threat to the health or safety of others.
- In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse or other Service Animal, or Service Animal in Training, into a specific College facility, the College will consider the type, size, and weight of the Service Animal or Service Animal in Training, whether Service Animal or Service Animal in Training is housebroken, whether the handler has sufficient control of the Service Animal, whether the Animal Raiser or Trainer has sufficient control of the Service Animal in Training, and whether the Service Animal's or Service Animal in Training's presence in a specific facility compromises legitimate safety requirements necessary for the safe operation of the facility.
- If a particular Service Animal or Service Animal in Training behaves in a way that poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services, has a history of such behavior, or is not under the control of the handler or Animal Raiser or Trainer, as applicable, that animal may be excluded. If there is a disruptive Service Animal or Service Animal in Training, OCC personnel may request the animal be removed from the premises. It would be appropriate to contact the Public Safety Department for this service. The handler of a disruptive Service Animal, or the Animal Raiser or Trainer of a disruptive Service Animal in Training, is not restricted from access to OCC facilities and services once the disruptive animal is removed from the premises.
- A Service Animal or Service Animal in Training is not required to wear a vest, patch, or special harness identifying them as such.
- The ADA does not require covered entities to modify policies, practices, or procedures if it would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting Service Animals would fundamentally alter the nature of a service or program, Service Animals or Service Animals in Training may be prohibited. In addition, if a particular Service Animal or Service Animal in Training is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.
- When encountering a Service Animal or Service Animal in Training, individuals should not pet these animals as it may distract the animal from its work. Individuals should not feed, deliberately startle, tease, or taunt the Service Animal or Service Animal in Training. In addition, individuals should not separate, or attempt to separate, a person from their Service

Animal or Service Animal in Training.

- If a Service Animal or Service Animal in Training is disruptive, contact Public Safety. If instructors are concerned about the presence of a Service Animal or Service Animal in Training in their class that is not disruptive, they should contact their Dean.
- Allergies or fear of the Service Animal or Service Animal in Training are not justification to exclude the animal from OCC facilities. Persons with animal allergies or other concerns who are negatively affected by the presence of a Service Animal or Service Animal in Training may request an accommodation under the ADA. Students should contact ACCESS and employees Human Resources to review reasonable accommodations and resolve any conflicts.

If an individual believes they have been wrongfully denied access or service because they use a Service Animal or Service Animal in Training, they may report it to Public Safety from any College phone at extension 5555 or outside phone at (248) 858-4911.

Individuals with concerns about potential discrimination may also contact the United States Department of Education, Lyndon Baines Johnson Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-1100. Telephone: (800) 421-3481; Fax: (202) 453-6015; TDD: (800) 877-8339; Email: OCR@ed.gov or the United States Department of Justice, Disability Rights Section by email at ADA.complaint@usdoj.gov or go to the ADA website <http://www.ada.gov>.

Change Log

4/25/2017	Effective date
1/21/2020	First Revision
5/22/2023	Second Revision [Service Animal in Training language added]