

Policies and Procedures

Date: January 8, 2024

Subject: Service Animals, Service Animals In-Training, Assistance Animals and Comfort Animals

1. Purpose	1
2. Policy	1
2.1. Service Animals	1
2.2. Assistance Animals and Comfort Animals.....	2
2.3. Fraudulent Representation of a Service Animal.....	2
2.4. Reasons for Removing Service Animals from College Campuses or Facilities	2
2.5. Complaints.....	2
2.6. Inquiries	2
3. Responsibilities	4
3.1. Faculty and Staff Responsibilities	4
3.2. Animal Custodian’s Responsibilities.....	4
4. Definitions	5
5. References	6
6. Review Periodicity and Responsibility	6
7. Effective Date and Approval	6
8. Review and Revision History	6

1. Purpose

This document establishes the policies governing the presence of service animals, service animals in-training, assistance animals and comfort animals on Tidewater Community College campuses and facilities, and applies to faculty, staff, students and the public who utilize any college-owned or leased facility. This document is written in accordance with ADA guidelines pertaining to the use of such animals (https://www.ada.gov/service_animals_2010.htm) and *Code of Virginia*, § 51.5.

2. Policy

Tidewater Community College (the College) is committed to complying with the [Americans with Disabilities Act of 1990](#) (ADA) as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) and Section 504 of the [Rehabilitation Act of 1973](#) as amended. The College will also comply with the *Code of Virginia*, § 51.5. Rights

of Persons with Disabilities (<http://law.lis.virginia.gov/vacode/title51.5/chapter9>) and all state laws pertaining to individuals with disabilities.

2.1. Service Animals

1. The College uses the ADA-approved definition of a service animal as “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.”
2. The College also recognizes as service animals in-training as those animals that are being trained by experienced trainers who may or may not be disabled or part of a three-unit dog team and is conducting continuing training of a service dog.
3. In addition to the provisions about service dogs, revised ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) These service animals shall be permitted in the College’s facilities where it is reasonable to do so and where they can be accommodated within those facilities.
4. Service animals are allowed in all public spaces including waiting areas, administrative offices, cafeterias, libraries, bookstores, walkways, streets, open outdoor spaces, theaters, etc., without seeking permission from any College official. Employees, students and invitees may also bring service animals into classrooms, laboratories, kitchens and non-sterile environments.
5. Service animals in training are allowed in places where the general public is invited, subject to the provisions of Va. Code § 51.5-44(E). Service animals in training are not allowed in classrooms or other places not open to the general public.

2.2. Assistance Animals and Comfort Animals

1. Assistance animals and comfort animals of any species, which may provide emotional support to a person but are not trained to perform work or tasks related to a person’s disability, are not permitted inside College buildings and facilities except for purposes of an animal’s participation in instructional programs or where permission is granted as a reasonable accommodation under the ADA by the Office of Educational Accessibility (students) or Office of Human Resources (employees). Under ADA, comfort animals are not service animals. College officials will consider the request to bring an assistance or comfort animal inside College buildings like any other request for a reasonable accommodation. Those requesting to bring assistance or

comfort animal inside campus buildings and facilities should consult with the College's Office of Educational Accessibility (students) or Office of Human Resources (employees) for more information.

2. Assistance animals and comfort animals that are leashed, tethered or being held under the control of a custodian are permitted in outdoor areas on and around the College's campuses and facilities. Custodians of assistance animals and comfort animals must have control of the animal at all times (i.e., cannot keep animal outside while the custodian is inside) and must abide by all rules required under the laws of Virginia and local ordinances. (See Section 3.2, Animal Custodian's Responsibilities.)

2.3. Fraudulent Representation of a Service Animal

Under [Va. Code § 51.5-44.1](#), any person who knowingly and willfully fits a dog with a harness, collar, vest, or sign, or uses an identification card commonly used by a person with a disability, in order to represent that the dog is a service dog or hearing dog to fraudulently gain public access for such dog pursuant to provisions in Section [51.5-44](#) is guilty of a Class 4 misdemeanor.

2.4. Reasons for Removing Service Animals from College Campuses or Facilities

1. The animal is out of control and the custodian does not take effective action to control it. This may include but is not limited to, a service animal presenting disruptive behavior such as barking, walking or running around without the custodian, growling, etc. Custodians will be asked to remove the animal from the classroom or premises until the owner takes measures to correct such behaviors. The College will give the person with a disability the opportunity to participate in the service, program or activity without having the animal on the premises.
2. The animal is not housebroken.
3. The dog poses a direct threat to the health and safety of others. This may include, but is not exclusive to, showing unprovoked aggression, or serious illness.

2.5. Complaints

1. Any student who is not satisfied with the decision made concerning a purported service animal, service animal in-training, assistance animal, or comfort animal may file a written complaint using the College's Student Grievance Procedure.

2. Any employee with a disability who is not satisfied with a decision made concerning a purported service animal, service animal in-training, or comfort animal may file a complaint using the College's employee grievance or dispute resolution procedures.

2.6. Inquiries

For general inquiries about this policy, contact the Office of Educational Accessibility (students) or the Office of Human Resources (employees).

3. Responsibilities

3.1. Faculty and Staff Responsibilities

1. General rules:
 - a. Do not pet or feed service animals. They are working and must not be distracted.
 - b. Do not separate or attempt to separate the service animal from his/her custodian.
 - c. Allow service animals in all permissible places at the College pursuant to rules noted in this policy.
2. When in doubt about whether an animal is either a service animal, College employees can only ask the following two questions of the person with custody of the animal:
 - a. Is the service animal required because of a disability?
 - b. What job or task has the animal either been trained to perform or is being trained to perform?
3. With respect to service animals, College faculty and staff cannot request medical documentation, ask about the person's disability, request an identification card, proof of training, or ask the person to make the animal perform the activity for which it either trained or is in the process of being trained to perform. If, after asking the two permissible questions, the employee still has concerns about the animal in question, they should contact the Office of Educational Accessibility (students) or the Office of Human Resources (employees).
4. College faculty and staff may not consider allergies or fear from others as a reason to deny access or provide a service to a person accompanied by a service animal. When a person who is allergic to animal dander and a custodian with a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

3.2. Animal Custodian's Responsibilities

1. Custodians are encouraged, but not required, to register their service animal or service animal in-training with the College's Office of

- Educational Accessibility (students) or Office of Human Resources (employees).
2. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the animal's work or the individual's disability prevents using these devices. In that case, the custodian must maintain control of the animal through voice, signal, or other effective controls.
 3. Service animals in training must be at least six months old, and is (i) in harness, provided such person is an experienced trainer of guide dogs or is conducting continuing training of a guide dog; (ii) on a blaze orange leash, provided such person is an experienced trainer of hearing dogs or is conducting continuing training of a hearing dog; (iii) in a harness, backpack, or vest identifying the dog as a trained service dog, provided such person is an experienced trainer of service dogs or is conducting continuing training of a service dog; (iv) wearing a jacket identifying the recognized guide, hearing, or service dog organization, provided such person is an experienced trainer of the organization identified on the jacket; or (v) the person is part of a three-unit service dog team and is conducting continuing training of a service dog.
 4. Custodians must make sure that all requirements for the presence of a service animal or service animals in-training are met. Current vaccinations (to include rabies, distemper and parvovirus) and identity tags must comply with Virginia requirements and county specific requirements. Dogs must wear a vaccination tag.
 5. Custodians accompanied by service animals must follow local ordinances regarding animal feces. If a custodian with a disability cannot pick up the animal's feces, he/she must make arrangements for cleaning up after the animal.
 6. All custodians are responsible for their animal's behavior. If the accompanying animal exhibits unacceptable behavior, including but not limited to aggression when not being provoked, the custodian is expected to employ proper training techniques to correct such behavior.
 7. Custodians will be responsible for any damage to College facilities. This does not include normal wear and tear. Service animals may be asked to wear protective shoes to prevent slippage or damage to floors.

4. Definitions

Emotional Response animal – An Emotional Response animal is an animal that has been trained to assist a person during a panic attack or onset of anxiety. Services provided by this trained animal may be to stand guard, go around corners to alert of possible danger ahead, to paw at the leg to either warn of an oncoming panic attack or avoid the onset by calming the person, or to lay across the lap or the body of a person in order to provide compression to relieve or avoid the onset of an anxiety or panic attack.

Guide animal – A Guide animal is a carefully trained animal that serves as a travel companion for persons with severe visual impairments or who are blind.

Hearing animal – A Hearing animal is an animal that has been trained to alert a person with significant hearing loss or who is deaf when a sound alarm occurs.

Seizure Response animal – A Seizure Response animal is an animal that has been trained to assist a person when a seizure occurs. Services provided by this trained animal depend on the person’s needs. Animals may stand guard during a seizure, may go for help, or even predict a seizure and warn the person before it occurs.

Signal dog – A Signal dog is one trained to assist a person with autism. The dog alerts the partner to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g., hand flapping). A person with autism may have problems with sensory input and need the same support services from a dog that a dog might give to a person who is blind or deaf.

Support animal – A Support animal is an animal that has been trained to assist a person with a mobility or health impairment. The common tasks a support animal performs include carrying, opening doors, activating elevator buttons, helping a person up after a fall, etc.

5. References

[Americans with Disabilities Act of 1990](#) (ADA) as amended by the ADA Amendments Act of 2008 (ADA Amendments Act)

Section 504 of the [Rehabilitation Act of 1973](#) as amended

Code of Virginia, § 51.5. Rights of Persons with Disabilities
(<http://law.lis.virginia.gov/vacode/title51.5/chapter9>)

6. Review Periodicity and Responsibility

The Associate Vice President for Human Resources shall review this policy annually and, if necessary, recommend revisions.

7. Effective Date and Approval

This policy is effective upon its approval by the College President on January 8, 2024.

Policy Approved:

Procedure Developed:

Marcia Conston, Ph.D.
President

Sarah E. (Beth) Lunde
Associate Vice President for Human
Resources

8. Review and Revision History

This is the first version of this policy.