# Service and Comfort Animal Policy

Service Animals: Victoria College (“College”) and the Disability Services Office (“DSO”) staff are committed to complying with the American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 related to the use of service animals by students with disabilities.

## Definitions:

Service Animal: A service animal is an animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, intellectual, or other mental disability. The work or task performed must be directly related to the individual’s disability. Examples of such tasks include, but are not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting hearing impaired individuals to potential dangers, or pulling a wheelchair and picking up dropped items. Species of animals permitted to act as service animals are those defined by state and federal law, and other animals, whether wild or domestic, trained or untrained, are not service animals.

Therapy/Emotional Support Animal: A therapy/emotional support animal is an animal designated by a mental provider to play a part in the treatment process of an individual with a disability. However, a therapy/emotional support animal does not assist an individual with a disability in the activities of daily living, nor does it accompany a person with a disability at all times. Therefore, an animal that has crime deterrent effects by its mere presence, and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks, thus, the animal does not qualify as a service animal.

## Access:

Subject to certain restrictions set forth in the section titled “Restrictions and Exclusions of Service Animals,” a service animal will be allowed to accompany a student with disabilities into any areas of the College to which a student without disabilities or other members of the public or invitees would ordinarily have access, including, but not limited to, public dining facilities.

## Registration and Documentation:

When requesting accommodations involving the use of a service animal, students with disabilities are not required to register service animals or provide any type of documentation such as proof of disability for the student, or proof of training, licensure or certification for the service animal. Students are required, however, to prove their service animal has been vaccinated in accordance with local, municipal, and county law.

Upon receipt of a request for accommodation involving the use of a service animal, DSO staff may not ask questions regarding the nature or extent of the student's disability. If it is not readily apparent that an animal is trained to do work or perform tasks for a student with a disability, DSO staff may only ask 1) "Is the animal required because of a disability?" and 2) "What work or task has the animal been trained to perform?"

## Conflicting Disabilities:

Students with disabilities utilizing service animals will not be denied access where other students or employees of the College have medical conditions that are affected by animals including, but not limited to, respiratory diseases, asthma or severe allergies. Other students or employees of the College with medical condition(s) that are affected by animals should contact the Disability Services Office (students) or the Human Resources Department (employees) if they have a concern about exposure to a service animal. The employee or student asserting the medical condition affected by a service animal will be accommodated as necessary and as provided by law.

## Service Animal Management:

Victoria College is not responsible for the care and supervision of a service animal. Service animals shall be under the control of its student handler/handler at all times through the use of a harness, leash or other tether. In those cases where the student handler is unable, due to disability, to use a harness, leash or other tether, or where the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, the service animal must otherwise be under the student handler's control through such means as voice control or signals.

The student handler/handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, grooming and veterinary care. In cases where the student handler is physically unable to tend to the toileting cleanup needs of the service animal while on campus, the student handler may designate an assistant for the task.

## Restrictions and Exclusion of Service Animals:

Service animals can be excluded from campus if the animal is out of control and the animal's handler does not take effective action to control it, or if the animal is not housebroken.

An animal is “out of control” when it is not under the control of its student handler either through the use of a harness, leash, other tether, or through such means as voice control or signals. An animal that barks or whines repeatedly and inappropriately without being provoked, or otherwise poses a direct threat to the health and safety of others may also be defined as “out of control.”

Any request to restrict a service animal must be received by the DSO. The Director, Vice President or Dean of the DSO shall make a determination whether or not to remove or restrict the service animal.

The use of a service animal may be restricted in certain College locations where it can be established that the presence of the service animal fundamentally alters the nature of the service, program or activity offered.

In cases where a service animal is properly restricted or excluded from campus under this section, the student with a disability shall be given an opportunity to participate in any service, program or activity of Victoria College without having the service animal on campus.

## Treatment of Service Animals by the College Community:

Employees and students of the College community will abide by the following practices with regard to service animals: 1) service animals are allowed to accompany a student with a disability/handler at all times and in all places on campus to which a student without disability or other members of the public or invitees would ordinarily have access, except as provided by the section titled “Restrictions and Exclusions of Service Animals”; 2) touching or petting of a service animal is prohibited unless invited to do so by the disabled student/handler; 3) feeding of a service animal is prohibited except by the disabled student/handler; 4) a service animal should not be deliberately startled; 5) no action should be taken to separate a disabled student/handler from his or her service animal, except under emergency situations where it may become necessary.

## Exceptions for Emotional Support Animals:

The College may exercise its discretion in determining whether a student may be allowed the use of an animal whose sole function is to provide comfort or emotional support as an accommodation under certain circumstances. A student with a disability must be able to establish a medical need as documented by a mental health provider for an emotional support animal through documentation from his or her mental health provider. A student may be allowed to use an emotional support animal on campus. If a student with a disability is allowed the use of an emotional support animal, policy regarding the management and exclusion of service animals set forth herein will be applicable.

**The President of Victoria College may make exceptions to these rules on a case-by-case basis.**

## Additional Standards for Approved Service Animals

All approved service animals must comply with applicable state, county laws, and city ordinances for their treatment and care:

A. The College requests that a Certificate of Health, signed by a veterinarian, certifying the animal is healthy and free from any signs of infectious or contagious diseases, parasites, etc. be on file with the College’s Student Services Office.

B. All required immunizations must be up-to-date and a copy of those immunizations on file according to applicable state, county, and city laws, such as the City of Victoria, Texas, Code of Ordinances.

C. Animals which constitute a threat or nuisance to staff, students, or property, as determined by a campus Vice President or designee, must be removed.

D. If City of Victoria Police or Campus Safety personnel determines that an animal poses an immediate threat, animal control may be summoned to remove the animal.

E. If the behavior of an animal can be addressed by the owner and the owner can change the behavior of an animal so that it does not have to be removed, then a written action plan must be submitted by the owner.

i. The action plan must outline the action to take place to alleviate the problems and also must give a deadline as to length of time the plan will take to complete. Any action plan must meet the approval of the Dean of Student Services or designee. Any animal owner found not adhering to the removal directive will be subject to disciplinary action, which could include expulsion from classes and/or from the campus.

F. An animal must not be involved in an incident where a person experiences either the threat of, or an actual injury, as a result of the animal's behavior. The animal owner/handler will take all reasonable precautions to protect College staff and residents, as well as College property.

G. Animal waste must be taken care of and any animal handler or owner must comply with local ordinances and rules regarding defecation on public property.

i. Animal feces must be disposed of properly. It is the owner's responsibility to remove feces from College grounds, dispose of it in a plastic bag, and then place that bag in the garbage dumpsters outside. Cleanup must occur immediately. Animal feces may not be disposed of in any trash receptacle or through the sewer system inside any building on campus.