

BROOKDALE COMMUNITY COLLEGE COLLEGE REGULATION

6.1006R Service Animals and the Americans With Disabilities Act Regulation

I. Title of Regulation

Service Animals and the Americans with Disabilities Act Regulation

II. Objective of Regulation

This Regulation establishes the guidelines pertaining to service animals on campus that assist individuals with disabilities while attending class(es), programs, activities or otherwise accessing College facilities. This Regulation applies to students, employees and third parties/visitors and “service animals” that are individually trained to do work or perform tasks for people with disabilities. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act (ADA).

III. Authority

Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 et. seq.; Section 504 of the Rehabilitation Act of 1973; and [ADA 2010 Revised Requirements](#), US Department of Justice, Civil Rights Division.

IV. Regulation Statement

Scope

This Regulation applies to all individuals with disabilities who use service animals to access College programs, services, activities, or facilities. It applies to all College properties and in locations where official, college-sanctioned activities are taking place.

Service Animal Registration

To register a service animal to be allowed on campus:

- Students are to contact the Accessibility Services Office at (732) 224 – 2729
- Employees are to contact the Human Resources Office at (732) 224 – 2234
- Individuals interested in hosting an event (such as a fundraiser for a local shelter or dog-walk-a-thon) are to contact the Director of Operations at (732) 224 –2974 who will coordinate the request with Risk Management and Chief Finance Officer.

Emotional support animals are not allowed on campus subject to limited exceptions such as dog therapy during student anti-stress week, animals used in educational

training/learning programs, a special event approved by the College President (e.g., pets allowed at outdoor Graduation ceremony), and individuals visiting, walking, jogging, attending outdoor sporting events or otherwise accessing the campus property, not buildings, with their well-behaved, non-vicious leashed family pet. Such individuals shall comply with all College Policies and Regulations, including this Regulation and 7.1000 Community Use of College Facilities Policy.

User/Handler Responsibilities

While access rights are legally afforded to users of service animals, that access is accompanied by the responsibility of ensuring that animals act and respond appropriately at all times while in public and that users/handlers adhere to the same socially accepted standards of behavior as other members of the College community. Users/handlers are responsible for ensuring the safety of their service animals.

Control Requirements:

- The service animal must be house broken.
- A service animal shall be under the control of its handler at all times. A service animal shall have a harness, leash, or other tether, at all times. Note: Exceptions to this guideline are instances where the handler's disability interferes with the use of a harness, leash, or other tether; or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. When a leash or tether is not in use, the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- The user/handler is responsible for cleaning up after its animal's waste and should always carry sufficient and appropriate equipment to clean up after the animal. Waste must be properly disposed of. Persons with disabilities who physically cannot clean up after their own service animal will not be required to do so; however these individuals should take their animal to an agreed upon designated area for relief. If an animal relieves itself in non-designated areas, (as referenced below) these individuals may ask a person nearby for assistance.

Financial Responsibility

A person who has a service animal on campus is financially responsible for property damage caused by his or her service animal including but not limited to cost of repairs, replacement or cleaning of facilities or furnishings, and any bodily injury or personal injury caused to other persons by the service animal.

Licensing

The animal accompanying a student, employee or other campus visitor must meet the licensing requirements of the user/handler's resident town and wear tags indicating this licensing.

Health/Vaccinations

- Dogs must wear a rabies vaccination tag as required by applicable state law/city code.
- Service animals coming onto campus on a regular basis (e.g., excluding occasional visitors or guests) must be vaccinated against diseases common to that type of animal in accordance with state and local laws, rules and regulations. All vaccinations must be current.
- Animals should have an annual clean bill of health from a licensed veterinarian.

Students

Students are required to contact Accessibility Services to have a service animal accompany them in academic classes, activities, or services on campus.

Employees

Employee questions on service animals or requests for an accommodation to have a service animal at work, shall be coordinated through the Human Resources office.

Visitors

Service animals accompanying individuals with disabilities are welcome in all areas of campus that are open to the public (except in situations determined to apply below).

Reasons for Exclusion of a Service Animal

Valid Reasons

There are only two instances where a service animal can be denied access to College premises:

1. if the animal is out of control and the handler does not take action to control the animal, or
2. the animal is not housebroken.

If a service animal is determined to be out of control (e.g., displaying vicious behavior towards people; excessive barking, running around, nipping) or is not housebroken, the owner may be subject to action within the College's disciplinary process. The infraction will be reviewed on an individual basis through the Student Conduct Office or Human

Resources Department. The parties above may consult, as needed, with the appropriate College officials.

When one of these reasons occur and the animal is made to leave the College, accommodations will be made for the individual to still receive help/goods/services without the aid of their service animal.

Invalid Reasons

- Allergies of others in the area
- Fear of animals of others in the area
- The establishment sells/prepares food and local health codes prohibit animals on the premises

Conflicting Disabilities

Allergic reactions to animals are common. Persons who have asthma, allergies, or other medical conditions affected by the presence of animals are asked to contact the Accessibility Services Office. The person impacted by the presence of the animal must provide verifiable medical documentation to support their claim. The needs of both persons will be considered in resolving the issue.

If an allergy/animal conflict cannot be resolved agreeably, then the Executive Director of Student Services, VP, Student Affairs or AVP, Human Resources will determine a solution.

Other Illegal Practices

- The College may not isolate the handler and their service animal because of the service animal.
- The College may not charge fees to the handler.
- The College may not treat the handler any less favorably than other individuals because of the service animal.

Emergency Situations

In the event of an emergency, on campus personnel designated to respond are expected to recognize service animals and their role in communicating their partners' need for assistance. The handler and/or animal may be confused or disoriented in a stressful situation due to smoke, sirens, wind noise or by shaking and moving ground. Response personnel should be aware that animals may be protective in their confusion and should not be considered harmful. The responders should make every effort to keep the animal with its partner. The handler should make every effort to control

the animal during an emergency situation and be prepared to muzzle or restrain the animal as needed.

Restricted Areas

The College may restrict the use of service animals in certain locations. Service animals may be restricted when their presence would fundamentally alter the nature of the service, program or activity; or where the animal poses a direct threat to the health or safety of others. The safety of locations will be considered on an individual basis by the Accessibility Services Office in consultation with the laboratory director, professor, and the College's Risk Management team. If a location is determined to be unsafe, reasonable accommodations will be provided to ensure the individual equal access to the activity.

Complaints, Grievances, and Appeals

Any claims of discrimination on the basis of a disability or failure to provide reasonable accommodations regarding the use of a service animal on campus may be brought by a student pursuant to the College's Grievance Procedures to the VP, Student Affairs or by faculty, staff or a visitor to the AVP, HR. Prior to filing a formal grievance, a complaint may be considered for informal resolution.

Policy/Regulation Exceptions

Individuals wishing to request a modification or exception to the Policy or this Regulation as a reasonable accommodation should make their request to:

- Students: Accessibility Services Office; Chief Academic Officer; Dean of Continuing and Professional Studies; or VP, Student Affairs.
- Employees: AVP, HR.
- Individuals hosting events: Director of Operations, Risk Management or Chief Finance Officer.

Public Etiquette Concerning Service Animals on Campus

A service animal is not a pet; it is as necessary as a wheelchair to someone with a mobility impairment or a guide cane to someone with a visual impairment. Additionally, alerting a patient of low blood sugar, or preventing someone with post-traumatic stress disorder or autism from performing a destructive behavior, are examples of life-saving tasks service dogs perform.

In most cases, trained service dogs are required to be tethered, leashed or harnessed while in public. Although the ADA does not require it, service dogs often wear vests or patches that state “DO NOT PET”.

To be a lifeline to a disabled person, a service dog needs to focus on his/her job. Trainers are adamant that people need to respect boundaries which can be accomplished by treating the service dog team with respect and not distracting nor petting the service dog.

While service dogs help people with disabilities to stay healthy, survive and even thrive, in order for the relationship to work, the service dog has to stay focused. Proper service dog etiquette boils down to respecting these boundaries:

- Speak to the person first. Do not distract the service animal without permission.
- Do not touch the service animal without permission.
- Do not offer food or treats to the service animal without permission.
- Do not ask personal questions about the handler’s disability

Questions for a Handler of a Service Animal

In order to protect both their privacy and dignity, the ADA restricts what staff and/or the institution can ask of an individual who wishes to access an area with a service animal.

Employees may ask only two questions (These are the only two questions that may legally be asked; other questions infringe on the individual’s right to privacy):

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

What should you NOT ask a handler?

- Don’t ask about the person’s disability.

Don’t ask that the animal demonstrate its ability to perform its work and/or task.

For additional information, please see: <https://adata.org/guide/service-animals-and-emotional-support-animals> which information may be amended from time-to-time, or contact your regional ADA center at 1-800-949-4232.

V. Responsibility for Implementation

VP, Student Affairs

AVP, Human Resources

Approved: President, 10/26/2021

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