Policy No. 4-11
Subject: Animals on Campus

Last Revised: 06/30/2023
Historical Status:

Division	Policy Manager	Administrative Supervisor	Reference
Finance and Campus Operations	Campus Police Chief	Vice President of Financial and Administrative Services	

HISTORICAL STATUS:

I. POLICY

It is the policy of Virginia Highlands Community College (VHCC) to promote public safety and to protect the College from liability in animal control incidents. Service animals are permitted on College property, for persons with disabilities, in accordance with relevant state and federal law and the requirements of this policy.

II. PERTINENT INFORMATION

A. Service animals are allowed to accompany their handlers at all times and everywhere on College property, except where specifically prohibited due to health, environmental, or safety hazards. Service animals may also be prohibited when their presence fundamentally alters the nature of a program or activity. Service animals in-training, that meet the requirements of Virginia Law, are permitted on College property on the same basis as working service animals.

B. Emotional support animals (ESA) and pets that meet the requirements of Virginia law and local ordinances are permitted in outdoor areas of campus only and cannot be left in vehicles. ESAs and pets are not permitted inside VHCC's buildings and facilities.

C. Service animals have the same rights of access anywhere on campus, in accordance with their handler's rights to access, with limited exceptions based on health and safety issues, such as certain laboratories, certain medical facilities and food preparation areas. Service animals are considered an extension of their handler and should be with that person and leashed or harnessed at all times, unless there is a disability related reason why a leash, harness, or tether is not possible.

III. DEFINITIONS

A. Disability: any physical or mental impairment that substantially limits one or more major life activities, having a record of such impairment, or being regarded as having such impairment.
B. Handler: the individual who utilizes a service animal to perform work or tasks pertaining to that individual's disability.
C. Trainer: the individual designated to accompany and train a service animal-in-training.
D. Custodian: the individual who utilizes an emotion support animal.
E. Service Animal: working animals and are restricted to dogs (or miniature horses in some situations) that are specifically trained to engage in work or a task directly related to support their handler's disability. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, assistance during a seizure, or providing physical support and assistance with balance and stability. Any other animal, whether wild or domestic, trained or untrained, are not service animals.
F. Emotional Support Animal (ESA): sometimes referred to as "comfort animal" or "companion animal", is an animal whose sole responsibility is to provide a crime deterrent, a calming influence, affection, stability or security to their custodian. An emotional support animal does not assist a person with a disability with activities of daily living and do not perform tasks that would qualify them as a service animal, nor does it accompany a person with a disability at all times, but may be considered an accommodation in alleviating symptoms of an individual's disability. An animal whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disability Act (ADA).

IV. GENERAL GUIDELINES

A. Do not touch or pet a service animal. They are working and must not be distracted.
B. Do not feed a service animal.
C. Do not deliberately startle a service animal.
D. Do not separate or attempt to separate the service dog from its handler.
E. Do not inquire for details about a person's disability or ask a person with a qualifying disability to demonstrate the work or task performed by their service animal.
F. Allow service animals in all permissible places at VHCC pursuant to the operating requirements below.

V. DELEGATION OF AUTHORITY

A. The College President has the authority and delegates to the Vice President of Finance and Administration the responsibility to establish procedures to meet the requirements of this policy.

APPENDIX

VI. RELATED STANDARDS, LEGAL CITATIONS, OR SUPPORTING

DOCUMENTS

A. ADA Requirements: Service Animals | ADA.gov
B. § 51.5-44. Rights of persons with disabilities in public places and places of public accommodation (virginia.gov)
C. Code of Virginia Code - Chapter 65. Comprehensive Animal Care
D. Town of Abingdon, VA Search: (ecode360.com) § 10-29 Dogs.

VII. OPERATING REQUIREMENTS

A. Responsibilities of the handler or owner
   1. When animals are permitted, the animal must be under the direct control of the handler or owner at all times by wearing a harness, leash, tether or backpack identifying the dog is a service animal or a service animal-in-training. If the handler is unable to harness the animal because of the disability or if it would interfere with the animal's ability to safely and effectively perform its duties, the animal must still be under the handler's control through voice controls, signals or other effective means.
   2. The handler must ensure the animal does not display any behaviors or noises that are unduly disruptive to others in classrooms or on campus.
   3. The animal may not fundamentally alter the nature of the College's operation or pose an undue financial or administrative burden to the College.
   4. The animal must be house broken and the handler must immediately remove and properly dispose of any animal waste.
   5. Animals must be in compliance with local licensing laws, have up-to-date vaccinations and have a record from a veterinarian of a clean bill of health.
   6. Student handlers are encouraged, but not required to register their service animal with the Office of Disability Services.
   7. Student handlers are encouraged, but not required to discuss with their instructor(s) the use of their service animal within the classroom.
   8. The handler must be in full control of the animal at all times.
   9. The owner/handler, not the College, is responsible for the actions of their animal, including bodily injury or property damage or cleaning costs that exceed regular campus maintenance. Any damage caused by the animal that necessitates the replacement or repair of damaged furniture (beyond the regular wear and tear), carpet or extra cleaning due to poor animal hygiene will be charged to the owner/handler.
   10. Any animal permitted on campus must be licensed and/or vaccinated as required by state or local laws.
B. Faculty and staff responsibilities
   1. VHCC employees may only ask the following two questions of the person with custody of the animal:
      a. Is the dog a service animal required because of a disability?
      b. What work or task has the dog been trained to perform?
   2. VHCC employees may not ask about the person's disability, require medical documentation, require a special identification card for the dog, or ask the dog to demonstrate its ability to perform the work or task.
   3. If a VHCC employee has any concerns about the animal, the employee should

contact the Office of Disability Services.

C. Service Animals-in-training
   1. Service animals in training are permitted in public areas on College property on the same basis as working service animals, provided the following conditions, as noted under Virginia law, are met (VA Code Section 51.5-44)
      a. The dog is at least six months of age.
      b. The dog is on a leash and in a harness, backpack or vest identifying the dog as a Service Animal-in-training, and the dog is accompanied by an experienced trainer.
      c. The trainer must be wearing a jacket identifying the specific Service Animals organization they represent, and be part of a three-unit Service Animal team, comprised of the trainer, the handler and the Service Animal-in-training for on-going training in public areas.
      d. Service Animals-in-training, their trainer(s) and handler are expected to follow the same guidelines as outlined in Section VII.

D. ESAs and Pets
   1. ESAs and pets that are leashed, tethered, or being held under the control of a custodian/owner are permitted in outdoor areas of VHCC's campus only.
   2. ESAs and pets are not permitted inside of VHCC's buildings and facilities. Custodians of emotional support animals and pet owners must abide by all rules required under Virginia law and local ordinances.
   3. No animal may be left unattended on campus or alone in a vehicle. Custodians and pet owners are subject to stipulations as outlined in VII.E. REMOVAL OF AN ANIMAL.

E. Removal of an Animal
   1. A College official may require a handler/trainer/custodian/owner to remove an animal from the College premises for the following reasons:
      a. Behavior. If an animal presents disruptive behavior or is out of control such as barking, jumping, running around, showing unprovoked aggression or bringing attention to itself, and the animal's handler does not take effective action to control it, the handler/trainer/custodian/owner may be asked to remove the animal from the classroom or premises.
      b. Threat. If the animal poses a substantial and direct threat to the health and safety of others and the threat cannot be reduced or eliminated by reasonable accommodations. A direct threat to the health and safety of others may be the basis for reasonable time, place, and manner restriction.
      c. Uncleanliness. If the animal is not housebroken, or if the handler/trainer/custodian/owner fails to properly clean up and dispose of the animal's waste.
      d. Animals left unattended. If the animal (Service Animal/ESA/Pet/Animals for Educational Purposes or Special Events) is left alone on VHCC property, or alone in a vehicle, VHCC employees will attempt to notify the handler/trainer/custodian/owner. If unsuccessful, VHCC's Campus Police Department may contact the local animal control authority.
   2. There are no automatically excluded dog breeds of service animals and an inherent fear of a service animal or allergies is not sufficient reason to have it

removed. If a service animal is properly excluded under this policy, VHCC shall give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

F. Conflicting Disabilities
   1. Persons with medical condition(s) that are affected by the presence of a service animal (e.g. respiratory disease, asthma, severe allergies) should contact the Office of Disability Services to discuss their health or safety related concern about exposure to a service animal. The College will engage in an individualized assessment of the situation and consider the needs of all parties in meeting its obligation to provide reasonable accommodations. In an effort to provide swift resolution, the person making such a request will be required to provide sufficient medical documentation that will allow determination to be made as to whether the conflicting condition would warrant the provision of an accommodation.

G. Service Animals in Laboratories and Potentially Hazardous Environments
   1. Every effort will be made to grant access to all areas that are open to any other student, faculty member, or member of the public. Service animals have the same rights of access anywhere on campus, in accordance with their handler's rights to access, with limited exceptions based on health and safety issues, to include certain teaching laboratories, mechanical rooms/custodial closets, areas where protective clothing is necessary, and areas where there is danger to the service animal. Reasonable accommodations and considerations will be made to allow access to these locations.
   2. A student or visitor who wants her or his service animal to be granted admission to an off-limits area should contact the Office of Disability Services. The College will engage in an individualized assessment of the situation and consider the needs of all parties in meeting its obligation to provide access and/or reasonable accommodations.

H. Animals for Educational Purposes or Special Events
   1. Animals who are approved and scheduled to be on campus for educational purposes or special events must be kept in the area designated for that purpose and are not to be taken to other parts of the campus or left in vehicles. Handlers for these animals must abide by all rules required under the laws of Virginia and local ordinances and are subject to stipulations as outlined in VII.E. REMOVAL OF AN ANIMAL.

I. Complaints
   1. Any student who is not satisfied with a decision made concerning a purported service animal or emotional support animal may file a written complaint as outlined in the grievance procedures noted in College policy.
   2. Any employee with a disability who is not satisfied with a decision made concerning a purported service animal or ESA may file a complaint under the College's discrimination complaint procedures.