

POLICY

Ocean County College recognizes the importance of service animals to individuals with disabilities. Service animals are trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. Individuals with disabilities may bring their service animals to all areas of the College where the public is normally permitted.

The accompanying procedures to this policy ensure access for individuals who demonstrate a need for a service animal on campus and are in compliance with the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§12101 et seq., Section 504 of the Rehabilitation Act of 1973.

ADOPTED: March 22, 2018

PROCEDURE

The Board of Trustees of Ocean County College is committed to ensuring access for individuals who demonstrate a need for a service animal and will operate accordingly in compliance with the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§12101 et seq., Section 504 of the Rehabilitation Act of 1973.

Ocean County College students and all visitors with service animals must adhere to the guidelines described below.

Section I - Definitions

A. Service Animal

Per the Americans with Disabilities Act regulations at 28 CFR 35.104, a service animal is any dog or miniature horse 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. 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.

Examples of animals that are not performing work or tasks include, but are not limited to, the crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship. Dogs and miniature horses not trained to perform tasks that mitigate the effects of a disability and any animals used purely for emotional support, comfort, or companionship are not considered service animals and are not allowed on OCC's premises.

B. Service Animal in Training

According to the New Jersey's 215th Legislature, Section 5 of P.L. 1977, c. 456 (C10:5-29.3), a service animal trainer, while engaged in the actual training process and activities of service animals, shall have the same rights and privileges with respect to access to public facilities and the same responsibilities as are applicable to a person with a disability if:

1. The service animal is wearing a collar, leash, or other appropriate apparel or device that identifies the animal as participating in a training program with an accredited program for service animals; and

2. The service animal is being held on a leash and is under the control of the person raising the animal for an accredited training program; and
3. In this person's possession, and available for inspection, are credentials from an accredited program identifying this person as a participant in a service animal training program (P.L.2003, c.180, s.21).

C. Pet

A pet is an animal kept for ordinary use and companionship. A pet is not considered a service animal. Individuals are not permitted to bring pets to campus.

D. Handler

A handler is the individual who is responsible for the service animal.

Section II - Primary College Contacts

- A. A student needing a service animal may contact the Disability Services Department for information or guidance.
- B. An employee may request to have a service animal as a workplace accommodation through the College's Human Resources Department. Staff with medical issues that may be impacted by the presence of service animals should communicate with Human Resources.
- C. A guest may be accompanied by a service animal when participating in programs and accessing services without requesting an accommodation but are welcome to contact the College's Human Resources Department for information or guidance.

Section III - Handler Responsibilities

The responsibilities of the handler are outlined below. Failure to abide by these responsibilities may result in adverse actions, such as charges to the handler's student account or the service animal's removal from the OCC campus.

- A. Behavior: The handler is responsible for assuring that the service animal does not unduly interfere with routine activities of the classroom and extra-curricular activities or cause difficulties for students and/or staff. The handler must be in full control of the service animal at all times.
- B. Disruption: Service animals are not allowed to disrupt others nor are they allowed to threaten or intimidate others.
- C. Liability/Costs: The handler is liable and financially responsible for any and all actions of the service animal, including bodily injury or property damage, and is expected to cover any such costs at the time of injury or repair.
- D. Animal Waste: Service animal waste must be disposed of properly; e.g., in a sealed bag placed in a garbage receptacle.

- E. Health and Safety of the Service Animal: The handler is responsible for the proper care for the service animal. Service animals are not exempt from local animal control or public health requirements. It is the responsibility of the handler to ensure that the service animal is current on all health records and vaccinations and licensed with the individual's permanent resident municipality. Owners of dogs seven months of age or older are required by New Jersey Statute to annually license their dogs in the municipality where the dogs are housed. In accordance to New Jersey Office of Animal Welfare, N.J. 4:19-15.2 and 4:19-15.2a, the service animal must be wearing a tag displaying its vaccinations are up to date. OCC reserves right to request proof of appropriate dog licensing.

Section IV - Removal of the Service Animal

OCC may restrict, exclude, or remove an approved service animal for any of the following reasons:

- A. The service animal poses a direct threat to the health or safety of others.
- B. The service animal is out of control or not housebroken.
- C. The service animal's presence has resulted or is likely to result in substantial damage to OCC property or the personal property of others.
- D. The service animal's presence results in a fundamental alteration of an OCC program, service, or activity.
- E. The service animal or its presence creates an unmanageable disturbance or interference within the OCC community.
- F. The handler fails to abide by Section III. Handler's Responsibilities.

Restrictions or removals are considered on a case-by-case basis in accordance with applicable laws.

In determining whether a service animal poses a direct threat to the health or safety of others, OCC will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

In those circumstances where a service animal is believed to fundamentally alter a service, program, or activity, OCC has the burden of proving that a fundamental alteration would occur. The person with a disability must be provided with a written statement of the reasons for reaching that conclusion.

In the event restriction or removal of a service animal is determined to be necessary, OCC will take other actions to ensure that the person with a disability will still be offered the opportunity to participate in and benefit from services, programs, and activities without having the service animal present.

Section V - Requirements for Faculty, Staff, and Students

Members of the OCC community are responsible for the following:

- A. Allowing a service animal to accompany the person it is assisting in all areas of campus where members of the public, participants in services, programs, or activities, and invitees, as relevant, are allowed.
- B. Not distracting a service animal in any way by petting, feeding, or interacting with the service animal without the handler's permission.
- C. Not separating a person with a disability from his or her service animal.
- D. Clarifying an animal's status as a service animal only when it is not readily apparent that an animal is a service animal. In such cases, designated staff (i.e., campus security, program managers, or designees) may not ask about the nature or extent of a person's disability but may make two inquiries to establish whether the animal is a service animal:
 - 1. Is the service animal required because of a disability?
 - 2. What work or task has the service animal been trained to perform?

Other questions regarding the status of a service animal should be referred to Disability Services. OCC may take disciplinary action against any individual who fails to abide by these guidelines.

Section VI - Conflicting Disabilities

Individuals with medical issues that may be impacted by the presence of service animals should communicate with the points of contact noted in Section II if they have a concern about exposure to a service animal. The individual will be asked to provide documentation that identifies a disability and the need for an accommodation. The appropriate OCC point of contact will facilitate a process to resolve the conflict that considers the disability-related needs/accommodations of all persons involved.

Section VII - Emergency Contacts

It is recommended that a handler file emergency contact information with the Security Office. In the event an emergency occurs and the handler is separated from the service animal, the individual listed as the emergency contact will be notified and will be responsible for the care and removal of the service animal from campus. Should there be no emergency contact information on file with the Security Office, the Department of Animal Control will be contacted to respond.

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