

1.0 PURPOSE

This administrative process is established for governing the presence of service animals on the BBCB campus while affording individuals with disabilities the use of a service animal equal opportunity to access College facilities, courses, programs, and activities. This process also identifies responsibilities of service animal owners and College personnel.

2.0 SCOPE

This administrative process applies to BBCB students, employees, and visitors.

3.0 DEFINITIONS

3.1 Service animal means any dog or miniature horse that is trained to do work or perform tasks for an individual with a disability, including physical, sensory, psychological, intellectual, or other mental disabilities. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples may include, but are not limited to, assisting individuals who are blind, pulling a wheelchair, assisting an individual during a seizure, or providing assistance with balance and stability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

3.2 Owner means any person having an interest in or right of possession to an animal, or any person having control, custody, or possession of an animal.

3.3 Physical control means control by means of a leash, cage, bridle, or other restraining device held by the owner or keeper. Reasonable modifications of this provision may be made to accommodate a service animal.

3.4 College facilities includes all buildings and facilities in the possession or owned, used, controlled, leased or rented by the College, and agencies that have educational agreements with the College.

3.5 College premises includes all land and other property in the possession of or owned, used, controlled, or leased/rented by the College.

4.0 PROCESS

In compliance with state and federal laws, service animals are permitted on BBCB premises or in facilities to afford individuals with disabilities who require the assistance of service animals, with equal opportunity for access to the college facilities, courses, programs and activities.

4.1 Service Animals Permitted

Generally, owners of service animals are permitted to be accompanied by their service animal to all areas of the College's premises to include facilities and programs where the owner is allowed to go. Such areas include public areas, public

events, classrooms and other areas where College programs or activities are held. Limited exceptions for service animal access exist. For example, when consistent with other College policies, state and/or federal laws/regulations, a service animal may be restricted from specific areas of the College, such as food preparation areas, medically sensitive patient and clinic areas, and biologically sensitive or hazardous research sites. If a service animal is restricted from certain areas, Disability Support Services or Human Resources is available to assist in evaluating reasonable accommodations for the owner.

4.2 Assessing Service Animal Status

College personnel must permit a service animal access to an event or activity with its owner when it is readily apparent that the animal is trained to do work or perform tasks for the service animal owner. Examples include a dog guiding an individual who is blind or has low vision, pulling an individual's wheelchair or providing assistance with stability or balance to an individual with an observable mobility disability.

If the need for the service animal is not apparent, College personnel may only ask service animal owners for the following information:

- Whether the service animal is required because of a disability; and
- What work or task the animal has been trained to perform.

If the owner states that the animal is required because of a disability and the owner states that the animal has been trained to do work or a task for the owner, then the service animal must be admitted in all areas except those that are restricted as explained herein. If there is any doubt that an animal is a service animal, College personnel should admit the animal and then consult with Disability Support Services or Human Resources regarding future access.

Service animal owners must not be asked for medical documentation or the nature of their disability, except as noted herein. Owners may not be asked for a special registration, identification card, license, or that the animal demonstrate its ability to perform work or tasks.

It is a violation of state law for a person to expressly or impliedly represent an animal as a service animal in order to bring the animal to campus when such person knew or should have known the animal did not meet the definition of a service animal.

4.3 College Assistance

Service animal owners are not required to register their service animal with the College. Service animal owners, including students, employees, and guests, who regularly access College facilities are encouraged to contact Disability Support Services or Human Resources who can assist the owner with proactively informing other College personnel, such as faculty, advisors, building coordinators, etc., that the owner and service animal are entitled to access.

4.4 Service Animal Owners' Responsibilities

Service animal owners shall be responsible for damage or injury caused by the service animal. Additional responsibilities include:

- Keeping the service animal under their direct control at all times, such as by a harness, leash or other tether; however, if the use of a harness, leash or other tether interferes with the service animal's safe, effective performance of work or tasks, or if the owner's disability prevents the use of such devices, then the service animal must be under the owner's control through voice control, signals or other effective means;
- Ensuring the service animal does not disturb or disrupt normal academic or administrative functions;
- Immediately cleaning up after the service animal and properly disposing of waste or other debris from the service animal;
- Complying with relevant city, county and/or state license and leash laws while the service animal is on College premises.

4.5 Removal of Service Animals from College Facilities

College personnel may only ask service animal owners to remove their service animal from College premises or from the immediate area for the following reasons:

- If the service animal is not under the owner's direct control;
- If the service animal is disturbing or disrupting the normal administrative, academic or programmatic routine, then the owner must first be given the opportunity to get the animal under control, but if the disruption or disturbance continues, the owner shall remove the animal upon request; or
- If the presence, behavior, or actions of the service animal constitutes an immediate risk of danger to people or property, the owner can be asked to immediately remove the animal and 911 (emergency assistance) may be contracted.

If asked to remove the service animal, the owner must be offered the opportunity to return to College premises or the immediate area without the service animal and be provided with reasonable assistance at that time to participate in the College service or program.

A service animal may only be excluded for an individual event based on its or the owner's behavior at that event. The service animal or its owner cannot be excluded from future events based on a problem at a past event, except as provided in Section 4.7.

Owners with concerns about the removal of their service animal should contact Disability Support Services or Human Resources.

4.6 Service Animals in Training

Service animals in training are not permitted inside college facilities.

4.7 Complaint Process

Anyone who believes this policy has been violated may file a complaint. If it is determined this policy has been violated by an owner of a service animal, depending on the seriousness of the animal's conduct or repeated conduct, service animals may be excluded from College premises temporarily or permanently. This decision will be made following an investigation. If a service animal is excluded, Disability Support Services or Human Resources shall, if requested, assist in evaluating reasonable accommodations for the owner.

Owners who violate this process or disregard an instruction to remove or exclude a service animal from College property may be subject to additional penalties, including banning from College property, assessment of the costs of injury or damage caused by the service animal, or other fines or penalties under applicable city, county, or state rules, regulations or laws. Violations of this policy by an owner who is a College student or employee may be referred for corrective or disciplinary action.

Complaints shall be handled as follows:

- a. Disability Support Services shall investigate complaints of violations of this policy when the owner of a service animal is a student. The Vice President of Human Resources & Labor shall investigate complaints when the owner of the service animal is not a student.
- b. Disability Support Services or VP of Human Resources & Labor will inform the owner that an investigation is taking place. The investigator will provide a report of his/her findings to the VP of Human Resources & Labor. The VP of Human Resources & Labor, or designee, shall determine if a violation has occurred and what corrective actions, charges, or restrictions may be appropriate.
- c. The owners may appeal the corrective actions, charges, or restrictions by filing an appeal with the President of the College or designee. Any appeal must be filed within 5 calendar days of the date the owner is notified of the determination.

Coordinator of Disability Services
Building 1400, First Floor, Room 1472
509.793.2027 or TDD 509.793.2325
dss@bigbend.edu

Kimberly A. Garza, Vice President of Human Resources & Labor/Equal Opportunity Officer/Title IX Coordinator/Section 504 Coordinator
Building 1400, Second Floor, Room 1449
509.793.2010
kimg@bigbend.edu

Dr. Terrence Leas, President
Building 1400, Second Floor, Room 1466
509.793.2001
terryl@bigbend.edu

4.9 Grievance Process/Complaint Reporting

Individuals who wish to make a complaint that a College employee may have violated the College's Discrimination policies, including a failure to permit access to a service animal, may contact:

Kimberly A. Garza, Vice President of Human Resources & Labor/Equal Opportunity Officer/Title IX Coordinator/Section 504 Coordinator
Building 1400, Second Floor, Room 1449
509.793.2010
kimg@bigbend.edu

Individuals who wish to file allegations of discrimination also may contact the following:

United States Department of Education Office for Civil Rights (OCR)
Federal Office Building
915 Second Ave. Room 3310
Seattle, WA 98174-1099
Phone: 1-800-421-3481 (voice)

Washington State Human Rights Commission
Olympia Headquarters
711 S. Capitol Way, Suite 402
Olympia, WA 98504
Phone: 1-800-233-3247 (voice)
TTY: 1-800-300-7525

U.S. Equal Employment Opportunity Commission
Federal Office Building
909 First Ave. Suite 400
Seattle, WA 98104-1061
Phone: 1-800-669-4000
TTY: 1-800-669-6820

Legal References:

Americans with Disabilities Act (ADA) of 1990
Americans with Disabilities Amendments Act
Chapter 49.60 RCW
Section 504 of the Rehabilitation Act of 1973 (P.L.93-11)
45 CFR Part 84