Rock Valley College

Service Animals – Employees and Community

RVC Administrative Procedure (2:20.120)

Overview

Rock Valley College (RVC) is committed to the full inclusion and participation of persons with disabilities in all aspects of College life. These procedures have been established to help define the role and the place of animals relative to employment and College sponsored events for visitors at RVC, in tandem with Board Policy 3.10.270.

RVC, consistent with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, the Illinois Human Rights Act, the Service Animal Access Act, the White Cane Law, and any other applicable laws, understands the importance of allowing service animals on campus when a visitor comes to campus for a College sponsored event or an employee requires the assistance of a Service Animal to perform their work for the College due to a disability.

The Human Resources (HR) office in coordination with RVC ADA Compliance Coordinator facilitates individual accommodations for current or prospective RVC employees and visiting community members with disabilities. Employees who require a Service Animal to perform their work should contact the RVC Benefits Coordinator and follow the RVC Administrative Procedure (2:10.120) to begin the accommodation process. Community members who require a Service Animal to attend campus-sponsored events should contact RVC ADA Compliance Coordinator to begin the accommodation process.

Applicable Laws or Guidance

Americans with Disabilities Act
Section 504 of the Rehabilitation Act
Illinois Human Rights Act
Service Animal Access Act
White Cane Law
Department of Justice Guidance ADA Requirements: Service Animals
Department of Justice Guidance: Service Animals

Definitions

Disability

A. A physical or mental impairment that substantially limits one or more major life activities
B. a record of such an impairment or
C. being regarded as having such an impairment

Emotional Support Animal or Therapy Animals

Rock Valley College

Emotional Support Animals are also sometimes referred to as “Assistance or Therapy Animals.” Emotional Support Animals are distinct from Service Animals. They have not been trained to perform a specific job or task.

Handler

A person with a disability that a service animal assists or a personal care attendant who handles the service animal for a person with a disability.

Pet

A domestic animal kept for personal enjoyment or companionship and not trained to perform any disability-related function.

Reasonable Accommodation

A modification or adjustment to a class, program, or job requirements that would allow a qualified individual with a disability to participate in the class or program or to perform the essential functions of a position, without fundamentally altering academic, conduct, or performance requirements.

Service Animal

Any dog* 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, and meets the definition of “service animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. Service animals are working animals, not pets. The work or tasks performed must be directly related to the individual’s disability.
In Illinois, the Service Animal Access Act and the White Cane Law guarantee the right of a person with a disability or a service animal trainer to be accompanied by a service animal in training. For this procedure, a service animal in training refers to any dog being trained to become a service animal.

Examples of tasks a service animal may perform 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
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Learn more about service animals and the ADA.

*Miniature horses are also permitted, where reasonable, when the miniature horses have been individually trained to do work or perform tasks for individuals with a

disability. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Factors that the College will consider in determining whether a miniature horse can be accommodated include, but are not limited to: (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the College can accommodate the miniature horse's type, size, and weight; and (4) the impact of the miniature horse's presence on legitimate safety requirements necessary for safe operation of the College.

Direct Threat
A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.

Fundamental Alteration
A change so significant it would alter the essential nature of the service being provided.

Under the Handler's Control
A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use 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, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

General Procedures
Service Animals
Service animals are generally permitted in all areas on campus. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using a service animal. In situations where another person's disability is impacted by someone's use of a service animal, RVC recognizes that it must accommodate both parties where a person with a disability is impacted. In situations where RVC sells, prepares, or provides food, the College recognizes that the service animal must be allowed in public areas, even if state or local health codes prevent animals on the premises. RVC recognizes that individuals using service animals cannot be isolated from others on campus, nor can they be treated less favorably than others.

Employees who require a Service Animal to perform their work should contact the RVC Benefits Coordinator and follow the RVC Administrative Procedure (2:10.120) to begin the accommodation process. Community members who require a Service Animal to attend campus-sponsored events should contact RVC ADA Compliance Coordinator to begin the accommodation process.

If it is not apparent that an animal accompanying the individual is a service animal, the individual may ONLY be asked the following:

1. Whether the animal is required because of a disability; and

2. What work or task the animal has been trained to perform.

Individuals who fail to identify a valid work or task that the animal is trained to perform or the animal does not meet the definition of a service animal, the animal shall not be permitted onto College property.

College personnel are not allowed to inquire or require the following:

1. Ask about the person's disability
2. Require medical documentation
3. Require a special identification card or any other item that may identify the animal as a service animal, such as a vest.
4. Require training documentation
5. Ask the service animal to demonstrate its ability to perform the work or task.

Note under Title 1 of the ADA employers have a right to request reasonable documentation that an accommodation is needed because of an employee's disability. This should only be done if the need is not obvious.

Breed and Size

Based on current Department of Justice Guidance Rock Valley College recognizes service animals can be any breed and any size of dog.

Emotional Support Animals

Emotional Support Animals are generally not permitted on College property. Although they do not qualify as service animals under the ADA they may still be requested as a reasonable accommodation under the employment provisions of the ADA (Title 1). An employee seeking an accommodation to be accompanied by an Emotional Support Animal (ESA) must make a request through Human Resources

Submission of such request does not guarantee its approval. The interactive process maintains a goal of determining the individual's functional limitations imposed by their disability and what accommodations, including the option to bring their Emotional Support Animal on campus, are available to reasonably accommodate the individual.

Handler Responsibilities

A. A Service Animal or approved Emotional Support Animal must be personally supervised by the animal's Handler, and the Handler must retain full control of the animal at all times while on property owned or controlled by the College.
B. Service Animals and approved Emotional Support Animals may not be left unattended at any time on property owned or controlled by the College.
C. Service Animals and approved Emotional Support Animals may not be tied or tethered to any property owned or controlled by the College, including but not limited to buildings, railings, bike racks, fire hydrants, fences, sign posts, benches and trees. Service Animals and approved Emotional Support Animals are not allowed to run loose anywhere on campus.
D. The Handler shall ensure that the Service Animal or approved Emotional Support Animal is housebroken.

E. Service Animals and Approved Emotional Support Animals may not disrupt or interfere with College activities including, but not limited to, teaching, research, service or administrative activities. If the animal is unruly or disruptive, poses a direct threat to the health or safety of the College community, or if the Handler fails to maintain control of the animal, the Handler must regain control immediately or remove the animal from the College property. If the prohibited behavior continues or occurs repeatedly, the Handler may be prohibited from bringing the animal on College property. This shall be determined on a case-by-case basis. In the event a Service Animal or approved Emotional Support Animal's presence on campus is restricted, the College will engage in a good faith interactive process with the individual to determine what, alternative accommodations will effectively allow the individual to participate in the program, service, or activity.
F. The Handler is responsible for cleaning up any waste created by the animal and for all costs related to damages created by the animal. This includes fees for clean-up and disposal of animal waste or replacement and repair of College or other individuals' assets, including grounds, personal property and improvements.
G. The Handler must, at all times, maintain direct control of the Service Animal or approved Emotional Support Animal. To the extent possible, the animal must be harnessed, leashed or tethered unless these devices interfere with the animal's work or the individual's disability prevents use of these devices. In that case, the animal must be controlled through voice, signal or other effective controls.
H. The Handler should have a plan in place for animal care in the event of an emergency.
I. The Handler shall be responsible for arranging for alternative shelter if the animal has to be removed from campus due to disruptive or unsafe behavior, or due to unsafe environmental conditions if the handler becomes unable to care for the animal.
J. All Handlers are responsible for compliance with state and local laws concerning animals (including registration, vaccinations, and tags).

Exclusions

The ADA does not require covered entities like RVC to modify policies, practices, or procedures if it would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements.

If admitting service animals would fundamentally alter the nature of a service or program, the service animal may be prohibited. Based on guidance from the Department of Justice, RVC recognizes that, in most settings, a service animal will not fundamentally alter the situation. However, in certain settings, a service dog can alter the nature of the service or program. For example, it may be appropriate to exclude the service animal from places where the animal's presence may compromise a sterile environment. If an animal is excluded the College will work with the individual to identify a reasonable accommodation that can be provided while in an environment without the animal.

Surcharges

A public entity shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by their service animal.

Procedure for Removal of a Service Animal or Emotional Support Animal

A. A Service Animal or approved Emotional Support Animal may be excluded from campus in the following scenarios:
    1. If the animal is not housebroken;
    2. If the animal poses an immediate threat to the health and safety of the College community;
    3. If the Handler fails to maintain direct control over their animal; or
    4. If the Handler fails to comply with any of the Handler Responsibilities set forth in these Procedures:

B. Warning/Removal Procedures:
    1. If there is an immediate health or safety risk to the College community or to the animal or Handler, RVC Campus Police shall be notified.
    2. If there is no immediate health or safety risk to the College community or to the animal or handler, the Director of Employee Relations and ADA Compliance Coordinator shall be notified
    3. In both cases:
        i. The Handler shall be advised that, if the Handler cannot maintain control over the animal, the animal is not housebroken, or the Handler fails to comply with any of the Handler Responsibilities set forth in these procedures, the Handler may be prohibited from bringing the animal to the campus.
        ii. The College may prohibit the Handler from bringing their animal on campus if the Handler cannot maintain control over the animal, the animal is not housebroken, or the Handler fails to comply with any of the Handler Responsibilities set forth in these procedures, after until such time that the Handler can show the animal is housebroken and/or can demonstrate control over the animal, or otherwise demonstrate compliance with the Handler Responsibilities set forth in these procedures.
        iii. If the Handler is prohibited from bringing their animal on campus, or until such time that the animal is permitted back on campus, the College shall offer such other reasonable accommodations to the Handler in an effort to provide the Handler equal access to the workplace and to minimize any interruption of the Handler's employment.
        iv. The Handler shall meet with the College and engage in the interactive process pursuant to Americans With Disabilities Act and/or §504 of the Rehabilitation Act of 1973 to determine what other reasonable accommodations may be available to the Handler.

4. If the actions of the animal pose an immediate threat to the health and/or safety of the College community, the Handler or the animal, RVC Police Department shall be immediately notified. RVC Police Department shall then advise the Handler that he or she must remove the animal immediately from the campus.
    i. RVC Police Department shall then contact the Director of Employee Relations and ADA Compliance Coordinator to inform them of the situation.
    ii. The Director of Employee Relations and ADA Compliance Coordinator shall use their best efforts to contact the Handler within 24 hours after the animal was removed from the campus and shall advise the Handler that they may bring the animal back on campus if they can show that the animal no longer poses a threat to the College community.
    iii. The Director of Employee Relations and ADA Compliance Coordinator shall also offer to the Handler the opportunity to engage in the interactive process under The Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act of 1973 for the purpose of determining what reasonable accommodations are available to the Handler until such time that the animal is permitted back on campus.
5. If Rock Valley College properly excludes a service animal, the college recognizes that it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. Which may include providing additional reasonable accommodations.

Sanctions

Sanctions for violating these procedures will be commensurate with the severity and/or frequency of the violation and may include banning of an animal from College property. If a Service Animal or approved Emotional Support Animal is banned from College property, the individual with a disability will have the right to engage in an interactive process to determine how the individual can continue to participate in their work, learning environment or public event participation with other appropriate accommodations.

Any animal found unattended in or on any College property may be impounded by the Department of Public Safety. Owners/Handlers of impounded animals will be held responsible for payment of any impound and/or license fees required to secure the release of their animals.

Any Owner/Handler whose animal causes damage to property may be charged for replacement and repair of College or other individuals' assets, including grounds, personal property and improvements.

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Complaint Process

If an employee public feels as though their rights to a service animal were denied or otherwise addressed, they may reach out to RVC Benefits Coordinator, at 815-921-4769 or RVC-HRBenefits@RockValleyCollege.edu.

If a member of the public feels as though their rights to a service animal were denied or otherwise addressed, they may reach out to RVC ADA Compliance Coordinator, at 815-921-2067 or e.brown2@rockvalleyCollege.edu.

Reference: Board Report 7788
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