

2295
SERVICE ANIMALS

1. General

In keeping with federal and state law, Northern New Mexico College recognizes its responsibilities to extend equal access to individuals with disabilities who use a Service Animal on College property. The College will not discriminate against individuals with disabilities who use Service Animals nor, subject to the terms of this Policy, deny those persons access to programs, services and facilities of the College. This policy applies to individuals with disabilities and Service Animals as defined in federal law.

1.1. Service Animal

A service animal means any dog or other animal, except as otherwise specified, 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. 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 for the purposes of this definition. Therefore, comfort or companion animals are not Service Animals. For safety and infection control purposes, Service Animals shall not include nonhuman primates, birds, amphibians, reptiles, fish, hedgehogs, prairie dogs, cats or rodents.

2. Applicability

This policy applies to all employees, students, and visitors of the College who qualify to use a Service Animal as an accommodation. To deem that a Service Animal is a reasonable accommodation, the following criteria must be met:

- the individual must have a disability as defined under federal law;
- the animal must meet the definition of Service Animal under federal law and serve a function directly related to the disability; and
- the request to have the animal must be reasonable.

A Service Animal shall be permitted in any area of the College that is unrestricted (not off limits to Service Animals due to codes or regulations) to employees, students or visitors provided that the Service Animal does not pose a direct threat, and that the presence of the Service Animal would not require a fundamental alteration of Northern policies, practices, or procedures. A person with a disability who uses a Service Animal on College property shall **not** be required to pay a surcharge. Any decision to exclude a Service Animal from a particular area of the College shall be made on a case-by-case basis. The College will take appropriate action to address violations of this policy, up to and including disciplinary action or removal from College property.

2.1. Direct Threat

A direct threat is a significant risk to the health or safety of others that cannot be eliminated or mitigated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. If the College determines that a Service Animal poses a direct threat to the health or safety of others in a building or portion

thereof, access to the facility by the Service Animal will be denied. In determining whether a Service Animal poses a direct threat to the health or safety of others, the College shall make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to identify:

- the nature, duration, and severity of the risk;
- the probability that the potential injury will actually occur; and
- if there are reasonable modifications of policies, practices, or procedures that will mitigate the risk.

3. Inquiries by College Employees

A Service Animal must be trained to provide specific support services to the individual with a disability. Generally, when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g. a dog is observed guiding an individual who is blind or has low vision or pulling a person's wheelchair), Northern employees should **not** make otherwise allowable inquiries. If it is not readily apparent, College employees shall **not** ask about the nature or extent of the individual's disability, but may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. College employees **cannot** ask for documentation, such as proof that the animal has been certified, trained or licensed as a Service Animal. For College programs and/or classes held at non-Northern facilities, the owner of the property may require notification or verification of the Service Animal.

4. Responsibilities for the Care and Supervision of Service Animals

Individuals with Service Animals are responsible for managing and handling their Service Animals at all times while on College property, maintaining proper infection control measures, and are responsible for the behavior and activities of the animal. The individual is personally responsible for any damages to a facility caused by his/her Service Animal, including if the individual is a Northern student whose Service Animal has caused damage in a residence hall or classroom. Service Animals on College property must be:

- licensed in accordance with applicable state, county, or local laws or ordinances pertaining to the type of Service Animal;
- in good health and well groomed;
- housebroken (the individual with the disability is responsible for the proper disposition of any Service Animal accidental waste); and
- harnessed, leashed, or otherwise under the control of the individual with a disability (e.g. voice control, signals, or other effective means) such that the Service Animal does not disrupt or interfere with the ability of other users of the space or activity.

5. Removal of Service Animal

An individual with a disability cannot be asked to remove his or her Service Animal from the premises unless the animal poses a direct threat to the health or safety of others or the Service Animal and/or individual fail to meet one or more of the requirements of this Policy or federal laws and regulations. A history of allergies or fear of animals are generally not valid reasons for denying access or refusing service to individuals with Service Animals; however all situations will be evaluated on a case-by-case basis. If after careful

evaluation removal is necessary, College employees should consider an alternative option for the individual to obtain the goods and/or services.

6. Students

A student who seeks to bring a Service Animal into a Northern classroom, laboratory, or other learning environment is required to register with Northern's Accessibility Resource Center and follow the procedures established by that office for obtaining academic adjustments.

7. American with Disabilities Act (ADA) Coordinator

Any person dissatisfied with a decision concerning a Service Animal can contact the Americans with Disabilities Act (ADA) Coordinator for Northern New Mexico College. Northern's ADA Coordinator is the Accessibility Resources Coordinator. The College's Accessibility Resources Coordinator will coordinate with the Dean of Students, as well as other appropriate College resources to address individual concerns related to this policy.