

## **ANIMALS ON CAMPUS PROCEDURES**

FVCC enforces a no-animal policy in college-owned building and facilities including student housing. Exceptions are made for service animals in campus facilities and companion/emotional support animals/therapy animals as outlined below.

FVCC reserves the right to revoke permission granted for the campus presence of service animals and the presence of therapy or companion/emotional support animals whose owner fails to follow the requirements set forth in this procedure. The College also reserves the right to ban service, therapy, or companion/emotional support animals who do not behave appropriately.

State and federal laws have no specific provisions for people to be accompanied by therapy and companion/emotional support animals in places of public accommodation that have a no-pet policy. Therefore, requests for therapy and companion/emotional support animals in campus facilities will be reviewed under the College's policy. Requests that are not accompanied by a prescription or letter from a license medical professional will be denied.

### **DEFINITION**

Service Animals and Service Animals in Training: A "service animal" is an animal individually trained to provide assistance to an individual with a disability. (§49-4-203(2), MCA) Service animals include, but are not limited to, guide dogs for the blind, hearing dogs for the deaf/hard of hearing, and service animals for people with physical disabilities and seizure disorders. Service animals are not considered "pets" and are explicitly permitted under state and federal civil rights laws (See Montana Code Annotated, Title 49 Human Rights: § 49-4-214, MCA. Right to Be Accompanied by Service Animal—Identification for Service Animals In Training.) Service animals in training must be appropriately marked. (See § 49-4-214(4), MCA.)

Therapy Animals: A "therapy animal" is an animal owned by a therapist or trained handler and selected to play a role in a person's treatment process or in a public or professional setting. Therapy animals are trained and certified to demonstrate a good temperament and reliable, predictable behavior. Their interactions with people take place in a controlled environment in the presence of its handler and are covered by a liability insurance policy. A therapy animal is not a service animal, and unlike a service animal, a therapy animal does not assist a person with a disability with activities of daily living, nor does it have public access rights where its presence is not pre-approved.

Companion/Emotional Support Animals (ESA): A "companion/emotional support animal" is a pet that is owned by an individual with a disability. A companion/emotional support animal is not a service animal and unlike service animals, companion animal/ESAs do not need to accompany the individual with the disability at all times and do not have public access rights.

### **EXEMPTED ANIMALS**

Updated: 7/1/2022

The following animals are permitted within FVCC facilities and buildings:

- Service animals while performing their duties. Service animals, as defined by the ADA, must be individually trained to perform a specific task for a person with a disability. If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or training program. It is also the policy of FVCC to permit members of the public who are service dog trainers, while engaged in the actual training process and activities of service dogs, the same rights, privileges, and responsibilities as other members of the public as provided by § 49-4-214, MCA.
- On-duty law enforcement dogs.
- Animals used for instructional or school-related purposes. Animals which will be brought to campus for these reasons must receive prior approval for the activity by the Vice President of Instruction and Student Service.
- Therapy and companion/emotional support animals that are in compliance with these procedures.

## **EXCLUSION OF SERVICE, THERAPY, AND COMPANION/EMOTIONAL SUPPORT ANIMALS**

A service, therapy, or companion/emotional support animal may be excluded from a campus facility, including a classroom, if:

- The animal poses a direct threat to the health and safety of others, or conflicts with another service animal.
- The animal's behavior, such as barking or displaying aggressive behavior, is disruptive to the other participants within the facility.
- The animal is not under the control of its owner by being harnessed, leashed, or tethered. If these devices interfere with the service animal's work or the individual's disability prevents the use of these devices, the individual must maintain control of the animal through voice, signal, or other effective means of control.
- The animal is not housebroken and is sick or eliminates in public.
- The animal is excluded under Sec. 36.302 c(2) of the ADA Title III Regulation 28 CFP Part 36, FVCC shall give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

A service, therapy, or companion/emotional support animal may also be excluded from a facility where the animal is prohibited due to safety or health restrictions, where the animal may be in danger, or where the animal's use will compromise the integrity of research or other program (e.g. food preparation areas, research laboratories, and areas requiring protective clothing).

## REQUIREMENTS OF ANIMALS AND USERS/OWNERS

Individuals with disabilities using service or companion/emotional support animals are responsible for their animals at all times. The user/owner of the animal must be in full control of the animal at all times. Additionally, the user/owner must clean up after the animal, including the sanitary disposal of animal wastes. The user/owner is responsible for any property damage caused by the animal.

The user/owner of a service animal is encouraged, but not required, to register his/her service animal with the Disability Support Coordinator, if a student or visitor, or the Executive Director of Human Resources, if an employee.

Individuals with companion/emotional support animals must comply with the following requirements:

- The user/owner must have completed the requirements outlined in this procedure.
- The user/owner must register the companion/emotional support animal by completing the *Animal Registration Form* included in this procedure.
- The user/owner must acknowledge and sign the *User/Owner Statement for Companion/Emotional Support Animals* included in this procedure.
- The user/owner must have the *Companion/Emotional Support Animal Verification Form* completed by a licensed diagnostician/therapist and return it to the Disability Support Coordinator.
- The user/owner must ensure that the companion animal/ESA is on a leash at all times. The user/owner must maintain control of the animal through voice, signal, or other effective means of control at all times. The user/owner must take responsibility for the behavior of the animal in private and public places.
- The animal must be accompanied by the user/owner at all times while in an approved campus facility.
- Use of the animal shall not constitute a direct threat to the health and safety of others.
- The user/owner must ensure that the companion animal/ESA is licensed in accordance with local city and county regulations and wears or possesses a valid vaccination tag.
- The user/owner is responsible for the health of the animal and its ongoing care/daily needs.
- The user/owner must provide verification from a qualified veterinarian that all vaccinations appropriate for that type of animal are current.
- If an owner/user obtains a new/different companion animal/ESA to be used under the provisions of this procedure, the new/different companion animal/ESA must be registered and approved.

## COMPANION/EMOTIONAL SUPPORT ANIMAL APPROVAL PROCESS

### Students

The Disability Support Coordinator (DSS) serves as the campus authority for the approval for students requesting a companion/emotional support animal in any campus facility, including Founders Hall. Students planning to bring a companion animal/ESA to student housing must notify the Residence Life Coordinator and comply with this procedure. **The DSS will gather and assess evidence as necessary from the diagnostician/therapist that the companion animal/ESA is necessary as a reasonable accommodation. Requests that lack evidence of the animal's necessity to the student will be denied by the DSS.** The student will also be required to complete the *Animal Registration Form* and *User/Owner Statement*.

### Employees or Student Organizations

The Executive Director of Human Resources (HR) serves as the campus authority for the approval of trained and certified therapy animals for employees or students in any FVCC facility. A request must be made to HR. Certified therapy animals on campus must be covered by a liability insurance plan. The employee will also be required to complete the *Animal Registration Form* and *User/Owner Statement*.

## CONFLICTS OVER THE USE OF THERAPY AND COMPANION/EMOTIONAL SUPPORT ANIMALS

The use of emotional support or therapy animals, and service animals may negatively affect others with allergies, respiratory impairments, and other relevant disabling conditions. Conflict resolution will be managed by the Disability Support Coordinator for students and the Executive Director of Human Resources for employees. For information about the grievance procedure please reference the Discrimination Grievance Procedure at <https://www.fvcc.edu/campus-guide/campus-safety/title-ix/>.

## REMOVAL OF ANIMALS

Service, therapy, or companion/emotional support animals whose behavior poses a direct threat to the health or safety of others or that are disruptive to the campus community may be removed or excluded regardless of training or certification.

Users/owners in student housing who demonstrate an inability to care for their animal's daily needs or provide a safe/healthy environment for their animal may have the animal removed by local authorities.

Due to the risk of injury from animals to persons at the College, owners of non-exempt animals found within College buildings or facilities, including student housing, will be asked to remove them. If an unrestrained animal is sighted on campus, a member of the maintenance staff, or designee, will call the local authorities to capture and impound the animal. When appropriate, disciplinary measures may be invoked.

### **FOUNDERS HALL COMPANION/EMOTIONAL SUPPORT ANIMAL**

**RELEASE OF INFORMATION CONSENT**

By my signature below, I verify that I have read, understand, and will abide by the requirements outlined in the Founders Hall Community Standards & Expectations regarding companion/emotional support animals (ESA). I agree to provide the additional information required to complete my request for reasonable accommodation in accordance with the College's Animals on Campus Procedures.

I have read and understand the Founders Hall Community Standards and Expectations regarding companion/emotional support animals. I agree to abide by the requirements applicable to companion animal/ESAs in Residence Life. I understand that if I fail to meet the requirements set forth in the Standards and Expectations, Flathead Valley Community College has the right to remove the companion animal/ESA and I will nonetheless be required to fulfill my housing, academic, financial, and all other obligations for the remainder of the housing contract.

I furthermore give permission to Residence Life staff to disclose to others the presence of my companion animal/ESA (e.g., Residence Life staff, potential and/or current roommates & neighbors). I understand that this information will be shared with the intent of preparing for the presence of the companion animal/ESA and/or resolving any potential issues associated with the presence of the companion animal/ESA.

I further recognize that the presence of the companion animal/ESA may be noticed by others visiting or residing in Founders Hall and agree that staff may acknowledge the presence of the animal and explain that under certain circumstances companion animal/ESAs are permitted for persons with disabilities.

\_\_\_\_\_  
User/Owner Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

\_\_\_\_\_  
User/Owner First & Last Name (Printed)

\_\_\_\_\_  
Residence Life Coordinator

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date