

## **IV 30 08 ANIMALS ON CAMPUS**

### **PURPOSE**

To establish a policy regarding the presence of animals on Volunteer State Community College (VSCC) campuses/properties which is consistent with Tennessee Board of Regents (TBR) policy pertaining to the same.

### **POLICY**

#### **I. Definitions**

- A. Service Animal – A dog or miniature horse as defined under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Rehabilitation Act), and/or the federal regulations related to those laws. The service animal must have been individually trained to do work or perform tasks for a person with a qualifying disability as defined by the Acts. The work or task(s) performed by the service animal must be directly related to the person's disability. Service animals are working animals, not pets.
- B. Service Animals in Training – A dog or miniature horse that is in the process of being trained as a service animal as defined by T.C.A. § 62-7-112. However, the trainer shall present for inspection credentials, issued by an accredited school for training dog guides, to the VSCC Campus Police Department.
- C. Comfort/Emotional Support Animal – An animal, not a service animal as defined above, utilized to provide comfort, emotional support or other companionship-related presence.

#### **II. General Prohibition**

- A. Animals are not permitted in the facilities, buildings, or outdoor properties owned, operated, and/or controlled by VSCC unless specifically permitted pursuant to this policy.

#### **III. Permitted Animals**

##### **A. Service Animals**

- 1. Service animals are permitted in all areas of VSCC campuses/properties where its owner/handler, the person being assisted by the service animal and/or the public are permitted to enter or occupy.
  - a. The presence of the service animal is subject to the following conditions:
    - i. The service animal must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.
    - ii. The service animal is adequately controlled and does not disrupt the learning environment or present a threat to health and safety of persons or property.

- iii. The service animal is healthy and creates no danger of infection, transmission of disease, or other unreasonable health risk.
  - iv. The service animal is housebroken.
  - v. The owner/handler collects and properly disposes of waste by placing it in outdoor trash receptacles.
  - vi. The service animal is properly groomed to be free of fleas, other insects, pests, or offensive/disruptive odors.
  - vii. A service animal cannot be excluded from the premises unless it is non-compliant with one or more of the criteria set forth above in this section.
- b. If a service animal's behavior or presence is disruptive, destructive, or non-compliant with the requirements set forth in subsection II. A. above, the owner/handler will be required to take appropriate action to bring the animal under control, correct the non-compliant condition, or remove the animal from campus. Repeated violation of these requirements or refusal to comply with reasonable instruction to correct non-compliance may result in disciplinary action.

#### B. Service Animal Inquiries

1. Faculty/Staff are not permitted to challenge the presence of a service animal on campus by inquiring about the owner/handler's disability, requiring medical documentation, a special identification card or training documentation for the animal, or asking that the animal demonstrate its ability to perform the work or task.
2. When it is not obvious that an animal is a service animal and/or what service the animal provides, faculty/staff should report their concerns to the Office of Human Resources, the Office of Disability Services or the Campus Police Department.
  - a. Only staff in those departments are authorized to ask the following two (2) questions of the owner/handler:
    - i. Is the service animal required because of a disability; and
    - ii. What disability-related service has the animal been trained to provide?
  - b. If Faculty/Staff/Students believe an animal is not a service animal, the individual(s) may not take direct action to prohibit the animal's presence but should instead communicate the concern to one of the following departments:
    - i. If the service animal owner/handler is a student, to the Office of Disability Services.
    - ii. If the service animal owner/handler is faculty/staff, to the Office of Human Resources.
    - iii. If the service animal owner/handler's status is unknown, to the Campus Police Department.
  - c. Faculty/Staff may take immediate action to mitigate a disruption to the learning environment or a health/safety threat but may not permanently exclude a service animal from campus. Any disruption or threat should instead be reported to the Campus Police Department for a determination regarding further action.

3. Service animals are not required to exhibit any identification or be registered as a service animal with VSCC.
4. When there is a legitimate reason to ask that a service animal be removed, authorized staff in Disability Services/Human Resources must offer the person with the disability an alternative accommodation.
5. Service Animals in Training are permitted on VSCC campuses/properties to the same extent as Service Animals, subject to the requirements of T.C.A. § 62-7-112 and this policy.
6. The provisions regarding Service Animals and Service Animals in Training shall be applicable to all employees of the VSCC community, as well as all other individuals present at any VSCC campus/property.

#### C. Exceptions to the General Prohibition

1. Animals present on VSCC campuses/properties in connection with a classroom demonstration, research, or other official bona fide academic purpose, approved by the President or designee, as appropriate.
2. Animals present for official law enforcement or other lawful government purpose.
3. By permission of the President or designee for special events or performances.
4. As an accommodation under the ADA.

#### D. Expectations of Owners/Handlers of Non-Service Animals

1. Owners/Handlers of any animal on VSCC campuses/properties pursuant to the exceptions noted in subsection II. C. above are responsible for compliance with all state/local laws/ordinances regarding licensing and public health related vaccination requirements.
2. Animals not in compliance with applicable laws/ordinances will be removed from VSCC campus/property.
3. The animal must be under the owner's/handler's control at all times, and the owner/handler must ensure the animal does not disrupt the learning environment or present a threat to the health and safety of persons or property.
4. The animal must be healthy and create no danger of infection, transmission of disease, or other unreasonable health risk.
5. The animal must be properly groomed to be free of insects, pests, or offensive/disruptive odors.
6. If applicable, the animal must be housebroken.
7. The owner/handler must collect and properly dispose of all animal waste by placing it in outdoor trash receptacles and must ensure the area occupied by the animal is clean and tidy upon its departure.

#### IV. Non-Permitted Animals

- A. Comfort/Emotional Support Animals are not permitted on any VSCC campus/property.
- B. Wild or exotic animals are prohibited from being brought onto any VSCC campus/property unless permitted separately pursuant to Tennessee law, the rules of the Tennessee Wildlife Resources Agency or other appropriate state/federal authority.

#### V. Sanctions/Remedies for Failure to Comply

- A. Individuals, including faculty, staff, students, visitors and guests, who bring non-service or other non-exempt animals into the buildings or outdoor areas of VSCC campuses/properties in violation of this policy will be directed to remove them and may be subject to disciplinary or law enforcement action.
- B. Unattended or unrestrained animals will be removed from VSCC campuses/properties by a local animal control service.
- C. Damage to property that is a direct result of an animal brought to any VSCC campus/property will be the financial responsibility of the individual bringing the animal to campus.

**Source Authority:** T.C.A. § 49-8-203; T.C.A. § 62-7-112; All Federal, State and Local statutes, codes, ordinances, rules or regulations relative to this policy.

**TBR Source:** New Policy approved by Board on December 13, 2018

**VSCC Source:** November 24, 2008, President's Cabinet; April 1, 2019, President's Cabinet