

 BRUNSWICK COMMUNITY COLLEGE	CHAPTER 4 STUDENT SERVICES	4.14 AMERICANS WITH DISABILITIES ACT
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AMERICANS WITH DISABILITIES ACT

POLICY

Non-Discrimination

Title IV of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act (the “Disability Laws”) require that no qualified individual with a disability be excluded from participation in or be denied the benefits of any of Brunswick Community College’s (BCC or the College) services, programs or activities on the basis of his or her disability. BCC strives to make all hard copy and electronic resources including website content accessible to all users. Individuals with disabilities may not be subjected to retaliation, intimidation, or other mistreatment on the basis of their assertion or enforcement of these rights.

The College complies with Disability Laws by providing reasonable modification in its rules, policies, and practices, by removing architectural, communication, and transportation barriers, and by providing auxiliary aids and services, when necessary to insure that individuals with disabilities who meet the College’s essential eligibility requirements for the receipt of services or participation in College programs or activities are afforded equal opportunities to those of non-disabled individuals. College personnel have been instructed not to presume that a disabled individual will need an accommodation or to question students and other persons unnecessarily about their disabilities. However, students and other individuals with disabilities who desire access to College services, programs, or activities are encouraged to request accommodation of their disabilities and provide the necessary documentation to support their request in accordance with the established College procedures.

Brunswick Community College is committed to ensuring equal access for disabled students, staff and faculty, as well as guests and visitors to its campuses. BCC permits Service Animals, as defined by the Americans with Disabilities Act, (https://www.ada.gov/service_animals_2010.htm) in approved campus areas which will generally be mulched or natural outdoor areas (locations to be determined on an individual basis) and according to College procedures.

Brunswick Community College does not make pre- or post-admission inquiries or referrals based on an assumption that a student has a disabling or handicapping condition. It is the responsibility of the individual with a disability to initiate the request for accommodations/services by contacting the College’s Disability Resources Director.

PROCEDURES

Students with Special Needs

The College recognizes its responsibility, under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), to provide equal access to students with special needs. Assistive services may be provided for students with a documented disability. Students are requested to make applications for these services in advance of the semester in which they plan to enroll. Students with special needs are also encouraged to participate in college-related activities, and special services may be provided for these functions when requested. Regular College procedures for applications and admission apply to all students.

Accommodation Requests

Brunswick Community College believes that an individual knows what is needed to accommodate his/her disability. Some accommodation requests can and should be handled on an informal basis (i.e., asking to sit at the front of a classroom when a visual or hearing impairment will be aided by being closer to the instructor). When a request for accommodation is more extensive and cannot be handled on an informal basis, accommodations should be requested through the College's Disability Resources Director.

A. Requesting Accommodations

The student or individual seeking accommodations should submit a Disability Accommodation Request to the Disability Resources Director. To allow adequate time to arrange accommodation services, Disability Accommodation Requests, when possible, should be submitted at least 30 days prior to the start of a semester. To receive services, ample documentation must be submitted to support the disability accommodation request. Specific documentation requirements will be established in consultation with the Disability Resources Director.

B. Confidentiality

The College will make every effort to maintain the confidentiality of information pertaining to the individual's disability. College personnel will inform only those persons who need to know of a request for accommodations and of the circumstances surrounding that request.

C. Accommodation Determination

The College will make every effort to provide you with the requested accommodation or an equally effective accommodation providing access to the particular service, program, or activity, taking into consideration the nature of the service, program, or activity and the financial resources and administrative obligations of the College. Although the College is required to make its services, programs, and activities accessible to persons who meet the essential eligibility requirements, the Disability Laws do not require the College to make all of its facilities accessible to such persons or to provide the student with personal equipment or services to accommodate his/her disability. The Disability Laws permits the College to deny a request, if the accommodation would result in a fundamental alteration in the nature of a service, program, and/or activity, or if the accommodation creates undue financial and administrative burdens to the College.

Once the determination is made, the Disability Resources Director will notify the individual of the accommodation denial or approval. The Disability Resources Director also notifies the instructors of the allowed accommodation(s) and assists with any arrangements as needed.

SERVICE ANIMALS

Students who have a disability that requires the assistance of a Service Animal are permitted to bring such animals to campus. The Owner should contact the Office of Disability Services as soon as he/she is aware of plans to bring a Service Animal to campus. The Office of Disability Services will encourage the Owner to provide documentation of his/her disability and documentation for the need of the Service Animal.

A Service Animal is any dog (or miniature horse) 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. A domestic animal kept for pleasure, companionship, or emotional support is not a service animal. The tasks performed by a Service Animal must be directly related to the handler's disability. Examples of service tasks include but are not limited to, assisting individuals who are blind or have low vision with navigation, 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 of potential allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. [28 C.F.R. S35.104]

If the animal meets the ADA definition of a Service Animal (trained to perform service tasks), then the student may be asked two questions:

1. Is this a service animal that is required due to a disability? And
2. What work or tasks has the dog or miniature horse been trained to perform?

A Support Animal is a non-service animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to assist with a significant part of a person's treatment process (alleviating the symptoms) and is therefore not supported as it does not assist a person with a disability with activities of daily living, and does not accompany a person with a disability at all times. [28 C.F.R. S 35.104: Fair Housing & Equal Opportunity Notice – HEO-2013-01]

A. Documentation for a Service Animal

The student requesting permission to have a Service Animal on-campus must provide (from a certified clinician) a letter which substantiates:

1. If the Service Animal is required because of a disability, and
2. What work or task the Service Animal has been trained to perform [28 C.F.R.S 35.136(f)].

The letter must be dated, on the certified clinician's letterhead, and must provide information establishing the existence of an impairment. The certified clinician's letter should also provide sufficient information concerning the individual's functional limitation to show the work or tasks performed by the animal is related to those limitations. Documentation that does not fulfill the outlined requirements may result in accommodation delay or denial. The letter must also contain an explanation of the tasks or function the animal has been trained to perform as a disability-related accommodation, and the type/description of the animal.

B. Conflicting Health Conditions

Students with medical conditions affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact Disability Services if they have a health or safety related (fear) concern about exposure to a Service Animal. If possible, the College will address the concern or attempt to make suitable adjustments to assist the individual that has the concern, while protecting the rights of both individuals to a quality learning environment.

C. Guidelines for Maintaining an Approved Service Animal on Campus

1. Care and Supervision

Care and supervision of the animal are the responsibility of the individual who benefits from the support of the approved animal. The person is required to maintain control of the animal at all times. The person is also responsible for ensuring the cleanup of the animal's waste and, when appropriate, must toilet the animal in areas designated (to be determined on an individual basis) by the College consistent within the reasonable capacity of the owner.

2. Animal Health and Well-being

Vaccination: In accordance with local ordinances and regulations the animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag.

3. Health

Animals must have an annual clean bill of health from a licensed veterinarian. Documentation can be a vaccination certificate for the animal or a veterinarian's statement regarding the animal's health. The College has authority to direct that the animal receive veterinary attention.

4. Licensing

The College reserves the right to request documentation showing that the animal has been licensed if required in the local municipality.

5. Training

Service Animals must be properly trained.

6. Leash

If appropriate, the animal must be on a leash/harness unless the leash/harness would inhibit the animal's ability to be of service.

7. Readily Identifiable as a Service Animal

Service animals must be readily identifiable as a service animal with either a marked vest, collar, or apparatus that is obvious to observers.

8. Other Conditions

Disability Services may place other reasonable conditions or restrictions on the animal depending on the nature and characteristics of the animal.

D. Requirements for Faculty, Staff, Students, and other members of the College

Members of the College community are required to allow a Service Animal to accompany its owner at all times and in all places on campus; however, members of the College community shall refrain from:

1. Touching or petting a Service Animal unless invited to do so by the owner.
2. Feeding a Service Animal.
3. Startling a Service Animal.
4. Separating or attempting to separate an owner from his/her Service Animal.
5. Inquiring about details of the owner's disabilities. The nature of a person's disability is confidential.

E. Removal of Approved Animal

A Service Animal may be excluded from campus, classrooms, or other facilities when:

1. The animal's behavior poses a direct threat to the health or safety of others.
2. The animal is out of control and the animal's handler does not take effective action to control it.
3. The animal is not housebroken.
4. The animal's behavior fundamentally alters the nature of the programs, services, facilities, privileges, or accommodations for other learners. If a Service Animal is properly excluded, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the Service Animal on the premises [28 C.F.R. S 35.136(f)].

DEFINITIONS

Disability – A documented physical or mental impairment that substantially limits one or more major life activities.

Documented Disability Documentation - Disability related documentation that identifies the functional impact of the disability so that effective accommodations can be identified. Common sources of documentation are health care providers, psychologists, diagnosticians, and/or information from a previous school (e.g., 504 or IEP, documents).

Emotional Support Animal – Any animal that alleviates one or more identified symptoms or effects of a person's disability. An Emotional Support Animal is not a "Service Animal" as defined under this policy or the Americans with Disabilities Act (ADA).

https://www.ada.gov/regs2010/service_animal_qa.html

Hearing dog – A hearing dog is a dog that has been trained to alert a person with significant hearing loss or who is deaf when a sound, such as a knock on the door occurs.

Identification Card – A College issued Identification Card stating the Service Animal is registered with the Office of Disability Services.

Person with a Disability – A person with a physical or mental impairment that substantially limits one or more of the major life activities; or being regarded as having such an impairment.

Pet – A domestic animal kept for pleasure of companionship and excluded from the definitions of “Emotional Support Animal” and “Service Animal”. Pets are not permitted on College property or in College buildings and shall not be permitted as a reasonable accommodation for otherwise eligible students, staff or faculty.

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Reasonable Accommodation – An 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.

Reliable Third Party – A person who is familiar with a student’s disability, familiar with the necessity for a specifically requested animal and is qualified to make medical attestations regarding a student’s disability and requested accommodation. Such person may include a physician, psychiatrist, or other medical or mental health professional.

Seizure Dog – A seizure response dog is a dog trained to assist a person with a seizure disorder. How the dog serves the person depends on the animal’s training and the person’s needs. The dog may predict a seizure, warn the person in advance, stand guard over the person during a seizure, or the dog may also go for help.

Service Animal – Any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed by the animal must be directly related to the person’s disability. Examples include, but are not limited to, guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting/protecting an individual who is having a seizure and reminding an individual to take medication. The provision of emotional support, well-being, comfort or companionship does not constitute work or tasks under this definition. While dogs are the most common Service Animals, under certain circumstances, a miniature horse may qualify as a Service Animal. Other animals do not qualify as Service Animals. https://www.ada.gov/service_animals_2010.htm

Social Signal Dog (SIG) – A SIG dog is a dog that is trained to assist a person with autism. The dog alerts the partner to distracting repetitive movements common among those with autism, allowing the person to stop the movement such as hand flapping. A person with autism may also have problems with sensory input and may need the same support services from a dog that a person who is blind or deaf might need.

Service Animal in Training – An animal that is being 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.

Approved by Brunswick Community College Board of Trustees

January 15, 1997; October 25, 1997; June 28, 2013; January 4, 2018

Changes to Procedures Approved by President's Cabinet

January 6, 2020