



<b>Policy Number and Title:</b>	<b>500.107 Animals on Campus</b>		
<b>Approval Authority:</b>	Board of Regents	<b>Date Effective:</b>	September 18, 2020
<b>Responsible Office:</b>	HR Department	<b>Responsible Office Contact:</b>	HR Director

**1. POLICY STATEMENT/REASON FOR POLICY**

Bay Mills Community College (BMCC) prohibits animals from college-controlled buildings, except for those animals that are specifically exempted by this policy. In addition, while on college-controlled property, animals must be attended and restrained at all times. BMCC seeks to uphold federal and tribal laws and regulations; ensure the health and safety of its community; preserve the integrity of its grounds, buildings, and other property; and support a healthful educational environment that respects the rights of individuals.

**2. ENTITIES AFFECTED BY THIS POLICY**

All BMCC Departments.

**3. WHO SHOULD READ THIS POLICY**

All BMCC employees, students, and visitors.

**4. WEB SITE ADDRESS FOR THIS POLICY**

-This policy can be found at:

<http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>

**5. FORMS/INSTRUCTIONS**

No forms required.

**6. HISTORY**

-New Policy: Approved by Board of Regents on September 18, 2020.

-Next Review Date: 09/18/2023

-BMCC reserves the right to revise policies at any time.

## 7. THE POLICY

### 500.107 Animals on Campus

#### Policy Statement

Bay Mills Community College (BMCC) prohibits animals from college-controlled buildings, except for those animals that are specifically exempted by this policy. In addition, while on college-controlled property, animals must be attended and restrained at all times.

BMCC seeks to uphold federal and tribal laws and regulations; ensure the health and safety of its community; preserve the integrity of its grounds, buildings, and other property; and support a healthful educational environment that respects the rights of individuals.

The Americans with Disabilities Act governs the use of service animals by individuals with disabilities (42 U.S.C. § 12101, et seq.). The Fair Housing Act governs the use of emotional support animals (ESA's) by individuals with disabilities in housing (42 U.S.C. § 3601, et seq.). BMCC recognizes the importance of Service Animals as defined by the Americans with Disabilities Act Amendments Act (ADAAA), which provide support to individuals with disabilities. BMCC is committed to allowing individuals with disabilities the use of Service Animals on campus to facilitate their full-participation and equal access to the College's programs and activities.

#### Policy

The college prohibits individuals from bringing pets and/or animals inside any college-controlled buildings, except for those animals that are specifically exempted from this policy. In addition, while on college-controlled property, animals must be attended and restrained at all times. This policy standardizes the college's position on the management of animals.

#### Policy Application

This policy applies to all individuals bringing an animal on college property and all animals, unless specifically exempted herein. This policy applies to all college-controlled grounds and spaces, including but not limited to, academic buildings, administrative offices, outdoor spaces on campus, and off-campus locations (such as the "Waishkey Farms" area).

#### Health and Safety of the College Community

Pets, both running free and brought to campus, pose a significant liability risk to the college and its community members. Pets can pose a threat to the health and safety of the campus community, as well as to a healthful educational environment (through allergy, excessive noise, animal bites, and disease transmission via fleas, ticks, parasites, viruses, bacteria, etc.). Individuals with disabilities are at particular risk. For instance, dogs running freely pose a particular hazard to individuals using service animals. Pets on campus can be very destructive, causing damage to grounds, buildings, and property.

#### Definitions

1. **Attended and Restrained.** In the immediate vicinity of an owner, and either on a leash of six feet or shorter, in a cage, or, in the case of a certified Service Animal, voice-controlled. To be considered attended, an animal may not be left fastened to a stationary object.
2. **Handler.** An individual with a disability who is the owner or user or trainer of a service animal, or the owner or individual bringing an animal onto college property.

3. **College-controlled Property.** Property that is owned, operated, or maintained by the college. This does not include other space owned by BMCC that is leased to other entities and not controlled by the college. For purposes of this policy, controlled spaces are not public spaces. Controlled spaces are defined as any indoor area owned or controlled by the college, and any outdoor area owned or controlled by the college with limitations on use or access (e.g., outdoor classrooms, farm, etc.). Areas open to the public (i.e., streets, lawns, sidewalks, parking lots) with no limitations on access are not controlled spaces. Conversely, classrooms and most employee workspaces are not generally considered public spaces.
4. **Emotional Support Animal (ESA).** Any animal specifically designated by a qualified medical provider that alleviates one or more identified symptoms of an individual's disability. ESA's are also commonly known as companion, therapeutic or assistance animals. ESA's are not service animals. Because ESAs are reasonable accommodations allowed only under the FHA, employees may not bring ESAs to work. ESA's are not service animals and are not allowed on campus.
5. **Pet.** For purposes of this policy, a pet is any animal that is not a service animal or research and teaching animal.
6. **Research and Teaching Animals.** Animals that are officially part of BMCC's teaching, research, and/or clinical programs.
7. **Service Animal.** A dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals. The tasks performed by a service animal must directly relate to the individual's disability.

### **Exempted Animals**

The following animals are permitted on college-controlled property:

1. Pursuant to the ADA, service animals while performing their duties.
2. Research, clinical, and teaching animals (used directly in support of the college's missions of research and teaching).
3. Animals-in-training participating in BMCC's approved programs.
4. Fish in containers of ten gallons or less.
5. On-duty police dogs.
6. One-time exemptions may be granted for events involving animals. To be granted such an exemption, an individual must make a specific request through the college human resources department.

### **Service Animals**

The College welcomes the presence of service animals assisting people with disabilities on its campuses consistent with the provisions of this policy and applicable law. A service animal is generally permitted to be on college property in any place where the animal's handler is permitted to be.

In certain limited situations, a service animal may be prohibited for safety and health reasons. For example, science labs may pose danger(s) to a service animal even if attended to by the

handler. The accompaniment of an individual with a disability by a service animal in a location with health and safety restrictions will be reviewed on a case-by-case basis by the appropriate department representative(s) in collaboration with the Department of Human Resources and/or the Disability Services Office.

Students and Visitors are not required to receive permission from the College prior to bringing a service animal onto college property. The student or visitor may only be asked whether the animal is needed because of a disability, and what work or task(s) the animal has been trained to perform.

Employees and all others performing work for the College who seek the presence of a service animal as a workplace accommodation must contact the Department of Human Resources in advance of reporting for work with the animal.

For service animals, the Human Resources Director will determine whether the request represents a reasonable accommodation for a documented disability. The terms of the approval, including where the service animal will and will not be permitted, will be determined and documented by the Human Resources Director, after the facilitation of an interactive accommodations process with the employee and their supervisor(s). This process must occur before any employee can bring a service animal into the workplace.

### **Service Animal Handler Responsibilities**

Generally, individuals may not bring animals into Controlled Spaces on College property. However, pursuant to the ADA, the College will make reasonable exceptions to that prohibition for Service Animals. Service animals may not pose a direct threat to the health or safety of others and will be removed if its continued presence is disruptive or would result in substantial damage to the property of others.

Handlers must be in full control of any animal while it is on College property.

Animals must be harnessed, leashed, or tethered to the Handler or the Handler's property unless either the Handler is unable because of disability to use these or their use would interfere with the animal's safe, effective performance of its work or tasks. If not harnessed, leashed, or tethered, the animal must be under the control of the Handler in another way such as in a cage, aquarium, or via voice control or signals.

The Handler must abide by current county, tribal and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate and licensure.

The animal shall not be tethered to any fixed object on College property.

The handler shall timely cleanup the animal's waste in a safe and sanitary manner and, when appropriate, allow the animal to relieve itself in areas designated by the College, if any.

## **Violations of Policy/Removal of Animal/Disruptive Animals**

Access to College property may be restricted or revoked under the circumstances outlined below. Restrictions or exclusions will be considered on a case-by-case basis. The College reserves the right to remove or exclude an approved animal from college property if:

1. The animal poses a direct threat to health and safety.
2. The handler does not maintain control of the animal, including but not limited to during any interactions with other animals.
3. The presence of an animal fundamentally alters a College program.
4. Improper/Inadequate care of the animal is exhibited, including if the animal is not housebroken. If the animal appears visibly ill, the Handler may be directed to seek veterinarian services for the animal or asked to remove the animal from College property.
5. Damage or harm is caused by the animal.
6. The handler violates any of the responsibilities as outlined in this policy.
7. If an animal is found running at large, the animal is subject to capture, confinement, and immediate removal from College property.

If the presence of an animal poses a direct threat to the health and safety of others, the College reserves the right to remove or exclude an animal from College property. In such a situation, Bay Mills Law Enforcement may be contacted to assist in the removal of the animal.

If a handler's animal is disruptive in the classroom, the instructor may ask the handler and their animal to leave the classroom immediately. If a handler's animal is disruptive in the workplace, the handler's supervisor may ask the handler and their animal to leave the workspace immediately. If a handler's animal is disruptive at a College event, the event organizer may ask the handler and their animal to leave the event immediately.

### **Damage to Property**

The college will seek restitution for any animal-related damage to college-controlled property, facilities, or grounds. Handlers will be financially responsible for the actions of the animal, including bodily injury, property damage, and any expenses incurred for cleaning or repairs to College property. The repair or replacement cost of damaged property is the sole responsibility of the owner of the animal that caused the damage.

### **Non-compliance with Policy**

Employees and students who fail to comply with this policy, will be subject to corrective or disciplinary action under their respective disciplinary codes.

### **Appeals and Grievances**

Any individuals who believe that they have been unfairly denied the ability to bring or maintain an animal on college property, may contact the Discrimination/Title IX Office at (906) 248-8430 or the Disability Student Services Office at (906) 248-8432 and file a written appeal.