

FVCC enforces a no-animal policy in college-owned buildings and facilities. Exceptions are made for service animals campus wide and emotional support animals in student housing only.

FVCC reserves the right to revoke the presence of service animals and emotional support animals whose owners fail to follow the requirements set forth in this procedure. The college also reserves the right to ban service or emotional support animals who do not behave appropriately.

State and federal laws have no specific provisions for people to be accompanied by emotional support animals in places of public accommodation that have a no-pet policy. Therefore, requests for emotional support animals in student housing will be reviewed under the college's policy on a case-by-case basis.

Definitions

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.)

Miniature horses also receive protection as service animals under the Americans with Disabilities Act. (28 C.F.R. § 35.136(i) and 28 C.F.R. § 36.302(c)(9))

Emotional Support Animal: An "emotional support animal" is a pet that is owned by an individual with a disability. An emotional support animal is not a service animal and, unlike service animals, do not need to accompany the individual with the disability at all times and do not have public access rights.

Exempted Animals

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, therapeutic, or school-related purposes. Animals brought to campus for these reasons must receive prior approval for the activity by the Vice President of Academic and Student Affairs.

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.

Approval Process

Service Animals

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

Emotional Support Animals in Student Housing

A housing provider cannot refuse "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling." FHAA Sec. 804(f)(3)(b) [42 U.S.C. 3604].

An individual with a disability may request a reasonable accommodation for an emotional support animal in student housing, under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 et seq.) This applies only to students who meet the definition of a person with a disability and have a letter or prescription from a treatment professional that explains why the requested accommodation is needed to use and enjoy housing and how it lessens the effects of the disability.

Emotional support animals are approved by Disability Services.

Emotional support dogs are subject to local dog licensing and registration requirements including:

- Dogs must be under the immediate control of its owner by leash, voice and/or signal control, or by complete confinement within or restraint within a vehicle.
- It is unlawful for any person to maintain any dog over 5 months of age in Flathead County unless the dog has attached to its neck a substantial collar on which is fastened a license tag issued by the Flathead County Animal Shelter to identify the dog and designate the owner. Exemptions include dogs registered or certified as a service dog.
- Rabies vaccinations are required.

Requirements of service animals and users/owners

Individuals with disabilities using service or emotional support animals are responsible for their animals. The user/owner must ensure the animal is on a leash or maintain control of the animal through voice, signal or other effective means of control 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.

Conflicts over the use of service and emotional support animals

The use of service or emotional support animals may negatively affect others with allergies, respiratory impairments and other relevant disabling conditions. Conflict resolution will be managed by the Coordinator of Disability Services for students and the Executive Director of Human Resources for employees. For information about the grievance procedure please reference the Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Procedure at www.fvcc.edu/title-ix/. Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or etc.

Removal of Animals

Service or 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.

In these cases, FVCC follows the U.S. Code of Federal Regulations on Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities (§ 36.202(c)(2)):

(2) Exceptions. A public accommodation may ask an individual with a disability to remove a service animal from the premises if:

(i) The animal is out of control* and the animal's handler does not take effective action to control it; or

(ii) The animal is not housebroken.

(3) If an animal is properly excluded. If a public accommodation properly excludes a service animal under § 36.302(c)(2), it shall give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

*Out of control behavior is behavior that infringes on the rights of other students including sniffing them, begging, soliciting petting, whining, barking, wandering, jumping, or any other behavior in which the dog does not maintain a working mode. In addition, inappropriate service animal conduct such as growling, nipping, biting, snapping, raising hackles, showing or baring teeth, and lunging at other people or dogs may result in the animal being asked to leave campus.

A service or emotional support animal may also be excluded from a facility where the animal may be in danger or its use will compromise the integrity of research or other program (e.g. food preparation areas, research laboratories, and areas requiring protective clothing).

Additional Requirements Of Animals And Users/Owners Of Emotional Support Animals

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

- The user/owner must register the therapy or companion animal by completing the Animal Registration Form available at www.fvcc.edu/current-students/ under “Policies & Procedures.”
- The user/owner must meet with Disability Services and provide the necessary documentation for approval.
- The user/owner must ensure that the emotional support animal is on a leash or 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 student housing.
- Use of the animal shall not constitute a direct threat to the health and safety of others.
- The user/owner must ensure the emotional support animal 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 must provide verification from a qualified veterinarian that all vaccinations appropriate for that type of animal are current.
- The user/owner of an emotional support animal must carry and be able to produce a FVCC Disability Services for Students card.
- If an owner/user obtains a new/different emotional support animal to be used under the provisions of this procedure, the new/different emotional support animal must be registered and approved. A new FVCC Disability Services for Students card will be created.