

**HIGHLAND COMMUNITY COLLEGE
COLLEGE HOUSING REASONABLE ACCOMMODATION POLICY**

Section I. Introduction and Background

Highland Community College ("HCC" or the "College") recognizes the importance of providing reasonable accommodations in its housing policies and practices where necessary for individuals with disabilities to use and enjoy College housing. This Policy explains the specific requirements and guidelines which govern requests for reasonable accommodation in College housing. HCC reserves the right to amend this policy at any time as circumstances require.

Section II. Procedure for Requesting Reasonable Accommodation (Excluding Requests for Service Animals under the Americans with Disabilities Act Amendments Act)

HCC's Disability Services ("Disability Services") is/are responsible for evaluating whether to grant or deny requests for reasonable accommodation in College housing. In evaluating the request, Disability Services will consult with the Director of Student Life ("Student Life"), the Vice President of Student Services ("Student Services"), and the HCC Counselor, as necessary, to determine whether the requested accommodation is necessary and reasonable. Individuals with a disability who reside or intend to reside in College housing who believe they need a reasonable accommodation must contact Disability Services.

Requests for reasonable accommodation in College housing policies and practices are governed by the following requirements:

1. Requesting a Housing Accommodation

- a. An individual with a disability must complete the "Request for Reasonable Housing Accommodation" Form (the "Request Form") to request a reasonable housing accommodation. Copies of the Request Form are available from Disability Services. If the individual requires assistance in completing the Request Form, Disability Services will provide assistance in completing the form.
- b. HCC will accept and consider requests for reasonable accommodation in College housing at any time. The individual making the request for accommodation should complete and provide the Request Form to Disability Services as soon as practicably possible before moving into College housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into College housing, HCC cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy.
- c. If the need for the accommodation arises when an individual already resides in College housing, the individual should contact Disability Services and complete the Request

Form as soon as practicably possible. HCC cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

- d. Absent exceptional circumstances, the College will attempt to provide a written response to a reasonable accommodation request within fourteen (14) business days of receiving the information described in section 2 below.

2. Information that May Be Requested for Housing-Related Reasonable Accommodation Requests

Disability Services shall limit its requests for information to only the information necessary to verify whether the individual making the request has a disability and/or to evaluate if the reasonable accommodation is necessary to provide the individual an equal opportunity to use and enjoy College housing.

a. Obvious Disability

If the individual's disability and the necessity for the accommodation are obvious (e.g. an individual with a physical disability using a wheelchair needs an accessible room), the individual need only explain what type of accommodation is being requesting. No verification of disability and/or necessity is required under these circumstances.

b. Non-Obvious Disability/Necessity

- i. If the disability is obvious but the need for the accommodation is not obvious, the College may require the individual to complete the Reasonable Accommodation Verification Form for College Housing ("Verification Form") and designate a reliable third party who can verify that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy College housing, but may not seek information about the individual's disability.
- ii. If the disability and necessity for the accommodation are not obvious, Disability Services will require the individual to complete the Verification Form and designate a reliable third party who can verify that the individual has a disability and that the requested accommodation is currently necessary to provide the individual an equal opportunity to use and enjoy College housing.
- iii. A reliable third party is someone who is familiar with the individual's disability and the necessity for the requested accommodation. A reliable third-party includes, but is not limited to, someone who provides licensed medical care, therapy, or counseling to persons with disabilities, including doctors, physician's assistants, psychiatrists, psychologists, or social workers.

- iv. Absent exceptional circumstances, within seven (7) business days of receiving the completed Verification Form from the third-party, the Disability Professional(s), after consultation with the aforementioned parties, will determine if the accommodation is necessary because of a disability to provide the individual an equal opportunity to use and enjoy College housing.
- v. If the third party returns the Verification Form without sufficient information for Disability Services to determine whether an accommodation is necessary, Disability Services will inform the individual in writing of the verification's insufficiency and may request additional information, including speaking directly with the individual supplying the third-party verification, within seven (7) business days of receiving the verification.
- vi. The individual making the request for accommodation must cooperate with Disability Services in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

3. Determination of Reasonableness

- a. Disability Services may deny the requested accommodation if it is unreasonable. Disability Services shall consult with Residence Life to determine if implementing the requested accommodation is reasonable.
- b. An accommodation is unreasonable if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters College housing policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including College property; and/or (4) is otherwise unreasonable to the operation of the College.

4. Approval of Accommodation

- a. If Disability Services determines a requested accommodation is necessary and is not unreasonable, it will contact the individual, in writing, within seven (7) business days of its determination, to arrange a meeting to discuss the implementation of the accommodation.

5. Denial of Accommodation/Appeal

- a. If Disability Services determines a requested accommodation is necessary but unreasonable, Disability Services will contact the individual, in writing, within seven (7) business days of its determination and engage in an interactive process with the individual to determine if there are alternative accommodations that might effectively meet the individual's disability-related needs.

- b. If the individual is unwilling to accept any alternative accommodation offered by Disability Services or there are no alternative accommodations available, Disability Services will provide a verbal explanation and written notification to the individual of the denial, the reasons for the denial, the right to appeal the decision, and the procedures for that appeals process. The notification shall be in writing and made within seven (7) business days of the notification from the individual of their unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.
- c. All appeals are reviewed by the HCC ADA/Section 504 Compliance Officer. If the appeal is denied, the HCC ADA/Section 504 Compliance Officer shall provide written notification of the denial to the individual and a written explanation with all of the reasons for the denial.
- d. An individual may also use the Equity Grievance Process outlined under the general College antidiscrimination policies. This grievance policy and procedure can be found at: <https://highlandcc.edu/caffeine/uploads/files/Approved%20Equity%20Grievance%20Policy.pdf>

6. Confidentiality and Recordkeeping

In processing requests for reasonable accommodations, the College will take all steps required by federal, state, and/or local law to protect the confidentiality of any information or documentation disclosed in connection with the requests. Such measures may include limiting access to such information to individuals specifically designated to determine and implement requests for reasonable accommodations, who will disclose the information only to the extent necessary to determine whether to grant the request, determine if the request is unreasonable, and implement any request granted, keeping all written requests and accompanying documentation in a secure area to which only those designated individuals have access, except as otherwise required by law.

7. Non-retaliation Provision

HCC will not retaliate against any individual because that individual has requested or received a reasonable accommodation in College housing.

HIGHLAND COMMUNITY COLLEGE ASSISTANCE ANIMAL POLICY AND AGREEMENT

Highland Community College (“HCC” or “College”) recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Assistance Animals” under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. HCC 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. HCC is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy College housing. This Policy explains the specific requirements applicable to an individual’s use of an Assistance Animal in College housing. HCC reserves the right to amend this Policy as circumstances require. This Policy applies solely to “Assistance Animals” which may be necessary in College housing. It does not apply to “Service Animals” as defined by the ADAAA.

Although it is the policy of HCC that individuals are generally prohibited from having animals of any type in College housing, HCC will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Assistance Animal that is necessary because of a disability and reasonable. However, no Assistance Animal may be kept in College housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

I. Definitions

A. Assistance Animal

“Assistance Animals” are a category of animals that may work, provide assistance, or perform physical tasks for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADAAA and HCC’s Service Animal Policy. An Assistance Animal is not a pet. Some Assistance Animals are professionally trained, but in other cases Assistance Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as Assistance Animals, but any animal may serve a person with a disability as an Assistance Animal. (It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or emotional support animal.)

The question in determining if an Assistance Animal will be allowed in College housing is whether or not the Assistance Animal is necessary because of the individual’s disability to afford the individual an equal opportunity to use and enjoy College housing and its presence in College housing is reasonable. However, even if the individual with a disability establishes necessity for an Assistance Animal and it is allowed in College housing, an Assistance

Animal is not permitted in other areas of the College (e.g. dining facilities, libraries, academic buildings, athletic buildings and facilities, classrooms, labs, individual centers, etc.).

B. Owner

The “Owner” is the individual who has requested the accommodation and has received approval to bring an Assistance Animal into College Housing.

C. Disability Services Office

HCC’s Disability Services (“Disability Services”) collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all HCC programs and activities.

II. Procedures for Requesting Assistance Animals in College Housing

The procedure for requesting Assistance Animals follows the general procedures set forth in the College Housing Reasonable Accommodation Policy (“Reasonable Accommodation Policy”) and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Reasonable Accommodation Policy, this Policy shall control.

III. Criteria for Determining If Presence of the Assistance Animal is Reasonable

A. College housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain residence halls. To ensure that the presence of Assistance Animals is not an undue administrative burden or fundamental alteration of College housing, HCC reserves the right to assign an individual with an Assistance Animal to the most appropriate housing unit which may include a single room without a roommate.

B. However, for all requests for Assistance Animals, Disability Services shall nonetheless consult with the Director of Student Life (“Student Life”) and the Vice President of Student Services (“Student Services”) in making a determination on a case-by-case basis of whether the presence of an Assistance Animal is reasonable. A request for an Assistance Animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters College housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including College property.

C. In order for a request for an Assistance Animal to be reviewed, the individual making the request must submit documentation of their disability and their disability-related need for an Assistance Animal. The documentation must come from a licensed professional (such as a doctor, psychologist, or therapist) and should address the individual’s current need for an Assistance Animal as a means to alleviate one or more of the identified symptoms or effects of the disability. Individuals are required to use Highland’s “Verification of Disability-Related Need for Assistance Animal” Form.

D. HCC may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Assistance Animals:

1. The size of the animal is too large for available assigned housing space;
2. The animal's presence would force another individual from individual housing (e.g. serious allergies);
3. The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
4. The animal is not housebroken or is unable to live with others in a reasonable manner;
5. The animal's vaccinations are not up-to-date;
6. The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or
7. The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

HCC will not limit room assignments for individuals with Assistance Animals to any particular building or buildings because the individual needs an Assistance Animal because of a disability.

IV. Access to College Facilities by Assistance Animals

A. Assistance Animals

An Assistance Animal must be contained within the Owner's privately assigned individual living quarters (e.g. room, suite, apartment) except to the extent the individual is taking the animal out for natural relief. When an Assistance Animal is outside the private individual living quarters, it must be in an animal carrier or controlled by a leash or harness. Assistance Animals are not allowed in any College facilities other than the specific College residence quarters (e.g. dormitories, suites, apartments, etc.) to which the individual is assigned.

B. Dominion and Control

Notwithstanding the restrictions set forth herein, the Assistance Animal must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from College housing.

V. Owner's Responsibilities for Assistance Animal

If the College grants an Owner's request to live with an Assistance Animal, the Owner is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

A. General Responsibilities

1. The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Owner'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. The College reserves the right to request documentation showing that the animal has been licensed.
2. The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by HCC.
3. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Assistance Animal and/or discipline for the responsible individual.
4. HCC will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Assistance Animal.
5. An individual with a disability may be charged for any damage caused by the Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the College's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a College-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The College shall have the right to bill the Owner's account for unmet obligations under this provision.
6. The Owner must fully cooperate with College personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).

7. Assistance Animals may not be left overnight in College Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from the residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Assistance Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.

8. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.

9. The animal is allowed in College housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Disability Services Office in writing if the Assistance Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy and the Reasonable Accommodation Policy when requesting a different animal.

10. HCC personnel shall **not** be required to provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care of, damage to, loss or death of the animal.

11. The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the Assistance Animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

VI. Removal of Assistance Animal

The College may require the individual to remove the animal from College housing if:

1. the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. the animal's presence results in a fundamental alteration of a College program;
3. the Owner does not comply with the Owner's Responsibilities set forth above; or
4. the animal or its presence creates an unmanageable disturbance or interference with the College community.

The College will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal

may cause. Any removal of the animal will be done in consultation with the Disability Services Coordinator and may be appealed to HCC's ADA/Section 504 Compliance Officer following the procedure set forth in Paragraph 5 of the Reasonable Accommodation Policy. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Assistance Animal be removed from the premises for any reason, the Owner is expected to fulfill housing obligations for the remainder of the housing contract.

VII. Non-retaliation Provision

HCC will not retaliate against any person because that individual has requested or received a reasonable accommodation in College housing, including a request for an Assistance Animal.

Acknowledgement and Release of Information Consent Form

By my signature below, I verify that I have read, understand, and will abide by the requirements outlined here and I agree to provide the additional information required to complete my Request for a Reasonable Accommodation under the College's Assistance Animal Policy for College Housing.

- I have read and understand the Assistance Animal Policy and Agreement and I agree to abide by the requirements applicable to Assistance Animals. I understand that if I fail to meet the requirements set forth in the Policy, HCC has the right to remove the Assistance Animal and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.
- I furthermore give permission to the Disability Services Office to disclose to others impacted by the presence of my Assistance Animal (e.g., Student Life staff, potential and/or actual roommate(s)/neighbor(s)) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Assistance Animal and/or resolving any potential issues associated with the presence of the Assistance Animal.
- I further recognize that the presence of the Assistance Animal may be noticed by others visiting or residing in College Housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances Assistance Animals are permitted for persons with disabilities.

Owner's Signature

Date

Disability Services Representative

Date

Student Life Representative

Date