

**Report of the Policies and Procedures Committee,
From Mary Parker, March 25, 2009**

Relating to the guidelines/procedures accompanying the Administrative Rule on Employment of Individuals under the Americans with Disabilities Act.

Find the proposed guidelines from this page:

<http://www.austincc.edu/busdept/ASC/ASCindex.php>

Summary:

The only change is the insertion of this paragraph:

If a physician statement indicates that a service dog is the preferred accommodation, the Vice President of Human Resources should be consulted. A service dog may be approved as the ADA accommodation with the following guidelines:

1. The dog must meet the legal definition of a service dog.
2. The trainer must be certified.
3. The dog must be trained and certification of the training must be presented to the supervisor.
4. The verification of training must state what situations / disabilities the dog has been trained to assist with.
5. The dog must not represent a threat, exhibit violent behavior or impact the health or safety of students, staff, or others.

The Senate's Policies and Procedures committee did not meet to discuss this, but I sent it out by email. Because of the tight timeline, I sent it to the committee and, at the same time, sent it to Marshall Levett, a full-time faculty member who has had a service dog for years. I also contacted Gerry Tucker to ask about the motivation for the changes. Our committee did not have a meeting to discuss all of these, but I kept them apprised of what I learned by email.

Faculty Senate's recommendation: Ask for additional time to consider this. Specifically, it is apparent that the faculty member who knows the most about this, Marshall Levett, while agreeing that it is reasonable to have something in the guidelines that says such a dog must not impact the health or safety of students, staff, or others, believes that the proposed language is not fully appropriate, and he is supported in this by ACC's Accessibility Committee. The Faculty Senate also recommends that the Environmental Health & Safety Committee also be consulted in the formulation of these guidelines.

Comments:

From the Policies and Procedures committee during the first week in March: Several members said "It seems like a good idea." One member expressed concern that it only addresses service dogs, and it seems that an up-to-date rule should address "service animals."

From Gerry Tucker: The reason for this is that recently an employee (I think a new employee) had a service dog and it barked at some of the staff. Some staff members in the area were afraid to come to work. She asked ACC's legal advisors and was told that we couldn't do anything about that unless we had something in the rules specifically about this.

From Marshall Levett: This language doesn't even mention the real issue, which is that the supervisor and the employee need to sit down together and talk about the problem, and come up with a plan to ensure that the problem doesn't recur. Animals and trainers are not individually certified, so this language in the proposal is not accurate. It is not true that a physician statement is needed, under ADA. There are several places where the guidelines are not in accord with the most recent legal definitions. The guidelines need to be reviewed more fully, including by ACC's Accessibility Committee.