



California State Board of Guide Dogs for the Blind's Arbitration Program

What is the Arbitration Program?

The California State Board of Guide Dogs for the Blind (Board) is required, by law, to offer arbitration assistance to guide dog user (user) graduates of California guide dog schools (school) regarding a school's decision to discontinue use or to reclaim custody of a guide dog (dog). The Arbitration Program is designed to provide resolution to users with disputes that involve continued use of a dog, or the actual physical custody of a dog where the user is not the unconditional legal owner of the dog (i.e. the school retains title of the dog). Users who are dissatisfied with a school's decision to discontinue use or to reclaim custody of a dog may appeal to the Board to convene an arbitration panel.

How does it work?

An arbitration panel will consist of at least one representative for each the school and the user as well as a representative of the Board to coordinate the meeting and serve as the chair. Additional representatives, witnesses, etc. may be requested by the Board. The arbitration panel will meet in closed session to hear the issue. Once both party's presentations have been heard, the arbitration panel will issue a decision, in writing, to the parties involved within 10 calendar days. The panel's decision is final and both parties must waive any subsequent judicial review prior to beginning the arbitration process.

Who can seek arbitration?

Users who are not the unconditional owner of the dog and have received notice from a school that their dog can no longer continue to work as a guide dog, or that the school is reclaiming physical custody of the dog, may seek arbitration from the Board.

How to seek arbitration?

A user will receive written notice from a school when a decision has been made to reclaim physical custody or to discontinue use of a dog. This notice must include information about the Board's Arbitration Program and must come through a service where delivery to the user can be confirmed by the school. If a user wishes to seek arbitration, they must submit a written and signed request to the Board, and send a copy to the school, within 30 days of the receipt of notice from the school. All of the arbitration panel's hearings, investigations, and decisions will be concluded within 45 calendar days of receipt of a user's written request for arbitration. The Board will make every effort to minimize costs for all parties involved as all parties are required to bear their own costs for arbitration.

Resources

<http://www.guidedogboard.ca.gov/about/lawsregs/index.shtml>

Applicable Code Sections

Business and Professions Code Section 7215.6

California Code of Regulations Title 16, Division 22, Sections 2293-2294



Text of Law (Business and Professions Code Section 7215.6)

7215.6. (a) In order to provide a procedure for the resolution of disputes between guide dog users and guide dog schools relating to the continued physical custody and use of a guide dog, in all cases except those in which the dog user is the unconditional legal owner of the dog, the following arbitration procedure shall be established as a pilot project.

(b) This procedure establishes an arbitration panel for the settlement of disputes between a guide dog user and a licensed guide dog school regarding the continued use of a guide dog by the user in all cases except those in which the dog user is the unconditional legal owner of the dog. The disputes that may be subject to this procedure concern differences between the user and school over whether or not a guide dog should continue to be used, differences between the user and school regarding the treatment of a dog by the user, and differences over whether or not a user should continue to have custody of a dog pending investigation of charges of abuse. It specifically does not address issues such as admissions to schools, training practices, or other issues relating to school standards. The board and its representative are not parties to any dispute described in this section.

(c) The licensed guide dog schools in California and the board shall provide to guide dog users graduating from guide dog programs in these schools a new avenue for the resolution of disputes that involve continued use of a guide dog, or the actual physical custody of a guide dog. Guide dog users who are dissatisfied with decisions of schools regarding continued use of guide dogs may appeal to the board to convene an arbitration panel composed of all of the following:

- (1) One person designated by the guide dog user.
- (2) One person designated by the licensed guide dog school.
- (3) A representative of the board who shall coordinate the activities of the panel and serve as chair.

(d) If the guide dog user or guide dog school wishes to utilize the arbitration panel, this must be stated in writing to the board. The findings and decision of the arbitration panel shall be final and binding. By voluntarily agreeing to having a dispute resolved by the arbitration panel and subject to its procedures, each party to the dispute shall waive any right for subsequent judicial review.

(e) (1) A licensed guide dog school that fails to comply with any provision of this section shall automatically be subject to a penalty of two hundred fifty dollars (\$250) per day for each day in which a violation occurs. The penalty shall be paid to the board. The license of a guide dog school shall not be renewed until all penalties have been paid.

(2) The penalty shall be assessed without advance hearing, but the licensee may apply to the board for a hearing on the issue of whether the penalty should be modified or set aside. This application shall be in writing and shall be received by the board within 30 days after service of notice of the penalty. Upon receipt of this written request, the board shall set the matter for hearing within 60 days.

(f) As a general rule, custody of the guide dog shall remain with the guide dog user pending a resolution by the arbitration panel. In circumstances where the immediate health and safety of the guide dog user or guide dog is threatened, the licensed school may take custody of the dog at once. However, if the dog is removed from the user's custody without the user's concurrence, the school shall provide to the board the evidence that caused this action to be taken at once and without fail;



and within five calendar days a special committee of two members of the board shall make a determination regarding custody of the dog pending hearing by the arbitration panel.

(g) (1) The arbitration panel shall decide the best means to determine final resolution in each case. This shall include, but is not limited to, a hearing of the matter before the arbitration panel at the request of either party to the dispute, an opportunity for each party in the dispute to make presentations before the arbitration panel, examination of the written record, or any other inquiry as will best reveal the facts of the disputes. In any case, the panel shall make its findings and complete its examination within 45 calendar days of the date of filing the request for arbitration, and a decision shall be rendered within 10 calendar days of the examination.

(2) All arbitration hearings shall be held at sites convenient to the parties and with a view to minimizing costs. Each party to the arbitration shall bear its own costs, except that the arbitration panel, by unanimous agreement, may modify this arrangement.

(h) The board may study the effectiveness of the arbitration panel pilot project in expediting resolution and reducing conflict in disputes between guide dog users and guide dog schools and may share its findings with the Legislature upon request.

(i) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Text of Law (California Code of Regulations Title 16, Division 22, Sections 2293-2294)

2293. School Requirements Regarding Continued Use of a Guide Dog.

(a) Except for circumstances described in Business and Professions Code section 7215.6(f), whenever a school retains title to a trained guide dog and decides not to permit the continued use of the dog by its user, the school shall do all of the following:

- (1) Issue a written letter of intent to the user that the school intends not to permit continued use of the dog.
- (2) Provide the user a copy of the law and regulations pertaining to the arbitration provisions of Chapter 9.5 of Division 3 of the Code (commencing with section 7215.6).
- (3) Provide the user with a record of the Board's name, physical address, web site address, and telephone number.
- (4) The items described above shall be provided to the user by personal delivery, by first class mail, postage prepaid, with return receipt requested, or substantially similar means designed to ensure actual notice to the user as determined by the Board in its discretion.

(b) The requirements of subsection (a) shall be performed within 30 calendar days of the school decision not to permit the user's continued use of the dog.

(c) A user may waive his or her rights to notice and arbitration under subsection (a). To be valid, the waiver must be in writing, signed by the user and executed either after the user has been informed of the school's intent not to permit continued use of the dog or after the dog has been out of the user's physical custody for 30 calendar days.



2294. Arbitration Requirements.

To utilize the arbitration panel provided for in Code section 7215.6, the following requirements must be met:

(a) A school or user requesting arbitration shall submit a written request to the Board at its office, with the requestor's original signature, which contains the following information:

- (1) The name, address, and phone number of the school;
- (2) The name, address, and phone number of the user;
- (3) The name of the dog which is the subject of the dispute; and
- (4) An explanation of the nature of the dispute between the school and user.

(b) The requestor shall simultaneously submit a copy of the request to the other party to the dispute.

(c) A request for arbitration shall be postmarked within 30 calendar days of receipt of the school's letter of intent to not permit continued use of the guide dog by its user. For purposes of this subsection, receipt is the day the letter of intent was actually received by the user or, if actual receipt cannot be determined, 10 calendar days after it was mailed.