

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Animals on University Property

Policy Number: 13.2

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 1/27/2015

Unit(s) Responsible for Policy Implementation: Vice President for University Affairs

Purpose of Policy (what does it do): Outlines university intent to comply with federal, state, and local regulations in regard to use of service animals in university facilities, emotional support animals in university housing, and recreational animals on university grounds.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: The term 'therapy animal' has been revised to 'emotional support animal' to more accurately represent the type of assistance the animal provides and create a distinction between emotional support animals needed to alleviate symptoms of an individual's mental/emotional disability versus therapy animals used by mental health professionals in therapeutic settings. - Added responsibilities of handlers in regard to animal conduct, care of the animal, and proper clean-up and disposal of animal waste.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

STEPHEN F. AUSTIN

STATE UNIVERSITY

Office of the General Counsel

Winston Baker, Director of Residence Life

Marc Cossich, Executive Director of Public Safety/Chief of Police

Tiffany Rivers, Director of Disability Services/ADA Coordinator

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Dr. Steve Westbrook, Vice President for University Affairs

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Animals on University Property

Original Implementation: Unpublished

Last Revision: ~~January 27, 2015~~ January 30, 2018

The university seeks to uphold federal, state, and local laws and regulation; 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 all individuals.

Service animals are welcome in all buildings on campus and may attend any class, meeting, or other event. Individuals with documented disabilities residing in university housing may request as an accommodation that an *emotional support therapy* animal (ESA) be allowed to reside in the campus residence; however, ~~therapy-ESA's animals~~ are not permitted anywhere outside of the individual's assigned living space except as otherwise provided by this policy. Community members may take advantage of the several recreational areas on campus by walking personal animals and are allowed to do so within the guidelines set forth. Reasonable behavior is expected from the animals while on campus. If the animal exhibits unacceptable behavior, the handler is expected to employ the proper training techniques to correct the situation.

Consideration of others may be taken into account when providing for the maintenance and hygiene of service animals. Additionally, specific guidelines have been established concerning service and ~~therapy-emotional support~~ animals living in a campus residency environment.

- Section I. Definitions
- Section II. Service Animals
- Section III. ~~Therapy Animals~~ Emotional Support Animals
- Section IV. Handler or Owner Responsibility
- Section V. Residence Life and Food Service Guidelines
- Section VI. Information and Appeals

Section I. Definitions

A. Handler:

A person with a disability using a service animal; a person who has received approval for an ~~therapy-emotional support animal accommodation~~; or a person in possession of an animal for recreation on the university campus.

B. Service Animal:

Any dog, or miniature horse, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. The

crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

C. ~~Therapy~~ *Emotional Support Animal*:

An animal that ~~works, provides assistance, or performs tasks for the benefit of an individual with a disability or~~ provides emotional support or therapeutic benefits that alleviate one or more of the identified symptoms or effect of a person's disability; however, the animal is not required to be individually trained or certified to perform such task. ~~Therapy~~ *Emotional support animals include may also be referred to as "emotional support comfort animals," "companion animals," and "assistive assistance animals" used to support individuals with mental or emotional disabilities. These animals may provide crime deterrent effects or emotional support, well-being or comfort.*

D. Recreational Animal:

A domestic animal used for sport, companionship, or other non-service/assistance functions. Recreational animals are not allowed inside university facilities. An exception would be small birds in cages and fish in a 10-gallon or less aquarium.

E. Unauthorized Animal:

Any animal not controlled by leash or harness, unless the animal is a service animal and the handler is unable because of disability to use a leash or harness or if the leash or harness restricts the service animal to function appropriately as such. Also, any animal that exhibits violent, uncontrollable, aggressive, or unhealthy behavior, including service and ~~therapy~~ *emotional support animals.*

Section II. Service Animals

A. University Responsibility

1. Allow service animals to accompany the handler to all areas of the facility where the handler is normally allowed to go. A handler may not be segregated from other similar members of the campus community; except where there is real danger to the animal or where the natural organisms carried by the service animal would adversely affect research. Exceptions to the exclusions will be reviewed on a case-by-case basis.
2. Not to pet, feed, or deliberately startle/disturb a service animal.
3. Not to separate, or attempt to separate, service animals from their handlers.
4. Provide handlers living in campus housing with an area for relieving and grooming their animals.

B. Inquiries

1. When it is not obvious what service an animal provides, the handler may be asked:

- a. If the animal is a service animal required for a disability; and
 - b. What work or task the animal has been trained to perform.
2. Staff may not ask about the person's disability, require medical documentation, require certification of the dog's training, or ask that the dog demonstrate its ability to perform the work or task.
3. Use of miniature horses as a service animal will be reviewed based on the inquiries and exceptions listed below and allowed by law.

C. Service Animal in Training

1. Individuals who desire an accommodation for a service animal in training must also abide by all relevant provisions of this policy.
2. An animal being trained to be a service animal will be treated as a fully trained animal when accompanied by a handler and identified as such.

D. Exceptions

1. Service animals may be denied or removed if:
 - a. The animal is out of control and its handler does not take effective action to control it. *The service animal is considered an extension of the handler and thus, is subject to the same code of conduct as the handler.*
 - b. The animal is not housebroken (i.e., trained so that, absent illness or accident, the animal controls its waste elimination).
 - c. The animal poses a direct threat to the health or safety of others that cannot be eliminated or reduced to an acceptable level by reasonable accommodation.

Section III. ~~Therapy~~ Emotional Support Animals

A. Inquiries

1. Requests for ~~therapy~~ *an emotional support* animals (ESA) may be made by individuals with documented disabilities residing in university housing.
2. If the animal does not meet the definition of service animal, the ~~resident individual~~ must engage in a reasonable accommodation request with Residence Life or Disability Services staff.
3. Residence Life or Disability Services may ask individuals who have disabilities that are not ~~really~~ *readily* apparent or known to the university official to submit reliable documentation of a disability and their disability-related need for ~~an therapy animal~~ *an ESA* within the residence hall. The individual is not required to disclose medical information that is overly intrusive and invasive in order to receive an accommodation.
4. A person ~~qualified~~ *qualifies* for reasonable accommodation if:
 - a. The person has a documented disability;

- b. The animal is necessary to afford the person with a disability an equal opportunity to use and enjoy the residence halls; and
- c. There is an identifiable relationship between the disability and the assistance the animal provides.

B. Exceptions

1. ~~Therapy~~ *Emotional support* animals may be denied or removed if:
 - a. The specific ~~therapy~~ animal would impose an undue financial and administrative burden or would fundamentally alter the nature of ~~the residence halls~~ *a service or program*.
 - b. The specific ~~therapy~~ animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation; or
 - c. The specific ~~therapy~~ animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.
 - ~~e.d.~~ *The specific animal in question is not being cared for by the handler.*

Section IV. Handler or Owner Responsibility

A. Authorized Animals

1. Handlers must abide by all state laws, Nacogdoches city ordinances related to animals in the city of Nacogdoches, and SFA guidelines, including but not limited to:
 - a. All animals in the city must have a valid license and tag issued by the city of Nacogdoches at the Department of Animal Control. The license and tag must be reviewed annually.
 - b. The handler is required to provide a collar or harness for the license and vaccination tags to be affixed. The handler shall see that the animal wears the collar and tags at all times.
2. The handler is liable for damages caused by the service animal, ~~therapy~~ *emotional support* animal, or recreational animal.
3. The handler is responsible for the care and supervision of a service animal, ~~therapy~~ *emotional support* animal, or recreational animal.
4. The handler must have full control of the animal at all times. Animals may not run at large; a leash or harness is required unless the handler is unable because of disability to use a leash or harness or it restricts the animal's ability to function properly.
5. Disturbing animal vocalization must be kept to an absolute minimum.
6. Handlers ~~must~~ *are responsible for relieve* ~~relieve~~ animals in designated locations and ~~must ensure immediate clean-up and properly dispose~~ *disposal* of animal waste.
7. The handler must observe housing and food service establishment guidelines.

8. All service/~~therapy~~ *emotional support* animals must have an annual clean bill of health from a licensed veterinarian. The animal's cleanliness is mandatory in the campus environment.
9. Vaccinations must be current and based on a veterinarian's recommendations, *with records made available at time of request*.
10. Daily grooming and occasional baths (at a vet or a family home) should be undertaken to keep the service animal's odor to a minimum.
11. Flea control is essential and adequate preventative measures must be taken. If a flea problem develops, it must be dealt with immediately and in an effective manner. In the event a flea problem is not eliminated by the handler, the university will exterminate the property and assess the handler the standard extermination fee.

B. Unauthorized Animals

1. In the event an unauthorized animal is discovered on or in university property, except residence halls, the University Police Department should be notified immediately. The responding officer may take appropriate action, up to and including ordering the handler or owner to remove the unauthorized animal from university property, or by contacting the Nacogdoches Animal Control Officer who will take possession of the animal and remove it from campus.
2. In the event an unauthorized animal is discovered in a university residence hall, the appropriate residence hall staff shall be notified immediately. The residence hall staff will attempt to contact the owner/handler of the unauthorized animal for removal. If the owner/handler cannot be contacted, the residence hall staff will contact the University Police Department for removal as indicated in this policy.

Section V. Residence Life and Food Service Guidelines

1. Occupants of university housing are not permitted to keep pets, except small birds in cages and small fish in aquariums.
2. Service animals are permitted to accompany the individual with a disability to all areas of the facility where persons are normally allowed to go.
3. ~~Therapy~~ *Emotional support* animals are not permitted anywhere outside of the individual's assigned living space; exceptions may be made on a case-by-case basis from Residence Life or Disability Services.
4. Service/~~therapy~~ *emotional support* animals should be kept under control. Animals should always be on a leash except when in the student's room with the door closed unless the leash restricts the service ~~animals~~ *animal's* ability to function appropriately.
5. Animal food should be kept in a covered storage container to deter pests.
6. An animal's paws must be kept off tables, trays, and food service counters at all times.

Section VI. Information and Appeals

Questions and concerns regarding the use of service/~~therapy~~ *emotional support* animals on university property should be directed to the ADA coordinator who serves as an advisor for procedures and access to programs and services.

For specific information regarding accessibility, refer to university policy 2.2, Accessibility for Persons with Disabilities. For specific information regarding resolution of disagreements, refer to university policy 6.6, Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities. For issues related to Discrimination ~~or Harassment~~, refer to university policy 2.11, Discrimination Complaints/~~Sexual Harassment~~.

Cross Reference: 28 C.F.R. § 35.136 (2010); Nacogdoches, Tex., Rev. Ordinances ch. 6, art. III, §§ 32-33 (2008); Accessibility for Persons with Disabilities (2.2); Appeal Procedure Relating— to the Provision of Accommodations for Students with Disabilities (6.6); Discrimination Complaints/~~Sexual Harassment~~ (2.11)

Responsible for Implementation: Vice President for University Affairs

Contact For Revision: Chief of University Police, Director of Disability Services, and Director of Residence Life

Forms: None

Board Committee Assignment: Academic and Student Affairs