**Service Animals** **UPPS No. 01.04.08**

 **Issue No. 1**

 **Effective Date: 08/17/2021**

 **Next Review Date:07/01/2024 (E3Y)**

 **Sr. Reviewer: ADA Compliance Coordinator, Institutional Compliance and Ethics**

**POLICY STATEMENT**

*Texas State University is committed to ensuring individuals who have a disability are afforded equal opportunities and equal access in compliance with federal and state laws.*

**01. BACKGROUND INFORMATION**

* 1. Texas State University does not discriminate on the basis of disability against individuals in any program, service, or activity offered by the university. The university is committed to ensuring that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently than other individuals due to their disability (for more information reference [UPPS No. 04.04.46](https://policies.txstate.edu/university-policies/04-04-46.html), Prohibition on Discrimination).
	2. The university adheres to the [Americans with Disabilities Act of 1990, as amended](https://www.ada.gov/pubs/adastatute08.htm#12101b), and [Title 8, Chapter 121 of the Texas Human Resource Code](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.121.htm), as they apply to service animals.
	3. This policy was created to demonstrate the university’s commitment to ensure equal access by allowing service animals on campus for people with disabilities who require their assistance.
	4. This policy does not address emotional support animals whose sole purpose is to provide comfort or emotional support. For specific requirements pertinent to the use of an emotional support animal, see [SS/PPS No. 07.12](http://newpolicy.com), Emotional Support Animals.

**02. DEFINITIONS**

02.01 [Americans with Disabilities Act of 1990, as amended](https://www.ada.gov/pubs/adastatute08.htm#12101b) (ADA) – Signed into law on July 26, 1990, the ADA prohibits discrimination on the basis of disability in employment, programs and services provided by state and local governments, goods and services provided by private companies, and in commercial facilities.

02.02 Service Animal – The U.S. Department of Justice defines [service animals](https://www.ada.gov/service_animals_2010.htm) as dogs that are individually trained to do work or perform tasks for people with disabilities, and provides the following examples of such work or tasks:

a. guiding people who are blind;

b. alerting people who are deaf;

c. pulling a wheelchair;

d. alerting and protecting a person who is having a seizure;

e. reminding a person with mental illness to take prescribed medications;

f. calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack;

g. or performing other duties.

 Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

02.03 Service Animal in Training – a dog that is undergoing the training to become a service animal.

02.04 Handler – the individual who is using the service animal.

02.05 ADA Compliance Coordinator, Institutional Compliance and Ethics – the person who is designated to coordinate efforts to comply with and implement this policy. The ADA Compliance Coordinator, Institutional Compliance and Ethics is available to discuss options, provide support, explain university policies and procedures, and provide education on relevant issues.

**03. CRITERIA FOR DETERMINING THE PRESENCE OF A SERVICE ANIMAL**

03.01 When it is not obvious what service an animal provides, only limited inquiries are allowed. University personnel may ask two questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

University personnel cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

03.02 Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander or a person who has a fear of dogs and a person who uses a service animal must spend time in the same room or facility (e.g., a school classroom), they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

**04. SERVICE ANIMAL ACCESS TO UNIVERSITY FACILITIES**

04.01 Service animals are allowed to accompany people with disabilities in all areas of a university facility where the public is normally allowed.

04.02 The university may prohibit the use of service animals in certain locations based on health and safety restrictions. Restricted areas may include, but are not limited to the following areas:

a. custodial closets;

b. boiler rooms;

c. facility equipment rooms;

d. research laboratories maintaining sterile conditions;

e. classrooms with research or demonstration animals;

f. areas where protective clothing is necessary;

g. sterile environments; and

h. areas outlined in state law as being inaccessible to animals.

04.03 Service animals may or may not be allowed in certain laboratory settings. Individuals with service animals who require their assistance in any lab setting may consult with the ADA Compliance Coordinator, Institutional Compliance and Ethics or the Office of Disability Services prior to attendance. The Department of Environmental Health, Safety, Risk and Emergency Management is available to assist with information on appropriate personal protective equipment (PPE).

1. Biological Safety Level 1 Labs: Service animals may be allowed in Biological Safety Level 1 laboratory settings. Service animals in labs must use canine PPE as required by faculty and lab managers for lab occupants.
2. Biological Safety Level 2 Labs: Service animals are generally not allowed in Biological Level 2 labs laboratory settings. Additional measures and PPE may be required in these cases for the health and safety of the animal as well as lab occupants.

**05. HANDLER’S RESPONSIBILITIES FOR SERVICE ANIMALS**

05.01 The individual handler is solely responsible for the custody and care of the service animal and must meet the following requirements:

1. A service animal must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or if the individual’s disability prevents them from using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. If a service animal is unable to be controlled or is being disruptive, faculty and staff may ask that the animal be removed from the immediate premises.

1. The handler must abide by current city, county, and state ordinances, laws, and regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual’s responsibility to know and understand these ordinances, laws, and regulations. The university has the right to require documentation of compliance with such ordinances, laws, and regulations, which may include a vaccination certificate. The university reserves the right to request documentation showing that the animal has been licensed.
2. The handler 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 the university. If the handler is not physically capable of cleaning up after the service animal, the handler must hire someone who is physically capable and incur the cost of such hire. Service animal waste cleanup should include appropriate waste clean-up equipment and appropriate disinfectant. Waste should be disposed in an appropriate outside container, such as a dumpster or outdoor waste container.
3. At all times, the handler has the sole responsibility of the cost of care and maintenance of health and well-being of the service animal. The animal should be free of fleas, ticks, and other pests. University personnel shall notbe required to provide care or food for any service animal and is not responsible for duties such as, 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, damage to, or loss of the animal.
4. The university will not ask for or require an individual with a disability to pay a fee or surcharge for a service animal.
5. The handler is financially responsible for the actions of the approved service animal. An individual with a disability may be charged for any damage caused by their service animal beyond reasonable wear and tear to the same extent that the university charges other individuals for damages beyond reasonable wear and tear. These actions include bodily injury and property damage, and the handler must take appropriate precautions to prevent injury or property damage. The university shall have the right to bill the individual for unmet obligations or damages under this provision.
6. The handler must fully cooperate with university personnel regarding meeting the terms of this policy and developing procedures for care of the animal (e.g., feeding and providing water for the animal, designating an outdoor relief area, disposing of feces, etc.).

05.02 Pursuant to and in accordance with [Texas HR Code **§**121.006](https://statutes.capitol.texas.gov/Docs/HR/htm/HR.121.htm#121.006), individuals who knowingly misrepresent an animal as a service animal may be subject to penalties, including a fine of up to $300 and 30 hours of community service, and removal of the animal should it become known that the animal is not a service animal.

**06. REMOVAL OF SERVICE ANIMALS**

06.01 The university may require the individual remove the service animal from university premises if:

1. the animal is out of control, and the handler does not take effective action to control it. If improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any university facility until the handler can demonstrate that they have taken sufficient steps to mitigate the behavior;
2. the animal is not housebroken; or
3. the handler does not comply with the handler’s responsibilities set forth above.

06.02 When there is a legitimate reason to ask that a service animal be removed, university personnel must offer the person with the disability the opportunity to obtain goods or services without the animal’s presence.

06.03 The university will base its determination to remove the animal 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 decided by the Chief Compliance Officer.

**07. REVIEWERS OF THIS UPPS**

07.01 Reviewers of this UPPS include the following:

Position Date

Director, Office of Disability Services July 1 E3Y

 Director, Department of Housing and July 1 E3Y

 Residential Life

 Director, Environmental Health, July 1 E3Y

 Safety, Risk and Emergency

 Management

ADA Compliance Coordinator, July 1 E3Y

Institutional Compliance and Ethics

**08. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

ADA Compliance Coordinator, Institutional Compliance and Ethics; senior reviewer of this UPPS

Vice President for University Administration

President