

Sam Houston State University
A Member of The Texas State University System

President's Office Policy PRE-28

CAMPUS ACCESS FOR STUDENTS OR VISITORS WITH DISABILITIES USING SERVICE OR EMOTIONAL SUPPORT ANIMALS

Sam Houston State University (SHSU or University) is committed to ensuring persons with disabilities who use service or emotional support animals have the opportunity to receive the benefit of the work or tasks these animals perform or the therapeutic support they provide in accordance with State and Federal laws.

General inquiries regarding student and visitor use of service or emotional support animals on campus may be addressed to the Director of SHSU Services for Students with Disabilities (SSD), Lee Drain Annex, SHSU Box 2091, Huntsville, Texas 77341, telephone 936-294-3512, TDD 936-294-3786, and e-mail disability@shsu.edu.

1. Applicability

This policy applies to university students and campus visitors with disabilities using service and/or emotional support animals. University employees or employee applicants seeking assistance or guidelines for the use of service and/or emotional support animals should contact the Associate Vice President of Human Resources and Risk Management.

2. Definitions

2.01 Service Animal. *Service animal* means any dog 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.

- a. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition (with the possible exception of miniature horses, per federal regulations).
- b. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- c. 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.

2.02. Emotional Support Animal. *Emotional support animal* means an animal that is necessary to afford a student with a disability an equal opportunity to use and enjoy university housing. An emotional support animal provides emotional support that alleviates one or more identified symptoms or effects of a person's documented disability. Such animals generally have no formal training and do not assist a

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person with activities of daily living or other disability-related tasks. Emotional support animals include a broader range of species than service animals. Such animals are also known as comfort or therapy animals. Emotional support animals may be permitted as an accommodation only for student residents in university residence halls and in accordance with the Emotional Support Animal Procedure in paragraph 4 below. Emotional support animals are not permitted in any other university facility, with the exception of designated emergency evacuation shelters on campus.

2.03 Pet. *Pet* means an animal kept for ordinary use and companionship. A pet is not considered a service animal or an emotional support animal and is not covered by this policy. Pets are not permitted in university facilities, with the exception of properly tanked fish in the residence halls.

2.04 Owner/handler. *Owner/handler* means a person with a disability who uses a service or emotional support animal.

2.05 University Official. *University official* means: a faculty or staff member responsible for a classroom, office, department, building, facility, program, service, activity, or event of the university; and representatives of the SHSU Public Safety Services (University Police Department).

3. Service Animal Procedure

3.01. Access for Service Animals.

SHSU generally allows service animals on campus, in university buildings and facilities, and at university events when accompanied by a person with a disability who indicates that the animal is trained to provide a specific service that is directly related to the person's disability. A service animal may not be permitted if the animal poses a substantial and direct threat to the health or safety of others, constitutes a fundamental alteration to the nature of a university program or service, or meets one of the other exclusionary criteria detailed in Removal of Service and Emotional Support Animals, below. Note: Students planning to reside with service animals in university housing are asked to notify the Department of Residence Life in advance of the animal coming to campus and to review the Residence Life Assistance Animal Guidelines, posted at <http://www.shsu.edu/dept/residence-life/documents/Assistance%20Animal%20Policy.pdf>.

Students intending to use service animals in science labs, animal research facilities, food preparation sites, clinical settings, or other sensitive areas are advised to contact the lab supervisor or course instructor and the SSD Director prior to the semester in question in order to determine whether and how the animal's presence and its work or tasks can be safely accommodated. In some instances, protective equipment for the animal and other precautions may be required in order for the service animal to be present. The animal may be prohibited if it is determined that the use of protective equipment or other precautions would not sufficiently mitigate a substantial and direct threat to health and safety, or the animal's presence or the work or tasks it performs poses a fundamental alteration to campus areas or activities. If a service animal is prohibited, the university will provide the individual with a disability the opportunity to participate in the program, service, or activity without having the animal present.

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3.02. Inquiries Regarding Service Animals.

Per federal law, persons with disabilities who are accompanied by service animals must not be asked to identify the nature or extent of their disabilities or to provide documentation of same. In regard to a service animal:

- a. Generally, university officials will not inquire about an animal's status as a service animal if it is readily apparent that the animal is trained to do work or to perform a task on behalf of a person with a disability (e.g., a dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to a person with an observable mobility impairment).
- b. University officials will not require documentation of an animal's training or certification as a service animal.
- c. If it is not readily apparent that an animal is doing work or performing a task on behalf of a person with a disability, university officials may discreetly make the following, limited inquiries of the owner/handler:
 - i. Whether the animal is a service animal required because of a disability; and
 - ii. What work or task the animal has been trained to perform.
- d. If a university official is unable to ascertain whether an animal is a service animal, said official will refer a student or visitor owner/handler to the SSD Office. The SSD Director or their designee will make the inquiries noted in 3.02c above to determine whether the animal qualifies as a service animal. Upon making this determination, the SSD Office will provide a letter to the owner/handler of the qualifying service animal verifying that the animal is permitted on campus in accordance with this policy.

3.03 Responsibilities of Service Animal Owner/Handler.

- a. Service animal owner/handlers are solely responsible for any damage or injury caused by their animals. The university may impose financial costs on owner/handlers for property damage caused by their animals.
- b. Owner/handlers must maintain control of their service animals at all times.
 - i. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the animal's work or the individual's disability precludes the use of these devices. In that case, the owner/handler must maintain control of the animal by voice, signal, or other effective means.
 - ii. To the extent possible, the service animal should be unobtrusive to other individuals in the learning, living, or working environment.
 - iii. Service animals should not be permitted to block aisles or passageways or fire egress.
- c. Owner/handlers are solely responsible for costs of care and arrangements for the health and well-being of their service animals, including pest control.
- d. Owner/handlers must comply with all applicable laws and regulations pertaining to animal vaccination, licensure, and health.

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- e. Owner/handlers are solely responsible for cleaning up after their service animals and properly disposing of animal waste. If the owner/handler is not physically able to clean up after a service animal, he/she must hire or otherwise recruit another individual who is capable of meeting this requirement.
- f. It is recommended, but not required, that a service animal wear a commonly recognized sign or symbol, identifying it as a working animal but not disclosing the owner/handler's disability.

4. Emotional Support Animal Procedure

Emotional support animals are permitted only in university residence halls for residents, provided that the animal is approved by the SSD Office and is necessary for the resident with a documented disability to have equal access to housing. The procedure for requesting the possession and use of an emotional support animal in a university residence hall and the owner/handler's responsibilities for the animal are detailed in the Department of Residence Life Assistance Animal Guidelines, posted [on the Residence Life webpage](#), and the Animal Owner's Agreement Form, available upon request from Residence Life.

The SSD Office will require documentation of the student resident's disability and disability-related need for an emotional support animal in university housing, consistent with the [SSD General Documentation Guidelines](#).

Emotional support animals are not permitted in university facilities other than residence halls for student residents and designated emergency evacuation shelters on campus.

5. Removal of Service and Emotional Support Animals

5.01 Under circumstances described below, a university official may remove or bar service and emotional support animals from a university facility or the campus as a whole. When a service or emotional support animal is removed pursuant to this policy, the university shall provide the individual with a disability the opportunity to participate in the service, program, or activity without having the animal on the premises.

5.02 Service and emotional support animals may be removed for the following reasons:

- a. Out-of-Control Service or Emotional support Animal. An owner/handler may be directed to remove a service or emotional support animal that is out of control when the owner/handler does not or cannot take effective action to control the animal. If the out-of-control behavior occurs repeatedly, the animal may be barred from campus until the owner/handler can demonstrate that they have taken significant steps to mitigate the behavior in question. The service or emotional support animal is considered an extension of the owner/handler, and the animal's behavior is governed by SHSU Policies.
- b. Undomesticated Service or Emotional Support Animal. An owner/handler may be directed to remove an animal that is not sufficiently domesticated.
- c. Direct Threat. An owner/handler may be directed to remove a service or emotional support animal deemed to pose a substantial and direct threat to the health and safety of others. Factors constituting a direct threat may include but are not limited to the following: aggressive or threatening animal behavior; diseased state or substantial uncleanliness of an animal; pest infestation; and/or the presence of an animal in a sensitive environment that would compromise essential standards of safety, sanitation, or sterility.
- d. Other Non-Compliance with Residence Life Animal Owner's Agreement Form. An owner/handler may be directed to remove an emotional support animal from a university residence hall if the owner/handler fails to comply with the terms and conditions of the Residence Life Animal Owner's Agreement Form.

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6. Conflicting Disabilities

Individuals on the university campus may have allergic or phobic reactions to service or emotional support animals. Such reactions may qualify as disabilities. In cases of conflicting disabilities, the university will consider the needs of both the person with a service or emotional support animal and the person with an allergic or phobic reaction to the animal in meeting the obligation to reasonably accommodate both parties in an effective and expeditious manner. Students requesting accommodations for allergic or phobic reactions to service or emotional support animals on campus should contact the SSD Office. Visitors requesting accommodations for allergic or phobic reactions to service or emotional support animals on campus are advised to contact the university official or department responsible for the event or program the visitor is attending. Visitors may also contact the SSD Office.

7. Responsibilities of Faculty, Staff, and Other Members of the Campus Community Regarding Service and Emotional Support Animals

Members of the university community must abide by the following practices:

- a. Allow service animals to accompany their owner/handler at all times and in all places on campus and at off-campus, university-sponsored events, unless the animal meets one of the exclusionary criteria detailed in [Removal of Service and Emotional support Animals](#), above;
- b. Avoid all questions to owner/handlers regarding their disabilities;
- c. Abstain from petting, touching, speaking to, or otherwise engaging a service or emotional support animal, unless invited to do so by the owner/handler;
- d. Do not separate an animal from its owner/handler and;
- e. Allow service dogs in training when accompanied by an approved trainer the same access as fully trained service dogs.

8. Grievances Regarding Service and Emotional Support Animals

Students grieving the denial or exclusion of an animal under this policy are referred to Section 6 of the university's Disabled Student Policy, [Academic Policy Statement 811006](#), , and to the SSD Office for guidance and/or assistance in filing such a grievance. Campus visitors with such concerns may also contact the SSD Office.

References

Americans with Disabilities Act

US Department of Justice Service Animal Regulations

Fair Housing Act

Texas Human Resource Code, Chapter 121

Reviewed by: McCartney Johnson, Deputy to the President
Date: March 2022