# Texas Woman's University
# University Regulation and Procedure

| | |
|---|---|
| **Regulation and Procedure Name:** | **Animals on Campus** |
| **Regulation and Procedure Number:** | **URP: 01.245** |
| **Policy Owner:** | **Student Life** |

## POLICY STATEMENT

Texas Woman's University ("TWU" or "University") is committed to providing a healthy and safe environment by managing the presence of animals on University property and in its facilities, while providing people with disabilities the opportunity to receive the benefit of the tasks these animals provide or the therapeutic support they offer in accordance with the requirements of federal law.

Animals are generally not permitted in TWU buildings. With some exceptions, such as service animals, service animals in training, and assistance animals determined to be a reasonable accommodation by Disability Services for Students ("DSS") animals may be permitted in TWU buildings. The information below is intended to help students, employees, and guests understand the difference between various kinds of animals, where they are permitted, and when they may be removed.

## APPLICABILITY

This policy is applicable to TWU Students, Employees, and Guests.

## DEFINITIONS

1. "Accommodations" means reasonable modifications or adjustments that enable individuals with disabilities to have an equal opportunity to participate in an academic program or job responsibilities. Broad categories of accommodations include: changes that enable a student with a disability to perform the essential functions of the academic program, or changes that enable a student with a disability to enjoy equal benefits and privileges of the program.

2. "Assistance Animals" means a category of animals that may work, provide assistance, or perform physical tasks for an individual with a disability or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an

individual's disability, but which are not considered **service animals** under the Americans with Disabilities Act Amendments Act ("ADAAA"). This category includes: Emotional support animals, comfort animals, companion animals. Assistant Animals are distinguished from **service animals** in that they have not been individually trained.

3. "Employee" means an individual who is employed part-time, full-time, or in a temporary capacity as faculty, staff, or who is required to be a student as a condition of employment, undergraduate or graduate.

4. "Guest" means any individual not affiliated with TWU.

5. "Handler or Owner" means an individual who is the owner or trainer of a service animal, or the owner of an assistance animal on University property.

6. "Person with a disability" means a person who has a physical or mental impairment which substantially limits one or more major life activities; who has a record of such impairment; or who is regarded as having such an impairment.

7. "Pet" means a domesticated or tamed animal that is kept as a companion. On-campus residents are not permitted to keep pets, other than fish, in University residence halls.

8. "Program (Therapy) Animals" means any type of animal that has been screened to behave appropriately when interacting with people in places where pets are traditionally not allowed and whose participation in a University service program has been approved by a Department Head, Director, or Vice President. This includes dogs participating in a Therapy Animal program that: holds a current registration or certification, is on an animal-assisted therapy team with a qualified University employee, and is being used in an official University program or service for a University purpose.

9. "Service Animal" means a dog, or in rare situations, a miniature horse, that has been 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 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. The State of Texas permits Service Animals in Training to have access to the same areas as trained service animals as long as they are accompanied by an approved trainer. A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer.

10. "Student" means a person taking courses at TWU, a person who is not currently enrolled in courses but who has a continuing academic relationship with TWU, or a person who has been admitted or readmitted to TWU.

**REGULATION AND PROCEDURE**

I. Owner Responsibilities and Removal of Animals

A. The University is not responsible for the custody or care of a service dog, service dog in training, assistance animal (emotional support animal), or program animal.

B. Owners or handlers must:

1. Be in control of their animals at all times, e.g. not allow the animal to run at large, bark, growl, snap, lunge, or bite.

2. Keep animals in a carrier or controlled by a leash or harness, with the following exceptions:

a. When an animal is in the owner's room in University Housing;

b. If an individual's disability precludes the use of a restraint; or

c. If a service dog needs to be off leash to do its job (e.g., a dog trained to enter a space to check if there are threats and then return and signal to an owner that it is safe to enter).

3. Clean up after and properly dispose of animal waste in a safe and sanitary manner.

4. Be responsible for the cost of any damages caused by the animal.

5. Follow city, county, and state ordinances, laws or regulations pertaining to licensing, vaccination, and other requirements for animals.

C. Owners or handlers may be required to follow additional requirements in particular settings (e.g., University Housing, classrooms, or the work environment).

D. University faculty or staff members may ask that animals be removed from campus under the following circumstances:

1. The animal is in a University building and does not meet the definition of a service dog, service dog in training, assistance animal (emotional support animal), or program animal;

2. The animal poses a direct threat to the health or safety of others or causes substantial property damage;

3. The animal or its presence creates an unmanageable disturbance or interference with the University community;

4. The animal's presence results in a fundamental alteration of a University program; or

5. An owner or handler does not comply with the responsibilities listed above.

E. For violations of this policy where the respondent is a student, the Student Accountability and Growth Education ("SAGE") Center will follow the Student Code of Conduct process. For violations of this policy where the respondent is an employee, the Office of Human Resources will follow its process as outlined in URP 05.600: Staff Standards of Conduct and Disciplinary Process. Depending on the circumstances, an animal may be excluded from campus on an interim or permanent basis.

F. For service dogs, unless there is a threat to health or safety, University faculty and staff members should provide the individual an opportunity to bring the dog under control. For more information about service dogs or assistance animals, please contact Disability Student Services ("DSS") at 940-898-3835.

G. If there is an issue concerning safety due to an animal, contact the Texas Woman's University Department of Public Safety at 940-898-2911. If an individual believes the removal or exclusion of a service dog or assistance animal was in violation of the ADA or other law or policy, they may contact the University's ADA Coordinator at 940-898-2968 to review that decision or file a complaint with the SAGE Center.

II. Service Animals

A. Disabled individuals may be accompanied by their service dogs on all areas of TWU campuses, unless the presence of the service dog would be a fundamental alteration of the program or service.

B. Departments, instructors, and employees should not determine if a service dog is a fundamental alteration without consulting DSS.

C. Service dogs do not need to be approved by DSS as a reasonable accommodation. A service animal identification, vest or harness is not required.

D. Permissible Questions Related to Service Animals

1. The University is only permitted to ask the following questions to determine if a dog is a service dog:

a. Is the dog a service animal required because of a disability?

b. What work or task has the dog been trained to perform?

2. If an individual answers “Yes” to the first question and identifies work or a task that the dog performs, University faculty and staff should not ask any subsequent questions.

3. If an individual answers “No” to the first question or does not identify work or a task, the animal could be a service animal in training, assistance animal, or therapy animal. If University faculty and staff have concerns about how to proceed in this situation, they should consult DSS.

E. Service Animals in Training

In Texas, disabled individuals and trainers may take dogs being trained as service dogs to public places for training purposes to the same extent as service dogs that are already trained. In addition, individuals with disabilities may request to be accompanied by service dogs in training.

III. Program (Therapy) Animals

A. The presence of a program animal(s) at TWU must be approved by the Department Head or the Director of the unit that is hosting the program or event in which the program animal is involved. This approval does not extend to buildings or facilities that the Department Head or Director does not oversee. A program animal is not required to wear an identification vest or harness.

B. Permissible Questions Related to Program (Therapy) Animals

1. If a member of the University faculty or staff has determined that an animal is not a service animal, service animal in training, or assistance animal, then the faculty or staff member is permitted ask the following question to determine if an animal is a program animal:

   a. Has the presence of this animal and its participation in a service program been approved by a Department Head or Director?

2. University faculty and staff members may ask which Department Head has provided approval and contact the Department Head for verification. If an individual answers "No", this animal is likely a pet.

IV. Assistance Animals

A. Students must request to use an assistance animal in housing as a reasonable accommodation through the Disability Services for Students ("DSS").

1. Students who are not currently registered with DSS should complete an online DSS application. Once the forms are submitted, a DSS staff member will contact the student to schedule an appointment.

2. Registered DSS students should contact their assigned DSS Coordinator.

3. Students requesting emotional support animals within university housing are required to submit the Emotional Support Animal Request Form in addition to their online DSS application.

B. DSS will make a determination on a case-by-case basis about whether the presence of the assistance animal is reasonable and may consider the following factors, among others:

1. Whether the size of the animal is too large for a space, such as available assigned housing;

2. Whether the animal's vaccinations are up-to date;

3. Whether the animal's presence would force another individual from individual housing or another location (e.g. serious allergies);

4. Whether the animal's presence in housing otherwise violates individuals' rights to peace and quiet enjoyment;

5. Whether the animal causes or has caused excessive damages to housing beyond reasonable wear and tear; and

6. Whether the animal poses or has posed in the past a direct threat to individuals or other animals such as aggressive behavior or injuring an individual or other animal.

C. Disclosing Information About Assistance Animals

1. As part of the process of determining whether an assistance animal is reasonable, DSS may disclose the request to individuals such as roommates, who may be impacted by the presence of an assistance animal, e.g. because of animal allergies.

2. Additionally, if it is determined that it is reasonable for an individual to have an assistance animal as an accommodation, DSS may disclose this information to others who may be impacted by the presence of the assistance animal (e.g., Housing and Residence Life staff, potential or actual roommate(s) or neighbors). This information will be shared with the intent of preparing for the presence of the assistance animal or resolving any potential issues associated with the assistance animal.

3. Approved assistance animals are not required to wear an identification vest or harness.

4. If DSS finds the presence of an assistance animal reasonable in one location, e.g., housing, this does not mean it is reasonable for an individual to take the animal to other University buildings and facilities (e.g. the Library, classrooms, or athletic events).

D. Permissible Questions Related to Assistance Animals

1. If a member of the University faculty or staff has determined that an animal is not a service animal or service animal in training, then the faculty or staff member can ask the following question to determine if an animal is an assistance animal:

   a. Has DSS determined that this animal is an assistance animal that may be present as a reasonable accommodation?

2. If an individual answers “Yes”, the University faculty or staff member should not ask any subsequent questions, but may contact DSS at 940-898-3835 to verify the information. If an individual answers “No”, this animal could be a therapy animal or pet.

3. If the individual answers “No”, but would like the animal to be considered an assistance animal, the University faculty or staff member should refer the person to DSS at 940-898-3835.

V. Pets

Pets are only permitted in outdoor, public areas of TWU. Pets are not permitted in TWU buildings or facilities or at TWU events except as specified in URP 05.485: Pets at Work.

**REVIEW**

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

**REFERENCES**

State of Texas Code Sec.121.003 (i)

URP 05.600: Staff Standards of Conduct and Disciplinary Process

URP 05.485: Pets at Work

**FORMS AND TOOLS**

TWU SAGE Center Standards

TWU Disability Services for Students

Emotional Service Animal Request Form

**Publication Date: 07/02/2021**

**Revised: 04/06/2022**