

# **Service Animals and Assistance Animals**

Effective (12-10-2015), Revised (4-20-2018).

Department Sponsor and Policy Owner: Center for Accommodations and Support Services

- Policy Statement
- Reason for Policy
- Scope & Audience
- Definitions
- Responsibilities & Procedures
- Website
- Contacts
- State & Federal Guidance

## **I. Policy Statement**

The University of Texas at El Paso (“University”) allows individuals to bring animals on University property in accordance with federal laws and in other situations subject to the rules outlined in this policy.

A service animal is permitted on campus grounds and within University buildings, including the University housing assignment provided to an individual with a disability. This practice follows Titles II and III of the Americans with Disabilities Act and the ADA Amendments Act of 2008 (ADAAA).

An assistance animal, previously referred to as a therapy, emotional support or comfort animal, is permitted on campus grounds only to accompany an individual into his or her University assigned residence in accordance with guidelines of the U.S. Department of Housing and Urban Development and Section 504 of the Rehabilitation Act of 1973. However, an assistance animal is not allowed to accompany the student into any other University building.

## **II. Reason for Policy**

The University supports the use of service and assistance animals on campus in compliance with applicable federal and state laws. At the same time, it recognizes the health and safety risks potentially created by unrestrained animals on campus. This policy discusses the processes and responsibilities involved with the use of service animals and assistance animals on campus.

## **III. Scope & Audience**

This policy applies to employees, students, University affiliates, visitors, contractors, and applicants for admission to or employment with the University.

This policy should not be read to grant an individual access to University property beyond that to which they would normally be granted.

#### **IV. Definitions**

##### Assistance Animal:

An animal that is necessary to afford a person with a disability, as a reasonable accommodation, an equal opportunity to use and enjoy a dwelling, provided there is an identifiable relationship or nexus between the person's disability and the assistance the animal provides, and provided the animal does not pose a direct threat to the health and safety of others. An assistance animal can be any species, trained or untrained, but has a bond documented by an appropriate treatment provider.

##### Person with a Disability:

An individual with a disability is a person with a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

##### Service Animal:

An animal, usually a dog, 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. Under certain circumstances, miniature horses may also be trained as a service animal and permitted within University buildings. Otherwise, species of animals other than canines, whether trained or untrained, are not considered service animals. In addition, the providing of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of qualifying as a service animal.

##### Service Animal in Training:

A dog undergoing training by an approved trainer who is an agent of an organization generally recognized by agencies involved in the rehabilitation of persons who are disabled, and an organization reputable and competent to provide training for assistance animals and their handlers. Training a service animal is a necessary first step prior to being assigned to a student, employee, or other individual affiliated with the University.

#### **V. Responsibilities & Procedures**

Animals are permitted on campus grounds and in some cases, in University buildings, provided the animal's owner or handler follows federal, state and local laws and those rules covered in this policy. Provisions for service and assistance animals in campus buildings are also covered below.

##### A. Service Animals on Campus

1. In accordance with federal and state law, the University permits service animals in campus buildings where other animals would typically not be permitted.

2. Criteria for Service Animals in Campus Buildings
  - a. The service animal must have been trained as a service animal in the work or tasks directly related to the person's disability.
  - b. Individuals are permitted to bring his or her service animal in all areas of the campus including University buildings and any place of public accommodation. This includes any University housing assigned to the individual after following approval steps referred to in Sec. V(B)(2) below.
  - c. Individuals living in University housing will be permitted to have no more than one service or assistance animal.
  - d. In accordance with federal law, owners of service animals are not required to possess documentation, a license, or a vest for service animals. However, where not readily apparent, owners must be able to verify the legitimacy of their service animal by responding to the following permissible questions:
    - Is this a service animal required for a disability?
    - What task is the animal trained to perform?
3. Approval Procedures for Use of Service Animals in University Buildings
  - a. Employees. While an employee is not required to submit an accommodation request to bring a service animal into a University building, he or she may seek further advice on services the University can provide to employees with disabilities. Refer to the University's *Handbook of Operating Procedures* (HOP), Section VI. Equal Opportunity, Chapter 2, Accommodations for Individuals with Disabilities Policy, <http://admin.utep.edu/Default.aspx?tabid=30553>.
  - b. Students. While a student is not required to submit an accommodation request to bring a service animal into a University building, he or she may seek further advice on services the University can provide to students with disabilities. Information may be found at the Center for Accommodations and Support Services (CASS) website at <http://www.sa.utep.edu/cass>.
    - Students with Service Animals Residing in University Housing. A student must seek registration with CASS, as indicated above, for a service animal to reside in University housing. <http://sa.utep.edu/cass>.
    - Department of Residence Life webpage:
      - <https://www.utep.edu/student-affairs/housing/future-residents/information.html>.
    - Appeals: An individual may appeal the decision to deny a service animal in campus housing to the University ADA Coordinator.
4. Participation in Animal Registry.
  - a. Campus Buildings Generally (other than student housing)

Voluntary Registry - Service Animals. With regard to the use of service animals for campus buildings and structures not characterized as student housing, participation in a service animal registry is recommended, but not required, for employees and non-residential students who own service animals. An example of the public purpose and benefit of a registry includes ensuring that emergency

responders have heightened awareness of the presence of a service animal during an emergency or evacuation event. After verification of the legitimacy of the service animal in accordance with Section V (A) (2) (d) above, registry participants will be issued a UTEP service animal tag and ID card from CASS. The tag may then be affixed to the collar of the service animal for purposes of identifying the service animal and its owner.

- b. General Access Not Applicable to Assistance Animals. The use of assistance animals is limited to student housing, and only when approved by CASS as a reasonable accommodation. Any registry, even if voluntary, which relates to access to campus buildings or facilities (other than student housing) is limited to participants with service animals only.

## B. Student Housing

1. Assistance Animals. When approved by CASS as an accommodation for student housing, pre-registration through CASS is required for the use of assistance animals. To qualify for this accommodation, the student must provide documentation, which demonstrates an identifiable nexus or connection to the assistance animal's function, or rather, evidence that the animal assists in alleviating symptoms or effects of the student's disability. Owners must formally register assistance animals with CASS thirty (30) days prior to arriving on campus, or as early as possible to allow for processing and clearance. For approval and registration of assistance animals, owners are required to: (a) submit treatment documentation which establishes the assistance animal as a reasonable accommodation for campus housing, and (b) provide evidence of updated vaccinations and licensure, where common and applicable to the type of animal registered. Evidence of such compliance must be provided to CASS and Residence Life annually.
2. Service Animals. With regard to the use of service animals in student housing, owners must formally register their service animals with CASS thirty (30) days prior to arriving on campus, or as early as possible upon arrival, to allow for processing and clearance. To register service animals, owners are required to: (a) submit documentation, which establishes the animal as a service animal, required for a disability, as defined under Section IV above, and (b) provide evidence of updated vaccinations and licensure. Evidence of such compliance must be submitted to CASS and Residence Life annually. Registration of service animals is required only as it pertains to the use of student housing. Regarding campus structures generally, owner participation in a service animal registry and ID tag process is purely voluntary.

### C. Service Animals in Training on Campus

An individual with a service animal in training may enter University buildings with the animal, if:

- a. the individual is an approved trainer who is an agent of an organization recognized as reputable and competent to provide such training;
- b. the individual submits proof to the Center for Accommodations and Support Services (CASS), that he or she is an approved trainer as required in Texas Human Resources Code Sec. 121.003; and
- c. the animal is adequately under the control of the trainer.

### D. Assistance Animals on Campus

1. In accordance with federal and state law, the University permits a student with a disability to keep an assistance animal within his or her University housing assignment on University grounds.
2. A student may not bring his or her assistance animal into other University buildings, including any campus dining facilities associated with the assigned University residential facility.
3. An assistance animal is not allowed to accompany a University employee into his or her workplace, or any other University building.

Exception: Registered student organizations may hold stress reduction events, usually at the end of the semester, that include assistance animals. Interested organizations are required to submit an Event Request form via Minetracker (<https://utep.collegiatelink.net>) to obtain all necessary approvals. Outdoor events involving assistance animals will be limited to Leech Grove or the Liberal Arts Lawn, contingent on venue availability. Student organizations should review the Outdoor Space Policy for more information (<http://sa.utep.edu/ros>).

4. Criteria for Assistance Animals in University Housing
  - a. Typically, an assistance animal is prescribed to an individual with a disability by a community-based healthcare or mental health professional and is an integral part of a person's treatment process. The staff in the University Counseling Center may also provide this disability documentation.
  - b. Documentation in support of an ADA accommodation must follow University policy. The Handbook of Operating Procedures, Section VI, Ch. 2.4.4.2 states: Medical statements submitted must be signed by an appropriately licensed professional and contain a diagnosis, prognosis, and a description of the specific impairment(s) and the major life functions and activities affected by the impairment. Individuals may be asked to submit additional medical information if the information originally provided is incomplete, unclear, outdated, or inconsistent. If the individual does not provide the required

documentation and information within the specified deadline, the request for accommodation may be cancelled for lack of necessary information.

(The ADA policy is found at <https://admin.utep.edu/Default.aspx?tabid=30553>.)

- c. Individuals living in University housing are permitted to have no more than one service or assistance animal.

5. Procedures for Approval of Assistance Animals (University Housing)

- c. The Center for Accommodations and Support Services (CASS) manages requests related to an assistance animal concerning a student's University housing assignment. Students seeking approval for use of an assistance animal within University housing must follow the steps outlined on these webpages:

- The Center for Accommodations and Support Services (CASS), <http://www.sa.utep.edu/cass>.
- Residence Life, <http://www.sa.utep.edu/housing>.

- d. An individual may appeal the decision to the University ADA Coordinator should his or her request for an assistance animal in University housing be denied.

**VI. Website**

(Suggest new link to CASS site only, for proposed new CASS policy)

- <http://www.sa.utep.edu/cass>. [<http://www.sa.utep.edu/cass/service-assistance-animal-policy>].

**VII. Contacts and Resources**

ADA Coordinator Phone: 915-747-5662

Website: <http://www.utep.edu/coaa>

Email: [svasquez@utep.edu](mailto:svasquez@utep.edu)

Center for Accommodations and Support Services (CASS) Phone: 915-747-5148

Website: <http://www.sa.utep.edu/cass>

Email: [cass@utep.edu](mailto:cass@utep.edu)

Residence Life (Student Housing) Phone: 915-747-5352

Website: <http://sa.utep.edu/housing>

Email: [housing@utep.edu](mailto:housing@utep.edu)

**VIII. Relevant Authorities**

- i. Texas Human Resources Code, [Section 121.002, Definitions.](#)
- ii. Texas Human Resources Code, [Section 121.003, Discrimination Prohibited.](#)
- iii. Americans with Disabilities Act of 1990 (ADA)
- iv. ADA Amendments Act of 2008 (ADAAA)
- v. Federal Fair Housing Act of 1968, as amended to include disability in 1988.
- vi. Section 504 of the Rehabilitation Act of 1973