

Service Animal and Assistance Animal Policy

Service Animals



Temple College is committed to compliance with state and federal laws regarding individuals with disabilities. All questions regarding service animals should be directed to the Office of Student Accommodations (OSA) in One College Centre building or via phone (254-298-8335), fax (254-298-8329), or [email misty.reid@templejc.edu](mailto:misty.reid@templejc.edu) . No documentation will be required to bring **certified service** animals into academic buildings on campus.

Guide to Animals on Campus

Service Animals

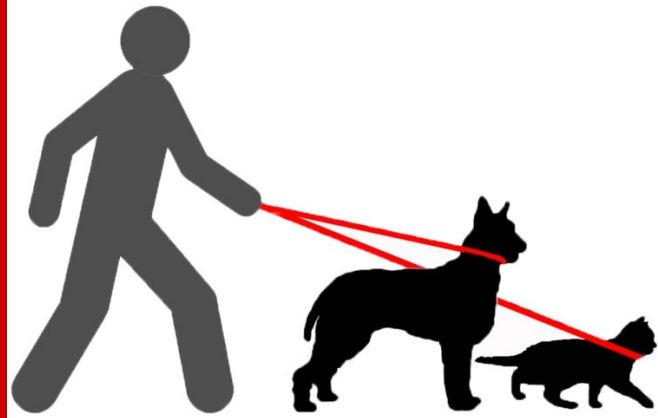


Required because of a disability
Trained to perform a task

Allowed in academic buildings

Not required to be registered

Assistance Animals



Requested for emotional support
Not trained to perform a task
Not allowed in academic buildings
(Residence living halls/apartments only)

Must be registered with College
Student Housing & OSA

What's the difference between a service animal and an assistance animal?

Service Animals

A **service animal** is defined in Title II: Section 35.104 under the Americans with Disabilities Act (ADA) as 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. Service animals are allowed in public places because of the owner's need for the animal at all times.

Examples of such work or tasks include but are not limited to:

- guiding people who are blind or have low vision with navigation,
- alerting people who are deaf to the presence of people or sounds,
- pulling a wheelchair,
- alerting an individual of a seizure, change in blood sugar, or an allergen,
- reminding a person with mental illness to take prescribed medications,

- calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. ([See ADA.gov for more information on service animals](http://ADA.gov))

Assistance Animals

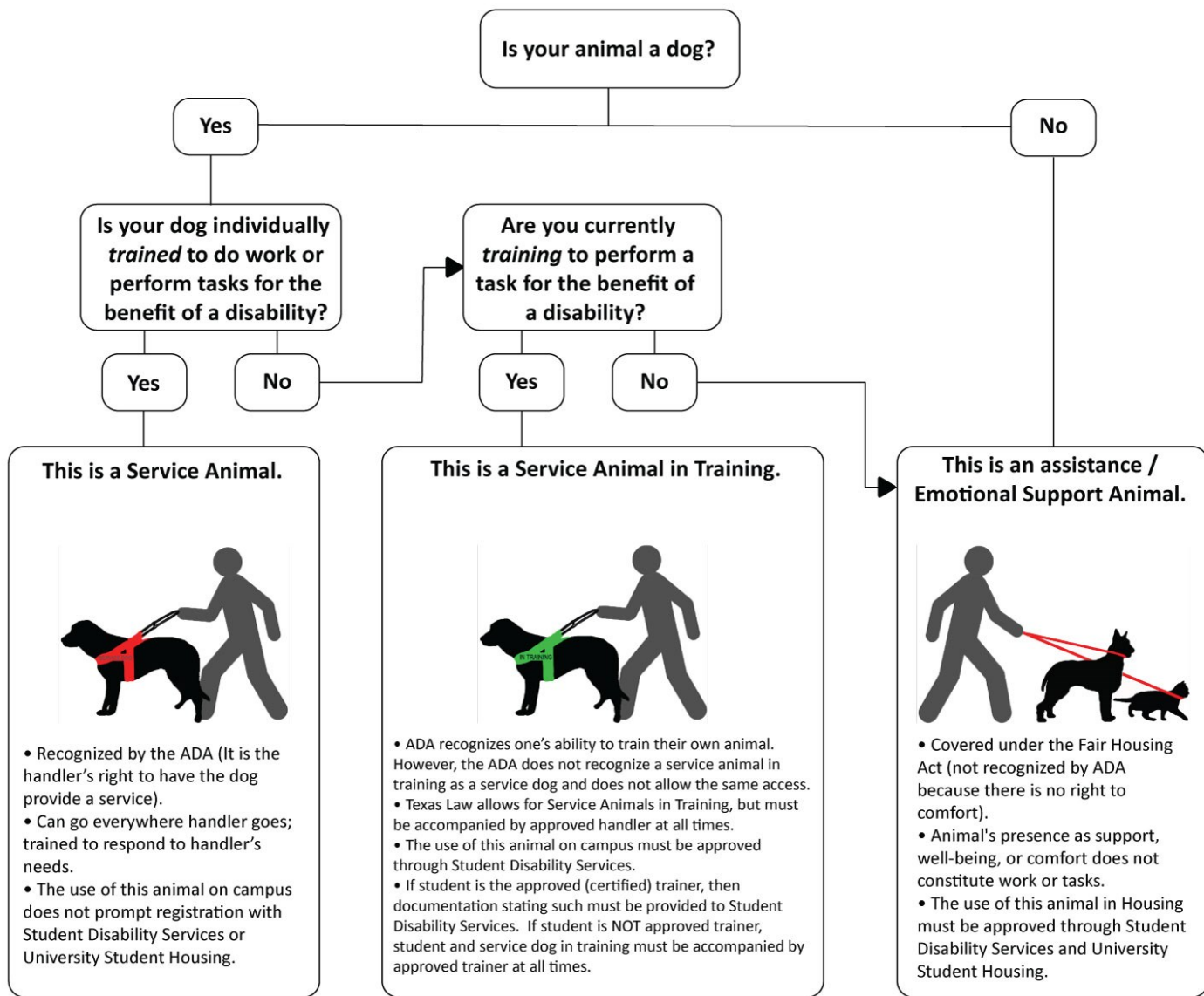
The revised 2010 ADA regulations specify that "the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks," so these animals are not considered *service animals*. However, an ***assistance animal*** that ameliorates identified symptoms of an individual's emotional or psychological disability. The function of an assistance animal may be entirely passive with the sole role being its presence.

Assistance animals are also called:

- **Emotional Support Animals (ESAs)**
- **Comfort Animals**
- **Companion Animals**
- **Therapy Animals** - Their responsibilities are to provide psychological or physiological therapy to individuals, and they usually provide visitation to hospitals, nursing homes, and rehabilitation facilities. **Not allowed in academic buildings on campus**
(Allowed in Residence living halls/apartments on campus only)

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and Housing and Urban Development's Section 504 regulations (24 CFR Parts 8 and 9) govern the assistance animals.

How do I know how my animal is classified?



Service Dog

Is it a dog? Yes.

Is it individually trained to do work or perform tasks for the benefit of a disability? Yes.

Then, this is a **service animal**.

- Recognized by the ADA. (It is the handler's right to have the dog provide a service).

- Can go everywhere handler goes; trained to respond to handler's needs.
- The use of this service animal on campus does not prompt registration with Student Accommodation Office or College Student Housing.

Emotional Support Animal

Is it a dog or cat? Yes.

Is it trained to respond to any stimuli? No.

Is the animal's presence its value? Yes.

Then this is an **assistance/emotional support animal**.

- Covered under the Fair Housing Act (not recognized by ADA because there is no right to comfort).
- Animal's presence as support, well-being, or comfort does not constitute work or tasks.
- The use of this animal in Housing must be approved through Student Accommodation Office and College Student Housing.

Service Dog in Training

Is it a dog? Yes.

Are you are training it to perform a task for the benefit of a disability? Yes.

Is the dog required to be accompanied by approved trainer at all times? Yes.

Then this is a **service animal in training**.

- ADA recognizes one's ability to train their own animal. However, the ADA *does not* recognize a *service animal in training* as a service dog and does not allow the same access.
- Texas Law allows for Service Animals in Training, but must be accompanied by approved handler at all times.
- The use of this animal on campus must be approved through Student Accommodation Office.
- If student is the approved (certified) trainer, then documentation stating such must be provided to Student Accommodation Office. If student is NOT approved trainer, student and service dog in training must be accompanied by approved trainer at all times.

Service Animals Permitted on Campus

Individuals with disabilities may be accompanied by their service animals in all Temple College buildings where members of the public or participants in services, programs or activities are allowed to go. By law, a service animal means any 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. In some cases, the college may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include, but are not limited to: assisting an individual with low vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; or providing assistance with stability or balance to an individual with a mobility disability.

Federal law does not require the individual to provide documentation that an animal has been trained as a service animal. The University may, however, ask if the animal is required because of a disability, as well as what work or task the animal has been trained to perform.

Exceptions

The College may exclude a service animal from campus if its behavior poses a direct threat to the health or safety of others or when its presence fundamentally alters the nature of a program or activity. Furthermore, the college may ask an individual with a disability to remove a service animal from campus if the animal is out of control and the individual does not take effective action to control it; or if the animal is not housebroken. The service animal is considered an extension of the student and thus, is subject to the same code of conduct as a student would follow. Disruptive behavior by a service animal will be grounds for removal from an academic setting in the same manner that a disruptive student will be removed from the same environment.

Responsibilities of Individuals with Service Animals

The college is not responsible for the care or supervision of a service animal. Individuals with disabilities are responsible for the control of their service animals at all times and must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. A service animal shall be restrained with a harness, leash, or other tether, unless an individual's disability precludes the use of a restraint or if the restraint would interfere with the service animal's safe, effective performance of work or tasks. If a service animal is not tethered, it must be otherwise under the individual's control, whether by voice control, signals, or other effective means.

Individuals are responsible for ensuring the immediate clean-up and proper disposal of all animal waste. Although the college may not charge an individual with a disability a service animal

surcharge, it may impose charges for damages caused by a service animal in the same manner the college imposes charges for damages caused by students.

Regulations for Service and Assistance Animals-Memo from Campus Coordinator of Accommodations

TO: Temple College Faculty and Staff

FROM: Misty Reid-Temple College
Coordinator of Accommodations

DATE: April 10, 2018

RE: Regulations for Service Animals and Assistance/Companion Animals

When the Office of Student Accommodations and the College Student Housing Offices get requests for both Service Animals and Assistance/Companion Animals the following regulations are followed. These are the current regulations and what we as an institution of higher education are required and not required to do.

Service Animals:

Service Animals are regulated under the Americans with Disabilities Act (ADA) because they are considered an accommodation needed by a person with a disability to perform specific tasks needed to mitigate the effects of their disability. The regulations state the following:

1. A service animal is defined as a dog (and in some very limited cases a miniature horse)
2. Trained to perform a specific task that the person with a disability cannot otherwise perform themselves.

No other animals are considered service animals - only dogs. Federal regulations also do not require the person with a disability to provide documented proof of training of the dog, nor do they have to provide documentation of their disability. Should a person with a service animal want to take the animal into a building or area that is open and accessible to the general public, they may do so. The only questions that can be asked by the entity of the person with a service animal are:

1. Do you have the dog because of a disability?
2. What task is it trained to do?

No other questions can be asked and no proof can be required of training. Currently, service animals are trained for a variety of disabilities, including visual impairments, hearing impairments, physical impairments, and mental health issues, such as Post Traumatic Stress Disorder. The dogs are trained to recognize and sense when the person is beginning to have a panic attack and will paw or pull the person to remove them from the situation. That is a specific task, and the dog is not there simply to keep them calm. If the person responds that the dog is just

there to help keep them calm when you ask your two questions, then that is not a task and thus would not be considered a service animal.

While we are limited in our ability to control the access and use of service animals in all public areas, the people with the disabilities have certain responsibilities as well. The service animal is considered an extension of the person and therefore must be compliant with the same public rules and regulations that the disabled person must comply with. So, just as a person cannot yell out loud and run around being disruptive in a restaurant or store, neither may a service animal. Faculty and staff can ask the person to remove any service animal that is being disruptive or exhibiting threatening behavior just as they would ask any person to leave for the same reasons. Once the service animal has been removed, the person may reenter the establishment without the animal if they so choose. This same situation applies to all academic buildings on the Temple College campus. Service animals are under the same Student Code of Conduct as the students. Faculty members may not refuse students with service animals' entrance into their classroom, but they can control the behavior of the service animal.

Additionally, service animals must be tethered at all times (unless the leash interferes with the task the animal performs) and meet all local health requirements, including vaccinations.

Assistance or Emotional Support Animals:

Assistance or Emotional Support Animals (ESA's) are covered under the Fair Housing Act because they may be required for a variety of mental health issues. They are not trained to do a certain task, but are generally used to help with emotional stability and stress reduction. If ESA's are needed due to a disability, the person may be allowed to keep the animal in their primary residence without being required to pay a pet deposit and despite a policy that does not allow pets. This applies in most cases to all public and private rental property, as well as college housing.

However, Assistance and ESA's are **not** allowed into buildings that are accessible to the general public as is the case with Service Animals. This includes all academic buildings on campus.

Assistance and ESA's can be a variety of animals and are not limited to dogs. They are, however, limited to the city and county restrictions of domestic animals that are allowed within an incorporated entity. Exotic or wild animals not allowed as pets inside a city limit also cannot be classified as an assistance animal.

So in summary, **Service Animals** (only a dog) are permitted in any campus building that the general public has access to. **Assistance or Emotional Support Animals** (various animals) are **only** allowed in the room within a residence hall/apartment of the student and no other buildings on campus.

Revision Date: 04/10/18

Document adapted with permission from Texas Tech University -Lubbock, TX