



Student Disability Services Service and Assistance Animals Policy

Service Animals

Definition:

A service animal is 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 and meets the definition of “service animal” under Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual’s disability.

** Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal.*

Where Service Animals are allowed:

- **Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.** For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal’s presence may compromise a sterile environment.
 - Therefore, service animals are generally permitted to accompany students with disabilities on University controlled property and in University buildings while they are performing tasks for the individual they accompany. This includes University Housing.

Documentation is not required for Service Animals:

- **UIW cannot require documentation**, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, UIW may not make any inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., a service dog is observed guiding an individual who is blind or has low vision, pulling a

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person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). If not readily apparent, two inquiries can be made to determine whether the animal qualifies as a service animal:

- Is the animal required because of a disability?
- What work or task the animal has been trained to perform?
- Even though documentation is not required, students who wish to bring a service animal to campus are strongly encouraged to partner with Student Disability Services, especially if other accommodations are needed.
- Advance notice of a service animal needed in University Housing may allow more flexibility in meeting specific housing requests.

Student/Handler's Responsibility regarding the Service Animal:

- Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- Although identification is not required, it is highly recommended that the service animal wear some form of commonly recognized identification symbol which identifies the animal as a working animal, but does not disclose the disability.
- The student is responsible for complying with the local and state laws concerning the care and control of animals, spaying and neutering, all required immunizations and licenses.
- The animal must be maintained under leash or carrier when outdoors, in public areas, or in transit.
- Animal accidents and waste must be cleaned immediately with appropriate cleaning products and/or disposed of properly.
- Flea, tick, and mite infestation prevention must be used. Costs incurred for pest exterminators should an infestation occur will be paid by the student.
- Animals must not be involved in an incident where a person experiences either the threat of or an actual injury as a result of the animal's behavior.
- Animals may not be left unattended for more than 24 hours.
- The student must notify the Campus Police Office and the Residence Life Office if an animal has escaped and is not located within four hours.

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Assistance Animals (such as Emotional Support Animals)

Definition:

An assistance animal (including an Emotional Support Animal) is one that is necessary to afford the person with a disability an equal opportunity to use and enjoy **University housing**. An assistance animal may provide physical assistance, emotional support, calming, stability and other kinds of assistance. Assistance Animals do not perform work or tasks that would qualify them as “service animals” under the Americans with Disabilities Act.

A person with a total or partial disability who has or obtains an assistance animal is entitled to full and equal access to housing accommodations, and may not be required to pay extra compensation for the animal but is liable for damages done to the premises by the animal. Texas Human Resources Code 121.003 (h)

To submit a request for approval of an assistance animal in housing:

- The housing accommodation of having an Assistance animal (such as Emotional Support Animal) in University housing is subject to the review and approval of Student Disability Services in coordination with Residence Life.
- Any student with a documented need for an Assistance animal in University housing should apply for this specific housing accommodation through Student Disability Services and receive approval prior to bringing the specific Assistance animal to University housing.
- To apply, submit a ***Request for Housing Accommodation form*** to Student Disability Services. This form is available at Student Disability Services or can be printed online at <http://www.uiw.edu/sds/documents/requestforhousingaccommodation.pdf>.
- The documentation submitted within the request form should show a direct link between the animal and the student’s disability. Emotional distress that occurs as a result of having to give up an animal due to a “no animals” policy does not meet the qualification for this accommodation under federal law.
- The request for a specific assistance animal may be denied if the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation. The request may also be denied if the specific animal would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. Breed, size, and weight limitations may not be applied to an assistance animal.

Where Assistance Animals are allowed:

- Animals that do not meet the definition of “service animals” under the ADA are not permitted in places of public accommodation; however, assistance animals may be permitted, in certain circumstances, in University Housing pursuant to the Fair Housing Act. In other words, the assistance animal can be used

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in all areas of the housing premises where students are normally allowed to go. Any other buildings on campus are not included, such as classroom buildings or cafeterias etc.

- An assistance animal will be allowed in University Housing if certain conditions are met. The animal must be necessary for the resident with a disability to have equal access to housing and the accommodation must also be reasonable. An accommodation is unreasonable if it presents an undue financial or administrative burden on the University, poses a substantial and direct threat to personal or public safety or constitutes a fundamental alteration of the nature of the service or program.

Student/Handler's Responsibility of Assistance Animal in University Housing:

- Any student with an approved assistance animal in University Housing must also meet the UIW Animals on Campus Policy for health and safety as well as all requirements within their University Housing contract.
- The student is responsible for complying with the local and state laws concerning the care and control of animals, spaying and neutering, all required immunizations and licenses.
- The animal must reside in the residence and may be outside of the residence only when accompanied by the student or other adult residing in the unit with the student.
- The animal may not be fed outside of the unit.
- The animal must be maintained under leash or carrier when outdoors, in public areas, or in transit.
- Animal accidents and waste must be cleaned immediately with appropriate cleaning products and/or disposed of properly.
- Flea, tick, and mite infestation prevention must be used. Costs incurred for pest exterminators should an infestation occur will be paid by the student.
- Animals must not be involved in an incident where a person experiences either the threat of or an actual injury as a result of the animal's behavior.
- Animals may not be left unattended for more than 24 hours.
- The student must notify the Campus Police Office and the Residence Life Office if an animal has escaped and is not located within four hours.
- In the event of an emergency building evacuation (fire, sprinkler deployment, etc.), the assistance animal must be removed from the apartment and transported in a carrying case.
- Upon termination of university housing, the student must return the unit to the university as clean and in the same condition as prior to the move-in date of the service or assistance animal. A move-out inspection inventory of the unit will be completed by the Office of Residence Life. The unit will be assessed for any damages or extermination. If damages are found, repair/replacement costs are the responsibility of the student.

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