



Service Animal and Assistance Animal Protocols

- I. Texas A&M University-Commerce is committed to providing those members of the campus community with disabilities equal access to programs, services, and facilities. In some cases, this may require the use of service or assistance animals while on campus. Set forth below are guidelines concerning the appropriate use of and protocols associated with both service and assistance animals. A&M - Commerce reserves the right to amend these guidelines as needed, with or without prior notice. Members of the A&M - Commerce community who are students and require the use of a service or assistance animal should contact the Student Disability Services (SDS) office at (903) 886-5150. Members of the A&M - Commerce community who are faculty or staff and require the use of a service or assistance animal should contact the A&M - Commerce Human Resources Officer at (903) 886-5041.
 - A. Service animals are defined by the Americans with Disabilities Act (ADA), as amended, as dogs that are individually trained to do work or perform tasks for people with disabilities¹. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, 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. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
 - Campus Access for the Public: The ADA addresses the right of access to any public facility by a person with a disability using a service animal. Under the ADA, A&M - Commerce must (in general) allow service animals to accompany people with disabilities in all areas of any facility where the public is allowed to go. While members of the public do not need prior approval to bring their service animal on campus, they are required to follow campus protocols concerning the care and behavior of the animal.
 - When it is not obvious what service the animal provides, **only limited inquiries are allowed**. Staff may ask two questions: **(1)** is the dog a service animal that is required because of a disability, and **(2)** what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special harness or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

¹ The U.S. Department of Justice's revised ADA regulations also provide for miniature horses that have been individually trained to do work or perform tasks for people with disabilities. In determining whether or not to permit miniature horses on campus, the following will be considered: (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for the safe operation of the facility.



- 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.
 - Allergies and fear of dogs are not valid reasons for denying access to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated.
 - A person with a disability cannot be asked to remove their service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain services without the animal's presence.
 - A&M - Commerce Residential Living & Learning (RLL) may not charge a pet/animal deposit, but may charge for damages caused by the service animal.
- B. As defined by the Fair Housing act (FHA), the term "assistance animal" refers to an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. Assistance animals are not pets. While dogs are the most common type of assistance animal, other animals can also be assistance animals under the Fair Housing Act.
- The FHA deals specifically with housing. Requests for disability-related assistance animals despite a no-pets policy is one of the more common reasonable accommodation requests. Upon receiving a request for an accommodation for an assistance animal in campus housing, SDS will consider two questions: 1) does the person seeking to use and live with the animal have a disability (i.e., a physical or mental impairment that substantially limits one or more major life activities)? and (2) does the person making the request have a disability-related need for an assistance animal? In other words, does the animal work provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability)?



- If the answer to both questions is “yes,” A&M – Commerce will generally modify or provide an exception to a “no pets” rule or policy to permit a person with a disability to live with and use an assistance animal in all areas of the housing premises where persons are normally allowed to go, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of housing services. The university may ask individuals with disabilities that are not readily apparent or known to the university to submit reliable documentation of a disability and their disability-related need for an assistance animal. If the disability is readily apparent or known but the disability-related need for the assistance animal is not, the university may ask the individual to provide documentation of the disability-related need for the assistance animal.
 - A&M - Commerce may not deny a request for an assistance animal solely on the basis of breed, species, size or weight, and may not require persons requesting an accommodation to provide proof of training or certification for an assistance animal. However, requests may be denied if: (1) the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or (2) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.
 - A person with a disability may be asked to remove their assistance animal from the premises if the animal is out of control and the owner does not take effective action to control it, if the animal is not housebroken, or if the animal causes a significant disruption to normal housing operations.
 - A&M - Commerce RLL may not charge a pet/animal deposit for an approved assistance animal, but may charge for damages caused by the animal.
- II. RLL will work closely with SDRS to make well-informed decisions about allowing students to have assistance animals in on-campus housing facilities. RLL will not deny a request for an assistance animal without approval from SDRS.
- A. A request to have an assistance animal on campus should be submitted to the SDRS as soon as the student is aware of their need for an assistance animal. Requests should be submitted to:
- Student Disability Services Director at (903) 886-5835 in the Velma K. Waters library, Room 162**
StudentDisabilityServices@tamuc.edu
- B. All requests for reasonable accommodations are guided by
<http://www.tamuc.edu/aboutus/policiesProceduresStandardsStatements/rulesProcedures/13students/13.01.99.R0.01StudentsWithDisabilities.pdf>