

## 08.01.02.H1.01

# Service and Emotional Support Animals (ESA) On Campus



Approved: March 24, 2023  
Next Scheduled Review: March 2028

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## Procedure Summary

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Texas A&M University—Texarkana (A&M - Texarkana) will comply with applicable federal and state laws regarding the provision of reasonable accommodations for students with disabilities and members of the public with disabilities with regard to the use of service or emotional support animals on campus.

This procedure establishes the protocol for the presence of service and emotional support animals (ESA) on the A&M - Texarkana campus. This procedure has been developed to provide guidance and clear instructions for students who use a service animal or emotional support animal or who come into contact with such animals on campus.

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## Definitions

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**Emotional Support Animal** – Any 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 as defined by the ADA

**Person with a Disability** – 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** – A dog that is individually trained to do work or perform tasks for a person with a disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, and alerting/protecting a person who is having a seizure. The provision of emotional support, well-being, comfort or companionship does not constitute work or tasks for the purposes of defining a service animal. Under certain circumstances, miniature horses may also be trained as a service animal and be permitted within university buildings, where reasonable.

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## Procedures and Responsibilities

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### 1. SERVICE ANIMALS

- 1.1. A service animal is permitted on campus grounds and within A&M - Texarkana buildings with limited exceptions and restrictions. This practice follows provisions within the

Americans with Disabilities Act (ADA) as amended.

- 1.1.1. The service animal must have been trained as a service animal in the specific work or tasks directly related to the person's disability.
- 1.1.2. The service animal shall be licensed, registered, immunized as applicable and in accordance with the laws, regulations, and ordinances of the State of Texas and county and city authorities.
  - 1.1.2.1. Vaccination Records – The service animal must have updated vaccinations, including but not limited to the general maintenance vaccine series and any vaccinations deemed necessary by a licensed veterinarian.
  - 1.1.2.2. Licensing – All City of Texarkana licensing laws and tag laws must be followed.
- 1.2. A&M - Texarkana may require an individual with a disability to remove their service animal from the premises under the following circumstances:
  - (a) The animal is out of control and the animal's owner does not take effective action to control it.
  - (b) The animal is not housebroken.
  - (c) The animal poses a direct threat to the safety of others.
- 1.3. The Office of Environmental Health and Safety, in coordination with the Office of Compliance and Risk Management, will review and address requests to prohibit service animal access due to health and/or safety concerns on a case-by-case basis.
- 1.4. If a service animal is prohibited according to this procedure, A&M - Texarkana shall give the owner the opportunity to obtain goods and services to perform tasks without having the service animal on the premises.
- 1.5. Employees are not allowed to request any documentation for the service animal, require that the service animal demonstrate its work or task, or inquire about the nature of the person's disability. Under Titles II and III of ADA (public access), when it is not obvious what work or task an animal provides, only the following two (2) questions may be asked of the owner:
  - (a) Is this a service animal required because of a disability?
  - (b) What work or task has the service animal been trained to perform?
- 1.6. The service animal is not required to wear any type of service animal identification symbol while in public (e.g., vest, collar, or other representative attire).
- 1.7. The owner of the animal is responsible for the care and supervision of the animal, as well as for loss of services or any damage or injury caused by the animal while on university property. The owner may be billed for the expense of any damage to A&M - Texarkana buildings, furnishings, and/or grounds caused by the animal.
- 1.8. A student with a service animal is not required to submit an accommodation request to bring a service animal into a university building, he or she may seek further advice from the Office of Student Affairs on services the university can provide to students with disabilities.

1.7.1. In regards to a service animal in the university housing building, the student are strongly encouraged to contact Residence Life regarding their intent to live with their service animals in on-campus housing. Individuals living in university housing will be permitted to have no more than one service animal; however, if additional service animal is requested, it will be reviewed on a case-by-case basis by Residence Life.

1.9. Employees should go to contact Human Resources (HR) for service animal and guidelines.

## **2. SERVICE ANIMAL IN TRAINING**

A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer.

2.1. An individual with a service animal in training may enter university buildings with the animal, provided:

- (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 upon request to the university ADA Coordinator or University Police Department (UPD) that he or she is an approved trainer as required in Texas Human Resources Code Sec. 121.003.
- (c) The service animal is in training and is accompanied and controlled by an approved trainer as per Sec. 437.023 of the Texas Human Resources Code.

## **3. EMOTIONAL SUPPORT ANIMALS IN UNIVERSITY HOUSING**

3.1. In accordance with federal and state law (Fair Housing Act), emotional support animals (assistance animals) are permitted within on-campus housing and areas immediately surrounding the residential facilities for approved students with disabilities on a case-by-case basis. Students seeking approval for the use of an emotional support animal within on-campus housing will be required to submit an application and/or verification form and other supporting documentation to the Office of Student Affairs for a determination of eligibility and have their request approved prior to the animal being brought into the Residence Hall. This may be done via the [Emotional Support Animal Request Form](#).

3.2. An application and/or verification form and other supporting documentation is required each academic year. Approval must be documented prior to the animal being brought into the Residence Hall each year to ensure that requirements are met and current.

3.3. Individuals with a disability may be entitled to keep an emotional support animal as reasonable accommodation in housing facilities that otherwise impose restrictions or prohibitions on animals. In order to qualify for such an accommodation, the emotional support animal must be necessary to afford the individual an equal opportunity to use and enjoy a dwelling or to participate in the housing service or program. Further, there must be a relationship, or nexus, between the individual's disability and the assistance the animal provides.

34. Emotional support animals are not considered to be service animals and improperly representing an emotional support animal as a service animal is in violation of State of Texas Human Resource Code Sec. 121.006(a), and is a violation of the A&M - Texarkana Student Code of Conduct.
35. Criteria for Emotional Support Animals in University Housing:
- (a) An emotional support animal is prescribed to an individual with a disability by a healthcare or mental health professional and is an integral part of a person's treatment process (**not a pet**).
  - (b) Emotional support animals should have basic obedience and socialization training.
  - (c) Individuals living in university housing will be permitted to have no more than one emotional support animal.
  - (d) Emotional support animals must be those that are commonly kept in households such as dogs, cats, small birds, rabbits, hamsters, gerbils, other rodents, fish, turtles or other small domesticated animals that are traditionally kept in the home for pleasure rather than commercial purposes. For the purposes of this definition, reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals. Students requesting a unique animal not traditionally defined as those commonly kept in households as listed above have the substantial burden of demonstrating a disability-related therapeutic need for the specific animal and the specific type of animal.
  - (e) Emotional support animals must be in compliance with the Code of Ordinances of the City of Texarkana, Texas Chapter 8. Any animal that is not allowed within a community due to city ordinances is not eligible as an emotional support animal. Proof of vaccination and city registration, if appropriate for the type of animal, must be provided prior to approval of the request.
36. Notification of approval or denial of emotional support animal.
- (a) Approval: The student will receive an email informing them of the approval from the Office of Student Affairs. The student will schedule an intake appointment to review and obtain the Student/University Agreement for Emotional Support Animal which will be signed and submitted to Residence Life by the student.
  - (b) Denial: The student will receive a denial notification email from the Office of Student Affairs. The student will have an opportunity to meet with the Office of Student Affairs staff to discuss the denial in detail. The student can appeal in writing to the Vice-President of Student Affairs whose decision on the appeal is final. University Housing will be notified if the student's ESA has been denied.

### 3.5 Improper Use of Assistance Animals

A person who uses a service animal with a harness or leash of the type commonly used by persons with disabilities who use trained animals, in order to represent

that his or her animal is a specially trained service animal when training has not in fact been provided, is guilty of a misdemeanor and on conviction shall be punished by:

- (a) UPD will issue a citation to the individual.
- (b) A fine of not more than \$300; and
- (c) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year.
- (d) A person who habitually abuses or neglects to feed or otherwise neglects to properly care for his or her assistance animal is subject to seizure of the animal under Subchapter B, of the Texas Health and Safety Code.

#### **4. RESPONSIBILITIES OF STUDENTS WITH SERVICE OR EMOTIONAL SUPPORT ANIMALS IN CAMPUS HOUSING**

- 4.1 The owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to license, vaccination, and other requirements for animals.
- 4.2 The owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. If the animal is a dog, the dog must be housebroken and kennel trained (not puppy pad trained).
- 4.3 The in the case of an emergency, the University is not responsible for evacuating the animal.
- 4.4 The University will not require a resident with a disability to pay a surcharge or comply with other requirements generally not applicable to people without animals.
- 4.5 The owner is financially responsible for any and all actions of the animal, including but not limited to, bodily injury or property damage. The resident may be charged for any damage caused by the animal.
- 4.6 The resident's unit must be kept clean with no odors from the animal. The resident's unit may be inspected for fleas, ticks, or other pests if necessary. If fleas, ticks, or other pests are detected through inspection, the unit will be treated using approved fumigation methods by a University-approved pest control service at the resident's expense.
- 4.7 The owner is responsible for the appropriate management of the animal. Disruptive and/or aggressive behavior is not permitted, and if it occurs, the animal may be removed from Campus.
- 4.8 The animal may not be left alone overnight in Campus housing to be cared for by another resident. The animal may not be housed in another resident's unit. if the resident is to be gone overnight or for a prolonged period, arrangements must be made for the animal.
- 4.9 The animal is permitted in Campus housing only as long as it is necessary due to the resident's disability. The resident must notify the University, in writing, if the animal is no longer needed or is no longer in residence. To replace an animal, the resident must submit a new request to demonstrate that the new animal is necessary due to the resident's disability.
- 4.10 If it is necessary for the animal to be removed from Campus housing, the resident is obligated

to fulfill the Housing Contract obligations for the remainder of the contract lease term.

## 5. COMPLAINT PROCEDURE

- 5.1 Individuals wishing to file a complaint concerning a service/emotional support animal residing in on-campus housing should contact the Department of Housing or the Office of Compliance and Risk Management.
- 5.2 Individuals wishing to file a complaint regarding animals in campus building/grounds, including service animals and/or their owner, should be directed to the Office of Compliance and Risk Management.
- 5.3 Any complaint that rises to the level of an immediate concern for public safety should be referred to the University Police Department (UPD).

Upon receiving a complaint, UPD will review the matter and make a determination as to whether the alleged behavior merits the immediate removal of the animal from the premises, or rises to the level of public safety issue. If so, UPD personnel will have the animal's owner remove the animal from the premises and shall direct a report of the incident to the Office of Compliance and Risk Management.

- 5.4 All complaints will be addressed following University Procedure 08.01.01.H1.01, *Civil Rights Compliance*.

## 6. PROHIBITED ANIMALS

In accordance with the [Code of Ordinances of the City of Texarkana, Texas Section 8](#), the university prohibits any 'prohibited animal' as defined by the City. Examples include, but are not limited to, the following:

- 6.1 Any venomous or poisonous amphibian or reptile or potentially dangerous reptile because of its size such as, but not limited to, boas, pythons, anacondas, monitor lizards and crocodilians.
- 6.2 Any member of the class Aves that is protected from human possession by federal law and any of the large flightless birds such as, but not limited to, ostriches, rhea, emus and cassowaries.
- 6.3 Class Aves, order falconiforms, such as hawks, eagles, falcons, and vultures.
- 6.4 Any of the class Mammalia, order carnivores such as, but not limited to, cheetah, lion, tiger, bobcat, jaguar, leopard, cougar, wolves, dingos, coyotes, jackals, weasels, skunks, mink, badgers, bears, kangaroos, opossums, bats, sloths, anteaters, armadillos, elephants, monkeys, raccoons, chimpanzees, gorillas, porcupines, antelope, deer, bison, camels, peccaries (javelinas).
- 6.5 Poisonous frogs and insects.
- 6.6 No animal will be permitted in Bringle Lake Village that poses a direct threat to the health or safety of others, would cause substantial physical damage to university property and other residents, would pose an undue financial and administrative burden to the university and would fundamentally alter the nature of the university's housing operations are not allowed.
- 6.7 Service and Emotional Support Animals in community living units and confined spaces (residence halls) should be limited to those that can be vaccinated and certified

as disease free from transmitting any type of zoonotic disease.

## 7. EXCLUDED ANIMALS

This procedure does not apply to the following animals:

- (a) Animals involved in authorized research;
- (b) K-9 animals (police dogs);
- (c) Fish contained in aquariums under 10 gallons;
- (d) Animals used for performance, education, or display on the A&M - Texarkana or involved in a university sponsored or hosted activity.

## 8. HOUSING ACCOMODATIONS

Requests for reasonable accommodations for students with disabilities must be made through the Office of Student Affairs 903-223-1351 or [accommodations@tamut.edu](mailto:accommodations@tamut.edu)

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## Related Statutes, Policies, Rules or Requirements

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[The Americans with Disabilities Act of 1990, as amended](#)

[Texas Human Resources Code Ch. 121](#)

[Fair Housing Act](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[Texas Commission on Human Rights Act \(Texas Labor Code, Title 2, Subtitle A, Chapter 21, Subchapter A\)](#)

[Texas Health and Safety Code Ch. 821, Treatment and Disposition of Animals](#)

[Health and Safety Code, Chapter 437, Section 437.023](#)

[Department of Justice's Q&A on Service Animals and the ADA](#)

[State of Texas Statute on Service Animals](#)

[Code of Ordinances of the City of Texarkana, Texas, Section 8, Animal Care and Control](#)

[Texas A&M University – Texarkana Code of Conduct](#)

[Texas A&M University – Texarkana Housing Guide](#)

[System Policy 08.01, \*Civil Rights Protections and Compliance\*](#)

[System Regulation 08.01.01, \*Civil Rights Compliance\*](#)

[System Regulation 08.01.02, \*Civil Rights Protections for Individuals with Disabilities and Certain other Employees\*](#)

[University Rule 08.01.01.H1.01, \*Civil Rights Compliance\*](#)

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## **Appendices**

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[Accommodation Request Form](#)

[Emotional Support Animal Request Form](#)

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## **Contact Office**

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AVP of Student Affairs  
903-223-3062