



### **Austin College Policy Regarding the Use of Animals for Accommodation**

It is the policy of Austin College to provide equal access and reasonable accommodation for individuals with disabilities to participate in any program, service, or opportunity provided by the campus; and to comply with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008 (ADAAA), the Fair Housing Act, and other applicable federal and state regulations that prohibit discrimination on the basis of disability. Under the Fair Housing Act, persons with disabilities may request a reasonable accommodation of an assistance animal, including an emotional support animal in housing when its use is necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. With respect to a request for an assistance or emotional support animal, Austin College will determine, on a case-by-case basis, whether such an animal is a reasonable accommodation on campus.

Questions regarding service and emotional support animals should be directed to the Academic Skills Center Director in WCC 211, by phone at 903-813-2454, or by email at [asc@austincollege.edu](mailto:asc@austincollege.edu).

### **Conflicting Disabilities**

Students who have allergic reactions to service dogs and/or emotional support animals (ESAs) that are substantial enough to qualify as a disability, must follow procedures to document a medical/physical disability and request specific accommodations related to such disability-related needs. Austin College will consider disability-related needs of all parties involved, and explore reasonable accommodations and seek resolution as efficiently and expeditiously as possible.

### **Service Dog Defined**

A “service dog” 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. Service dogs are trained to do specific tasks or “work” for the benefit of a person with a disability. This work or task the dog performs must be directly related to the handler’s disability.

Service dogs are working animals not pets. Examples of service dogs include, but are not limited to, guide dogs, hearing dogs, and seizure response dogs. A service dog accompanies a person with a disability at all times, unlike a therapy/emotional support animal (ESA). A service dog is an animal with a good temperament and disposition, has reliable, predictable behavior, and is selected and trained to accompany people with disabilities.

### **Service Dogs Permitted on Campus**

Service dogs provide active support and are permitted to accompany the handler in all public areas on campus, with the possible exception of certain laboratories where protective clothing/gear is required.

If it is not readily apparent that the animal is a service dog, an individual may be asked the following:

- 1) Is the dog needed because of a disability?



- 2) What work or task has the animal been trained to perform?

If the student is residing in campus housing:

- 1) Advance notice will be given to the Director of the Academic Skills Center and the Dean of Students of the need to have a service animal.
- 2) Proof of service dog's up-to-date veterinary health documentation, including proof of immunization, will be submitted to the Director of the Academic Skills Center.

### Service Dogs in Training Policy

Service dogs in training are only allowed on campus when accompanied by an approved trainer. Service dogs in training are required to wear a vest or tag indicating they are in training.

- 1) Individuals with disabilities have the right to train a service dog themselves and are not required to use a professional service dog training program.
- 2) However, service dogs in training are not considered service animals under the ADA. Dogs must already be trained before they can be taken into public places. Until training is complete, service dogs in training do not have the same protection and privileges as a fully trained service dog.\*

*\* State of Texas Code Sec. 121.003 (i) A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer.*

*Austin College requires students to provide documentation of their certification as a trainer from an approved organization.*

### Requirements for Students with a Service Dog In Training

- 1) Complete the **Verification Form for Service Animals in Training**. This verification form, along with documentation certifying the student as an approved trainer (#2), will be kept on file with the Academic Skills Center's Access Services Program.
- 2) Provide the Director of the Academic Skills Center with a document verifying certification as an approved trainer. An *approved trainer* recognized by Austin College is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. If the student is not an approved trainer, the student must provide proof that an approved trainer will be with the student and the dog while in campus buildings.
- 3) Meet with the Director of the Academic Skills Center to obtain approval for bringing a service dog in training into campus buildings. During this meeting, the Director of the Academic Skills Center and the student will:
  - a. Review published ADA language that allows for the person to train the dog themselves, but *does not* recognize service dogs in training as a protected accommodation.
  - b. Review State of Texas statute that does allow service animals in training to access the same areas as service dogs **as long as** they are accompanied by an approved trainer.
  - c. Review Austin College policy on what constitutes a recognized approved trainer.

- d. Review Austin College policy that service dogs in training must be identified by a vest or tag indicating they are in training, and must comply with and abide by the same college policies and procedures that any service dog follows. This includes the Student Code of Conduct.
- 4) Allow the Verification Form to be shared with the Student Life Office if the student will be residing in campus residential facilities
- 5) Provide up-to-date veterinary health documentation for the service dog in training, including proof of immunization to be kept on file in the Academic Skills Center.

### **Responsibilities and Requirements for Service Dogs and Their Handlers on Campus**

The safety and health of Austin College students, faculty, staff, and the service dog are important concerns. Therefore, only service dogs and handlers that meet the specific criteria below will be exempt from regulations that otherwise restrict or prohibit animals. The care and supervision of a service dog is the responsibility of the handler.

To maintain the safety and health of the Austin College community, requirements for service dogs and their owners include the following:

- 1) **Injury, Cleanup, Damage**
  - a. The handler is responsible for any damage or injuries caused by the service dog and must take appropriate precautions to prevent property damage or injury.
  - b. The handler is solely responsible for cleaning up after the service dog. If the handler is not physically able to clean up after the dog, it is the handler's responsibility to hire someone to conduct this task.
  - c. If living on campus with a service dog, the handler's residence may be inspected for fleas, ticks, pests, and/or other damage as needed. The Student Life Office will schedule the inspection and notify the resident of the scheduled inspection. If fleas, ticks, or other pests are detected through inspection, the residence hall will be treated in accordance with college pest control procedures. The handler will be billed for the expense of any necessary pest control treatment.
  - d. If living on campus with a service dog, the handler will be financially responsible for expenses incurred above a standard cleaning or for repairs to the residential premises, including losses, liability, and claims.
  - e. Owners are responsible for the grooming and bathing of a service dog to maintain the animal's cleanliness. If living on campus, a service dog must be bathed off campus.
- 2) **Service Dog Health, Behavior and Etiquette**
  - a. A copy of all required and up-to-date immunizations must be filed with the Academic Skills Center Director.
  - b. Service dogs must be spayed or neutered. A copy of the veterinarian's report must be filed with the Academic Skills Center Director.
  - c. Service dogs must be under the control of the handler at all times.
  - d. Service dogs must be on a leash at all times (except when the dog needs to perform disability related work or tasks that necessitate being off leash).

- e. Service dogs must wear collars and tags at all times.
- f. Service dogs must be housebroken. A handler may be required to remove a dog that is not housebroken.
- g. Service dogs shall not block aisles or passageways for fire egress.
- h. Service dogs should not sniff people, belongings, or otherwise be intrusive to others.
- i. Service dogs shall not display behaviors or noises that are disruptive to others unless this is part of the service being provided to the handler.
- j. Service dogs must possess friendly and sociable characteristics. A specific dog can be restricted from the premises based on any confirmed threatening or territorial behavior.

### **Service Dogs in Campus Housing**

No animal will be permitted in residence halls or apartments that:

- Is not approved by the Academic Skills Center's Access Services program
- Poses a direct threat to the health or safety of others
- Would cause a substantial physical damage to the property of the University and other residents
- Would pose an undue financial and administrative burden to the college
- Would fundamentally alter the nature of the college's housing operations

Students desiring a service dog to live in residential facilities must provide documentation from a professional veterinarian certifying the animal is in good health, current on all applicable state and local vaccinations, and has had a current well care visit. Handlers must provide satisfactory documentation of compliance with this section on an ongoing basis.

Students with a service dog must comply with the responsibilities and requirements for service dogs and their handlers.

### **Exclusion of Service Dogs from Campus**

Federal law mandates a service dog to be removed from campus in the following circumstances:

- 1) **Out of Control Animal:** If improper animal behavior happens repeatedly, the handler may be prohibited from bringing the animal into any campus facility until the handler can demonstrate that steps have been taken to mitigate the behavior. Improper behavior includes, but is not limited to, activity that may interfere with the quality of life of other residents on campus, such as barking or other disruptive noise;
- 2) **Non-Housebroken:** A handler may be directed to remove a dog that is not housebroken;
- 3) **Direct Threat:** A handler may be directed to remove an animal that Austin College determines to be a substantial and direct threat to the health and safety of individuals. This may occur as a result of a very ill animal, a substantial lack of cleanliness of the animal, or the presence of an animal in a sensitive area like certain laboratories or mechanical areas.

### **Penalties for Improper Use of Assistance Animals**

Section 121.006 of the Texas State Policy identifies penalties for improper use of Assistance Animals:



- 1) 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) a fine of not more than \$300; and
  - (b) 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.
- 2) 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, Chapter 821, Health and Safety Code.



**Verification and Agreement of Policy Receipt**

I have submitted a copy of my service dog's up-to-date veterinary health documentation, including proof of immunization, to be kept on file in the Academic Skills Center. I have read the policy pertaining to service dogs and understand that I may be asked to remove my service dog from Austin College for state and federal non-compliance as outlined within this policy.

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Director, Academic Skills Center: \_\_\_\_\_ Date: \_\_\_\_\_



**Service Dog In Training Verification Form**

**Student Name:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

Phone: \_\_\_\_\_ AC Email: \_\_\_\_\_ Campus Housing Assignment: \_\_\_\_\_

Check here if living off campus \_\_\_\_\_

Check if you have provided necessary certification of training to the Academic Skills Center \_\_\_\_\_

I recognize that I am a student enrolled at Austin College, and I am requesting to have my Service Dog in Training with me on campus and in campus buildings. I understand that I have to follow all policies within the Student Code of Conduct, and that my Service Dog in Training must comply with and abide by the same Austin College policies and procedures that any service dog follows. This includes any policies specific to campus housing when residing in Austin College residential facilities.

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

I have verified the Austin College certification of training documentation and will agree to share necessary paperwork with the Student Life Office.

Academic Skills Center Director \_\_\_\_\_ Date \_\_\_\_\_



### **Frequently Asked Questions About Service Dogs**

[FAQs about Service Dogs https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)