

C.2.1.3 (Procedure) Animals on College District Property

Responsible Department: Enterprise Risk Management

Based on Board Policy: [C.2.1](#) – Environmental Health and Safety

Approved: 8-18-09

Last Amended: 2-26-15

Animals are generally not permitted on property owned or controlled by the College District (“College District property”), with the following exceptions.

Service Animals

Service Animals (defined in 28 CFR 35.104, as it may be modified from time-to-time) necessary for accommodating disabilities are permitted on College District property in all areas where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. .

1. "Service Animal" means any dog, or any miniature horse subject to the additional conditions listed at Section 3 hereinbelow, 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 for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence does not constitute work or tasks for the purposes of this definition.
2. The College District shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The College District may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The College District shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. The College District may not make these 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.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). If there are questions about whether an animal qualifies as a Service Animal, a determination will be made by the Title IX and ADA/Section 504 Coordinator designated in Policy [H.1.1.Attachment-A](#).

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3. Miniature horses.

(a) *Reasonable modifications.* The College District shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

(b) *Assessment factors.* In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the College District shall consider—

(i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

(ii) Whether the handler has sufficient control of the miniature horse;

(iii) Whether the miniature horse is housebroken; and

(iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

4. Students with a disability desiring the use of a Service Animal on campus may, but are not required to, first contact the Disability Support Services Office designated for that college, to register as a student with a disability. The Disability Support Services Office will evaluate the disability, direct the acceptance of the service animal on campus, and recommend any additional accommodations appropriate to the functional limitations of the disability. Faculty or Staff desiring use of a service animal should contact the Office of Human Resources. The Associate Vice Chancellor of Human Resources (or a designee) will evaluate the disability and make any appropriate recommendations.

5. Individuals using Service Animals on campus shall comply with the *Conditions of Permitted Use of Animals*, below.

Non-Service Animals

Domesticated Animals that are not considered Service Animals are permitted to the extent necessary for Official Purposes.

1. "Official Purposes" means use of domesticated animals in instructional classes/programs as part of the established course curriculum, or for law enforcement purposes by law enforcement agencies, for internally approved

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wellness programs or in designated outdoor recreation areas at the discretion of the respective College Presidents utilizing signage.

2. Individuals using Non-Service Animals shall comply with the *Conditions of Permitted Use of Animals*, below.

Conditions of Permitted Use of Animals

1. Animals must be currently licensed and tagged as appropriate for that type of animal, in accordance with state and local requirements;
2. Animals must be in good health and must be clean and reasonably free of fleas and offensive odor;
3. Reasonable behavior is expected and proper training techniques and even mitigating steps (such as muzzling or refresher training) may be required to correct behavioral situations;
4. Animals shall be attended and under control at all times, and on a harness, leash or tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means);
5. Animals must be housebroken, and any and all biological waste matter (including vomit, urine or feces) must be removed immediately and sterilizing agent applied to the affected surface;
6. Animals deemed to pose a direct threat to health and safety under circumstances which cannot be reasonably mitigated may be prohibited.

Legal Reference - TACC Policy Reference Manual

GL(LEGAL) - Access to Programs, Services, and Activities

28 CFR 35.136 – Service Animals