

## 08.01.02.T0.01 Animals on Campus

New/Approved: August 6, 2020  
Next Scheduled Review: August 6, 2025



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### Procedure Summary

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The purpose of this standard administrative procedure (SAP) is to provide for the health and safety of Tarleton State University (Tarleton or university) students, faculty, staff, and visitors and for the protection of Tarleton's property/assets with respect to animals on campus. This SAP establishes guidelines governing animals on campus and outlines restrictions, responsibilities, expectations and reasons for their removal or relocation.

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### Procedures and Responsibilities

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#### 1. General

- 1.1 This university procedure provides guidelines to prohibit the presence of animals in university controlled and managed buildings, except for the animals listed in the exemption section of this document.
- 1.2 All animals brought on university grounds must be under the control of the owner/handler at all times. The animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.
- 1.3 The animal's owner must abide by all local laws regarding animal ownership and be sure the animal is current on all required vaccinations and licensing.
- 1.4 Animal fecal matter deposited on or within Tarleton owned or controlled property must be removed immediately and disposed of properly by the owner/handler. The burden is on the owner/handler to arrange for removal of fecal matter if that person is personally unable to perform this task.
- 1.5 The animal's owner will be held financially responsible for the cost of actions associated with the animal. This includes, but is not limited to, damage to personal and/or university property, excess cleaning and/or extermination beyond what is reasonable, and medical costs for any injuries caused by an animal.
- 1.6 Tarleton may remove or require the removal or relocation of any animal in accordance with section 11 of this SAP.

## 2. Exempted Animals

### 2.1 Service Animals (SAs)

Service animals (restricted to dogs or miniature horses) are trained to perform specific work or tasks for a person with a disability. Their presence on state property is governed by the Americans with Disabilities Act (ADA), as amended; Section 504 of the Rehabilitation Act of 1973; and Title 8, Chapter 121, of the Texas Human Resources Code.

2.1.1 Service animals cannot be left alone on university property.

2.1.2 Service animals may, but are not required to, wear a harness or vest indicating that the animal is working.

2.1.3 A university representative shall not require documentation of the student's disability status or of the service animal's training,

2.1.4 Under state law, it is a misdemeanor punishable by fine and/or community service hours to use an animal with a harness or leash of the type commonly used by persons with disabilities to represent that their animal is a specially trained service animal when training has not in fact been provided. It would also be dishonest and a violation of The Texas A&M University System policy and/or Tarleton Student Code of Conduct to inform a university official, or otherwise misrepresent, that the animal is a service animal when, in fact, the animal is not.

2.1.5 If an individual attends class or enters a nonresidential campus building with an animal, a faculty or staff member *may* privately ask only the following two questions:

A. Is this a service animal that is required because of a disability? If yes, continue. If not, deny access.

B. What work or task has the animal been trained to perform? If a specific task is described, allow access. If not, deny access.

Employees may not request any documentation of the animal, require that the animal demonstrate its task, or inquire about the person's disability. If the employee is in doubt as to whether or not to grant access, they should contact the Department of University Compliance and Strategic Initiatives.

### 2.2 Emotional Support Animals (ESAs)

2.2.1 Emotional support animals (ESAs, also referred to as "assistance animals") do not require training and **are restricted to the student's on-campus residential facility and grounds with limited exceptions**. ESAs are covered by the Fair Housing Act and the Texas Housing Act and are, therefore, within the purview of Residence Life, Tarleton's residential property manager.

2.2.2 Student requests for ESAs require written document from a licensed health care professional in accordance with [U.S. Department of Housing and Urban Development FHEO Notice: FHEO-2020-01](#). A three-member committee composed of a representative from the Center for Access and Academic Testing, Student Health Services, and Residence Life reviews documentation. The student will be notified in writing of the committee's decision on the student's request and requirements.

2.2.3 Approved ESAs may be taken to an appropriate area near the student owner's residential facility for urination/defecation purposes. The approved ESA must be crated/contained when the student owner is not in their room. Failure of the student owner to properly crate/contain an approved ESA may result in disciplinary action and/or removal or relocation of the ESA at the student owner's expense. Requests to take an ESA anywhere else on campus as an accommodation for a disability should be directed to the Center for Access and Academic Testing. It is the responsibility of the student owner to ensure that the approved ESA is not disruptive to the residential environment, as well as being financially responsible for any damage to the facility or property caused by the animal.

### 3. Service Animals in Training

State law provides that a service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer. See Texas Human Resources Code § 121.003(i).

### 4. Registered Animal Assisted Activity (AAA) or Animal Assisted Therapy (AAT) Animals

Registered AAA/AAT animals may be brought on campus by their registered handler for university sanctioned events or programs. Event organizers must notify the Department of University Compliance and Strategic Initiatives ten (10) business days in advance of the event or program.

### 5. Approved Research Animals

Animals used for research and/or teaching must be approved by the Office of Research and Sponsored Projects and the Institutional Animal Care and Use Committee.

### 6. Other Exempted Animals

6.1 Fish in containers of ten gallons or less.

6.2 On-duty police or fire K-9s or search/rescue dogs.

6.3 Official university mascots.

6.4 Use of animals as demonstration props for classes must be approved in advance of the class demonstration. Requests must be submitted to the Department of University Compliance and Strategic Initiatives ten (10) business days in advance of the class demonstration for review and approval.

6.5 Use of animals in any theatrical production(s)/performance(s) must be approved in advance of the production(s)/performance(s). Requests must be submitted to the Department of University Compliance and Strategic Initiatives ten (10) business days in advance of the use of the animal for any theatrical production(s)/performance(s) for review and approval.

Although these animals are permitted within applicable buildings and/or facilities, said animals must remain under the control of the handler at all times. The care or supervision of an exempted animal is solely the responsibility of the owner. Tarleton reserves the right to exclude an exempted animal whose behavior poses a threat to the health or safety of others.

7. Expectations for animal behavior include, but are not limited to:

The service animal should:	ESAs should:	All animals should not:
Focus and respond to handler's cues and commands and ignore distractions	Be house broken	Urinate or defecate inappropriately
Have a stable temperament	Have a stable temperament	Whine, bark, growl or make unnecessary noises; appear anxious or aggressive; jump, scratch, or in any way annoy other persons or animals
Stay at handler's side unless performing a disability-related task	Be well groomed	Sniff people, objects or food unless performing a disability-related task
Remain still and quiet	Respond to handler's cues and commands	Pick food or objects off the floor/grounds
Be well groomed	Be contained in an appropriate enclosure designed for the animal, such as a kennel, cage, crate, tank, etc., when handler is not present.	Pull on leash or wander away from handler

8. Contacts for SA/ESA Related Issues:

Department	Phone
Center for Access and Academic Testing	9400
Residence Life	1965
Judicial Affairs	9080
Employee Services	9976
University Police Department	9002
University Compliance and Strategic Initiatives	9415

9. Expectations of Faculty, Staff, Students, and Other Members of the University Community

Members of the university community are expected to abide by the following practices:

- Allow a service animal to accompany its owner at all times and in all places on campus, except where the presence of the service animal would present an unreasonable threat to health or safety. In extraordinary situations or settings, such as animal research laboratories and areas housing research or teaching animals, it may be necessary to prohibit service animals. In those situations, Tarleton will work with the individual to determine other options for the individual to receive the benefit of the university's program.
- Do not touch or pet a service or an emotional support animal.
- Do not feed a service or emotional support animal.
- Do not harass or deliberately startle a service or emotional support animal.

- Do not separate or attempt to separate an owner from their service or emotional support animal.
- Any concerns related to the improper behavior of (see Section 7) or mistreatment of an animal involving a student should be reported through the [Student Incident Reporting System](#). Incidents involving employees, guests, vendors, etc. should report the issue to the university's Control Center (254-968-9265) who will notify the appropriate campus department contact.

## 10. Notice to Campus Community

If the service or emotional support animal resides with its owner on campus, Student Affairs Facilities and/or the Center for Access and Academic Testing may need to provide notice to certain members of the campus community living or working in close proximity to the animal. The number of people notified will depend on the type of animal and on the type of housing the owner is living in each academic year.

## 11. Removal or relocation

- 11.1 In accordance with federal law, use of an approved animal in university facilities may not be challenged except when the use of the animal poses a direct threat to the health or safety of others, the animal causes substantial physical damage to the property of others, when the animal demonstrates behaviors as described in section 11.2, or when the presence of the approved animal would result in a fundamental alteration of the service, program, or activity involved.
- 11.2 An animal may be removed from any campus facilities and grounds for reasons including, but not limited to:
- **Out-of-control Behavior:** An owner may be directed to remove an animal that is unruly or disruptive (e.g., barking excessively, growling, damaging property, running around without restraint, jumping on people, exhibiting aggressive behavior) if the owner is unable or unwilling to take effective action to control the animal. Repeated instances of such behavior may result in exclusion of the animal from all university facilities until the owner can demonstrate that they can effectively control the animal.
  - **Poor Health:** Animals with health conditions that pose a threat to others are not permitted. In cases where an owner refuses to take action when an animal's health condition poses a threat to others, the university reserves the right to take any necessary actions at the owner's expense including, but not limited to, removal, relocation and professional boarding.
  - **Neglect or Abuse:** If any animal exhibits signs of neglect or abuse, the university reserves the right to have the animal professionally evaluated and to take any necessary actions for the welfare and safety of the animal at the owner's expense including, but not limited to, removal, relocation and professional boarding.
  - **Uncleanliness/Not Housebroken:** Animals must be housebroken; i.e., trained to avoid urinating or defecating in a building, except within a litterbox or other receptacle. Animals that are excessively unclean (e.g., repeated soiling of facilities, flea-infested, foul smelling, and/or shedding excessively) may be excluded from university facilities.
  - **Conflicts between service and emotional support animals and others' severe allergies, phobias, etc.,** will be addressed on a case-by-case basis. Please notify the executive director of residence life for further information if a situation of this nature arises.

11.3 If a service or emotional support animal is properly excluded from the premises, the owner/handler will be offered the opportunity to participate in the service, program or activity without the animal.

## 12. Disciplinary Procedures

Employees or students who do not abide by these procedures may be disciplined in accordance with relevant policies, regulations, rules, and procedures.

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## Related Statutes, Policies, or Requirements

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[American with Disabilities Act \(ADA\), 28 C.F.R., Part 36, Subpart A – General, 36.104 Definitions](#)

[Texas Human Resources Code § 121.006](#)

[Texas Human Resources Code § 121.003\(i\)](#)

[42 U.S.C. § 3604\(f\)\(3\)\(B\)](#)

[34 C.F.R. Part 104](#)

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

[U.S. Department of Housing and Urban Development FHEO Notice: FHEO-2020-01](#)

[Texas Health and Safety Code 821.077, Unlawful Restraint of Dog, and 821.078, Exceptions](#)

[Texas Health and Safety Code 822.002, Seizure of a Dog Causing Death of or Serious Bodily Injury to a Person](#)

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

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

[Tarleton Rule 08.01.01.T1, Civil Rights Compliance](#)

[System Regulation 08.01.02, Civil Rights Protections for Individuals with Disabilities](#)

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## Contact Office

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University Compliance and Strategic Initiatives  
254.968.9415

Residence Life, Facilities and Events  
254.968.1965

Center for Access and Academic Testing  
254.968.9400