

## **Office of Equal Opportunity Service and Emotional Support Animals Procedures**

Subject to federal, state, and local laws and the procedures covered herein, faculty and staff may be allowed to have a service animal in campus facilities where animals would typically not be permitted (*See University Policy 1.17, Animals*). Furthermore, faculty and staff residing in University housing may request as an accommodation that an emotional support animal be allowed to reside in a University residence.

### **I. Definitions**

- a. **Person with a Disability:** An individual with a disability is 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.
- b. **Handler:** A person with a disability that a service animal assists or a personal care attendant who handles the animal for a person with a disability.
- c. **Service Animal:** Any dog (or in some cases, a miniature horse) 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 purpose of this definition. The work or tasks that the service animal performs 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, alerting individuals who are deaf or hard of hearing, pulling a wheelchair, assisting an individual during a seizure, 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. Service animals are working animals, not pets.
- d. **Service Animal in Training:** A dog undergoing training by an approved trainer who is an agent of an organization generally recognized by agencies involved in the rehabilitation of persons who are disabled as reputable and competent to provide training for service animals, and/or their handlers.
- e. **Emotional Support Animal (includes animals referred to as therapy, assistance, or comfort animals):** An animal selected or prescribed to an individual with a disability by a healthcare or mental health professional to play a significant part in a person's treatment process, e.g., in alleviating the symptoms of that individual's disability. Because they do not assist a person with a disability with activities of daily living and do not accompany a person with a disability at all times, an emotional support animal is not a "service animal."

### **II. Service Animals on Campus**

- a. In accordance with the Americans with Disabilities Act, a service animal is permitted on campus and within University buildings, including the University housing assignment provided to an individual with a disability.
- b. Criteria for Service Animals in Campus Buildings

- i. The service animal must have been trained as a service animal in the work or tasks directly related to the person’s disability.
  - ii. Individuals are permitted to bring a service animal in all areas of the campus including University buildings and any place of public accommodation. This includes any University housing assigned to the individual after following approval steps referred to in Section C below.
  - iii. Individuals living in University housing will be permitted to have no more than one service or emotional support animal (“ESA”). Any exceptions will be reviewed and made on an individualized basis by the Office of Equal Opportunity (“OEO”).
- c. Procedures for Obtaining Approval of the Use of a Service Animal within University Buildings
- i. Faculty/Staff. While an individual is not required to submit an accommodation request to bring a service animal into a University building, he or she is strongly encouraged to affiliate with OEO, especially if other disability-related accommodations are required. OEO can be contacted at [equalopportunity@smu.edu](mailto:equalopportunity@smu.edu).
  - ii. Faculty/Staff with Service Animals Residing in University Housing. Service animals are permitted to reside in University housing after approval has been granted from OEO and Residence Life and Student Housing (“RLSH”).
    1. Faculty/staff must submit a request and appropriate supporting documentation to OEO by completing the Employee Reasonable Accommodation Request Form found at <https://www.smu.edu/oEO/forms>.
    2. RLSH will accept and consider requests for reasonable accommodations in University housing at any time. The individual making the request for accommodation should notify RLSH as soon as practicably possible before moving into University housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, RLSH cannot guarantee that it will be able to meet the individual’s accommodation needs during the first semester or term of occupancy. Faculty/staff living in University housing must also register their service animal with RLSH yearly in August. If the need for the accommodation arises while the faculty/staff member already resides in University housing, he/she should submit a request in writing to RLSH as soon as practicably possible. RLSH cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received. The request must be approved before the service animal is permitted in University housing.
    3. Except in cases where either the disability and/or requested accommodation is obvious, requests for an accommodation regarding service animals should be supported by sufficient information or documentation from a reliable third party (e.g., a physician or other medical professional) which substantiates:
      - a. If the service animal is required because of a disability, and

- b. What work or task the service animal has been trained to perform. The animal will not be required to demonstrate this task and no documentation of training will be required.
  - i. If the function performed by the animal does not constitute a task or work, the animal will be treated as an ESA, subject to the requirements of Section IV below.
- 4. OEO will review the request for a service animal in University housing for staff/faculty and send a recommendation to RLSH. Once approved, RLSH will then assign the staff/faculty to the most appropriate housing location with his/her service animal and meet with the staff/faculty to review the applicable forms.

### **III. Service Animals in Training on Campus**

- a. An individual with a service animal in training may enter University buildings with the animal, provided:
  - i. The individual is an approved trainer who is an agent of an organization recognized as reputable and competent to provide such training;
  - ii. Faculty/staff must submit proof to OEO that he or she is an approved trainer as required in the Texas Human Resources Code § 121.003;
  - iii. If living in University housing, faculty/staff must follow the procedures for requesting a housing accommodation set out above in Section II(c); and
  - iv. The animal is adequately under the control of the trainer as required by University Policy 1.17, Animals.

### **IV. Emotional Support Animals on Campus**

- a. In accordance with the Fair Housing Act (FHA), an ESA is only permitted in an individual's University-assigned residence, University residence courtyards and hallways that are part of that facility, and surrounding University premises to the extent that the individual needs to enter and exit the residence. An ESA must be accompanied by the individual, properly restrained, and remain in close proximity to the individual whenever the ESA is outside the individual's University-assigned residence.
- b. An individual may not bring his or her ESA into other University buildings, including the University dining centers.
- c. Criteria for ESA's in University Housing
  - i. Typically, an ESA 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.
  - ii. Individuals living in University housing will be permitted to have no more than one ESA. Any exceptions will be reviewed and made on an individualized basis by OEO.
- d. Procedures for Obtaining Approval for the Use of an ESA Within University Housing

- i. Faculty/staff must submit a request and appropriate supporting documentation to OEO by completing the Employee Reasonable Accommodation Request Form found at <https://www.smu.edu/o eo/forms>.
- ii. Faculty/staff living in University housing must register his/her ESA with RLSH yearly in August. Existing or current residents must submit a request in writing to RLSH if the initial registration deadline has passed. The request must be approved before the ESA is permitted in University housing.
- iii. Documentation from a reliable third party (e.g., a physician or other medical professional) should include the nature of the applicant's disability, how the animal is necessary to provide the person with a disability access to SMU's housing program, and the relationship between the disability and the assistance the animal provides. If an individual requests more than one ESA, the individual must provide documentation from a reliable third party that explains how *each* animal alleviates different symptoms of the disability.
- iv. If an ESA is approved for faculty/staff by OEO, OEO will send a recommendation to RLSH. Once approved, RLSH will then assign the individual to the most appropriate housing location with his/her ESA and meet with the student to review the applicable forms.

**V. Fraudulent Representation of Service Animal**

- a. Under state law, it is a misdemeanor to use an animal with a harness or leash of the type commonly used by persons with disabilities to represent that his or her animal is a specially trained service animal when the animal is not trained as such.

**VI. Responsibilities of Persons with Service or Emotional Support Animals**

- a. Owners of service/emotional support animals are responsible for any damage caused by their animals and must take appropriate precautions to prevent property damage or injury. The care, supervision and well-being of a service/emotional support animal are the sole responsibility of the owner at all times. Owners of service/emotional support animals on campus must:
  - i. Take responsibility for meeting legal requirements: All requirements for the presence of animals in public places (e.g., vaccinations, licensure, ID tags, etc.) mandated by state or local ordinances must be followed, including but not limited to:
    1. A valid Dallas County dog license, updated yearly.
    2. If the animal is intact (i.e., not spayed or neutered), an Intact Animal Permit, updated yearly.
    3. For more information, go to [Dallas Animal Services](#).
  - ii. Ensure animals are under control: The owner must be in full control of the animal at all times. For service animals, the owner should use a harness, leash, or other tether, unless either the owner is unable because of a disability to use the harness, leash or other tether or the use of such restraint would interfere with the service animal's safe, effective,

performance of work or tasks, in which case the owner shall control the service animal through other means (e.g. voice control, signals, or other effective methods). Reasonable behavior is expected from service/emotional support animals. If an animal exhibits unacceptable behavior, the owner must take effective action to correct the situation.

- iii. Adhere to cleanup rules: The owner must follow local clean up ordinances when the animal defecates. Individuals with disabilities who physically cannot clean up after their own service animal may not be required to pick up and dispose of feces but must make arrangements for this to be done by a designated person (i.e., an aide) on a routine basis. Cleaning up after a service/emotional support animal is never the responsibility of the University.
  - iv. Notify OEO in writing if the service/emotional support animal is no longer needed as an accommodation and also notify RLSH if the service/emotional support animal is no longer in University housing.
  - v. File a new request if the owner wishes to bring in a new/different service/emotional support animal in substitution of the previous animal even if the owner previously obtained permission for a service/ emotional support animal.
- b. Any violation of the above rules may subject the owner to discipline.

## **VII. Expectations of Faculty, Staff, Students, and Other Members of the University Community**

- a. Members of the University community are expected to abide by the following practices:
  - i. 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 ban service animals. In those situations, the University will work with the individual to determine other options for the individual to receive the benefit of the University's program.
  - ii. Do not touch or pet a service/emotional support animal.
  - iii. Do not feed a service/emotional support animal.
  - iv. Do not harass or deliberately startle a service/emotional support animal.
  - v. Do not separate or attempt to separate an owner from his or her service/emotional support animal.
  - vi. Do not inquire for details about a person's disability. The nature of a person's disability is a private matter. The appropriate way to ascertain that an animal is a service animal is to ask (only if it is not apparent) if the animal is required because of a disability and what tasks it has been trained to perform.
  - vii. Contact OEO or the Disability Accommodations & Success Strategies ("DASS") if any questions or concerns arise relating to service/emotional support animals.
  - viii. Contact OEO or DASS if faculty/staff have any additional questions regarding visitors to campus who have service/emotional support animals.

- ix. Report any service/emotional support animals who misbehave or any handlers (or other individuals) who mistreat their animals to the SMU Police at (214) 768-3333, or 911 from campus phones.

### **VIII. Notice to Campus Community**

- a. If the service/emotional support animal resides with its owner on campus, RLSH and/or OEO may need to provide notice to certain members of the campus community living or working in close proximity to the animal. This information will be limited to notice about the animal's presence as an accommodation to the owner with a disability and should not include information about the owner's disability or the specific reason the animal is required. The number of people notice will be provided to will depend on the type of animal and on the type of housing the owner is living in each academic year.

### **IX. Emergency Situations**

- a. Emergency responders (i.e., SMU Police, Dallas Police or Fire Department, Highland Park Police or Fire Department, and University Park Police or Fire Department) should be trained to make every reasonable effort to keep a service/emotional support animal with its owner in the event of an emergency situation. However, the emergency responder's first effort should be toward the owner and this may necessitate leaving an animal behind in certain emergency evacuation situations. Emergency personnel and/or University staff will determine whether to remove an animal and may not be held responsible for the care, damage to, or loss of the animal.

### **X. Reasons for Removal or Relocation**

- a. In accordance with federal law, use of an approved animal in University facilities may not be challenged except if the use of the animal poses a direct threat to the health or safety of other persons, would cause substantial physical damage to the property of others, or if the presence of the approved animal will result in a fundamental alteration of the service, program, or activity involved.
- b. An animal may be removed from any campus facility for the following reasons:
  - i. Out-of-control Behavior: An owner may be directed to remove an animal that is unruly or disruptive (e.g. barking excessively, growling, damaging University property, running around, bringing attention to itself, jumping up 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 from University facilities until the owner can demonstrate that he or she can effectively control the animal.
  - ii. Poor Health: Animals with health conditions that pose a threat to others are not permitted. Although animals will sometimes become ill unexpectedly, the University recommends that animals that are sick should not be brought into University facilities.

- iii. Uncleanliness/Not Housebroken: Animals must be housebroken. Owners must also ensure that their animals are kept clean and well-groomed. 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.
- c. If a service animal is properly excluded from the premises, the handler will be offered the opportunity to participate in the service, program or activity without the service animal, potentially with some additional accommodations in place.
- d. Conflicts between service/emotional support animals and others' severe allergies, phobias, etc. will be addressed on a case-by-case basis (e.g., relocation to another University housing facility). Please notify RLSH, DASS, or OEO for further information if a situation of this nature occurs.
- e. Any suspected or observed issues related to animal abuse or neglect will be reported to the proper investigatory authorities and may subject the student to disciplinary action. Violations of the Student Code of Conduct will be handled through SMU's Office of Student Conduct and Community Standards.

## XI. Contacts

CONTACT	ADDRESS	PHONE	WEB
Disability Accommodations & Success Strategies	Loyd Center, Suite 202 Dallas, TX 75275	(214) 768-1470	<b>Website:</b> <a href="https://www.smu.edu/provost/saes/academic-support/disability-accommodations">https://www.smu.edu/provost/saes/academic-support/disability-accommodations</a>  <b>Email:</b> <a href="mailto:dass@smu.edu">dass@smu.edu</a>
Residence Life and Student Housing	Boaz Hall 3200 Binkley Avenue Dallas, TX 75205	(214) 768-2407	<b>Website:</b> <a href="http://www.smu.edu/studentaffairs/housing/">http://www.smu.edu/studentaffairs/housing/</a>  <b>Email:</b> <a href="mailto:housing@smu.edu">housing@smu.edu</a>
Office of Equal Opportunity	204 Perkins Administration Building 6425 Boaz Lane Dallas, TX 75205	(214) 768-3601	<b>Website:</b> <a href="https://www.smu.edu/o eo">https://www.smu.edu/o eo</a>  <b>Email:</b> <a href="mailto:equalopportunity@smu.edu">equalopportunity@smu.edu</a>