A Dog Walks into a Bar ... WARNING: This is not a joke – everything you need to know about animals on campus

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SPEAKERS

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DON'T TELL ME YOU'RE OK!
YOU'RE NOT OK!
I CAN SMELL THE HURT INSIDE YOU!
DON'T WALK AWAY! TALK TO ME!

BEWARE OF EMOTIONAL SUPPORT DOG
WHAT ANIMALS ARE ON CAMPUS?

Service Animals
   Service animals in training

Assistance Animals
   Therapy Animals
   Emotional Support Animals
   Comfort Animals
THAT’S NOT ALL!

Pets & Other Animals

- Lab animals
- Mascots
- Wild or feral animals
- Law enforcement animals
- Search and rescue dogs
- Domestic animals for classes & events
- Veterinary schools
- Clinical Therapy Animals
DISABILITY STATUTES

• Americans with Disabilities Act, ADA Amendments Act
• Section 504, Rehabilitation Act
• Fair Housing Act
• State laws and regulations
• Municipal codes, ordinances (apply to owner, not to public university)
HOT TOPICS

1. Adequacy of documentation for assistance animals
2. Owners’ claims that assistance animals are service animals
3. Presence of service animals in health care settings
4. Requests for multiple assistance animals
5. Therapy animals outside of clinical settings
6. State laws regarding prohibitions on private ownership of some animals
7. Requests for assistance animals in employment setting
8. Animal misconduct and continuation of accommodations
ADA RULES ON SERVICE ANIMALS

Who: Individual with disability

Where: Everywhere handler is allowed (with exceptions)

When: Whenever area or facility is open to handler

What: Only trained dogs and miniature horses

How do we identify: Limited to 2 Questions

1. Is this a service animal?
2. What task(s) does it perform to assist you with your disability?

Problem: No state or federal license or registration for service animals
SERVICE ANIMAL WORK

Examples:

Guiding a visually impaired person
Alerting a hearing impaired person
Pulling a wheelchair
Assisting an individual during a seizure
Alerting an individual to the presence of allergens
Retrieving items or carrying items
Providing physical support and assistance with balance and stability
Preventing or interrupting impulsive or destructive behaviors

NOT: emotional support, well-being, comfort, companionship, guarding
Service Animals ARE NOT the same as Assistance Animals

The laws are different, and so are the definitions and the requirements on the institution.

Don’t confuse the two. If an animal is only providing “comfort, well-being, companionship,” then it is NOT a service animal.

Service animals do not require an accommodation request or documentation. Assistance animals do.

Service animals are only dogs and miniature horses. Assistance animals can be any type of animal.

Service animals must be allowed to go everywhere the owner goes. Assistance animals may be limited to certain locations.

Service animals must be trained to perform work or tasks. Assistance animals need not be trained, and need not perform work or tasks.
Service Animals in Hospitals

Two big Issues for Patients:

1. Generally, Service Animals must be allowed in patient rooms and anywhere else in the hospital the public and patients are allowed to go;

2. If the patient is unable to care for the service animal, what happens?
   - Best case scenario: patient makes arrangements for family or friends to provide care services for the animal
   - If the patient cannot make those arrangements, hospital can board the animal
   - The hospital must give the patient the opportunity to make arrangements first
Service Animals Behaving Badly

Innocent until proven guilty.

I turned on the gas stove after trying to reach the dishwasher. Thankfully, mom heard the clicking and smelled the gas before the oil exploded. (Mom, I said I was just checking the motor.)

I love to herd joggers and small children.
Service Animals Must be “Under Control” of the Handler

- They do not need to be on a leash if the leash hinders their ability to do their job;
- They cannot bark repeatedly in a library, school, theater, or other quiet place (one bark is likely okay);
- Can be restricted from certain public places if it “fundamentally alters” the nature of a service offered to the public (example: zoos);
- What happens if a service animal is disruptive at your institution?
  - If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.
FHA RULES ON ASSISTANCE ANIMALS

Who: Individual with a disability
Where: Housing only
When: During residence on campus
What: Any type of animal

How do we identify:

No limitation on questions we may ask, but must not be abusive inquiries
Treat this just like any other request for an accommodation:

1. Require documentation
2. Engage in interactive process
3. Must be a reasonable accommodation
EXAMPLES OF ASSISTANCE ANIMAL HELP

Animal’s presence must have nexus with the owner’s disability

For example:

• Alleviates the owner’s depression or anxiety
• Reduces the owner’s stress
• Distracts the owner from compulsive behavior
• Improves social interaction with others in residence hall
Common Assistance Animal Conundrums (actual UT System matters)

• My assistance rat is a pack animal, so I need to bring the rest of its pack to make it feel better about being at college;

• I want to bring my ball python to campus as my assistance animal. I don’t care if my roommate is scared of it;

• I want to bring my pit bull to campus, but the [insert city] has an ordinance against pit bulls;

• I just don’t understand why my emotional support animal cannot be with me in the library. I NEED it to study;

• What do you mean you have a problem with my “doctor’s letter?” I’ve never actually met the “doctor” (she lives in Oregon), but we text regularly about my mental health.
COMPETING DISABILITIES

ALLERGIES: (1 in 5 Americans suffer from allergies)

Allergies are covered by all disability laws if severe and limit major life activities

Animals are #4 on the top ten list of allergies

PHOBIAS: (1 in 10 Americans suffer from phobias)

Phobias are covered by all disability laws if severe and limit major life activities

3 of the top 5 phobias are fear of snakes, spiders and dogs

INCOMPATIBLE ANIMALS:

Natural enemies, personality conflicts, etc.
SOLVING COMPETING DISABILITY ISSUES

OBLIGATIONS: Guidance says we MUST accommodate both individuals.

QUESTIONS to consider:

What are the individuals’ specific needs?

What are strategies to help both parties?
SERVICE ANIMALS AS WORKPLACE ACCOMMODATIONS

- Under Title I of the ADA, there is no definition of service animal and no guidelines for employers to follow when an employee asks to bring a service animal to work
- A request to bring a service animal to work is processed like any other request for a reasonable accommodation
- Consider the behavior of the animal and the needs of other employees
- Documentation: what can employers request?
  - Medical documentation regarding a disability
  - Documentation regarding the animal’s training
  - Vet records or vaccination records
TEXAS-SPECIFIC REGULATIONS

- Texas law specific to discrimination of individuals with service animals
- Texas law also addresses the misuse of service animals by falsely stating that the animal is trained.
- Texas law addresses the failure to care for service animals (and possible removal).
- Texas law (but not the ADA) covers service animals in training.
POLICIES

Practical guidance:

- Recognize rights of individuals with disabilities
- Address all types animals on campus
- Decide on areas where assistance animals will be allowed, but have flexibility to consider requests for exceptions
- Set out procedures for making requests for assistance animals in housing
- Address state-specific statutes
- Have rules for obligations of owner
QUESTIONS?