**Animals on University Property** **UPPS** **No. 04.05.10**

**Issue No. 1**

**Revised Date: 02/22/2022**

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**Next Review Date: 10/01/2025 (E4Y)**

**Sr. Reviewer: Director, Environmental, Health, Safety, Risk and Emergency Management**

**POLICY STATEMENT**

 *Texas State University is committed to facilitating the use of service animals on university property to allow people with disabilities equal access to university programs and activities.*

**01. BACKGROUND INFORMATION**

* 1. The purpose of this policy is to promote safety, health, and hygiene on Texas State University property, including its buildings.
	2. The objective of this policy is to communicate to the Texas State community guidelines and restrictions regarding animals on university property, including its buildings.
	3. This policy applies to all property owned, operated, or maintained by Texas State. Animals on Texas State property can potentially pose a significant risk to Texas State and its community. This policy standardizes Texas State’s position on the management of animals on campus.
	4. The use of service animals by individuals with disabilities is governed by the [Americans with Disabilities Act (ADA)](https://www.ada.gov/ada_intro.htm), as amended. The use of emotional support animals (ESA) by individuals with disabilities in residential housing is governed by the [Fair Housing Act](https://www.justice.gov/crt/fair-housing-act-1).

**02. DEFINITIONS**

\*02.01 Animal Control Officer (ACO) – Texas State ACOs are trained and certified by the State of Texas. They are responsible for capturing, removing, or relocating wild or stray animals. They may also be called to remove dead animal carcasses found on Texas State property.

02.02 Animals at Large – an animal that is either unattended or unrestrained by its owner.

02.03 Emotional Support Animal (ESA) – an animal that provides comfort or emotional support for someone with a mental health condition or emotional disorder. An ESA is not a service animal. In order to be considered an ESA, the request must be prescribed by a mental health professional for a patient with a diagnosed psychological or emotional disorder, such as anxiety disorder, major depression, or panic attacks. ESAs are not allowed in administrative and academic buildings.

02.04 Feral – any domesticated animal, such as a dog or a cat, that has returned to live in wild conditions.

02.05 Handler – the owner or person bringing an animal onto Texas State property.

02.06 Research and Teaching Animals – approved animals that support Texas State’s teaching, research, or clinical programs in accordance with the guidelines set forth by the Office of Research and Sponsored Programs and the Institutional Animal Care and Use Committee (IACUC).

\*02.07 Service Animal –animals that are individually trained to do work or perform tasks for people with disabilities. Refer to [UPPS No. 01.04.08](https://policies.txstate.edu/university-policies/01-04-08.html), Service Animals for more information on service animals.

\*02.08 Emergency Service (K-9) or Rescue Animal – a dog, horse, or other domesticated animal that is specially trained for use by a handler or rider.

02.09 Therapy Animal – animals, along with their owner, that volunteer in clinical settings such as nursing homes, schools, hospitals, mental health institutions, and hospices, where they provide psychological or physiological therapy to individuals in the course of their work. These animals have stable temperaments and friendly, easy-going personalities. They are trained to be comfortable in new environments and to interact with different people.

02.10 Wild animal – a species, including each individual of a species, that normally lives in a state of nature and is not ordinarily domesticated. This definition does not include exotic livestock defined by [Section 161.001(a)(4), Agriculture Code](https://statutes.capitol.texas.gov/Docs/AG/htm/AG.161.htm).

**03. RESPONSIBILITY**

03.01 Each department head and supervisor will enforce the provisions of this policy. Each handler must follow this policy and respect the rights and concerns of others while on Texas State property. Individuals with questions about this policy should contact Environmental, Health, Safety, Risk and Emergency Management (EHSRM).

03.02 Texas State has trained ACOs who work in the Facilities Maintenance department. Their responsibilities include capturing stray animals, removing, or relocating them. They are also called to remove dead animal carcasses from university property and transport the animals or carcasses to the ultimate disposal site or release point in accordance with state laws and other licenses.

\*03.03 Animal handlers are responsible for strict control of their animal which would not present harm to people or property. For information regarding handlers’ responsibilities, refer to [UPPS No. 01.04.08](https://policies.txstate.edu/university-policies/01-04-08.html), Service Animals.

03.04 Service animals and ESAs are permitted in residential facilities at Texas State. If a student wishes to have an ESA in their residence, they must register with the Office of Disability Services (ODS) and specifically request the ESA as an accommodation. Once approved by ODS, the handler must also meet with a representative from the Department of Housing and Residential Life to review the expectations associated with hosting an animal. An ESA is not allowed in the residential facilities at Texas State until all the requirements outlined by the Department of Housing and Residential Life have been met.

03.05 Handlers who have been granted approval to have a service animal or ESA must abide by all Department of Housing and Residential Life agreements and this policy.

03.06 Handlers are responsible for properly maintaining the hygiene, health, and vaccination of the approved animal. It is also the handler’s responsibility for the cleanup and disposal of the animal’s waste. Per the [Student Code of Conduct](https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html), the handler will be held responsible for animals that are disruptive to the community.

**04. POSSESSION OF ANIMALS ON TEXAS STATE PROPERTY**

04.01 People must not possess or bring animals onto Texas State property except as follows:

1. animals used in approved teaching, research, and clinical activities;
2. service animals;
3. on-duty emergency service K-9s or rescue dogs;
4. to provide temporary shelter as established by the Emergency Management Coordinator in the event of an emergency;
5. fish contained in aquariums no larger than 10 gallons. Tanks may not be placed near computer workstations which may pose an electrical hazard or damage equipment;
6. animals restrained on a leash may be walked through Texas State property;
7. special events that are approved by EHSRM:
8. Application for a special event involving animals must be submitted to EHSRM at least three weeks prior to the event to allow processing.
9. Applicant must provide insurance for liability purposes on Texas State’s behalf. The handler is financially responsible for any damage caused by their service animal or ESA considered to be beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. These actions include bodily injury or property damage, but the handler must take appropriate precautions to prevent injury or property damage. The university shall have the right to bill the individual for unmet obligations or damages under this provision.

**05. HEALTH AND SAFETY CONCERNS**

05.01 Animals can pose a threat to the health and safety of the campus community as well as to a healthful educational environment through allergy, animal bites, and disease transmission (fleas, ticks, viruses, parasites, etc.). In addition to the potential for animals to cause health hazards, animals can be unpredictable, have uncontrollable behavior, and can contribute to accidents in the workplace and distractions in the learning environment.

05.02 Texas State has the right to remove from its property animals causing problems regardless of any prior approval. Problems include incessant noise, harassing or intimidating people, or damaging property.

05.03 Wild or feral animals that do pose a risk to the university environment will be regulated, controlled, and humanely handled in accordance with all

applicable laws and ordinances.

05.04 In accordance with local laws and ordinances, all animals on Texas State property must have all required immunizations against diseases by a licensed veterinarian up to date. Animals that reside in Texas State housing or are present in employment settings must receive annual checkups and updated health screening documentation from a licensed veterinarian.

05.05 Handlers must remove and dispose of animals’ excreta in a sanitary and lawful manner in accordance with the [City of San Marcos Code of Ordinances, Chapter 6, Animals Article 1 Sec. 6.013](https://library.municode.com/tx/san_marcos/codes/code_of_ordinances?nodeId=SPAGEOR_CH6AN_ART1INGEREAN).

05.06 Dogs are not allowed to run around on athletic playing fields for recreational purposes.

05.07 Service animals may or may not be allowed in certain laboratory settings. Individuals with service animals who require their assistance in any lab setting may consult with the ADA Compliance Coordinator or ODS prior to attendance (refer to [UPPS No. 01.04.08](https://policies.txstate.edu/university-policies/01-04-08.html), Service Animals for more information).

 **06. REPORTING STRAY AND WILD ANIMALS**

06.01 The University Policy Department (UPD) must be contacted if a stray or wild animal is found in a university building. The animal must not be approached. UPD will dispatch an ACO, from either Facilities Operations or the City of San Marcos (COSM), based upon current animal call-out procedures and a memorandum of agreement between Texas State and COSM.

06.02 If an animal, such as a raccoon or bat is found inside a building, the animal must be isolated in a room by closing doors behind it. People must stay away from that animal, and they must not approach the animal to try and remove it. Only trained staff are allowed to capture, release, or relocate the animal to another location.

06.03 If an animal has bitten, scratched or had direct physical contact with a

person, it is recommended that the person seek immediate medical

attention.

06.04 The incident needs to be reported to EHSREM, especially if an employee is injured while performing work duties.

**07. PROHIBITED ANIMALS (NON-SERVICE)**

07.01 Texas State prohibits possession of poisonous or constricting snakes (e.g., boas, pythons, and anacondas), illegal reptiles, and other potentially dangerous or aggressive animals on Texas State property except when used for approved academic or research purposes.

**08. FAILURE TO COMPLY**

08.01 Unapproved Animals on Texas State Property

 Owners must remove unapproved animals from Texas State property immediately. Violation of this policy will subject staff or faculty to disciplinary provisions, as indicated in [UPPS No. 04.04.40](https://policies.txstate.edu/university-policies/04-04-40.html), Disciplining and Terminating Staff Employees. Faculty are subject to the [Texas State University System Rules and Regulations, Chapter V, Section 4.51 (c)](https://www.tsus.edu/about-tsus/policies.html). Texas State will hold policy violators liable for their animal’s actions including damage to property or injury or death to persons. In addition, student violators are subject to sanctions up to and including their suspension from Texas State.

08.02 Misrepresentation of Service Animal Status

 Pursuant to and in accordance with [Texas HR Code §121.006](https://statutes.capitol.texas.gov/Docs/HR/htm/HR.121.htm), individuals who knowingly misrepresent an animal as a service animal may be subject to penalties, including a fine of up to $300 and 30 hours of community service, or removal of the animal should it become known that the animal is not a service animal. Employees are strongly advised to review [UPPS No. 01.04.08](https://policies.txstate.edu/university-policies/01-04-08.html), Service Animals before taking any action regarding the suspected misrepresentation of an animal as a service animal. Faculty and staff are not allowed to request any medical documentation for the animal, require the animal to demonstrate its task, or inquire as to the nature of the individual’s disability.

08.03 Unattended or Unrestrained Animals

When Texas State personnel observe an unrestrained or unattended animal, an attempt will be made to locate the animal’s owner. If the animal’s owner cannot be located, UPD will coordinate with animal control to remove the animal from Texas State property.

08.04 Property Damage

Anyone bringing an animal onto Texas State property assumes all financial responsibility for all damages to property or injury or death to individuals the animal causes.

**09. REVIEWERS OF THIS UPPS**

09.01 Reviewers of this UPPS include the following:

Position Date

 Director, Environmental, Health, Oct E4Y

 Safety, Risk and Emergency

 Management

 Director, Office of Disability Services Oct E4Y

 Director, Housing and Residential Life Oct E4Y

 Director, Facilities Operations Oct E4Y

ADA Compliance Coordinator Oct E4Y

**10. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director, Environmental, Health, Safety, Risk and Emergency Management; senior reviewer of this UPPS

Vice President for Finance and Support Services

President