

UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM

SECTION: Legal Affairs

NUMBER: 01.D.12

AREA: General Administration

SUBJECT: Service Animals

1. PURPOSE

- 1.1. The University of Houston System (“System”) or University is committed to ensuring individuals who have a disability are afforded equal opportunities and equal access in compliance with federal and state laws. In addition, the System does not discriminate on the basis of disability against individuals in any program, service, or activity offered by the System. The System is committed to ensuring that no individuals with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals due to their disability (see [System Administrative Memorandum \(SAM\) 01.D.05, Equal Opportunity and Non-Discrimination Statement](#)).
- 1.2. The System adheres to the [Americans with Disabilities Act Amendments Act of 2008](#) (ADAAA) and [Title 8, Chapter 121](#) of the Texas Human Resource Code, as applicable.
- 1.3. The System has developed this Service Animals (“Policy”) to illustrate the System’s commitment to ensuring equal access by allowing Service Animals on campus for people with disabilities who require their assistance. This Policy applies to individuals within each of the five units (the System and the four universities) who have a disability and require the use of a Service Animal.
- 1.4. This Policy does not address emotional support animals whose sole purpose is to provide comfort or emotional support. Please see the System’s policy on [Emotional Support Animal, SAM 01.D.11](#), which explains the specific requirements applicable to an individual’s use of an Emotional Support Animal.

2. DEFINITIONS

- 2.1. Service Animal – The ADAAA defines Service Animals as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service Animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to

provide comfort or emotional support do not qualify as Service Animals under the ADA.

- 2.2. Service Animal in Training – A dog that is undergoing training to become a Service Animal.
- 2.3. Handler – As defined under the ADA, the “Handler” is the person with a disability who is using the Service Animal.
- 2.4. ADA/504 Coordinator – The person who is designated to coordinate efforts to comply with and implement this Policy. The ADA/504 Coordinator is available to discuss options, provide support, explain University policies and procedures and provide education on relevant issues. The ADA/504 Coordinator may designate one or more Assistant ADA/504 Coordinators. To find the ADA/504 Coordinator for each campus, please visit the following web site:
<http://www.uh.edu/equal-opportunity/ADA-504/>.

3. CRITERIA FOR DETERMINING THE PRESENCE OF A SERVICE ANIMAL

- 3.1. When it is not obvious what service an animal provides, only limited inquiries are allowed. Employees may ask two questions:

- A. Is the dog a Service Animal required because of a disability? and
- B. What work or task has the dog been trained to perform?

Employees cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

- 3.2. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using Service Animals. When a person who is allergic to dog dander and a person who uses a Service Animal must spend time in the same room or facility (e.g., a school classroom), they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

4. ACCESS TO UNIVERSITY FACILITIES BY SERVICE ANIMALS

- 4.1. Service Animals are allowed to accompany people with disabilities in all areas of a University facility where the public is normally allowed to go.
- 4.2. The University may prohibit the use of Service Animals in certain locations based on health and safety restrictions. Restricted areas may include, but are not limited to, the following areas: custodial closets, boiler rooms, facility equipment rooms, research laboratories maintaining sterile conditions, classrooms with research/demonstration animals, areas where protective clothing is necessary, sterile environments, and areas outlined in state law as being inaccessible to animals.

5. HANDLER RESPONSIBILITIES FOR SERVICE ANIMALS

- 5.1. The Handler is solely responsible for the custody and care of the Service Animal and must meet the following requirements:
- A. A Service Animal must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal's work or the Handler's disability prevents using these devices. In that case, the Handler must maintain control of the animal through voice, signal, or other effective controls.
 - B. The Handler must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the Handler's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.
 - C. The Handler is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the University. If the Handler is not physically capable of cleaning up after the Service Animal, the Handler must hire someone who is physically capable and incur the cost of such hire. Service Animal waste cleanup should include appropriate waste clean-up equipment and proper disposal of waste in an appropriate container. An appropriate container is an outside receptacle (i.e., dumpsters).
 - D. At all times, the Handler has the sole responsibility of the cost of care, maintenance of health and well-being of the Service Animal. University personnel shall not be required to provide care or food for any Service Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
 - E. The University will not ask for or require an individual with a disability to pay a fee or surcharge for a Service Animal.
 - F. The Handler is financially responsible for the actions of the approved Service Animal. These actions include injury and/or property damage and the Handler must take appropriate precautions to prevent injury and/or property damage. A Handler may be charged for any damage caused by his or her Service Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The University shall have the right to bill the Handler for unmet obligations and/or damages under this provision.

- G. The Handler must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).

6. REMOVAL OF SERVICE ANIMALS

- 6.1 The University may require the Handler to remove the Service Animal from University premises if:
 - A. The Service Animal is out of control and the Handler does not take effective action to control it. If improper animal behavior happens repeatedly, the Handler may be prohibited from bringing the Service Animal into any University facility until the Handler can demonstrate that they have taken sufficient steps to mitigate the behavior;
 - B. The Service Animal is not housebroken; and/or
 - C. The Handler does not comply with the Handler's responsibilities set forth in this policy.
- 6.2. When there is a legitimate reason to ask that a Service Animal be removed, University employees must offer the Handler the opportunity to obtain goods or services without the animal's presence.
- 6.3. The University will base its determination to remove the Service Animal upon the consideration of the behavior of the particular Service Animal at issue, and not on speculation or fear about the harm or damages a Service Animal may cause. Any removal of the Service Animal will be decided by the ADA/Section 504 Coordinator.

7. SERVICE ANIMALS IN TRAINING

- 7.1. A Service Animal in Training is entitled to access the same University facilities as a Service Animal, provided that the Service Animal in Training is accompanied by an "Approved Trainer." For purposes of this Policy, an Approved Trainer is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities.
 - A. If a person with a disability is undertaking the training of the Service Animal in Training, the person with a disability must provide documentation of their certification as an Approved Trainer to the [ADA/504 Coordinator](#); and
 - B. If the person with a disability is not an Approved Trainer, the person with a disability must provide proof to the [ADA/504 Coordinator](#) that an Approved Trainer will be with the person with a disability and the Service Animal in Training while in University facilities.

7.2. Service Animals in Training must abide by and comply with all provisions of this Policy, as well as any other University policies and procedures applicable to Service Animals.

8. REVIEW AND RESPONSIBILITY

Responsible Parties: Vice Chancellor for Legal Affairs and General Counsel

Vice Chancellor for Student Affairs and Enrollment Services

Review: Every five years on or before February 1

9. APPROVAL

Approved: Dona Cornell
Vice Chancellor for Legal Affairs and General Counsel

Paula M. Short
Senior Vice Chancellor for Academic Affairs and Provost

Renu Khator
Chancellor

Date: April 4, 2019

10. REFERENCES

[System Administrative Memorandum \(SAM\) 01.D.05 – Equal Opportunity and Non-Discrimination Statement](#)

[SAM 01.D.11 – Emotional Support Animals](#)

[Americans with Disabilities Act of 2008 \(ADAAA\)](#)

[Texas Human Resources Code, Title 8, Chapter 121](#)

[ADA/504 Coordinators Web Site](#)

REVISION LOG

Revision Number	Approval Date	Description of Changes
1	04/04/2019	Initial version