TO:    Texas Tech University Faculty & Staff
FROM:  Dr. Larry Phillippe, Ed.D.
        Director, Student Disability Services
        Campus ADA Coordinator
DATE:  September 16, 2015
RE:    Regulations for Service Animals and Assistance/Companion Animals

The Student Disability Services office and the University Student Housing Office have recently been inundated with requests for both Service Animals and Assistance/Companion Animals. I wanted to update everyone on what the current regulations are and what we as an institution of higher education are required and not required to do.

Service Animals:
Service Animals are regulated under the Americans with Disabilities Act (ADA) because they are considered an accommodation needed by a person with a disability to perform specific tasks needed to mitigate the effects of their disability. The regulations state the following:

1. A service animal is defined as a dog (and in some very limited cases a miniature horse)
2. Trained to perform a specific task that the person with a disability cannot otherwise perform themselves.

No other animals are considered service animals. Only dogs. Federal regulations also do not require the person with a disability to provide documented proof of training of the dog, nor do they have to provide documentation of their disability. Should a person with a service animal want to take the animal into a building or area that is open and accessible to the general public, they may do so. The only questions that can be asked by the entity of the person with a service animal are:

1. Do you have the dog because of a disability?
2. What task is it trained to do?

No other questions can be asked and no proof can be required of training. Currently, service animals are trained for a variety of disabilities, including visual impairments, hearing impairments, physical impairments, and mental health issues, such as Post Traumatic Stress Disorder. We have at least three current students who are veterans that use the service animals in all settings. The dogs are trained to recognize and sense when
the person is beginning to have a panic attack and will paw or pull the person to remove them from the situation. That is a specific task, and the dog is not there simply to keep them calm. If the person responds that the dog is just there to help keep them calm when you ask your two questions, then that is not a task and thus would not be considered a service animal.

While we are limited in our ability to control the access and use of service animals in all public areas, the people with the disabilities have certain responsibilities as well. The service animal is considered an extension of the person and therefore, must be compliant with the same public rules and regulations that the disabled person must comply with. So, just as a person cannot yell out loud and run around being disruptive in a restaurant or store, neither may a service animal. Management can ask the person to remove any service animal that is being disruptive or exhibiting threatening behavior just as they would ask any person to leave for the same reasons. Once the service animal has been removed, the person may reenter the establishment without the animal if they so choose. This same situation applies to all academic buildings on the TTU campus. Service animals are under the same Student Code of Conduct as the students. Faculty members may not refuse students with service animals entrance into their classroom, but they can control the behavior of the service animal.

Additionally, service animals must be tethered at all times (unless the leash interferes with the task the animal performs) and meet all local health requirements, including vaccinations.

**Assistance or Emotional Support Animals:**

Assistance or Emotional Support Animals (ESA’s) are covered under the Fair Housing Act because they may be required for a variety of mental health issues. They are not trained to do a certain task, but are generally used to help with emotional stability and stress reduction. If ESA’s are needed due to a disability, the person may be allowed to keep the animal in their primary residence without being required to pay a pet deposit and despite a policy that does not allow pets. This applies in most cases to all public and private rental property, as well as college housing.

However, Assistance and ESA’s are NOT allowed into buildings that are accessible to the general public as is the case with Service Animals. This includes all academic buildings on campus.

Assistance and ESA’s can be a variety of animals and are not limited to dogs. They are, however, limited to the city and county restrictions of domestic animals that are allowed within an incorporated entity. Exotic or wild animals not allowed as pets inside a city limit also cannot be classified as an assistance animal.
So in summary, Service Animals (only a dog) are permitted in any campus building that the general public has access to. Assistance or Emotional Support Animals (various animals) are ONLY allowed in the room within a residence hall of the student and no other buildings on campus.

I hope that this will clear up the confusion regarding what qualifies as a Service Animal and what qualifies as an Assistance or Emotional Support Animal. Please let me know if you have any other questions. Thanks for your help as we try and accommodate our students with appropriate accommodations and accurate information.