



Administrative Policies and Procedures Manual - Policy 2295: Service and Assistance Animals

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Process Owner: Director, Office of Equal Opportunity

1. General

In keeping with federal and state law, the University of New Mexico recognizes its responsibilities to extend equal access to individuals with disabilities who use a Service Animal on University property. The University will not discriminate against individuals with disabilities who use Service Animals nor, subject to the terms of this Policy, deny those persons access to programs, services and facilities of the University. This policy applies to individuals with disabilities and Service Animals as defined in federal law.

In some cases, Assistance Animals that do not qualify as Service Animals may be permitted in UNM Student Housing if shown to be necessary to afford a student with a documented disability an equal opportunity to use and enjoy UNM Student Housing.

1.1. Service Animal

A service animal means any dog or other animal, except as otherwise specified, 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. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Therefore, comfort or companion animals are not Service Animals. For safety and infection control purposes, Service Animals shall not include nonhuman primates, birds, amphibians, reptiles, fish, hedgehogs, prairie dogs, cats, or rodents.

1.2. Assistance Animal

An Assistance Animal means any animal that provides emotional support, comfort, or therapy that alleviates one or more identified symptoms or effects associated with its owner's disability. Unlike a Service Animal, an Assistance Animal need not be individually trained or certified to perform any disability-related task. Assistance Animals are sometimes referred to as therapy, comfort, companion, or emotional support animals. Generally, Assistance Animals are not permitted in classrooms or in public areas on campus. In some circumstances, a student with a disability may be allowed to have an Assistance Animal within UNM Student Housing with prior approval. See Section 6.1 for more information on Assistance Animals in UNM Student Housing.

2. Applicability

This policy applies to all employees, students, and visitors of the University who qualify to use a Service Animal as an accommodation. To deem that a Service Animal is a reasonable accommodation, the following criteria must be met:

- the individual must have a disability as defined under federal law;
- the animal must meet the definition of Service Animal under federal law and serve a function directly related to the disability; and
- the request to have the animal must be reasonable.

A Service Animal shall be permitted in any area of the University that is unrestricted (not off limits to Service Animals due to codes or regulations) to employees, students or visitors provided that the Service Animal does not pose a direct threat, as defined in [Section 2.1.](#) herein and that the presence of the Service Animal would not require a fundamental alteration of UNM policies, practices, or procedures. A person with a disability who uses a Service Animal on University property shall not be required to pay a surcharge. Any decision to exclude a Service Animal from a particular area of the University shall be made on a case-by-case basis. The University will take appropriate action to address violations of this policy, up to and including disciplinary action or removal from University property.

2.1. Direct Threat

A direct threat is a significant risk to the health or safety of others that cannot be eliminated or mitigated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. If the University determines that a Service Animal poses a direct threat to the health or safety of others in a building or portion thereof, access to the facility by the Service Animal will be denied. In determining whether a Service Animal poses a direct threat to the health or safety of others, the University shall make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to identify:

- the nature, duration, and severity of the risk;
- the probability that the potential injury will actually occur; and
- if there are reasonable modifications of policies, practices, or procedures that will mitigate the risk.

3. Inquiries by University Employees

A Service Animal must be trained to provide specific support services to the individual with a disability. Generally, when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., a dog is observed guiding an individual who is blind or has low vision or pulling a person's wheelchair), UNM employees should not make otherwise allowable inquiries. If it is not readily apparent, University employees shall not ask about the nature or extent of the individual's disability, but may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. University employees cannot ask for documentation, such as proof that the animal has been certified, trained or licensed as a Service Animal. For University programs or classes held at non-UNM facilities, the owner of the property may require notification or verification of the Service Animal.

4. Responsibilities for the Care and Supervision of Service Animals

Individuals with Service Animals are responsible for managing and handling their Service Animals at all times while on University property, maintaining proper infection control measures, and are responsible for the behavior and activities of the animal. Individuals are personally responsible for any damages to a facility caused by their Service Animals, including if the individuals are UNM students whose Service Animals have caused damage in a residence hall or classroom. Service Animals on University property must be:

- licensed in accordance with applicable state, county, or local laws or ordinances pertaining to the type of Service Animal;
- in good health and well groomed;
- housebroken (the individual with the disability is responsible for the proper disposition of any Service Animal accidental waste); and
- harnessed, leashed, or otherwise under the control of the individual with a disability (e.g., voice control, signals, or other effective means) such that the Service Animal does not disrupt or interfere with the ability of other users of the space or activity.

5. Removal of Service Animal

An individual with a disability cannot be asked to remove his or her Service Animal from the premises unless the animal poses a direct threat to the health or safety of others or the Service Animal or individual fails to meet one or more of the requirements of this policy or federal laws and regulations. A history of allergies or fear of animals are generally not valid reasons for denying access or refusing service to individuals with Service Animals; however all situations will be evaluated on a case-by-case basis. If after careful evaluation removal is necessary, University employees should consider an alternative option for the individual to obtain the goods and/or services.

6. Students

A student may bring a Service Animal into a UNM classroom, laboratory, or other learning environment. Students using Service Animals are encouraged to register with [UNM Accessibility Resource Center](#) and follow the procedures established by that office for obtaining academic adjustments.

6.1. UNM Student Housing

UNM Student Housing, including Student Family Housing, is subject to the federal Fair Housing Act which extends accommodation to Assistance Animals as well as Service Animals.

A student seeking to reside in UNM Student Housing with a Service Animal or Assistance Animal not otherwise permitted under the UNM Student Housing no-pets policy must meet the following criteria:

- the student has a disability under federal law and the University is made aware of the disability;
- the Service or Assistance Animal is necessary to afford the student an equal opportunity to use UNM Housing;
- there is a direct relationship between the student's disability and the assistance the Service or Assistance Animal provides; and
- the request to have the Service or Assistance Animal is reasonable.

In order to receive approval to reside in UNM Student Housing with a Service Animal or Assistance Animal under this policy, a student is required to complete the following before the Service Animal or Assistance Animal may enter the University residence halls:

1. Register with [UNM Accessibility Resource Center](#) and follow the procedures established by that office for obtaining academic adjustments.
2. Register with and receive written approval from UNM Residence Life and Student Housing. Initiate the process by contacting UNM Residence Life and Student Housing in Student Residence Center Commons room 212 or at 277-2383.

A student who is permitted to have an Assistance Animal in UNM Student Housing is responsible for the care and supervision of the Assistance Animal. Additionally, an Assistance Animal may be removed from UNM Student Housing if it is out of control and effective action is not taken to control it, it is not housebroken, or it poses a direct threat to the health or safety of others.

7. American with Disabilities Act (ADA) Coordinator

Additional guidance for assisting individuals with Service Animals can be obtained from the links listed below. Any person dissatisfied with a decision concerning a Service Animal can contact the Americans with Disabilities Act (ADA) Coordinator for The University of New Mexico. The University's ADA Coordinator is the Director of the Office of Equal Opportunity. The University's ADA Coordinator will collaborate with the Vice President for Equity and Inclusion, the Director of the Accessibility Resources Center, as well as other appropriate University resources to address individual concerns.

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