

1.03.02.55 Animals on Tennessee Board of Regents Campuses



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Policy/Guideline Area

Governance, Organization, and General Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

Establishment of a consistent policy regarding the presence of animals at the TBR System Office and TBR System campuses.

Definitions

- Service Animal - A dog or miniature horse as defined under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Rehabilitation Act), and/or the federal regulations related to those laws. The service animal must have been individually trained to do work or perform tasks for a person with a qualifying disability as defined by the Acts. The work or task(s) performed by the service animal must be directly related to the person's disability. Service animals are working animals, not pets.
- Service Animals in Training - A dog or miniature horse that are in the process of being trained as a service animal as defined by T.C.A. § 62-7-112. However, the dog guide trainer shall present for inspection credentials issued by an accredited school for training dog guides.
- Comfort/Emotional Support Animal - An animal, that is not a service animal as defined above, utilized to provide comfort, emotional support, or other companionship related presence.

Policy/Guideline

I. General

- A. Animals are not permitted in the facilities, buildings, or outdoor properties owned, operated, and/or controlled by the TBR system or TBR institutions unless specifically permitted pursuant to this policy.

II. Service Animals

- A. Service animals are permitted in all areas of the TBR System Office and TBR campuses where its owner, the person being assisted by the service animal and/or the public are permitted to enter or occupy.
 - 1. The presence of the service animal is subject to the following conditions:
 - a. The service animal must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.
 - b. The service animal is adequately controlled and does not disrupt the learning environment or present a threat to health and safety of persons or property.
 - c. The service animal is healthy and creates no danger of infection, transmission of disease, or other unreasonable health risk.
 - d. The service animal is housebroken.
 - e. The owner/keeper collects and properly disposes of waste by placing it in outdoor trash receptacles.
 - f. The service animal is properly groomed to be free of fleas, other insects, pests, or offensive/disruptive odors.
 - 2. A service animal cannot be excluded from the premises unless it is non-compliant with one or more of the criteria set forth above in this section.
- B. If a service animal's behavior or presence is disruptive, destructive, or non-compliant with the requirements set forth in sub-section II. A. above, the

owner/user will be required to take appropriate action to bring the animal under control, correct the non-compliant condition, or remove the animal from campus. Repeated violation of these requirements or refusal to comply with reasonable instruction to correct non-compliance may result in disciplinary action.

III. Service Animal Inquiries

- A. Faculty/Staff are not permitted to challenge the presence of a service animal on campus by inquiring about the owner/user's disability, requiring medical documentation, a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.
- B. When it is not obvious that an animal is a service animal and/or what service the animal provides, a limited inquiry is permitted under federal regulations. TBR Institution policy shall specify whether or not Faculty/Staff will be permitted to make any inquiry or that authority to do so will be limited to specific person(s) or office(s).
 - 1. The person(s) authorized to inquire may ask two (2) questions:
 - a. Is the service animal required because of a disability, and
 - b. What disability-related service has the animal been trained to provide?
 - 2. If Faculty/Staff/Students believe that an animal is not a service animal or that the owner/user has answered the permitted questions in a manner that indicates the animal is not a qualified service animal, the individual(s) may not take direct action to prohibit the animal's presence, but should communicate the concern to:
 - a. At the System Office to the Human Resources Department.

- b. At TBR Institutions to the Institution's Human Resources authority, Disabled Student Services office, or other designated official(s) on campus.
 - 3. Faculty/Staff may take immediate action to mitigate a disruption to the learning environment or a health/safety threat but may not permanently exclude a service animal from campus. Any disruption or threat should instead be reported to the designated official(s) for a determination regarding further action.
 - C. Service animals are not required to exhibit any identification or register its status as a service animal with an institution.
 - D. TBR Institutions may opt to maintain a voluntary registry for service animals that may be used in specific instances of emergency or incident response.
 - E. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability an alternative accommodation.
 - F. Service Animals in Training are permitted at the TBR System Office and TBR campuses to the same extent as Service Animals, subject to the requirements of T.C.A. § 62-7-112 and this policy.
 - G. The provisions regarding service animals and service animals in training shall be applicable to all employees at the TBR System Office as well as members of an Institution's community, as well as all other individuals present at any TBR campus or facility.
- IV. Comfort/Emotional Support Animals
- A. Comfort/Emotional Support Animals, or any other non-service animals, are not permitted at the TBR System Office or on TBR campuses.
- V. Exceptions to the General Prohibition

- A. Animals present at the TBR System Office or on a campus in connection with a classroom demonstration, research, or other official bona fide academic purpose, approved by the Chancellor, President or designee, as appropriate.
- B. Outdoor areas of a campus or facility designated by institutional policy.
- C. Animals present for official law enforcement or other lawful government purpose.
- D. By permission of the President or designee for special events or performances.
- E. As an accommodation under the ADA.

VI. Miscellaneous

- A. TBR Institutions are directed to promulgate a policy governing the presence of Animals on Campus.
 - 1. The policy shall be consistent with TBR system policy governing Animals on Campus.
 - 2. The policy will set forth the locations and conditions, if any, under which non-service animals will be permitted in outdoor spaces on a particular campus.
 - a. The policy shall provide for the proper control of such animals, and
 - b. The policy shall articulate conditions regarding behavior and the maintenance of order and safety on campus.
 - 3. The policy may limit the number and type of animals permitted to be present in designated outdoor areas of the campus.
 - 4. Prior to final promulgation or amendment, institution policies will be subject to review and approval by the TBR Office of General Counsel to ensure compliance with the requirements of state/federal law.
- B. Wild or exotic animals

1. Wild or exotic animals are prohibited unless permitted separately pursuant to Tennessee law, the rules of the Tennessee Wildlife Resources Agency or other appropriate state/federal authority.
2. Owners/Handlers of any animal at the TBR System Office or on a TBR campus are responsible for compliance with all state/local laws/ordinances regarding licensing and public health related vaccination requirements.
3. Animals not in compliance with applicable laws/ordinances will be removed from the site.

VII. Sanctions/Remedies for Failure to Comply

- A. Individuals (students, employees, visitors/guests) who bring non-service or other non-exempt animals into the buildings or outdoor areas of the TBR System Office, or at TBR institutions, in violation of this and/or institution policy will be directed to remove them and may be subject to disciplinary or law enforcement action.
- B. Unattended or unrestrained animals will be removed from the site by a local animal control service.
- C. Damage to property that is a direct result of an animal brought to a TBR site will be the financial responsibility of the individual bringing the animal to campus.

Sources

Authority

T.C.A. § 49-8-203; T.C.A. § 62-7-112; All Federal, State, and Local statutes, codes, ordinances, rules or regulations relative to this policy.

History

NEW Policy approved by Board on December 13, 2018.