

12.05.13 FINAL2 draft

Proposed New Policy 3.06 (Assistive, Service, and Companion Animals on University Premises)

(NOTE: will supersede current Policy 3.80, Pets)

3.06 Assistive, Service, and Companion Animals on University Premises

- A. Purpose: To assist the university in complying with federal and state law and regulations relating to public access; to provide guidance for students, faculty, staff and visitors regarding service, assistive and companion animals permitted on university premises; and to provide for the public's health, safety and welfare by requiring owners and handlers to care for and to control their animals responsibly, in accordance with this policy and applicable local laws.
- B. Scope: This policy applies to students, employees and visitors throughout the NMSU system.
1. The regulation of wildlife and exotic animals is outside the scope of this policy; a person or entity desiring to bring such animals on university premises shall coordinate with the appropriate university office, and will be subject to applicable federal, state and local laws and regulations relating to animal welfare and public safety.
 2. The regulation of animals used in teaching and research, including but not limited to the therapeutic riding program, is governed by the Animal Welfare Act and the Office of Laboratory Animal Welfare, and is therefore outside the scope of this policy. The university has established the Institutional Animal Care and Use Committee to administer these federal laws and corresponding regulations in the care and use of vertebrate animals in academic and research settings. (See Policy 5.94.30 E.) Concerns or complaints relating to these issues should be directed to the chair of the NMSU Institutional Animal Care and Use Committee. Additional information may be found at:
 - i. research.nmsu.edu/compliance/IACUC/.../NMSU_OHSP_1&2_21dec2011.doc ;
 - ii. <http://www.nmsu.edu/safety/policies/IACCUC-html-app040105.htm>; and
 - iii. http://www.nmsu.edu/safety/policies/policy_IACUC_protocol_require.htm
- C. Policy Administrators: The following positions have authority relative to the administration of this policy; each also serves as a member of the Companion and Assistive Animals Committee, described in Section E. 6, below.
1. [NMSU Police Chief or Designee](#);
 2. [Director of Housing and Campus Life or Designee](#);
 3. [Director of Office of Institutional Equity or Designee](#);
 4. [Director of Student Accessibility Services or Designee](#);
 5. [NMSU-Alamogordo Community College Vice President of Student Success or Designee](#);
 6. [NMSU-Carlsbad Community College Vice President for Student Services or Designee](#);
 7. [NMSU-Doña Ana Community College Vice President for Student Services or Designee](#);
 8. [NMSU-Grants Community College Vice President for Student Services or Designee](#);
 9. [Department Head, Director or Equivalent of Affected Program](#).
- D. Definitions: The definitions provided in this section will be used in the application and enforcement of this policy.
1. **Animals Permitted on University Premises**: Subject to the provisions of this policy and applicable federal, state or local laws, the following types of animals are permitted on university premises.
 - a. “Companion Animal”: A companion animal is a domesticated animal privately owned for companionship and enjoyment. The term “companion animal” in recent years has been adopted as a more respectful term for “pet”. See Section E. 1. below
 - b. “Emotional Support Animal” (ESA): An emotional support animal is a companion animal that may be permitted, if deemed to be a reasonable accommodation, for a person with a psychological disability, by either the Office of Institutional Equity or the NMSU Office of Student Accessibility Services (in coordination with the VPSS or designee of the community college, if applicable. See Section E. 3. below.

- c. “Law Enforcement Animal”: A law enforcement animal is usually a dog, specially trained to assist law enforcement personnel with police work. *See* Section E. 4. below.
- d. “Pet”: *See* Companion Animal.
- e. “Service Animal”: A service animal is either a dog or a miniature horse that is individually trained to do work or perform specific tasks to assist a person with a psychological or physical disability. Service animals are distinct from companion animals, emotional support animals, or other assistive animals. *See* E. 2. below regarding a service animal’s right to public access.
- f. “Service Animal in Training”: A service animal in training is defined as either a dog or miniature horse in the process of being trained as a service animal. (*See* Section E.2. d. below)
- g. “Therapy Animals”: Therapy Animals are animals involved in Animal Assisted Interventions. These definitions were derived from <http://www.petpartners.org/AAA-Tinformation>.
 - i. “Animal Assisted Activity (AAA) Animals”: AAA animals are domesticated companion animals that may visit the university, with prior approval, to provide recipients an opportunity for social interaction, recreation, or educational or motivational benefits. Examples would include visits by a group of dogs and their handlers to a university residence hall during exam week. The AAA animals and their handlers receive specialized training by an appropriate organization (e.g. Pet Partners, Therapy Dogs International, Therapaws.)
 - ii. “Animal Assisted Therapy (AAT) Animals”: AAT animals are domesticated companion animals that assist professionals with goal-directed interventions involving treatment of clients. An example of this would be a handler and the AAT dog being present in a room to assist a speech language pathologist, who is treating a client. The professional sets goals for the session, leads the session, incorporates the animal into the treatment session, evaluates the effectiveness of the session, and documents the progress of the client being treated. Sometimes the professional will also be the handler, and utilize their own companion animal, which has been trained as an AAT animal.

See Section E. 4. below.

- 2. “Exotic Animal”: Exotic animals are wild, non-domesticated animals, not native to the United States of America, including but not limited to monkeys, tropical birds and certain species of tarantulas and snakes.
- 3. “Handler”: A “handler” is the person in control of, and a person the university may hold responsible for the acts of a service animal, a service animal in training, or other assistive animal. The handler may or may not also be the owner of the animal.
- 4. “NMSU Entity”, sometimes also referred to as “unit”, is a general term which may refer to a college, a department or any other individual administrative unit within the NMSU system.
- 5. “Owner”: A person who has legal custody of an animal covered by this policy. The university will hold owners responsible for the acts of their animal. The owner may or may not also be the animal’s handler.
- 6. “University Housing”: University Housing refers to all housing units and attached yards, as well as to indoor and outdoor common areas under the authority of NMSU Housing and Residential Life. University Housing consists of Single Student Housing and Student Family Housing.
- 7. “University Premises”: University premises refers to all land, buildings, or other indoor or outside space owned, leased by NMSU, or otherwise under the control of New Mexico State University. University owned property leased to other entities and not under the operational control of NMSU are not considered university premises for purposes of this policy.
- 8. “Wildlife”: Wildlife refers to non-domesticated animals native to the United States of America, including but not limited to coyotes, wolves, skunks, and certain species of tarantulas and snakes (i.e. rattlesnakes).

E. Policy Statements:

1. **Animals Visiting Campus and/or Residing in University Housing:** NMSU maintains an environment designed primarily for the support of the university's education, research, and public service missions. Animals are permitted on university premises, in accordance with applicable law and this policy which requires the owner and the handler to be fully responsible for the animal's control, care and maintenance. Students and employees may be subject to disciplinary action for failure to control or clean up after their animal, regardless of the damages caused, if any, and in accordance with applicable university policy and procedures. If any provision in this section conflicts with legal requirements or policies in Sections E. 2. or E. 3. below relating to service animals and/or emotional support animals, those provisions shall govern.
 - a. **Owner/Handler Responsibilities:** The owner/handler or other person in custody of a companion or other assistive animal on university premises shall:
 - i. Comply with this policy and all applicable federal, state, or local laws and regulations pertaining to animal control, including current vaccination and licensure;
 - ii. Ensure that dogs and cats, and other animals to the extent feasible, wear a legible identification tag and a current rabies tag at all times;
 - iii. Control and supervise their animal at all times, including but not limited to ensuring that the animal does not cause disruption, and/or leashing the animal while on university property. (Note: service animals are not required to be leashed, if under control of their handler, and especially when a leash would interfere with the task the animals performs on behalf of its handler.);
 - iv. Keep the animal clean. Daily grooming and/or occasional baths may be required to keep animal odor to a minimum. Adequate flea prevention and control is also required.
 - v. Clean up, or make arrangements for someone else to clean up, their animal's defecation, urination or vomit;
 - vi. Pay for, and otherwise hold the university harmless from, damages caused by the animal;
 - vii. Comply with the animal welfare provisions outlined in Section E. 5. below.
 - b. **University Facility Restrictions:** Animals permitted on university premises shall not disrupt university activities or members of the university community, including visitors. Additionally, the following facility restrictions apply:
 - i. Except as expressly provided otherwise in this policy, owners/handlers shall not take their animals inside university buildings or facilities;
 - ii. Owners/handlers shall not tie or tether the animal to any university property;
 - iii. Except as expressly provided otherwise in this policy, such as service animals' right to public access with their handler, owners/handlers shall comply with posted signage which may limit or prohibit access by companion animals.
 - c. **Exclusion from University Premises:** Notwithstanding an animal's right to public access, there may be certain circumstances requiring the exclusion of animals, including but not limited to, the examples listed below. If an owner/handler will not cooperate with a request for immediate removal of the animal, the NMSU Police Department or local police jurisdiction may be called for assistance.
 - i. **Examples of Behavior Justifying Request for Immediate Removal of Animal:**
 - if the animal urinates or defecates inside a university building;
 - if the animal causes significant property damage or injury to person or other animal;
 - if the animal poses a direct threat to health or safety of others or to the animal itself (examples may include, but are not limited to science laboratories that present hazardous conditions, require protective clothing, food preparation areas, livestock pens or horse stables);
 - if the animal's presence fundamentally alters the nature of a program or activity;
 - if an instructor or other person is not able to adequately manage the safety risk created by the presence of the animal;
 - if the animal is unsupervised or otherwise not being tended to by the owner/handler.
 - ii. **Nature of Facility or Event:** An animal that is neither a service animal, nor an approved therapy or emotional support animal, may be asked to leave a university facility or event that does not otherwise permit companion animals. *See Also* Section E. 9.

- iii. Emergent Circumstances: Any companion animal, service animal, emotional support or other assistive animal may be asked to leave an area when emergent or security circumstances require use of a law enforcement animal, chemicals or other emergency deployment.
 - d. Single Student Housing: Except as expressly provided elsewhere in this policy, animals are not allowed to reside, nor to visit, single student housing residence facilities. This prohibition does not apply to fish; fish are permitted, subject to reasonable inspection(s) by Housing staff.
 - e. Student Family Housing: In addition to any terms and conditions pertaining to companion animals contained in the housing license, the following applies to requests for animals to reside or to visit overnight within Family University Housing:
 - i. No animals are allowed to reside, nor to visit overnight, in Family Housing without the express written approval from the Department of Housing & Residential Life;
 - ii. Only dogs, cats, birds, fish, rodents (only guinea pigs, hamsters or gerbils), amphibians and non-snake reptiles are permitted in Family Housing, absent an exception based upon extenuating circumstances granted by the Department of Housing & Residential Life;
 - iii. The total number of dogs and cats in a household shall not exceed a total of two (2) (e.g. 2 dogs; 2 cats; 1 cat, 1 dog).
 - iv. Fish, birds, rodents, amphibians and reptiles must be contained in an appropriately sized aquarium or cage at all times.
 - v. Dogs and cats shall be spayed or neutered, unless granted an exception by the Housing Director or designee.
 - vi. Alleged violations may be unilaterally investigated by University Housing staff, and action taken pursuant to the terms of the license agreement.
 - vii. The signatory on a university housing license agreement, as the party responsible for the premises, may have sanctions or other administrative action levied against them for violations by an owner/handler who are their co-tenants or visitors. The owner/handler may also be sanctioned in accordance with applicable employee, student or visitor conduct policy.
 - f. Unsupervised Animals: From time to time unsupervised animals may be encountered on a campus or other university property. In these situations, administrative or police action may be taken, for the protection of the public's safety, as well as for the safety and welfare of the animal.
2. Service Animals; Service Animals in Training:
- a. Public Access: A person with a disability who uses a service animal shall be admitted to any university facility open to the public, including buildings and common carriers, subject to rare exception based on direct threat of significant harm to the health or safety of others. Service animals shall be at all times under the control of the owner, handler or trainer of the service animal.

Questions or concerns relating to public access by a service animal, and requests for reasonable accommodation in the workplace or academic setting not involving a service animal should be referred to either the Office of Institutional Equity (employees and visitors) (575-646-3635 or equity@nmsu.edu), or the Office of Student Accessibility Services, 575-646-6840 or sas@nmsu.edu.

- i. The law does not require service animals to wear a vest; however, NMSU encourages the use of a vest or other service animal identification.
- ii. Persons with disabilities who utilize a service animal are not required to register with any office, nor to request an accommodation, unless an additional accommodation is needed in the academic or work setting.
- iii. Persons with disabilities who use a service animal on university property shall not be required to pay a fee that others (without animals) are not required to pay. (e.g. pet deposits);
- iv. In an emergency requiring transportation or relocation of an owner, handler or trainer of a service animal or service animal in training, to the extent practicable, accommodations shall be made for the service animal or service animal in training to remain with or be reunited with the owner, handler or trainer. When accommodations cannot be made that would allow the animal to remain with the owner, handler or trainer, the service animal or service animal in training shall be placed pursuant to the instructions provided by the owner, handler or trainer.
- v. Misrepresentation of an animal as an authorized service animal or service animal in training will be taken very seriously. *See* Section E. 9.

- b. **Inquiries by University Representatives:** When it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability (e.g. a dog is observed guiding a person with a visual disability), university representatives should not inquire about the service animal, unless there is a separate concern about disruption or other issue. It is recommended that faculty, staff or students consult with either the Office of Student Accessibility Services or the Office of Institutional Equity regarding any perceived issues.
 - i. In the event that it is not readily apparent that an animal is a service animal, university representatives shall not ask about the nature or extent of the person's disability, but may make two inquiries, as permitted by guidance issued pertaining to the Americans with Disabilities Act: 1. Is the animal a service animal required because of a disability?, and/or 2. What work or task is the animal trained to perform?
 - ii. University representatives shall not ask for documentation, such as proof that the animal has been certified, trained or licensed as a Service Animal; nor shall they ask the handler to demonstrate the tasks.
 - iii. For university programs and/or classes held at non-NMSU facilities, the owner of the property may require notification or verification that the animal is a service animal.
 - c. **Control, Care and Maintenance:** Subject to limited exceptions required due to a handler's particular disability, owners, handlers and trainers of service animals and service animals in training shall comply with the requirements of E. 1 and E. 5. relating to animal control, care and maintenance.
 - d. **Service Animals in Training:** Based on New Mexico law, service animals in training shall be admitted to facilities open to the public on the same basis that a service animal would be.
 - e. **Denial of Public Access:** Any decision to exclude a service animal from a particular area of the university shall be made on a case-by-case basis, in coordination with the person with the disability; and if possible, also in coordination with either the Office of Student Accessibility Services (for students) or the Office of Institutional Equity (for employees and visitors). *See Also* Section E. 1. c. above.
 - f. **ADA Complaint Resolution:** persons with disabilities who believe their rights under the ADA are not being honored may file either an internal complaint of disability discrimination with the Office of Institutional Equity (575-646-3635 or equity@nmsu.edu), or may file an external complaint with appropriate state and/or federal agencies. Internal complaints received will be promptly investigated and resolved. Appropriate corrective action will be taken for violations of this policy, in correlation with the severity of the offense.
3. **Emotional Support Animals Permitted in Restricted Areas:** Federal law recognizes that under certain circumstances, the presence of a companion animal which provides emotional support may be granted by the appropriate university office (e.g. [Office of Institutional Equity](#) for employees and visitors; [Office of Student Accessibility Services](#), for students) as a reasonable accommodation for a person with a disability. An example of an accommodation that might be found to be reasonable, depending upon the circumstances presented, would be waiver by university housing of its standard prohibition of companion animals, to permit an emotional support animal to reside with its owner with a disability. The university's standard procedures for assessing student requests for reasonable accommodation shall be applied, on a case by case basis, and result in an Accommodation Agreement that addresses the animal access issues.
 - a. A request for an emotional support animal must be based upon medical documentation indicating that the animal's presence alleviates psychological symptoms or effects associated with the disability of its owner/handler.
 - b. While the law requires that there be a nexus between the person's disability and the comfort provided by an emotional support animal, it does not require the animal to be trained to perform specific task(s) directly for their handler. Emotional support animals may be permitted access only to the areas specifically identified in an Accommodation Agreement authorized by the appropriate university office or other entity.
 - c. Persons with disabilities authorized for an emotional support animal, by either the Office of Student Accessibility Services or by the Office of Institutional Equity, shall carry a copy of the Accommodation Agreement with them. The use of a vest or other identification as an emotional support animal is encouraged.

- d. In the event that it is not readily apparent that an animal should be permitted access to a particular university venue, university representatives shall not seek disability related information, and if the animal is identified as an emotional support animal, may ask to see a copy of the Accommodation Agreement authorizing access, or name of the university official or other entity granting similar approval.
 - e. Misrepresentation of an animal as an authorized emotional support animal will be taken very seriously. *See* Section E. 9.
 - f. Control, Care and Maintenance: Owners and handlers of emotional support animals are subject to the requirements of E. 1 and E. 5. relating to animal control, care and maintenance.
 - g. ADA Complaint Resolution: persons with disabilities who believe their rights under the ADA are not being honored may file either an internal complaint of disability discrimination with the Office of Institutional Equity (575-646-3635 or equity@nmsu.edu), or may file an external complaint with appropriate state and/or federal agencies. Internal complaints received will be promptly investigated and resolved. Appropriate corrective action will be taken for violations of this policy, in correlation with the severity of the offense.
4. Working Assistive Animals:
- a. Therapy Animals: Therapy animals, also referred to as animals used in animal assisted interventions, (AAI) are distinct from emotional support animals and from service animals and do not have the same right to public access. Therapy animals are regulated by guidelines determined by specific associations. (e.g. Pet Partners, Therapy Dogs International, Therapaws). Visits by this type of animal to university campuses and within buildings are permitted, subject to approval from the appropriate department head, director or equivalent administrator. *See* [NMSU Counseling Center](#) for "Guidelines for Animal Assisted Interventions".
 - b. Law Enforcement Animals: Animals under the authority of law enforcement personnel, while actively responding to an actual or perceived event, are not subject to the provisions of this policy. Their control, care and maintenance is governed by state and/or federal case law and is incorporated into the [NMSU Police Department, Law Enforcement Canine Handbook](#), or other policies and procedures applicable to the specific law enforcement agency that owns the working animal.
5. General Animal Welfare Requirements: NMSU abides by guidelines associated with basic animal welfare and promotes quality of life for all companion and assistive animals on university premises. The following principles listed below apply to the animals within the scope of this policy, in order to ensure their physical, mental and emotional well-being. Additionally, owners/handlers shall comply with applicable county ordinance and state law. *See* <http://www.donaanacounty.org/sites/default/files/pages/DACACO.pdf> The five freedoms listed at 1-5 below, were adapted from the *Farm Animal Welfare Council's Five Freedoms* (www.fawc.org.uk/freedoms.htm) originally developed to set standards for livestock welfare; however, they encapsulate the basic principles that are expected to be applied at NMSU to companion and assistive animals:
- a. Freedom from hunger and thirst: Companion and assistive animals shall be provided ready access to fresh water and be provided with a diet to maximize short and long term health.
 - b. Freedom from discomfort: Because service animals are at their handler's side for a large part of each day, it is anticipated that the basic care of providing adequate shelter will be maintained. All companion and assistive animals residing or otherwise permitted on university premises shall be provided adequate shelter.
 - c. Freedom from pain, injury, or disease: The owner/handler of the companion or assistive animal will ensure the physical health of the animal, including but not limited to avoidance of locations that may involve the use of hazardous materials (certain science labs) or interaction with NMSU livestock or horses; extended walking on asphalt or cement surfaces during summer months; as well as regular vet check-ups and vaccinations or titer testing for the following: rabies, distemper, parvovirus and bordetella. If the animal is unable to be vaccinated for health reasons, the owner/handler needs to have a document from the treating veterinarian stating that this is the case.

- d. Freedom to express normal behavior: The life of a service animal is one of work. However, its owner/handler should ensure that the animal be provided with an appropriate level of “down-time” or “play-time” in order to maintain the service animal’s mental well-being. The use of positive training techniques is encouraged.
 - e. Freedom from fear and distress: Service animals may be exposed to people, situations, or surroundings that companion and other assistive animals would not be exposed to. For example, very crowded noisy hallways in university buildings. It is the responsibility of the animal’s owner/handler to ensure that the animal has received effective training so that the animal not only behaves appropriately in these settings, but that the animal has had positive experiences while being exposed to these settings so it does not become stressed. Leaving companion and other assistive animals confined in quarters alone for extended periods of time may be a violation of this policy, depending upon the specific circumstances.
 - f. Other special issues to consider when tending to the welfare of service animals include:
 - i. Respect for the aging of the animal, including any signs of cognitive or physical impairment, must be shown, including consideration of the appropriate time to for retiring the animal from service duties;
 - ii. Related to the provisions of subsection E. 5. e. above, owners/handlers should be aware of the potential sources of chronic stress to the animal, and consider the impact that such stress may have on the animal. This necessitates that the owner/handler pay attention to the warning signs of chronic stress in their service or other animal and take appropriate action to lessen the impact of the stress. This is particularly true if the animal is expected to work for long periods of time in unpredictable settings doing stressful work (i.e., attending a football game where there are fireworks or cannon shots while being surrounded by many people, or having to perform physically or psychologically demanding duties).
 - iii. Additionally, owners/handlers are subject to the provisions of E. 1. c. i., regarding situations which pose potential health or safety risks to others or to their animal. Owners and handlers are encouraged to consider potential hazards carefully, and in advance, in order to decide whether or not an accommodation within an academic setting or workplace will be necessary or feasible. The owner or handler should communicate as early as possible with the faculty member, employer or other person with authority if it appears a modification to protocols or to physical environments may be necessary for the protection of other persons or the animal.
6. Establishment of Companion and Assistive Animals Committee: The Board of Regents hereby establishes the Companion and Assistive Animals Committee as a standing “university board” as defined by [Policy 1.05.90](#). Complaints and other matters of concern relating to the interpretation, application or enforcement of this policy, or corresponding procedures, may be submitted to this committee for resolution. The committee's authority to review and resolve complaints concerning animals on campus is supplemental to other grievances which might be filed.
- a. Authority: The Companion and Assistive Animals Committee shall serve both as an advisory resource to the individual policy administrators regarding the application and enforcement of this policy, as well as a body that will assist the university community with dispute resolution as needed for issues involving animals on campus. The committee shall have no authority relative to teaching or research animals under the authority of the Institutional Animal Care and Use Committee, governed by distinct federal regulations. Other than its advisory function, the committee shall have no authority to take action in matters where another university department has jurisdiction to act, such as the NMSU Police Department (a criminal case involving an alleged vicious animal) or the Office of Institutional Equity (exclusion of a service animal resulting in a complaint of discrimination in violation of the ADA).
 - b. Membership: The Companion and Assistive Animals Committee shall be comprised of: each policy administrator identified in Section C.; one or more faculty or staff invitees of the policy administrators, who have knowledge or expertise regarding service, companion and other assistive animals; the chair of the IACUC Committee or designee (*ex officio*), and a representative from the Office of General Counsel (*ex officio*).
 - c. Meetings: The Companion and Assistive Animals Committee may be convened by any of its members, at any time necessary for the resolution of issues pursuant to this policy. Representatives from the community colleges and or other faculty, staff or students in need of an advisory opinion or

other assistance from the committee may submit their issue in writing or request to present in person to the committee.

7. Dispute/Complaint Resolution: Any person may bring an issue of a policy violation or other problem with an animal on campus to the attention of any of the individual policy administrators (*See* Section C. above), and/ or directly to the Companion and Assistive Animals Committee.
 - a. Elements of Complaint or Other Concern: To the extent possible, complaints and other letters of concern shall provide date, time, and location of any alleged violation or incident; the party or parties charged, if known; any witnesses, if known; any other relevant facts; as well as the relief sought by the complainant.
 - b. Complaint Prioritization: Complaints and other letters of concern will be processed in the order they are received, unless there is a health or safety risk involved, in which case, it will be expedited.
 - c. Receipt and Routing for Initial Review: The recipient of a complaint or other letter of concern shall coordinate with the chair of the Companion and Assistive Animals Committee, and route it for initial review by the appropriate policy administrator. Initial review may involve:
 - i. Investigation of the facts by the chair of the Companion and Assistive Animals Committee, in coordination with the appropriate policy administrator;
 - ii. Exploration of avenues for resolution of the issues raised, including discussion, community education, mediation or other methods.
 - iii. If the policy administrator is able to resolve it in accordance with the policy/procedures under their jurisdiction, the matter shall be closed.
 - iv. If an issue is not resolved within 7 business days, it may be forwarded by any of the involved parties (the complainant, the respondent, the policy administrator, the chair of the Companion and Assistive Animals Committee) to the full Companion and Assistive Animals Committee for consideration and further action.
 - d. Committee Review: If the complaint or concern is not resolved by the Policy Administrator or by the chair of the Companion and Assistive Animals Committee through discussions with or between the parties, the chair may convene all the members of the committee to consider the matter.
 - i. The committee shall hear from all parties. Contact shall be made through notice by personal delivery, email, other electronic means, or by US mail to the most current address on record with the university, if any. A copy of the complaint or other letter of concern shall be included with the communication, inviting comment or attendance at a meeting. Each party shall respond in writing indicating their preference.
 - ii. If they do not wish to attend the meeting/hearing at which the matter will be discussed, the involved parties may submit a written position statement in lieu of attendance to be considered by the Companion and Assistive Animals Committee.
 - iii. The Companion and Assistive Animals Committee or its individual members may be in a position to procure relevant evidence, and may contribute such to the hearing of the matter, in the interest of obtaining a fair result, provided that all parties are informed about the material being considered, and have the opportunity to review and/or rebut it.
 - iv. After consideration of the relevant facts, including submissions received from the involved parties, a majority of a quorum of the Companion and Assistive Animals Committee will issue a decision, either verbally to the parties at the close of the meeting/hearing, or by way of a written decision within 7 business days from the date the hearing was held.
 - v. The meeting/hearing shall be recorded.
 - vi. The decision of the Companion and Assistive Animals Committee shall be final.
8. Education of University Community: The policy administrators, working in conjunction with the Office of Institutional Equity and/or the NMSU Office of Student Accessibility Services, will ensure that appropriate training is provided to faculty, staff and students regarding the law's requirements for non-discriminatory

equal access, in order to increase mutual understanding and to reduce misunderstanding and/or conflict about where different types of animals are permitted to be on campus.

9. Misrepresentation of Animal as an Authorized Animal: The [New Mexico Service Animal Act](#), NMSA 1978, Section 28-11-6 et seq, makes it a crime to knowingly present an animal as a service animal or service animal in training when it does not meet the definition. Additionally, falsification of documentation or other misrepresentation of an animal as a service animal, service animal in training, emotional support animal or other animal permitted under these policies, in order to gain access to university facilities not otherwise open to companion animals, will be taken seriously. If reported or suspected, the appropriate university office will investigate. Administrative, disciplinary and/or criminal action will be pursued as warranted by the investigative findings.
10. Conflicts Involving Assistive and Companion Animals: It is recognized that presence of animals on campus may from time to time create problems for others. For example, the presence of a service animal, other assistive animal or companion animal may negatively affect others with allergies, respiratory impairments and other conditions.
 - a. The facts relevant to each conflict situation will be assessed in order to balance the rights of each affected party, and to the extent feasible, the rights of each party will be honored, with or without accommodation of policies, procedures, course schedules etc.
 - b. When a conflict involves two animals, the public access rights of a service animal or service animal in training will likely prevail. Note: The [New Mexico Service Animal Act](#) makes it a crime to intentionally fail or refuse to control an unrestrained animal, which animal interferes with or obstructs the owner, trainer, or handler of the service animal or service animal in training.
 - c. When a conflict involves any person and either the owner, handler or trainer of a service animal or service animal in training; or involves any person and the service animal or service animal in training; the rights of the owner, handler or trainer and/or the rights of the service animal or service animal in training will likely prevail. Note: The [New Mexico Service Animal Act](#) makes it a crime to intentionally interfere with (i.e. harassment or obstruction) with the use of a service animal or service animal in training.
 - d. Conflict resolution will be managed by the Office of Student Accessibility Services or the Office of Institutional Equity, as appropriate, for conflicts involving service animals and animals permitted as emotional support animals; those offices may utilize the Companion and Assistive Animals Committee in an advisory capacity.
 - e. Conflicts involving companion animals may be directed to the Companion and Assistive Animals Committee for resolution by that committee.
- F. Related Procedures and Forms: Consistent with Policy [1.10 E. 4](#), the policy administrators, in consultation with the Companion and Assistive Animals Committee, and approval from their respective vice president or equivalent administrator, may issue supplemental procedural guidelines and/or forms. Such procedures shall not conflict with the policy, and are intended to facilitate the implementation, application, and enforcement of this policy. Such procedures and forms shall be posted at an appropriate NMSU website, and linked from this Section.