



POLICY ON PRESENCE OF SERVICE ANIMALS ON CAMPUS



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Policy Title: Policy on Presence of Service Animals on Campus

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Established: August, 2009

Approved by: VP, Admin & Finance, Board of Governors, and Senate

Last

Approval Date: NA

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Positions Responsible for Maintaining and Administering the Policy: VP, Administration & Finance; Executive Director of Human Resources; and Employment Equity Manager

Contact: Anne Carrick, Employment Equity Manager and Accessibility Coordinator, (519) 253-3000; ext: 2057

1. Policy Statement:

The University of Windsor is committed to the full inclusion and participation of persons with disabilities in all aspects of university life. This extends to the presence of service animals.

2. Purpose:

This policy supplements Section 7.8 of the Accessible Customer Service Policy. It provides additional information to ensure people with disabilities who rely on service animals are accommodated,

subject to considerations of others who share the work, study or entertainment environment.

3. Scope:

The policy applies to students, employees, volunteers, or visitors, who because of their disability, rely on service animals.

4. Exceptions to Policy: None.

5. Cross-References:

1. University of Windsor Accessible Customer Service Policy

6. Definitions:

- ◆ **Service Animal** – “any guide dog, signal dog, or other animal, individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”¹ The animal may wear specialized equipment such as a backpack, harness, or special collar, but this is not a legal requirement.

If an animal meets this definition, it is considered a service animal regardless of whether it has been licensed or certified that it has been trained.

This definition may be determined by asking about and/or observing the tasks performed by the animal. The tasks must

¹ Americans with Disabilities Act of 1990 Title III Regulation 28 CFR Part 36; Ontario Regulation 429/07 made under the AODA includes the following: 4(8) In this section, “guide dog” means a guide dog as defined in Section 1 of the Blind Persons’ Rights Act: “a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations”; 4(9) For the purposes of this section, an animal is a service animal for a person with a disability if (a) it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or (b) the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

be directly related to the disability. The person may not be required to give details about their specific disability.

6.1. Types of Service Animals

Service animals perform various tasks and provide services for people with disabilities (who may train their own service animals or acquire one from a training facility):

- **Guide** – serves as a travel aide for a person who is legally blind
- **Hearing or Signal** – alerts a person with hearing loss or deafness when a sound occurs, such as an alarm or a knock at the door
- **Mobility Assistance** – helps a person who has a mobility or health disability. They may carry, fetch, open doors, ring doorbells, activate elevator buttons, pull a wheelchair, steady a person while walking, help someone get up after a fall, etc.
- **Seizure Response** – warns a person of a impending seizure, or provides aid during a seizure, such as going for help or standing guard over the person

7. **Procedures:**

The University of Windsor's Accessible Customer Service Policy permits service animals that assist students, employees or visitors with physical, psychiatric and/or sensory disabilities at University-related functions both on and off campus, including food service areas.

7.1. Visitors

An individual with a disability, who utilizes a service animal and is a visitor to University of Windsor, is welcome to request any specific accommodations related to the needs of the visitor or the service animal. If additional information is needed, a visitor may contact the Accessibility office. No registration with the university is required.

7.2. Students and Employees

Students with a disability who regularly use a service animal are requested to register with the Student Disability Office. Employees with a disability who regularly use a service animal are requested to register with the Human Resources or with Equity, Human Rights and Accessibility Services. If necessary, the person may need to establish that an animal meets the service animal definition above by providing the appropriate documentation within a reasonable period of time.

NOTE: In the remainder of this policy, “partner” refers to a person with a disability who uses a service animal to provide assistance with daily tasks.

7.3. Requirements of Service Animals and Their Partners

- The animal cannot pose a direct threat to the health and safety of persons on campus. While allergies or a fear of animals are generally not valid reasons to exclude a service animal, in rare cases a person’s allergic reaction or phobia may be so severe that animal contact prevents participation.
- In those situations, the affected person may also request an accommodation, such as keeping the animal and the affected person separate, as much as is possible. Any person experiencing a serious allergic reaction should confer with Student Disability Services or Accessibility Services.
- Local municipal ordinances regarding animals apply to service animals, including requirements for immunization, licensing, noise, at-large animals and dangerous animals. Dogs must wear a license tag and a current rabies vaccination tag.
- The partner must be in full control of the animal at all times, including use of a leash as appropriate for the disability.
- The care and supervision of a service animal is solely the responsibility of its partner.

- The partner is responsible for cleaning up the animal's waste. The partner should always carry equipment and bags sufficient to clean and properly dispose the animal's waste. Partners who are not physically able to pick up and dispose of waste are responsible for making all necessary arrangements to assist them to do so.
- The partner is responsible for damage caused by the animal; however, the University can only charge for damages if a person without an animal would be charged for the same type of damage.

7.4. Requirements for Ensuring an Inclusive Environment When Working with Partners and Service Animals

- Allow a service animal to accompany the partner at all times and in all areas on campus where members of the public (visitors and students) customarily have access, or in the case of an employee, where employees customarily have access.
- Speak to the partner before giving attention to the animal.
- Maintain a respectful distance from the service animal. It is not appropriate to pet, feed or startle a service animal while it is working. Ask permission before touching the animal as this might distract it from its work.
- Ensure that a partner and their service animal can remain together. ***In case of an emergency***, every effort should be made to keep the animal with its partner. However, the first effort should be toward the partner. This may necessitate leaving an animal behind in certain emergency situations.
- Do not add extra charges for a service animal.
- Ensure that a person using a service animal is included and not isolated from others.

7.5. Guidelines for Advisors Regarding Verification of Service Animals

The least intrusive approach must be considered when making decisions about the need for verification:

- If the person's disability is obvious or otherwise known to you, and if the need for the service animal is also apparent, do not request any additional information about the disability or the need for accommodation. For example, a blind person with a guide dog does not need to verify the disability or need for the dog.
- If the disability is known, but the accommodation need is not apparent, request only information necessary to evaluate the disability-related need for the accommodation. For example, if you know the person has mobility impairment and requires a service animal, request documentation or demonstration of the disability-related need for the animal.
- Generally, student requests for long-term accommodation; i.e. a semester, will require written verification from a doctor or other medical professional, or other qualified third party, who, in their professional capacity, has knowledge about the person's disability and the need for the presence of the service animal as a reasonable accommodation.
- When requested, documentation for students or employees with a disability who use a service animal should include the following:
 - Name and credentials of professional or evaluator
 - Description of the current functional limitations
 - Specific tasks the service animal will perform to meet the accommodation needs of the individual or assist with the functional limitations

7.6. Exclusions

A service animal may be excluded² only when any one of the four following conditions exists:

1. The service animal is disruptive and the partner is not effectively controlling it;
2. The presence of the service animal would fundamentally change the nature of the job, program, service or activity;
3. The service animal's presence, behaviour or actions pose an unreasonable or direct threat to property or the health or safety of others. Risk may not be remote or speculative, such as thinking an animal might bite someone or will annoy others. Allergies or a fear of animals are generally not valid reasons to exclude a service animal whereas as discussed above serious allergic reactions are.

The exclusions above are determined on an individual basis. In making this determination, consideration must be given to whether another reasonable accommodation can be provided.

If the service animal is to be excluded for any of the above reasons, the partner must be given the option of participating in an activity or receiving services without the service animal on the premises.

If the partner decides to participate without the service animal, efforts must be made to reasonably accommodate the partner.

If the animal has been excluded because of disruptive behaviour, the partner must be allowed to participate in the activity with the service animal once the animal's behaviour is under control.

² The University may prohibit the use of service animals in certain locations due to health or safety restrictions or where their use may compromise the integrity of research (E.g., work in the life sciences). Such restricted locations may include, but are not limited to, the following: food preparation areas, research laboratories, classrooms with demonstration/research animals, wood shops and metal/machine rooms, and nuclear research areas.

4. When another law specifically states that animals must be excluded or the animal is excluded by operation of another law.

One example of a law that specifically excludes animals is Ontario Regulation 562 under the *Health Protection & Promotion Act*, which states that animals are not allowed in places where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale. It makes an exception for service **dogs** to allow them to go where food is normally served, sold or offered for sale. Other types of service **animals** are not included in this exception.

7.7. Dispute Resolution Process

In the event of a disagreement about the appropriateness of an approved accommodation, service quality, or an animal exclusion, a student should confer with their Advisor at Student Disability Services.

An employee with a disagreement should confer with a Human Resource Associate or Accessibility Services.

A visitor with a disagreement regarding the use of a service animal should contact the unit responsible for the related event and, if the concern is not resolved, may contact the University's Human Rights Office.

8. **Review Process for the Policy**

The policy will be reviewed every 5 years. Under the following circumstances the policy may be reviewed before the 5 year term: changes in legislation that affect the policy; a specific incident triggers a review of the policy; there is a request made by a governing body, such as the Board of Governors, to review the policy.

9. Process for Communicating the Policy

The policy will be posted on the University of Windsor's policy webpage, within two weeks of the approval of the policy, and Public Affairs and Communications will be asked to disseminate the information to the campus through the Daily News if appropriate (some policies will not be advertised through Daily News). A memo will also be sent to the departments directly affected by the policy.

Contact Information: Inquiries regarding the policy should be directed to:

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Room 208B, CHT

www.uwindsor.ca/accessibility

www.uwindsor.ca/campusaccess

The Presence of Service Animals on Campus Policy was adapted with permission from Barbara Roberts, Disability Services Advisor and Irene Bujara, Director, Human Rights & Equity, Queen's University, Toronto.