

Policy on the presence of Service Animals at Queen's University

1. Introduction

Queen's is committed to the inclusion and accommodation of persons with disabilities. This includes the presence of Service Animals within all aspects of University life. When questions arise in individual situations please refer to sections (4) Application and/or (6) Dispute Resolution Process.

2. Definitions

A **service animal** is defined as "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 be directly related to the disability. The partner may not be required to give details about his or her specific disability.

A **partner** is defined as a person with a disability who uses a service animal to provide assistance with daily tasks.

What do service animals do?

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 on the door.

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, (a) if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or (b) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

- **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 an impending seizure, or provides aid during a seizure, such as going for help or standing guard over the person.

3. Policy

Queen’s University’s **Policy** permits service animals that assist visitors, students or employees with physical, mental and/or sensory disabilities at Queen’s-related functions both on and off campus, including food service areas.

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, behavior 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 sufficient conditions to exclude a service animal***

Although allergies or a fear of animals are generally not sufficient conditions to exclude a service animal, in rare cases a person’s allergy or phobia may be so severe that the presence of an animal 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. Accommodations may be arranged with the organizers of an event, the Wellness Coordinator in Human Resources or the Disability Services Office.

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

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.

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 behavior is under control.

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 and 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.

Exceptions

Exceptions to restricted areas because of the first three reasons may be obtained on a case-by-case basis by contacting the Disability Services Office or the Wellness Coordinator in Human Resources. These services will assist the person directing the activity in the restricted area to make a decision based on the nature of the work/research or other activity and the safety of the service animal.

4. Application

Visitors

An individual with a disability who utilizes a service animal and is a visitor at Queen's University, is welcome to request any specific accommodations related to the needs of the visitor or the service animal. If additional information is needed, including information on individual accommodations, a visitor may contact the unit responsible for the event or the Equity Office. No registration with the university is required.

Students and Employees

Students and employees with a disability who regularly utilize a service animal are requested to register either with the Student Disability Office, or with the Human Resources Department's Workplace Advisor (Accommodation and Wellness). If necessary, the person may need to establish that an animal meets the service animal definition above by providing the relevant office with the appropriate documentation within a reasonable period of time.

Requirements of service animals and their partners:

- Local 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 of the animal's waste. Partners who are not physically able to pick up and dispose of waste are responsible for making all necessary arrangements for assistance.
- 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.

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 her/his 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 situation.
- Do not add extra charges for a service animal.
- Ensure that a person using a service animal is included and not isolated from others.

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 the accommodation. For example, a blind person with a guide dog does not need to verify her/his 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 s/he wants to have an assistance dog, request documentation or demonstration of the disability-related need for the animal.
- When written verification of disability status or disability-related need is appropriate, for example to ensure that long-term accommodation needs are met, the individual may need to provide 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 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; and
- Specific tasks the service animal will perform to meet the accommodation needs of the individual or assist with the functional limitations.

6. Dispute Resolution Process

In the event of a disagreement about the appropriateness of an accommodation, service quality, or an animal exclusion, a student should confer with the Disability Services Advisor at Student Health Counselling and Disability Services. If the matter is not resolved, the student may confer with an Advisor in the Human Rights Office.

An employee with a disagreement should confer with the Workplace Advisor (Accommodation and Wellness) in the Human Resources Department and if the concern is not resolved, may contact an Advisor in the Human Rights Office.

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 Queen's Human Rights Office.

7. Review

Four years from the coming into force of this Policy, its content and operation shall be reviewed, and recommendations made. (The specific of who reviews and to whom recommendations are made depend on whether this becomes a Senate process.)

8. Relevant Policies include:

Queen's Harassment/Discrimination Policy and Procedure -
<http://www.queensu.ca/secretariat/senate/policies/harass/index.html>

Queen's Senate Policy Concerning Students with Disabilities -
<http://www.queensu.ca/secretariat/senate/policies/disablty.html>

Human Resources Accommodation in the Workplace Policy -
<http://www.hr.queensu.ca/policies/personal-accom.php>

Employment Agreements:

C.U.P.E. Local 1302 - <http://www.hr.queensu.ca/pdf/1302agreement2006-2010.pdf>

C.U.P.E. Local 229 - <http://www.hr.queensu.ca/pdf/229agreement2006-2010.pdf>

C.U.P.E. Local 254 - <http://www.hr.queensu.ca/pdf/254agreement2006-2010.pdf>

Queen's University Faculty Association - <http://www.qufa.ca/ca>