



ACADEMIC COUNCIL REPORT

SESSION:

Public
 Non-Public

ACTION REQUESTED:

Decision
 Consultation
 Information

TO: Academic Council

DATE: October 22, 2019

FROM: Heather Leckey, Acting Manager, Student Accessibility, Student Life

SUBJECT: Procedure for the Use of a Service Animal by Students with Disabilities

ACADEMIC COUNCIL MANDATE:

- Under the Policy Framework, consistent with the Board’s “Duty to Consult” under section 10(5) of the UOIT Act, Policy Owners must consult with Academic Council before presenting draft policy instruments/amendments to the approval authority for approval.
- We are seeking Academic Council’s feedback on the draft directives before they are presented to the Provost and Vice-President Academic for approval.

PURPOSE OF POLICY INSTRUMENT:

- The purpose of this procedure is to set out conditions for the use of Service Animals on property owned or leased by the university (“University property”) to identify their presence and ensure the ongoing safety of all members of the campus community. This procedure was developed under the scope of the Accessibility for Ontarian’s with Disabilities Act (AODA) and the Ontario Human Rights Code in a manner consistent with the university’s Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals.

CONSULTATION:

List of Consultation Dates:

- Policy Compliance Officer, on-going through January-April 2019
- Policy Advisory Committee, September 10, 2019

Comments received and response:

- Policy Advisory Committee (PAC) sought clarity on whether this policy applies to pets on campus
 - This policy does not include pets and the Office of General Counsel will draft a policy that outlines the rule and guideline for bringing pets on campus.
- PAC sought clarity as to whether individuals new to campus would be removed if they failed to follow the outline process
 - In alignment with AODA legislation, this policy indicates that the university welcomes service animals. In an effort to help University members with disabilities maintain independence, access to Ontario Tech property will not be denied. University members will be able to keep their service animals with them anywhere they need to go, except in places where the law excludes service animals, and opportunities for education and information sharing about existing University policy will be conducted with dignity and respect to the individual.

COMPLIANCE WITH POLICY/LEGISLATION:

- Ontario Human Rights Code, R.S.O. 1990, Chapter H.19
Ontario Human Rights Commission Policy on Guidelines on accessible education
(2004) Freedom of Information and Protection of Privacy Act, R.S.O. 1990
Ontario Occupational Health and Safety Act, R.S.O. 1990, Chapter O.1.
Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

NEXT STEPS:

- AC members are welcome to provide comments face-to-face; written by email; or through the policy website form

SUPPORTING REFERENCE MATERIALS:

Service Animal Request Form

Service Animal Public Access Assessment form



Classification	
Parent Policy	
Framework Category	
Approving Authority	
Policy Owner	
Approval Date	
Review Date	
Supersedes	

PROCEDURE FOR THE USE OF A SERVICE ANIMAL BY STUDENTS WITH DISABILITIES

PURPOSE

1. The purpose of this procedure is to set out conditions for the use of Service Animals on the University of Ontario Institute of Technology (Ontario Tech) property owned or leased (“University property”) to identify their presence and ensure the ongoing safety of all members of the campus community. This procedure was developed under the scope of the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Human Rights Code in a manner consistent with the UOIT Policy on Accessibility and its commitment to creating a campus community that is inclusive of all individuals.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

“**Service Animal**” means an animal that has been specifically trained to assist a person with a disability and the assistance is provided for that person’s disability-related needs. The disability can be visible or invisible. The Service Animal is readily identifiable with visual indicators such as a vest or harness. Please refer to section 11.1 for further clarification and definition of the functions of a Service Animal.

“**Handler**” means an individual who, as a result of a disability, requires the assistance of a Service Animal and has charge of the Service Animal.

“**Emotional Support Animal**” means an animal that is used as part of a medical treatment plan, but has no specialized training or function. Emotional Support Animal are not eligible for the same privileges on University property as Service Animals.

“**Pet**” means any animal that is kept for companionship or pleasure. A Pet is not a Service Animal and not eligible for the same privileges on University property.

“**Authority**” means the functional area that is responsible for validating documentation, approving and managing the use of Service Animals on University Property by University Members and visitors.

“**University Member**” means any individual who is:

- Employed by the University
- Registered as a student, in accordance with the academic regulations of the University;
- Holding an appointment with the University, including paid, unpaid and/or honorific appointments; and/or
- Otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

SCOPE AND AUTHORITY

3. These Procedures apply to Service Animals on University property.
4. Emotional Support Animals and Pets are not permitted on University property. Other animals may be permitted on campus as part of approved activities involving animals for research, teaching and testing purposes, or as part of approved events. For more information, see the Policy on the Care and Use of Animals in Research and Teaching and the Booking and Use of University Space Policy and Procedure.
5. These Procedures apply to all University Members or visitors to University property.
6. The Vice-President, Academic and Provost, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.
7. Student Accessibility Services (SAS) is the Authority responsible for administering the procedures for students who require Service Animals on University property.
8. Human Resources (HR) is the Authority responsible for administering the procedures for employees or those holding appointments with the University who require Service Animals on University property.

PROCEDURES

9. In order to provide an accessible learning and working environment, the University is committed to the development and implementation of procedures that enable the University community to understand and support the Handler and their Service Animal while on campus. It is also important that both the Handler and University Members understand their rights and responsibilities in this regard.
10. Where Service Animals are not permitted on or in a particular campus location or building due to health and safety laws or requirements, the University will provide alternate support to permit access to goods and services, or provide reasonable accommodation for the University Member.
11. **Distinction between Service Animals, Emotional Support Animals and Pets:**
 - 11.1. Service Animals are animals that are:

- a) Readily identified as a Service Animal that is being used by the person for reasons relating to the person's disability through the use of visual indicators such as a vest or harness worn by the animal; and
- b) Specifically trained to perform tasks for a person with a disability such as, but not limited to:
 - i. Guiding people who are blind or visually impaired;
 - ii. Alerting people who are deaf or hearing impaired;
 - iii. Pulling wheelchairs for those with limited mobility;
 - iv. Alerting and protecting a person who is having a seizure;
 - v. Performing other specialized tasks (diabetic, medical, severe allergy alert);
 - vi. Reminding a person to take their medication;
 - vii. Providing comfort and reducing symptoms related to a person's disability in certain situations

12. Service Animals are working animals. Pets and Emotional Support Animals that are not part of approved teaching, research or testing activities are restricted from University property.

13. In instances where an animal is labelled as an Emotional Support Animal, but meets the definitions of a Service Animal above, the animal will be eligible for the same level of access granted to Service Animals.

14. Process for Service Animal Approval and Notification

14.1. In order to bring a Service Animal on University Property on an ongoing basis, the University Member is required to submit satisfactory supporting documentation to the appropriate Authority demonstrating their requirement for a Service Animal to assist with their disability-related needs.

14.2. University members requiring the use of a Service Animal will need to register with the appropriate Authority on an annual basis and update any documentation that has an expiry date. They will not need to obtain new documentation year over year unless their disability related needs change and alternative means of support is required, or where the animal who provides services changes such that their record with the appropriate Authority no longer matches.

14.3. The Authority will validate the submitted documentation and make reasonable efforts to notify University Members who may be affected by the presence of a Service Animal before approval.

14.4. The University understands that the presence of certain Service Animals may affect other University Members due to environmental sensitivities, allergies, phobias or other concerns. For this reason, the Handler will be requested to consent to having of individuals who will work with or attend class with a Service Animal notified of their

presence, and such consent shall not to be unreasonably withheld. This notification will not contain any confidential information about the nature of the Handler's disability.

14.5. Concerns about the effect of a Service Animal on a University Member must be addressed to the Authority for resolution, not the Handler directly. If a University Member raises concerns about the effect a Service Animal will have, the University Member will provide supporting documentation to the appropriate Authority. The Authority will consider the following principles and obligations when balancing the conflicting interests:

- a) The legal obligation permitting the use of Service Animals under the AODA; and
- b) The duty to accommodate under the Human Rights Code as applied to all parties.

14.6. The means for resolving concerns may include creating distance between the Service Animal and the individual with a concern, changes in scheduling or altered cleaning regimens due to the presence of a Service Animal, or other such accommodations as may be appropriate to the circumstances.

15. Supporting Documentation

15.1. Supporting documentation for a Service Animal must meet all of the following requirements:

- a) Ontario Tech's Service Animal Recommendation form must be completed by one of the following practitioners: physician, occupational therapist, ophthalmologist, audiologist, psychologist, or psychiatrist.
- b) Documentation must be dated and include the practitioner's credentials, contact information and signature.
- c) The practitioner must provide a detailed explanation of the need for the Service Animal as it relates specifically and rationally to the University Member's disability, and indicate the specific tasks or functions that the Service Animal performs.
- d) Additional documents must be submitted demonstrating that the Service Animal has received training from a recognized organization to provide assistance for the particular disability on which the application is based. Where this documentation is not available, other documentation may be considered that demonstrates that the Service Animal has been specifically trained to perform tasks for a person with a disability, or is an integral part of meeting the University Member's disability related needs.
- e) Documentation that the Service Animal has been vaccinated and is properly licensed as required by Ontario law and/or city by-law. Dogs, cats and ferrets also require rabies vaccinations.
- f) Additional documents will be completed by the Authority that evaluates the Service Animals capacity to be in public spaces, using either the Service Dog Public

Access Assessment or other assessment tool designed for this purpose. If the Service Animal demonstrates “pass” behaviors for all nine items, they will satisfy the standards for public access at Ontario Tech.

15.2. For University Members who have a concern about the effect of a Service Animal on a University Member, the supporting documentation must meet all of the following requirements:

- a) Documentation must be completed by one of the following practitioners: physician, occupational therapist, ophthalmologist, audiologist, psychologist, or psychiatrist. Practitioner-specific forms for this purpose are acceptable.
- b) Documentation must be dated and include the practitioner’s credentials, contact information and signature.
- c) In addition, the practitioner must provide a detailed explanation of the effect of the Service Animal as it relates specifically and rationally to the University Member’s condition or disability.

16. Service Animal Behaviour

16.1. The Handler is responsible at all times for all aspects of behaviour and management of the Service Animal on all University property including:

- a) Any cleaning as well as any costs associated with cleaning that may result from the Service Animal.
- b) Ensuring that any feces is cleaned up immediately and disposed of in an appropriate receptacle.
- c) The Service Animal must demonstrate positive and pro-social behaviour at all times while on University property. Pro-social behaviors are outlined on the University’s Service Animal Public Access Assessment.

17. Care of Service Animals

17.1. The Handler is responsible for the following:

- a) Maintaining the crate or cage of the Service Animal, if it is to be crated or caged. The crate/cage must be the appropriate size, secure, in good repair and well ventilated. The health and welfare of the Service Animal and for providing food, water, bathroom and exercise breaks in a timely manner
- b) Keeping the Service Animal clean and groomed at all times.
 - Cleaning up and disposing of any animal waste in a timely manner.

18. Animals on Campus

18.1. Service Animals will:

- a) Be accompanied by the Handler at all times

b) Remain in close proximity to the Handler, and restrained on a leash, in a cage, or under the physical control of the Handler; unless being unrestrained is necessary to perform their tasks or functions.

c) Registered with Campus ID and their identification number will link them to the banner number of their handler. The following nomenclature will be used: "SAXXXXXXXXXX."

18.2. If at any time any Animal becomes aggressive or is deemed by the appropriate Authority to pose an unmanageable threat to the health and safety of University Members or visitors, the Authority will require the Handler to remove the Animal from University property or impose conditions on the Animal's continued presence.

18.3. There are some University locations where Animals are prohibited by law (i.e., food service preparation spaces, wet labs). These spaces will be navigated on a case-by-case basis in discussion with lab coordinators, supervisors and the appropriate Authority.

18.4. There are some extensions of the learning environment where it may not be possible to allow a Service Animal such as clinical placements in a health-care setting. These situations will be navigated on case-by-case basis in discussion with placement supervisors and the appropriate Authority.

19. Responsibilities

19.1. University supervisors, managers, directors and Faculty administrators are responsible for the enforcement of this procedure and compliance within their work units.

19.2. Faculty members are responsible for the enforcement of this procedure in their classrooms and laboratories. For students with disabilities, faculty members will consult with SAS if a student is non-compliant with this policy and SAS will determine if the student is permitted to use or continue to use a Service Animal on campus.

19.3. Campus Security is responsible for the enforcement of this procedure on all University property and will assist managers, directors and faculty members with the enforcement of this procedure as necessary.

19.4. Human Resources and Student Accessibility Services are the Authority for employees and students respectively. The Authority is responsible for:

a) Maintaining documentation authorizing Service Animals.

b) Providing notification to University Members who may be impacted by the presence of a Service Animal.

c) Advising supervisors, managers, directors, Faculty administrators, faculty members and Campus Security and assisting them in ensuring compliance with and enforcement of this procedure.

- d) Approving the use of Service Animals at the University by means of assessing documentation and objective behavioural evidence obtained from the *Service Animal Public Access Assessment*.
- e) Assessing and resolving any complaints or issues related to the use of Service Animals on University property by using the *Service Animal Public Access Assessment* tool.

20. Protection of Privacy

- 20.1. The University is committed to protecting the privacy of all University Members, including students with disabilities. At the same time, the University needs sufficient information to reasonably evaluate and respond to a student's request for accommodation. For this reason, students are required to provide to Student Accessibility Services information concerning the nature of their disability-related needs.
- 20.2. At times the accommodation process may require that a student disclose such information to staff and faculty outside of Student Accessibility Services on the basis that they "need-to-know" this information to perform their duties under the policies and procedures at the University. All personal information disclosed to such staff or faculty will be governed by the University's Access to Information and Protection of Privacy Policy.

MONITORING AND REVIEW

- 21. These Procedures will be reviewed as necessary and at least every three years. The Provost and Vice President Academic, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

- 22. Ontario Human Rights Code, R.S.O. 1990, Chapter H.19
- Ontario Human Rights Commission Policy on Guidelines on accessible education (2004)
- Freedom of Information and Protection of Privacy Act, R.S.O. 1990
- Ontario Occupational Health and Safety Act, R.S.O. 1990, Chapter 0.1.
- Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 23. UOIT Accessibility Policy (LCG 1103)
- Procedures for Academic Accommodation for Students with Disabilities (LCG 1103.01)
- Academic Regulations, Undergraduate Academic Calendar
- Policy on the Care and Use of Animals in Research and Teaching
- Booking and Use of University Space Policy
- Booking and Use of University Space Procedure
- Service Animal Request Form

Service Animal Public Access Assessment form

SERVICE ANIMAL RECOMMENDATION

This form is to be completed by an appropriate licensed medical professional (e.g. family doctor, psychiatrist, psychologist or psychological associate) who is eligible to practice in Ontario and recommends a service animal under the *Accessibility for Ontarians with Disabilities Act*. At UOIT, all sections of the form must be completed carefully and objectively to ensure accurate assessment of the student’s disability-related needs and are asked to present the information to Student Accessibility Services.

STUDENT INFORMATION			
First Name:		Last Name:	
Date of Birth: (dd/mm/yyyy)		Student Number:	

SERVICE ANIMAL INFORMATION			
Animal’s Name		Animal’s Date of Birth or Approximate Age	
Species		Approximate Size & Weight	
Identifying Characteristics			

PROFESSIONAL CONSIDERATIONS
1. Is this individual a patient you have assessed? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. What type of disability does this person experience (not necessarily diagnosis): e.g. vision, hearing, mental health, medical condition, etc.?
3. What activities does the individual have difficulty or is unable to perform without the use of their service animal?

4. What functions does the service animal provide?

5. Is this recommendation consistent with your scope of practice as defined by your profession's regulatory college (i.e. connected to a diagnosis or area of treatment you are legally permitted to offer in Ontario?) Yes No

6. Have you reviewed with the patient of any potential risks that might be associated with bringing the animal into various public spaces? Yes No

Examples include:

- Loud or crowded environments, and places where there is a significant amount of noise, activity or novel stimuli
- Encountering people who are afraid of the animal
- Situations where the animal draws unwanted attention
- Times when the animal behaves inappropriately
- What will happen in emergencies and inclement weather
- Moments when the animal (or its welfare) are inconvenient

7. Is the patient adequately equipped emotionally, psychologically and socially to manage the behavior of the animal and any reasonably foreseeable responses from the public to the animal's behavior/presence? Yes No

8. Is there anything else we need to know?

The student named in this document has a medical condition that is disabling, and is not a short-term, common illness, or a routine experience such as stress.

I have answered all of the questions in this document based on my clinical assessment and recommend the service animal described.

CERTIFICATE OF AUTHORIZED PROFESSIONAL		
Full Name:		Office Stamp / Business Card
Position:		
Employer:		
Designation:		
Registration #:		
Email Address:		
Phone Number:		
Signature:		
Date:		

I have read and understood all of this information and I have participated in the assessment in good faith

STUDENT AGREEMENT	
Signature:	
Date:	

Student Accessibility Services

Service Dog Public Access Assessment

This assessment is to ensure that the service dog demonstrates appropriate public behaviour, proper disposition, and is unobtrusive in public places. The assessment is considered the minimum training standards for public access at UOIT. The assessment will ensure that the handler has control over the dog at all times. All tasks should be completed and the team must pass 100% of the exercises in order to be successful.

Service Dog's Name: _____

Handler's Name: _____

Assessor's Name: _____

Exercise/Observation	Description of task	Comments		
		Pass	Fail	
1. Heel position when approaching the building and inside the building.	The dog remained in a heel position, not pulling on the leash, not trying to run ahead or lag behind. The dog took cues from the handler and walked in a controlled way. The leash formed a natural "J" position unless otherwise indicated for disability-specific-work.	Pass	Fail	
2. Obedience going through doorway.	The dog maintained relaxed, heeling position, with no straining on the leash when going through the doorway to enter or exit the building.	Pass	Fail	
3. No soliciting public attention	The dog remained focused on the handler and ignored other people.	Pass	Fail	
4. Adjusting to speed and direction changes	The dog adjusted to changes in handler's speed. The dog did not pull on leash (unless required to do so due to mobility issues). The dog adjusted readily to changes in direction or to corners. No coaxing or dragging was needed by the handler.	Pass	Fail	
5. Obedience through crowds	The dog maneuvered calmly through a crowd of people without trying to interact with people.	Pass	Fail	
6. Sit command	The dog responded to the "sit" command with no more than two commands by handler.	Pass	Fail	
7. Sit command while being petted by stranger	The dog remained in the sit position as a stranger walked up, talked to the handler and then petted the dog. The dog did not break the sit position, show aggression or solicit attention from the stranger.	Pass	Fail	
8. Down command	The dog responded to the "down" command with no more than two commands by the handler.	Pass	Fail	
9. Down command with exposure to food	The dog remained in a down position and under control when food was eaten less than 1 meter away. The dog did not try to get the food and did not need repeated correction from handler.	Pass	Fail	

The service dog satisfies the standards for public access at UOIT

Handler's signature: _____ Date: _____

Assessor's signature: _____ Date: _____