

# Lincoln Memorial University Emotional Support Animal Policy and Procedure

**\*\*All students must follow the policies and procedures here BEFORE acquiring an emotional support animal. Animals found on campus prior to approval are violations of the student code of conduct and will result in disciplinary action.\*\***

## Definitions

### Emotional Support Animal

An Emotional Support Animal (ESA) is defined as an animal with a primary role of providing emotional comfort, which alleviates symptoms of a mental or psychiatric disability. ESAs differ from service animals, as defined in the Americans with Disabilities Act (ADA) because they are not individually trained to do work or perform tasks. ESAs also differ from pets permitted in graduate residential housing. ESAs are permitted in Lincoln Memorial University's residential housing facilities as a housing accommodation under the Fair Housing Act (FHA).

### Owner

The owner of an Emotional Support Animal is defined as the person who has applied and received approval for an ESA as a housing accommodation for a documented disability. This person must have a documented disability, verified by a mental health provider, which substantially limits one or more major life functions.

## Policies

### Expectations of Owner

The Emotional Support Animal's supervision and care will be the full responsibility of the owner who requested and received approval for the ESA. Only approved on-campus alternate caregivers may provide additional care for the ESA if the owner is traveling for college-sponsored events or emergencies. This part of the policy is designed to ensure that students understand the cost, time, and effort involved in the responsibilities of having an ESA on campus before going through the protocol for requesting an ESA.

1. **Students must provide the college with at least two alternate caregivers, where at least one alternate caregiver resides off campus, to be contacted in case of emergency or removal of the ESA.** If the owner cannot (e.g. emergency situation, hospitalization, etc.) or does not provide for the care and supervision of the ESA as outlined in this policy, the alternate caregiver must agree to take responsibility for the removal of the ESA from campus in a timely way (within 6 hours for dogs and 12 hours for other animals). Should an alternate caregiver not be available, or not meet his or her commitment, Lincoln Memorial University reserves the right to have the ESA removed by Animal Control.
2. **An ESA may not be left over night or for extended periods of time** in university housing (6 hours for dogs and 12 hours for other animals). If the owner must be away from their

assigned room overnight or for a longer period of time for a college-sponsored event, an approved alternate caregiver must agree to take responsibility for the ESA.

- a. It is the owner's responsibility to notify the Director of Housing Operations in an emergency so that an alternate caregiver is allowed to remove the ESA in a timely way to meet the ESA's needs. Lincoln Memorial University reserves the right to have Animal Control remove the ESA if timely removal does not occur otherwise.
  - b. In the event that the owner needs to leave campus overnight or for an extended period of time, they must bring the ESA with them. In the case of travel due to college-sponsored events such as athletic events, etc., the ESA may be cared for only by an on-campus approved alternate caregiver. ESAs will not be permitted to travel with college-sponsored service trips, retreats, athletic teams, or other college-sponsored groups or events. Any approved on-campus alternate caregiver must complete a Roommate Acknowledgement Form and an Alternate Caregiver Responsibility Acknowledgement Form in order to care for the ESA in their assigned residential space.
3. **An owner must ensure that an ESA is appropriately contained** in the owner's room when the owner is not present in the room. The ESA must also be appropriately contained when in the care of an approved on-campus alternate caregiver. As others may be entering or exiting the room, there should be precautions to prevent the animal from running at large. Crating or caging of the ESA is required when the owner is away. Animals running loose may be captured, restrained, and/ or removed from campus.
  - a. **An ESA is permitted ONLY in the owner's personal living space or in an approved alternate caregiver's personal living space when the owner is travelling for a college-sponsored event.** It may not be in common or shared living areas within the residential facility.
  - b. **An ESA may not be outside of the owner's privately assigned residence or an approved alternate caregivers' assigned residence (room)** except during transport to or from an outside area if/as necessary for relief, exercise, or transportation to or away from campus. If the animal is outside for any of the above reasons, it must be leashed or transported in a carrier.
4. **The owner is responsible for feeding and watering the ESA** within the owner's assigned room. Bowls of food and water must be placed on mats to prevent spills from getting on the floor or carpet. The owner is expected to clean immediately when food or water is spilled. Since open bags of food attract bugs, they are not allowed; food should be kept in sealed, plastic containers within the owner's assigned room.
5. **The owner is responsible for all cleaning responsibilities and waste disposal** associated with the ESA, including hair/fur, waste management, litter, and bedding. For sanitation, emotional support animals must be spayed/ neutered. Soiled litter, soiled bedding, diapers, and solid waste (including feces from outside areas from pets which require

outside toileting) must be secured in plastic bags and placed in *outside* trash receptacles. University owned supplies, equipment, or facilities (including but not limited to showers, sinks, and toilets) may not be used for cleaning purposes of the ESA or its cage, container, or litter box. Owners will need to seek a grooming location or grooming business off-campus for any ESA cleaning needs. Animals must be housebroken or kept in appropriate cages/habitats; pee pads are not allowed. Litter boxes must be placed on mats to prevent tracking onto floors or carpet. Odor should not be detected outside of the student's private residential space and every effort should be made to prevent odor due to the ESA from being excessive in the owner's private space.

6. **It is the owner's responsibility to know and abide by county and state ordinances, laws and/or regulations** relevant to licensing, vaccination, noise, restraint, at large animals, dangerous animals, and other requirements. The ESA must be immunized against disease common to that type of animal.
7. **The owner must follow veterinary recommendations for the prevention of flea, tick, or other infestation.** The owner's assigned residence will be inspected for pests as part of the university's routine inspections. If pests are detected and fumigation is necessary above and beyond standard pest management in university housing, the owner will be billed for the expense. The owner is expected to treat the emotional support animal for infestation at the owner's expense.
  - a. If the ESA becomes sick (vomits or is incontinent), the owner is expected to clean up immediately after the animal and obtain veterinary help when appropriate due to extended illness or poor health.
  - b. Lincoln Memorial University reserves the right to require veterinary care at the owner's expense if the owner is not attending to the ESA's welfare.
  - c. Lincoln Memorial University reserves the right to have an ESA removed from campus at the owner's expense if there is evidence of abuse or neglect.
8. **Any mistreatment, suspected or observed, of an animal will be reported to authorities** for investigation. Any individual found to have abused an animal is subject to university disciplinary action; and, if abuse or neglect is conducted by the owner, the animal will be removed from campus immediately.
9. **The owner must notify the Director of Housing Operations, the Director for Accessible Education Services, and Deputy Title IX Coordinator and Compliance Officer if the ESA is no longer residing on campus.** A new animal may not simply be substituted, but rather a new request following the procedures in this policy must be initiated for approval. Approval will again be considered, based on the necessity of the animal's presence in conjunction with the individual's disability and whether the request is reasonable.
10. Below is a summary from above of the expenses, which are the responsibility of the Owner:
  - a. The owner will not be asked to pay an up-front charge for the ESA.
  - b. The owner is expected to pay the following:

1. Costs of feeding, cleaning (without the use of any university owned facility, equipment, or supplies), bedding, and waste disposal equipment.
  2. Costs for county licensing, vaccinations, and any needed veterinary care.
  3. Costs, if necessary, resulting from any behavior of the ESA, including bodily injury, property damage, non-standard cleaning and/or fumigation.
- c. Lincoln Memorial University reserves the right to bill the owner's account for charges related to the emotional support animal.

### **Expectations of the Animal**

1. The Owner, not the university, is responsible for all actions of the emotional support animal, including bodily harm or damage to property or facilities. Although the owner is not charged up-front fees for cleaning or property damage, the owner is expected to pay if additional cleaning or repair costs are incurred.
2. Emotional Support Animals must be at least one year old and house-broken, up to date on vaccinations, healthy, non-aggressive, spayed/ neutered, and able to live within the college residential facility without disrupting residents. An ESA may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure. Under guidelines from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals.
3. If the ESA requires outside toileting or exercise, the ESA must be harnessed or leashed while outside or while in public areas of the residence hall while going to or from outside.
4. The owner must be willing and able to control the ESA's behavior such that unacceptable or disruptive behavior is not allowed. The animal must be under the control of the owner at all times.
  - a. Examples of unacceptable behavior may include, but are not limited to: aggressive behavior; running loose and/or running away from the owner; excessive noise; excessive odor; excessive mess; any behavior that causes unreasonable disruption of routine for other residents or community members.
5. If the ESA engages in unacceptable or disruptive behavior as described above, becomes a threat to the health or safety of community members, causes damage to property owned by the university or others, or fundamentally alters the nature of the Lincoln Memorial University operations, the university retains the right to require the removal of the ESA.

## **Removal of the Animal**

Should it become necessary to remove an ESA from campus, the following procedures will be followed:

1. In case of emergency, the University Residential Housing Staff will make every reasonable effort to remove the ESA in an emergency evacuation but may not be held responsible for the care, injury, or loss of the animal. Residential Housing staff will determine if/when to remove the animal during fire alarms, etc.
2. In cases of temporary removal (i.e., hospitalization or emergency situation that requires the owner's absence from campus), the student is expected to notify the Director of Housing Operations and Deputy Title IX Coordinator of the need for absence and the inability to care for the animal.
  - a. The Director of Housing Operations and Deputy Coordinator will make every reasonable effort to contact the emergency contact listed on the student's application.
  - b. If the emergency contact is able to be reached AND is able to come to campus to acquire the animal, the Director of Housing Operations and Deputy Coordinator will work with the contact to allow them access to the owner's residence.
  - c. If the emergency contact is not able to be reached or is not able to come to campus within a timely manner, the college will contact Animal Control to come to campus and remove the animal.
  - d. The student will be permitted to bring the animal back to campus when they return and are able to care for the animal appropriately.
3. Lincoln Memorial University reserves the right to require permanent removal of the ESA from university property in the following cases:
  - a. The ESA becomes a threat to the health or safety of community members or causes excessive damage to property or facilities.
  - b. The ESA's behavior is unacceptable or disruptive such as: uncontrollable noise; extreme odor; running loose; acting aggressively; or otherwise interfering with the community or with the nature of the university.
  - c. The ESA is ill, but veterinarian assistance is not sought if poor health continues.
  - d. The ESA is not kept clean or is unkempt.
  - e. The owner does not clean up after the ESA or properly dispose of waste, litter, or soiled bedding.
  - f. There is evidence of abuse or neglect.
  - g. The owner does not comply with this policy.
4. In cases of permanent removal, the Deputy Title IX Coordinator and Compliance Officer will notify the student of the need to remove the animal via email. The student will have 72 hours to remove the animal from campus.
  - a. If, after 72 hours, the animal is not removed from campus, Lincoln Memorial University reserves the right to contact Animal Control. The student may also face community standards proceedings, as explained in the Railsplitter Community Standards Guide.

- b. Because the ESA is an accommodation, the student may apply to have another animal on campus as an ESA. See below for more detail.

## **Procedures**

### **Requesting an ESA**

Students who wish to request an Emotional Support Animal on campus must follow the process outlined here. Although every case is considered individually, typically, for the safety of the university community, no exceptions can be made for trial periods, animals found on campus, or other situations. Lincoln Memorial University policy states that students living in university housing may NOT have pets in their assigned residential unit—barring some exceptions for Graduate Residential Housing. Until the policy is followed and the ESA is approved to be on campus, having an animal in university-owned residences is a violation of the no pet policy and will result in disciplinary proceedings, as outlined in the student code of conduct.

### ***The Process***

#### **Step 1: Information**

Should a student inquire about an emotional support animal, they will first be required to communicate with the Deputy Title IX Coordinator and Compliance Officer via email. They will be asked to consider the additional responsibilities, rules, regulations, and procedures required to obtain an emotional support animal. They will also receive information regarding who is eligible for an emotional support animal accommodation and the type of documentation necessary to apply for an emotional support animal. Following this conversation with the Deputy Coordinator students will be asked to consider whether they would like to apply for an ESA through the ESA process. If they determine that they would like to apply, they should move to step 2.

#### **Step 2: Receipt of Forms**

Students who have considered the policies, procedures, and responsibility of an ESA and who have decided to apply can do so via an online application form on the Compliance and Title IX webpage.

#### **Step 3: Submission of Application**

In order to apply for an ESA, students must submit ALL parts of the application (see below) to the Deputy Title IX Coordinator. Incomplete applications will not be considered by the ESA committee.

Because an ESA is a housing accommodation, applications for Fall semester ESAs must be submitted by September 1<sup>st</sup> for the fall semester, February 1<sup>st</sup> for the spring semester, and June 1<sup>st</sup> for the summer term. Applications submitted after these dates will be considered. However, Lincoln Memorial University cannot guarantee that it will be able to meet the applicant's needs during the semester or term following a late application.

If the need for accommodation arises when an individual already resides in university housing, the student should contact the Deputy Title IX Coordinator and provide the application as soon as

possible. Lincoln Memorial University will accept and consider all requests, but cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

#### Step 4: Consideration of Application by ESA Committee

The ESA Review Committee (comprised of the Deputy Title IX Coordinator, the Director of Accessible Education Services, and the Director of Housing Operations) will meet as needed to review completed emotional support animal applications. At this meeting, the ESA Review Committee will consider each of the following items in making a decision about whether or not the ESA is an appropriate, reasonable accommodation necessary for full enjoyment of the residential facility:

1. Is the animal's presence necessary for the owner to have equal opportunity to use and enjoy college housing? Factors taken into account include:
  - a. Does the provided documentation indicate a documented mental, psychological, or psychiatric disability that substantially limits a major life function?
  - b. Does the provided documentation specifically indicate a disability-related need for the ESA?
  - c. Does the provided documentation indicate that the ESA alleviates one or more symptoms or effects of the owner's disability?
  - d. Is the documentation from a reliable source?
    - i. Mental health providers who provide documentation in support of an ESA should be licensed and practicing in the state of Tennessee, Virginia, Kentucky, Florida, or in the home state of the owner.
    - ii. Because of a great deal of unreliable sources for documentation on the internet, registrations and letters purchased online are generally not reliable sources of documentation.
    - iii. The applicant's mental health provider can submit a letter to the ESA committee in addition to the required application materials. However, the ESA committee will only consider applications in which Part III is completed in full by a mental health provider.
    - iv. Students should have an ongoing relationship with the mental health provider who provides documentation in support of an ESA. An on-going relationship is generally defined as four or more visits with the mental health provider.
2. Is the request reasonable? Factors taken into account include:
  - a. Is the animal house-broken?
    - i. Generally, young animals less than one year old are not appropriate.
  - b. Is the animal up-to-date on shots and vaccinations?
    - i. Animals must have recommended shots and vaccinations for their species and age.
  - c. Does the animal have a clean bill of health from a veterinarian?

- i. For the safety of the university community, ill animals will generally not be permitted as ESAs.
- d. Does the specific animal in question have a demonstrated history of aggression or substantial physical damage to property of others?
- e. Does the specific animal in question have a demonstrated history of excessive noise, odor, or other behaviors which would disturb the college living environment?
- f. Is the animal a reasonable species for college living?
  - i. Generally, animals that carry zoonotic diseases which cannot be vaccinated for, such as reptiles, rodents, and other rare species are not reasonable ESAs.
- g. Is the animal a reasonable size for college living?
- h. Is the owner's living space a reasonable size for the animal, the owner, the animal's belongings, and any roommate(s)?
- i. Has the owner obtained agreement from all roommates and suitemates via the Roommate Acknowledgement Form?

#### Step 5: Notification from ESA Committee

Following the consideration of the application by the ESA Review Committee, the student will receive written notification of the ESA Review Committee's decision via email. This will occur within 30 business days of the receipt of the completed application.

#### *Possible Outcomes*

Following consideration of the completed ESA application, the ESA committee will make a determination and notify the student. The following are possible outcomes of the ESA Committee consideration.

#### *ESA Application Approval*

This occurs if the student's documentation comes from a licensed mental health provider in an above-listed state or the student's home state and demonstrates a mental health disability which substantially limits the student, discusses a recommendation for a specific emotional support animal, provides evidence for why the emotional support animal is necessary, and shows how the emotional support animal mitigates the symptoms of the disability. In addition, for full approval, the specific ESA requested must be determined to be a reasonable accommodation for the student's current living situation, as discussed above. Finally, for full approval, the ESA committee must have consent from all current roommates or suitemates. Upon approval, the ESA committee will request a photo of the animal for records.

#### *ESA Application Approval, Pending*

This occurs if documentation is appropriate, as discussed above, and if the specific ESA is reasonable, but the ESA is unable to move in immediately, due to a roommate or suitemate's conflicting disability or lack of consent or because the ESA's size or belongings are unreasonable in the current living situation of an owner. In this case, the university will make every attempt to find an appropriate residential facility for the owner and the ESA. If the application was received prior to the housing accommodation deadline, this will be accomplished before the semester for which the



student has applied to bring the ESA. If the student has submitted an application for the current semester, but the current living situation is deemed unreasonable, the university will make reasonable effort to find an appropriate residential facility, but cannot guarantee accommodation during the current semester. Upon approval, the ESA Review Committee will request a photo of the animal for records.

#### *ESA Application Partially Approved*

This occurs if documentation is appropriate, as discussed above, but if the specific ESA requested is unreasonable, as outlined previously. In this case, the owner may reapply for a different, more reasonable ESA by resubmitting part 2 of the application, veterinary records, and proof of licensing (if a dog) for the new animal.

#### *More Information Needed*

This occurs if the information, documentation, application, or animal details are not sufficient for the ESA Review Committee to make a decision regarding whether or not the ESA is necessary and appropriate at this time. In this case, the ESA Review Committee will be happy to reconsider the application when additional information is provided.

#### *ESA Application Denied*

This occurs if the documentation and information provided is sufficient, but does not demonstrate a disability, which substantially limits the owner, or does not demonstrate a need for the ESA in Residential Housing. Application denial can be appealed through the process outlined below.

#### Step 6: Move in date

Following an ESA Application Approval or an ESA Application Approval, Pending decision by the ESA Review Committee, the student owner will be contacted with an approved move-in date for the ESA by the Deputy Title IX Coordinator. Having the animal in the residential facility prior to this date is a violation of community standards and may result in community standards proceedings, as outlined in the Railsplitter Community Standards Guide.

#### ESA Application Appeals Process

Students who wish to appeal the denial of an ESA should follow the procedures outlined here.

1. Students who wish to appeal should first review and understand the written notice provided to them regarding the reason for denial of the ESA.
2. Students should provide the Assistant Vice President for Academic and Student Support Services, with a written notice of appeal, within 15 business days of the denial of their ESA.
3. The written notice of appeal should include:
  - a. The Release of Information Form at the end of this document, which allows the ESA Review Committee to share documentation, including documentation of disability, documentation of vaccination and health, documentation of licensing, and other relevant documentation provided by the student or their healthcare provider with the Assistant Vice President, in order to facilitate their decision.
  - b. Any disputes or questions regarding the ESA Review Committee's written notice.

- c. Explanation of why/how the animal's presence is necessary for the owner to have equal opportunity to use and enjoy college housing.
  - d. Explanation of why/how the student believes the request is reasonable, which may include documentation or explanation of the animal's history regarding safety (i.e., if a history of bites or attacks is present), documentation or explanation of how the owner would abide by the Lincoln Memorial University Emotional Support Animal Policy, and/ or other relevant documentation or explanation.
4. Following receipt of the written notice of appeal and the release of information form, the Assistant Vice President will contact the ESA Review Committee for copies of documentation and for the written notice of denial provided to the student.
  5. The Assistant Vice President will make a decision, considering any new information provided in the student's notice of appeal, regarding the following:
    - a. Whether the animal's presence is necessary for the owner to have equal opportunity to use and enjoy college housing
- AND
- b. Whether the request is reasonable
6. The Assistant Vice President will notify the student of a decision within 10 business days of receipt of the notice of appeal.
    - a. Should the appeal be denied, the Assistant Vice President will notify the student via email of:
      - i. The reason for denial.
      - ii. The process for requesting to be released from the housing requirement.
        1. Students who pursue this option must contact the Director of Housing Operations.
    - b. Should the appeal be approved, the Assistant Vice President will notify the student in writing of:
      - i. The approval of the appeal.
      - ii. A move-in date for the ESA.

### ***Application Parts***

The application parts discussed below have been developed to gather all necessary information for the ESA Review Committee to make a decision regarding an ESA Application. Because all the information is necessary for consideration and for the safety of the university community, incomplete applications cannot be considered.

#### Lincoln Memorial University ESA Application

The Lincoln Memorial University ESA Application consists of five parts. Each of the parts is necessary to determine whether an ESA is a necessary, reasonable, and appropriate accommodation within the residential facilities.

Part 1 of the application must be completed by the student owner and should provide information about the owner's need for the ESA, from their own perspective.

Part 2 of the application must be completed by the student owner and should provide information about the specific animal requested and the owner's plan of care for the animal on campus.

Part 3 must be completed by a qualified, licensed mental health practitioner in Tennessee, Virginia, Kentucky, Florida, or the student's home state. It will serve as documentation, as described below.

Part 4 must be completed by all roommates and suitemates living in the same assigned residence as the student owner. All roommates and suitemates must sign the Roommate Acknowledgement Form.

Part 5 of the application must be completed with the information of at least two alternate caregivers. The student owner may list up to three alternate caregivers, with at least one alternate caregiver residing off-campus and no more than two alternate caregivers residing on-campus. All on-campus alternate caregiver must sign the Alternate Caregiver Responsibility Acknowledgement Form.

#### Documentation

Part 3 of the application will constitute documentation and must be provided by a qualified, licensed mental health practitioner in Tennessee, Virginia, Kentucky, Florida, or the student's home state. By policy, any documentation may not be provided by the Lincoln Memorial University counselors or College of Veterinary Medicine faculty or staff. Students should have an ongoing relationship with the professional who provides the documentation.

Documentation MUST demonstrate each of the following items:

- the student has a diagnosed mental health disability under the DSM-V
- the diagnosed mental health disability substantially limits the student
- the student and mental health professional have discussed the benefits of a specific ESA
- the provider recommends a specific ESA
- the specific ESA mitigates or assists with one or more symptoms of the mental health disability
- the specific ESA is necessary for full enjoyment and benefit of the college residential facility

Because of a plethora of unreliable sources for ESA documentation, certification, etc. available online, registration, certification, and/ or letters purchased online are generally not reliable sources of documentation. Lincoln Memorial University's ESA Review Committee does not recommend the purchase or use of any website which provides online ESA evaluations, documentation, letters, registration, or certification.

#### Veterinary Records

For the safety of the university community, veterinary records must be provided to the ESA Review Committee at the time of the application AND annually until the animal leaves the residential facility or until the student moves off-campus, graduates, or otherwise leaves the college. LMU College of Veterinary Medicine staff or faculty may not provide such documentation.

Veterinary records must indicate that the animal is spayed/ neutered and up to date on appropriate shots and vaccinations for its species. They must also indicate a clean bill of health for the animal.

Licensing (As appropriate)

According to Tennessee law, all dogs over the age of 4 months must be licensed. Proof of licensing in the student's home state or county OR a Claiborne County, Tennessee, dog license are required for all dogs on campus. Dogs must wear the licensing tag on their collar at all times while on campus.

## Lincoln Memorial University Emotional Support Animal Policy Acknowledgement

I, (Print Student Name) \_\_\_\_\_,

Understand the cost, time, responsibility, and effort involved in the responsibilities of having an emotional support animal on campus. I acknowledge all guidelines and policies listed above and agree to uphold each item outlined in this document. In addition, I acknowledge that any violation of the above guidelines or policies detailed above will result in disciplinary action and the immediate removal of my emotional support animal from campus.

\_\_\_\_\_  
Student Name Printed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Signature

Lincoln Memorial University  
Emotional Support Animal Policy  
Appeal Release of Information Form

I, (Print Student Name) \_\_\_\_\_,

authorize the Emotional Support Animal (ESA) Review Committee of Lincoln Memorial University

to release the following information and documentation:

Documentation of disability, application materials, documentation of vaccination and health of my animal, documentation of licensing of my animal, and other relevant documentation provided by me or my healthcare provider

to the Lincoln Memorial University Assistant Vice President for Academic and Student Support Services

for the purpose of determining whether my appeal regarding the denial of my ESA should be upheld or overturned.

\_\_\_\_\_  
Student Name Printed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Signature