

POL18-000057

Emotional Support Animals in University Housing

I. PURPOSE

Lincoln Memorial University is committed to reasonably accommodating qualified residential students with disabilities who may require the use of an Emotional Support Animal (ESA) in accordance with the Fair Housing Act (FHA). Emotional Support Animals may also be referred to as therapy or comfort animals but will be referred to as Emotional Support Animals (ESAs) in this policy. Lincoln Memorial University reserves the right to amend this policy as circumstances require. Emotional Support Animals are not service animals, as defined by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). This policy does not apply to service animals.

II. POLICY STATEMENT

LMU is committed to providing residential students with qualifying disabilities reasonable accommodations. Residential students who require an emotional support animal may apply and Lincoln Memorial University will accept and consider requests for an exemption to the no pet policy as a reasonable accommodation in campus Housing.

III. DEFINITIONS

Emotional Support Animal: Emotional Support Animals (ESAs) are a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADAAA and Lincoln Memorial University's Service Animal Policy. Further, there must be an established relationship, or nexus, between the individual's disability and the assistance the animal provides. It allows the student with a disability to receive full benefit or enjoyment of the residential facility on campus. Emotional Support Animals may not be brought into University housing without expressed approval from the Office of Student Conduct and Community Standards. The presence of Emotional Support Animals is approved for University housing only and will not be permitted in other campus buildings (i.e., student center, libraries, academic buildings, or labs). In most cases, ESAs provide the necessary support to individuals with disabilities who reside in University Housing without any formal training or certification.

Owner: The "Owner" is the residential student who has requested the accommodation and has received approval through the Office Student Conduct and Community Standards to bring an ESA into University housing. Each "Owner" approved for an Emotional Support Animal is solely responsible for the handling and welfare of his or her approved animal and may not transfer this responsibility to another roommate, student or individual while on the campus of Lincoln Memorial University.

Medically Approved Practitioner: A medically approved practitioner is a professional licensed to diagnose and recommend treatment for a mental and/or psychiatric disability and who has an established therapeutic relationship with the Owner. Medically Approved Practitioners include

Psychiatrists, Psychologists, Licensed Professional Mental Health Counselors / Mental Health Service Providers, & Licensed Clinical Social Workers.

Pet: Pets are defined as wild or domesticated animals kept for companionship. **Pets, other than fish, are not permitted in residence halls.**

IV. PROCEDURES TO REQUEST ESA IN LMU HOUSING

A student requesting permission to keep an ESA in campus housing should complete the process below. Approval of an ESA, and the particular animal requested by the student, are determined on a case-by-case basis. While the University is committed to reasonably accommodating individuals with disabilities who require an ESA, the University is also mindful of the health and safety concerns of the campus community.

- A. The student must request this accommodation through the Office of Student Conduct and Community Standards with appropriate documentation.
- B. Documentation submitted to the Office of Student Conduct and Community Standards must indicate that a specific condition exists and that the identified condition substantially limits one or more major life activity (e.g., walking, seeing, speaking, hearing, breathing, learning, etc.). A diagnosis of a condition does not automatically qualify a student for an ESA. The documentation for a psychological condition must demonstrate that the condition rises to the level of a disability.
- C. Documentation of the need for an ESA must include the following components:
 - i. Documentation must be presented on official letterhead, typed, dated, and signed by the healthcare provider and their accompanying license number.
 - ii. The disability documentation must be from an appropriately qualified and credentialed healthcare provider who has been an established therapeutic relationship with the Owner. The provider must be from Tennessee, Virginia, Kentucky, or the Owner's home state. LMU will accept mental health medical documentation from approved healthcare providers for Emotional Support Animals, including psychologists, neuropsychologists, psychiatrists, clinical social workers, licensed counselors, psychiatric nurse practitioners, and other relevantly trained healthcare professionals qualified to make such a diagnoses).
 - iii. The documentation must identify the Owner's disability or condition with DSM-V diagnosis, a summary of current symptoms, severity (frequency and duration) and the substantial impact of the condition upon a major life activity.
 - iv. The documentation must include a statement regarding the necessity of the ESA for the individual to use or enjoy campus housing.
 - v. The documentation must include a statement regarding the relationship between the disability and the assistance the ESA provides.
 - vi. The documentation should be specifically written to provide for an ESA and must be less than six (6) months old.
- D. Psychological diagnoses documented by family members will not be accepted due to professional and ethical considerations even when the family members are otherwise qualified by training and licensure/certification.
- E. Psychological diagnoses documented by LMU faculty, staff, employees, students or affiliates will not be accepted due to professional and ethical considerations even when such person is otherwise qualified by training and licensure/certification.

- F. The attached Veterinary Verification Form must be completed and attached to the medical documentation upon application for ESA.
- G. Once appropriate medical and veterinary documentation has been received, the Office of Student Conduct and Community Standards will review the request. When doing so, they may consider any provisions contained in Section VII. (C) of this policy. The Office of Student Conduct and Community Standards may contact the Owner applying for consideration of an ESA with any questions or clarification.
- H. If the Office of Student Conduct and Community Standards approves the ESA request, the Owner should ensure the following:
 - i. All applications required by the Office for Residential Housing are completed **PRIOR** to Owner bringing the ESA on campus; and
 - ii. Any Housing deadlines and requirements (i.e., housing application, room deposit, animal health vaccines, etc.) are met.
- I. If approved, the Office for Residential Housing and the Owner will meet to discuss policies and procedures for the specific ESA in the housing environment. This meeting may occur in person, via zoom, or via telephone.

V. COMPLIANCE

- A. ESAs are approved on a case-by-case basis and may not reside in LMU housing without prior approval from the Office of Student Conduct and Community Standards.
- B. Applications for consideration of this exemption will be considered until **July 1 for the fall semester** and until **October 1 for the spring semester**. **Summer semester applications by be submitted by March 1**. Students are required to seek renewal of their ESA each academic year on or before the due date of the new applicants. ESA application renewal will be required to provide updated annual medical documentation regarding their condition, verification of on-going treatment and recent veterinary information. No animal will be allowed in University housing at any time prior to the Owner receiving approval from the Office of Student Conduct and Community Standards. Students found in violation of this no pet policy in the residence halls will be required to re-apply for an ESA for the next academic year application cycle. **Students will also be subject to a fine of \$150.00 for having an unauthorized animal in the residence hall via the Student Conduct Process outline in the *Railsplitter Community Standards Guide*.**
- C. An ESA approved as an accommodation under FHA are restricted to on-campus housing and are **only** allowed in the residence hall room, suite, or apartment the Owner is assigned to by the Office of Residential Housing. Owners may not take their ESAs to another student's apartment or room. ESAs are **not** permitted in classrooms, offices, auditoriums, gymnasiums, dining halls, or other similar on-campus settings.
- D. Only one ESA will be approved per student apartment, suite, or dorm room in any University residence hall.
- E. LMU will not limit room assignments for individuals with ESAs to any particular building or buildings because the individual needs an ESA due to the impact of a disability. However, all roommates must sign the roommate agreement form below or the student requesting the ESA understands s/he will be relocated to an available room.
- F. By requesting any housing accommodation, the Owner understands that their room location and name will be shared with the appropriate Residence Life Staff, Physical Plant staff, and Campus Police and Security as necessary for them to perform their duties and put the accommodation in place. No confidential information, such as the specific disability, will be shared.

VI. ROLES AND RESPONSIBILITIES

A. Health and Wellbeing

- a. ESAs shall have an identifiable University-approved name tag, harness, leash, other tether, or suitable container when outside of the Owner's place of residence.
- b. Animals housed in campus housing must be in good health as established by a licensed veterinarian.
- c. The Owner must ensure that local ordinances regarding animals, including requirements for immunization, licensing, noise, restraint, at-large animals, and dangerous animals, are followed.

B. Financial Responsibility

- a. Owners of the approved ESA will be held liable for the replacement cost of all damaged furniture, carpet, floor tile, window, wall covering, and the like.
- b. The Owner is responsible for any expenses incurred for cleaning above and beyond a standard cleaning and for repairs to LMU premises that are assessed after the Owner and the ESA vacate the residence. LMU shall have the right to bill the Owner account for any unmet obligations.
- c. The Owner will be charged for any damage or destruction caused by the ESA.
- d. Owner will be billed for the expense of any pest treatment if fleas, ticks, or other pests that are detected upon inspection.
- e. The Owner is responsible for the actions of the ESA including bodily injury or property damage.

C. Owner Responsibilities

- a. Owner is responsible to ensure that the ESA meets the following requirements:
 - i. All ESAs must be kennel or crate trained. Animals must be able to remain in their kennel when Owner is out of the room and/or apartment without becoming distressed – (barking, meowing, incessant noises, or injuring themselves etc.).
 - ii. All ESA's must be a minimum of one year old at the time the application is submitted.
 - iii. All ESA's must be spayed or neutered.
- b. Dominion and Control
 - i. The ESA shall always be under control of the approved Owner. No Owner shall permit the animal to go loose or run at large around campus. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University housing. The Owner will be instructed to remove the ESA from on-campus housing if the animal causes damage or destruction or is creating a disturbance.
 - ii. ESAs may not be left overnight in University housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the ESA is contained in a kennel, as appropriate, when the Owner is not present during the day while attending classes or other activities.

- iii. The Owner shall not leave the ESA in a vehicle unsupervised for any extended period of time.
 - iv. Owner must designate a person who is not living on campus to take care of the ESA in the event of an emergency, such as the Owner being hospitalized. The identified person is expected to be able to arrive at the LMU-Harrogate Campus within four (4) hours. This person will then be responsible for caring for the ESA until the Owner is available. The identified person will complete the form agreeing to care for the ESA as part of the application process.
- c. General Responsibilities
- i. The animal shall be kept in the Owner's room and will not be allowed to roam the on-campus residence.
 - ii. When the ESA is taken outside, it shall be on a leash, harness, or other tether.
 - iii. Owner agrees to and is responsible for the immediate clean-up of all animal waste.
 - iv. The Owner is responsible for properly containing and disposing of all animal waste in appropriate outside trash dumpsters. Litter boxes should be placed on mats on tiled or vinyl bathroom floor so that feces and urine are not tracked onto carpeted surfaces.
 - v. The ESA's food must be kept in a sealable container.
 - vi. The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the ESA and/or discipline for the responsible individual.
 - vii. The Owner's residence may be inspected for fleas, ticks, or other pests as needed. It is the policy of Lincoln Memorial University that each Owner with an approved ESA will have their place of residence inspected biweekly by residence life staff. The Residential Life and Housing staff will schedule the inspection. If fleas, ticks, or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a college-approved pest control service. Owner will be billed for the expense of any pest treatment. If the problem reoccurs, the Owner's contract may be terminated.
 - viii. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
 - ix. The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
 - x. The animal is allowed in University housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Office of Student Conduct and Community Standards in writing if the ESA is no longer needed or is no longer in residence. To replace an existing ESA, students are required to re-apply.
 - xi. Lincoln Memorial University personnel shall not be required to provide care or food for any ESA including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

- xii. The Office for Residential Housing will disclose information, as needed, regarding the request for and presence of the ESA to those individuals who may be impacted by the presence of the animal including, but not limited to, housing personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.
- xiii. The Owner cannot make use of Housing facilities to clean or otherwise care for the ESA, this includes but is not limited to the prohibition of using housing bathrooms for the care of an ESA.

D. Denial of ESA or Animal Removal

- a. An application for an ESA may be denied, or an Owner may be asked to remove an ESA from University housing if the animal's behavior is not consistent with behavior expected in a residential environment, such as:
 - i. barking or excessive noise;
 - ii. the ESA poses a substantial or direct threat to personal or public health or safety;
 - iii. the presence of the ESA fundamentally alters University housing policies;
 - iv. the ESA has not been spayed or neutered;
 - v. the ESA causes physical damage to campus property above normal wear and tear;
 - vi. the ESA's vaccinations are not up to date;
 - vii. the ESA is not properly housebroken;
 - viii. the ESA's Owner does not pick up and properly dispose of natural waste;
 - ix. the ESA poses an undue financial or administrative burden on the University;
 - x. the size of the animal is too large for available housing space;
 - xi. The animal's presence would force another individual from individual housing (allergies, fears);
 - xii. current roommates of Owner do not agree to allow the ESA in their dwelling;
 - xiii. the ESA is not kennel trained; or
 - xiv. the Owner is in violation of any of the guidelines set forth in the ESA policies.
- b. Appeal Process
 - i. If the Owner is unsatisfied with the Office of Student Conduct and Community Standards' decision, the student may appeal to the Executive Vice President for Administration. The student must file a written notice of appeal within three (3) business days of delivery of the determination, absent good cause. In the written notice of appeal, the Owner must explain the reasons why s/he believes the determination is erroneous.
 - ii. The Executive Vice President for Administration will issue a written decision within ten (10) business days of receipt of the appeal, absent good cause. The decision of the Executive Vice President for Administration is final.
- c. If an ESA approval is revoked, the Owner must remove the ESA within seventy-two (72) hours. If the ESA is removed from University housing for any reason, the Owner is expected to fulfill their housing obligations for the remainder of the housing contract.

E. Care and Supervision of ESA

- a. The University is not responsible for the care or supervision of an ESA.

- b. An ESA is not required to have special training, certification or be licensed as an ESA; however, the animal shall be under the control of the Owner at all times.
- c. No ESA may be left with another student while Owner is away from his or her apartment, suite, or dorm room including attending class, attending extracurricular activities, or in the dining hall.
- d. Under no circumstances whatsoever shall an ESA be left on campus overnight while the Owner is away.
- e. All ESAs must be left in a kennel/crate when the approved Owner is not in the dwelling.
- f. Students approved for an ESA are required to have a University-approved decal on the outside entrance to their dwelling and the door to their bedroom. These decals are placed on student's doors to alert University personnel that an animal is in the dwelling.
- g. Students with approved ESAs who are residing in apartments with common areas (e.g. living room, dining area, kitchen, hallways) must be in their respective apartment with the ESA when in these common areas.

VII. APPLICABLE STATUTES, REGULATIONS, AND RELATED POLICIES (IF ANY)

T.C.A. § 49-8-203(a)(1)(D)
42 U.S.C. § 3601 et seq. (Fair Housing Act)

VIII. CONTACT INFORMATION

For more information regarding this policy, please contact:

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IX. DOCUMENT HISTORY

Effective: 7/2020
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