

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. ESAs also differ from pets permitted in graduate residential housing. 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 Emotional Support Animal (ESA) Review Committee (ESARC). 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. 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.

Owner: The "Owner" is the residential student who has requested the accommodation and has received approval through the ESARC to bring an ESA into University housing. This person must have a documented disability, verified by a medically approved practitioner, that substantially limits one or more major life functions. Each "Owner" approved for an ESA 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, Neuropsychologists, Psychiatric Nurse Practitioners & Licensed Clinical Social Workers.

Pets: 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. 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 ESA approval process is completed 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.

- A. The student must request this accommodation through the ESARC with appropriate documentation. To begin the process, a student must communicate with the Office of Accessible Education Services.
- B. Documentation submitted to the ESARC through the Office of Accessible Education Services must indicate that a specific condition exists and that the identified condition substantially limits one or more major life activities (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 established a 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. 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.
 - iii. The documentation must include a statement regarding the necessity of the ESA for the individual to use or enjoy campus housing.
 - iv. The documentation must include a statement regarding the relationship between the disability and the assistance the ESA provides.
 - v. 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 a 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 ESARC will review the request. When doing so, they may consider any provisions contained in Section VI. (C) of this policy. The ESARC may contact the Owner applying for consideration of an ESA or their Medically Approved Practitioner with any questions or clarification.

Incomplete applications will not be considered

- H. If the ESARC approves the ESA request, the Owner should ensure the following:
- i. All applications required for Residential Housing are completed **PRIOR** to the Owner bringing the ESA on campus; and
 - ii. Any Housing deadlines and requirements (i.e., housing application, room deposit, animal health vaccines, financially file complete, etc.) are met.
- I. The Student will be notified by the ESARC via email of LMU's decision. This will occur within thirty (30) days of receipt of a completed application.
- J. If approved, the Director of Residential Accountability 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 written approval from the ESARC.
- B. Applications for consideration of this exemption will be considered until **July 15th for the fall semester, until October 1 for the spring semester, and until March 1 for the summer semester**. Applications submitted after these dates will be considered; however, LMU 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 Office of Accessible Education Services and provide the application as soon as possible. LMU will accept and consider all requests, but cannot guarantee that it will be able to meet the accommodation during the semester or term in which the request is received. Owners are required to seek renewal of their ESA each academic year on or before the due date of the new applicants. A new ESA application will be required annually 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 ESARC. **NO AUTOMATIC RENEWALS WILL BE GRANTED**. Owners found in violation of the no-pet in the residence halls policy will be required to apply for an ESA for the **next academic year** application cycle. The animal will need to be removed from the residence hall immediately, and the Owner will be subject to an unauthorized animal in the residence hall fine of \$150.00. This is outlined in the *Railsplitter Community Standards Guide*.
- C. An ESA approved as an accommodation under FHA is restricted to on-campus housing and is only allowed in the residence hall room, suite, or apartment assigned to the Owner. The 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, or the student requesting the ESA understands that 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 LMU staff member(s) 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, county, and state ordinances regarding animals, including requirements for immunization, licensing, noise, restraint, at-large animals, and dangerous animals are followed. The ESA must be immunized against diseases common to that type of animal.
- d. The Owner must follow veterinary recommendations for the prevention of flea, tick, or other infestations.
- e. 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.
- f. 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.

B. Financial Responsibility

- a. The Owner will not be asked to pay an up-front charge for the ESA by LMU.
- b. The Owner is expected to pay for the costs of feeding the ESA.
- c. The 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.
- d. 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's account for any unmet obligations.
- e. The Owner will be charged for any damage or destruction caused by the ESA.
- f. The Owner will be billed for the expense of any pest treatment if fleas, ticks, or other pests found upon inspection.
- g. The Owner is responsible for the actions of the ESA, including bodily injury or property damage.
- h. The Owner will not be allowed to return to LMU until all financial responsibilities are met.

C. Owner Responsibilities

- a. The Owner is responsible for ensuring 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 the Owner is out of the room and/or apartment without becoming distressed (barking, meowing, incessant noises, or injuring themselves, etc.).

_____ I acknowledge I will receive ONE warning. If I am found responsible for a second violation, I will be asked to immediately remove my ESA for the remainder of the academic year.

- ii. All ESAs must be a minimum of one year old at the time the application is submitted.
 - iii. All ESAs must be spayed or neutered.
- b. Dominion and Control
 - i. The ESA shall always be under the 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, it is subject to capture, 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, destruction, or creates 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.

_____ I acknowledge I will receive ONE warning. If I am found responsible for a second violation, I will be asked to immediately remove my ESA for the remainder of the academic year.

- iii. The Owner shall not leave the ESA in a vehicle unsupervised for any period of time.
- 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.
 - 1. 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.
 - 2. 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.
 - 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 floors so that feces and urine are not tracked onto carpeted surfaces. Soiled litter, soiled bedding, and solid waste (including feces from outside areas from pets that 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. Odor should not be detected outside of the Owner'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.
 - v. 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. 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 will result in immediate removal of the ESA at the Owner's expense and/or discipline for the responsible individual. Any mistreatment, suspected or observed, of an animal will be reported to authorities for investigation.
 - 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 the residence life staff. The Residential Life staff may schedule the inspection or inspect without notice if necessary. 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. The Owner will be billed for the expense of any pest treatment. If the problem recurs, the Owner's exception will 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 ESARC at The Office of Accessible Education

Services if the ESA is no longer needed or is no longer in residence. To replace an existing ESA, Owners are required to apply, as a new animal may not be simply substituted. 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.

- 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 ESARC 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, which 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 immediately 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. Extreme odor;
 - iii. Running loose;
 - iv. Acting aggressively;
 - v. The ESA poses a substantial or direct threat to personal or public health or safety;
 - vi. The presence of the ESA fundamentally alters University housing policies;
 - vii. The ESA has not been spayed or neutered;
 - viii. The ESA causes physical damage to campus property above normal wear and tear;
 - ix. The ESA's vaccinations are not up to date;
 - x. The ESA is not properly housebroken;
 - xi. The ESA's Owner does not pick up and properly dispose of natural waste;
 - xii. The ESA poses an undue financial or administrative burden on the University;
 - xiii. The size of the animal is too large for the available housing space.
 - xiv. There is evidence of abuse or neglect;
 - xv. The animal's presence would force another individual from individual housing (allergies, fears);
 - xvi. The current roommates of the Owner do not agree to allow the ESA in their dwelling;
 - xvii. The ESA is not kennel trained; or
 - xviii. 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 ESARC decision, the Owner may appeal to the Executive Director of Student Financial Services. The Owner must file a written notice of appeal within three (3) business days of delivery of the determination. In the written notice of appeal, the Owner must explain the reasons why s/he believes the determination is erroneous.
 - ii. The Executive Director of Student Financial Services will issue a written decision within ten (10) business days of receipt of the appeal, absent good cause. The decision of the Executive Director of Student Financial Services is final.
- c. If an ESA approval is revoked, the Owner must remove the ESA within seventy-two (72) hours. If the animal is not removed from campus within seventy-two (72) hours, LMU reserves the right to contact Animal Control. The Owner may also face community standards proceedings, as explained in the Railsplitter Community Standards Guide.

- d. If the ESA is removed from University housing for any reason, the Owner is expected to fulfill their housing financial 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 the Owner is away from his or her apartment, suite, or dorm room, including attending class, attending extracurricular activities, or in the dining hall. 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.
- d. Owners must provide the college with at least two alternate caregivers, where at least one alternate caregiver resides off campus, to be contracted in case of an 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.
- e. Under no circumstances whatsoever shall an ESA be left on campus overnight while the Owner is away. 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.
 - i. It is the Owner's responsibility to notify Residence Life 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.
 - ii. 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. The on-campus Alternate Caregiver cannot participate on the same athletic team as the Owner.
- f. All ESAs must be left in a kennel/crate when the approved Owner is not in the dwelling.
 - i. 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. Animals running loose may be captured, restrained, and/or removed from campus. Only one warning will be issued before immediate removal is required.
- g. Students approved for an ESA are required to have a **University-provided** decal on the outside entrance to their dwelling and the door to their bedroom. These decals are placed on Owners' doors to alert University personnel that an animal is in the dwelling.

- h. Owners with approved ESAs who are residing in apartments with common areas (e.g., living room, dining area, kitchen, hallways) must be in their respective apartments 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 the Office of Accessible Education Services.

IX. DOCUMENT HISTORY

Effective: 7/2020
Updated: 6/2025

Lincoln Memorial University Emotional Support Animal Policy Acknowledgement

I, (Print Student Owner 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. I understand that I may face fines for not following this policy, and I acknowledge that these fines must be paid in full before I can return to campus.

Student Owner Name Printed

Date

Student Owner Signature