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Students**Table of Contents:**

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Emotional Support Animals for Students

1 Purpose

The purpose of this policy is to establish a consistent, fair, and legally compliant process for reviewing and approving requests from students with disabilities to reside with an emotional support animal (ESA) in university-owned or university-operated housing. Lander University recognizes that, for some students with a qualifying disability, an ESA may be a necessary and reasonable accommodation that affords equal access to housing under the Fair Housing Act. This policy is intended to protect the rights of students with disabilities while balancing the health, safety, and welfare of the broader campus community, including roommates, suitemates, and residence hall staff. It further establishes the procedural framework, documentation standards, and review criteria through which the Office of Student Accessibility & Testing Services (OSATS) will evaluate ESA requests, ensuring decisions are made consistently, individually, and in accordance with applicable federal and state law.

2 Overview and Institutional Authority

- 2.1 Lander University provides access to university housing in accordance with applicable federal and state law. Consistent with the Fair Housing Act (FHA), the university may consider requests for ESAs as reasonable housing accommodations for students with qualifying disabilities.
- 2.2 This policy applies exclusively to ESA in university-owned or university operated housing. This policy does not apply to service animals, which are governed separately under the Lander University Service Animal Policy and the Americans with Disabilities Act Amendments Act (ADAAA).
- 2.3 No animal may be present in university housing as an ESA until the student has completed the full approval process and received written authorization. The presence of an unauthorized animal in university housing constitutes a violation of university policy and may result in conduct action and removal of the animal.

- 2.4 Lander University reserves the right to amend, revise, or rescind this policy at any time to ensure compliance with applicable law and institutional requirements. Nothing in this policy expands rights beyond those required by law.

3 Legal Framework

- 3.1 The presence of an ESA in university housing is considered a housing accommodation under the Fair Housing Act. All general rules, standards, and procedures applicable to housing accommodations apply equally to ESA requests.
- 3.2 This policy is informed by federal law, applicable South Carolina statutes, and relevant guidance issued by state and federal agencies.

4 Definitions

- 4.1 **Emotional Support Animal (ESA):** An emotional support animal is an animal approved as a reasonable accommodation that is necessary to afford a student with a disability equal opportunity to use and enjoy university housing. ESAs are not service animals and are not required to be trained to perform specific tasks.
- 4.2 **Owner:** The student who has been approved to keep an ESA in university housing as a disability-related accommodation.
- 4.3 **Office of Student Accessibility & Testing Services (OSATS):** The university office responsible for evaluating disability-related accommodation requests, including requests for ESAs.
- 4.4 **Zoonotic Disease:** Defined by the World Health Organization as “an infectious disease that has jumped from a non-human animal to humans.”
- 4.5 **Licensed healthcare provider:** Includes physicians, psychiatrists, psychologists, counselors, nurse practitioners, and other appropriately licensed professionals.

5 Scope and Limitations of Approval

- 5.1 The presence of an ESA is approved solely as a housing accommodation.
- 5.2 ESAs are permitted in university housing only within the owner’s assigned residential living space.
- 5.3 ESAs are not permitted in other campus buildings or facilities, including but not limited to classrooms, libraries, dining facilities, laboratories, athletic facilities, or

offices, unless a separate approval has been granted under a different accommodation process.

- 5.4 Dogs and cats are the most commonly approved ESAs. Other species may be considered on an individualized basis, subject to the criteria outlined in this policy.

6 Three-step Approval Process

- 6.1 Approval of the presence of an ESA is determined through a three-step analysis:

- 6.1.1 **Step 1 - Disability Verification:** The requesting student must establish that they have a qualifying disability under the Fair Housing Act.
- 6.1.2 **Step 2 - Disability-Related Need (Nexus):** The requesting student must demonstrate that the specific animal is necessary to afford equal access to university housing. Approval is based on documentation of functional impact and necessity rather than personal preference, convenience, or generalized benefit.
- 6.1.3 **Step 3 - Housing Accommodation Review:** If Steps 1 and 2 are satisfied, Lander University OSATS staff will conduct a housing review to determine whether the approved ESA can be reasonably accommodated within the requesting student's current housing assignment. This review may consider space limitations, containment requirements, health or safety concerns, and the impact on roommates or suitemates.

- 6.2 Approval of an ESA does not guarantee approval of the animal in a specific room assignment. Housing adjustments, including relocation of the student or reassignment of housing, may be required to reasonably accommodate the ESA.

7 Request Procedure

- 7.1 Submission requirements:

A students requesting an ESA must submit the following to OSATS:

- 7.1.1 A completed ESA Intake Form
Intake forms can be found in *myLander* by opening the Student Dynamic Forms card and selecting Available Forms.
- 7.1.2 Documentation from a licensed healthcare provider acting within the scope of their professional licensure and whose professional relationship with the student provides a reliable basis for assessing the student's disability-related need for an ESA, that:

- 7.1.2.1 Is written on official letterhead and signed.
- 7.1.2.2 Includes the provider's name, license number, and contact information.
- 7.1.2.3 Verifies the existence of a qualifying disability under the FHA.
- 7.1.2.4 Establishes a disability-related need for the specific animal.
- 7.1.2.5 Provides a professional determination that the ESA is necessary to afford equal access to university housing.
- 7.1.3 Documentation obtained from online letter-for-hire services, animal registries, or certification websites will not be accepted.
- 7.1.4 Documentation by a licensed veterinarian demonstrating that:
 - 7.1.4.1 The ESA is in good health.
 - 7.1.4.2 The ESA's vaccinations are current.
 - 7.1.4.3 The ESA is at least one (1) year of age.
 - 7.1.4.4 A dog and cat ESA has been spayed or neutered unless medically contraindicated.
- 7.2 Provider verification:

OSATS may send a verification form directly to the provider to confirm submitted information.
- 7.3 Intake meeting:

Upon receipt of complete documentation, the requesting student will participate in an intake meeting with Lander University OSATS staff to review policy requirements, timelines, and owner responsibilities.
- 7.4 Written determination:

The requesting student will receive written notification of approval or denial from Lander University OSATS staff.
- 7.5 Housing agreement:

If approved, the requesting student must:

- 7.5.1 Meet with Residence Life staff
- 7.5.2 Execute and annually renew the ESA Housing Agreement prior to the start of each academic year.
- 7.5.3 Comply with all conditions of this policy
- 7.6 Requests submitted after the start of an academic term may not be accommodated until the following term of residence.

8 Approval Criteria and Considerations

- 8.1 Requests for the presence of an ESA are evaluated on an individual basis. Lander University OSATS staff may deny a request if the ESA:
 - 8.1.1 Is incompatible with the assigned living space due to size or containment limitations.
 - 8.1.2 Presents a documented or reasonably foreseeable risk to the health or safety of others.
 - 8.1.3 Cannot be accommodated due to allergies or substantial concerns of roommates or suitemates.
 - 8.1.4 Is not housebroken or cannot live safely in a shared residential environment.
 - 8.1.5 Poses a risk of zoonotic disease or escape from containment.
 - 8.1.6 Has a history of aggressive or disruptive behavior.
 - 8.1.7 Is likely to cause substantial property damage.
 - 8.1.8 Cannot be adequately controlled by the owner.
- 8.2 Lander University is not required to accept ESAs that present a speculative, unsupported, or unquantifiable risk.
- 8.3 Only one ESA may be approved per student, and only one ESA is permitted per housing unit. Special approval may be considered through the Office of Housing and Residence Life to have more than one ESA per housing unit.

9 Animal Control and Containment

9.1 The ESA owner must:

- 9.1.1 Comply with all applicable federal, state, county, and local laws and ordinances.
- 9.1.2 Maintain animal welfare consistent with applicable law.
- 9.1.3 Ensure that the ESA's vaccinations remain current.
- 9.1.4 Properly clean and dispose of animal waste.
- 9.1.5 Prevent the ESA from creating excessive noise, odors, or other disruptions.
- 9.1.6 Accept financial responsibility for damage caused by the ESA beyond normal wear and tear.
- 9.1.7 Cooperate with university personnel regarding inspections or housing needs.
- 9.1.8 Notify OSATS in writing if the ESA is no longer in residence.
- 9.1.9 Submit a new request for approval prior to introducing a different ESA.
- 9.1.10 Identify an emergency contact capable of removing the ESA if required.

- 9.2 University personnel are not responsible for the care or supervision of ESAs. In emergency situations, emergency personnel will determine whether evacuation of an ESA is feasible.

10 Fees and Charges

- 10.1 No additional housing fees or pet deposits will be charged for an approved ESA. Owners may be charged for repair, cleaning, or replacement costs attributable to the ESA.
- 10.2 If an ESA is removed or voluntarily withdrawn, the student remains financially responsible under the housing contract.

11 Removal of an ESA

- 11.1 Lander University OSATS staff may require removal of an ESA if:

- 11.1.1 The ESA poses a direct threat to health or safety.
- 11.1.2 The ESA causes substantial property damage.
- 11.1.3 The ESA is not properly controlled or housebroken.
- 11.1.4 The ESA's owner fails to comply with the responsibilities outlined in this policy.
- 11.1.5 The ESA creates significant disruption to the residential community.

11.2 Removal decisions regarding an ESA are based on documented behavior and are made in consultation with the Director of student accessibility & testing services. The burden is on the student to demonstrate continued compliance.

11.3 When appropriate, the student may be afforded a reasonable opportunity to address identified concerns prior to removal of an ESA.

12 Appeals

12.1 Students may appeal ESA determinations or removal decisions through the OSATS appeal process. A student wishing to appeal an ESA-related determination or removal decision should contact the director of student accessibility and testing service. If a student requests an appeal, the Director of Student Accessibility and Testing Services will send an email to the student's Lander University email address within 24 hours of receiving the appeal request. The email will provide information regarding the appeal process and next steps.

13 Non-retaliation

13.1 Retaliation against any individual for requesting or using an accommodation under this policy is prohibited, as defined by applicable law.

14 Policy Revision History

- First draft of policy created by the Director of Accessibility and Testing Services on 2/13/2026.
- Stakeholder review and provisional approval of policy on 7/23/2026.
- Final revisions applied by Policy Coordinator on 8/7/2026.
- Reviewed by Board of Trustees Policy Committee on 8/11/2026.
- Approved by the Lander University Board of Trustees on 9/1/2026.