

LANDER UNIVERSITY EMOTIONAL SUPPORT ANIMAL (ESA) POLICY

Effective Date: February 16, 2026

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.

I. Overview and Institutional Authority

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 Emotional Support Animals (ESAs) as reasonable housing accommodations for students with qualifying mental disabilities.

This policy applies exclusively to Emotional Support Animals in University-owned or operated housing. It 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).

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.

II. Legal Framework

Emotional Support Animals are considered a housing accommodation under the Fair Housing Act. All general rules, standards, and procedures applicable to housing accommodations apply equally to ESA requests.

This policy is informed by federal law, applicable South Carolina statutes, and relevant guidance issued by state and federal agencies.

III. Definitions

A. 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.

B. Owner

The student who has been approved to keep an ESA in University housing as a disability-related accommodation.

C. Office of Student Accessibility & Testing Services (OSATS)

The University office responsible for evaluating disability-related accommodation requests, including ESAs.

IV. Scope and Limitations of Approval

- ESAs are approved solely as a housing accommodation.
- ESAs are permitted only within the Owner's assigned residential living space.
- 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 separate approval is granted under a different accommodation process.
- 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.

V. Three-Step Approval Process

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

Step 1: Disability Verification:

The student must establish that they have a qualifying disability under the Fair Housing Act.

Step 2: Disability-Related Need (Nexus):

The 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, not personal preference, convenience, or generalized benefit.

Step 3: Housing Accommodation Review:

If Steps 1 and 2 are satisfied, the University will conduct a housing review to determine whether the approved ESA can be reasonably accommodated within the student's current housing assignment. This review may consider space limitations, containment requirements, health or safety concerns, and the impact on roommates or suitemates.

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.

VI. Request Procedure

A. Submission Requirements: Students requesting an ESA must submit the following to OSATS:

1. A completed ESA Intake Form
Intake forms can be found in myLander by opening the **Student Dynamic Forms** card and selecting **Available Forms**.
2. Documentation from a Licensed Mental Health Provider that:
 - Is written on official letterhead and signed
 - Includes the provider's name, license number, and contact information
 - Verifies the existence of a qualifying disability under the FHA
 - Establishes a disability-related need for the specific animal
 - Provides a professional determination that the ESA is necessary to afford equal access to University housing

Documentation obtained from online letter-for-hire services, animal registries, or certification websites will not be accepted.

3. Veterinary Documentation demonstrating:
 - The animal is in good health
 - Vaccinations are current
 - The animal is at least one (1) year of age
 - Dogs and cats are spayed or neutered unless medically contraindicated

B. Provider Verification: OSATS may send a verification form directly to the provider to confirm submitted information.

C. Intake Meeting: Upon receipt of complete documentation, the student will participate in an intake meeting to review policy requirements, timelines, and Owner responsibilities.

D. Written Determination: The student will receive written notification of approval or denial.

E. Housing Agreement: If approved, the student must:

- Meet with Residence Life staff
- Execute the ESA Housing Agreement
- Comply with all conditions of this policy

Requests submitted after the start of an academic term may not be accommodated until the following term of residence.

VII. Approval Criteria and Considerations

ESA requests are evaluated on an individualized basis. The University may deny a request if the animal:

- Is incompatible with the assigned living space due to size or containment limitations.
- Presents a documented or reasonably foreseeable risk to the health or safety of others.
- Cannot be accommodated due to allergies or substantial concerns of roommates or suitemates.
- Is not housebroken or cannot live safely in a shared residential environment.
- Poses a risk of zoonotic disease or escape from containment.
- Has a history of aggressive or disruptive behavior.
- Is likely to cause substantial property damage.
- Cannot be adequately controlled by the Owner.

The University is not required to accept animals that present speculative, unsupported, or unquantifiable risk.

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.

VII. Animal Control and Containment

- ESAs must remain within the Owner's private residential living space.
- When the Owner is not present, the ESA must be confined in an appropriate crate or cage.
- The University reserves the right to inspect crates, cages, or containment areas.
- ESAs must be under the Owner's control at all times when outside the room, including by leash, harness, or carrier.

ESAs may not be left overnight in University housing when the Owner is not present. ESAs **may not** be cared for by roommates, guests, or other individuals.

IX. Owner Responsibilities

The Owner must:

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

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.

X. Fees and Charges

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 animal.

If an ESA is removed or voluntarily withdrawn, the student remains financially responsible under the housing contract.

XI. Removal of an ESA

The University may require removal of an ESA if:

- The animal poses a direct threat to health or safety.
- The animal causes substantial property damage.
- The animal is not properly controlled or housebroken.
- The Owner fails to comply with responsibilities outlined in this policy.
- The animal creates significant disruption to the residential community.

Removal decisions are based on documented behavior and made in consultation with the Director of Student Accessibility & Testing Services. The burden is on the student to demonstrate continued compliance.

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

XII. Appeals

Students may appeal ESA determinations or removal decisions through the OSATS appeal process. Appeal instructions will be provided in writing.

XIII. Non-Retaliation

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