



University Policy

COVID-19 Vaccination Mandate

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| Topic: | COVID-19 Vaccination |
| Approval Authority: | President |
| Approval Date: | September 1, 2021 |
| Effective Date: | September 7, 2021 |
| Last Revised: | New |

Preamble

Throughout the pandemic, York has prioritized the health and safety of University Community Members and those of our neighboring communities in our planning and actions. The COVID-19 landscape is evolving as emerging variants of concern and rising infection rates in the province mark the beginning of the 2021 to 2022 academic year. The post-secondary sector has received a strong recommendation from the [Council of Ontario Medical Officers of Health](#) (COMOH) to require mandatory vaccination for all Persons seeking Access to campus or to otherwise participate in In-person activities. This Policy conforms to the COMOH recommendation and aligns with the *Instructions* issued by the *Chief Medical Officer of Health of Ontario* and the *Postsecondary Education Health Measures Framework for Fall 2021* published on August 31 by the *Ministry of Colleges and Universities of Ontario*.

The strong recommendations from COMOH align with endorsements from [Toronto Public Health](#) for post-secondary institutions to consider “policy measures to optimize vaccination coverage rates” among University Community Members.

The recommendations of public health authorities are necessary to maintain a safe and healthy work and learning environment. As recognized by key national, provincial, and municipal public health leaders, vaccination is the most powerful tool we have to protect ourselves and our communities from COVID-19.

As of September 7, York will require all Persons who seek Access to campus or to otherwise participate in In-person activities this fall to provide Proof of vaccination against COVID-19, subject to substantiated medical and human rights exemptions, in accordance with all applicable laws and regulations. York’s mandatory vaccination requirements are in addition to existing and future health and safety measures that must be observed on York’s campuses.

There may be some University Community Members who have not been Fully Vaccinated as of the date this policy takes effect and University Community Members will therefore have an opportunity until October 18, 2021, to become Fully Vaccinated. Individuals who are not Fully Vaccinated before October 19 will be required to submit proof of negative COVID-19 tests in a manner and at a frequency to be determined by York.

As of October 19, University Community Members attending our Campus in person must be Fully Vaccinated or have received an exemption.

1. Purpose

- 1.1 To take reasonable precautions to protect and keep safe students, faculty, instructors, staff, volunteers and Guests at York by adopting measures to help limit the spread of the Coronavirus and the occurrence of COVID-19.
- 1.2 To define and prescribe a COVID-19 vaccination mandate at York and alternate requirements for University Community Members who are in the process of becoming Fully Vaccinated or who are Unvaccinated due to a substantiated medical and human rights exemption.
- 1.3 Inform all Persons of their rights and responsibilities regarding the York University COVID-19 vaccination mandate.

2. Authority, Scope and Application

- 2.1 This Policy is enacted by the President of York University under the authority of subsection 13 of the York University Act (1965).
- 2.2 This Policy applies to Persons aged 12 years or older who seek Access to Campus for the purpose of work, study, research, athletics, living in University-operated undergraduate student residence, performance of contracts (see further information in 4.8), access to - or provision of - services, or Persons who otherwise seek to participate in In-person activities.

3. Definitions

In this policy,

“Access to campus” means attending on a campus in person for work, study, research, athletics, living in University-operated undergraduate student residence, performance of contracts or access to - or provision of - services.

“Campus” means all facilities operated and controlled by York in the Province of Ontario, including buildings, instructional spaces, and University-operated undergraduate student residences. Spaces not operated or controlled by York, including spaces on York’s campuses under the control of a third party, are excluded from this definition of Campus.

“Contractor” means an individual or business that works or operates on Campus under contract with York.

“Coronavirus” means the Severe Acute Respiratory Syndrome Coronavirus SARS-CoV-2 virus as officially named by the WHO in the *International Classification of Diseases*¹.

“COVID-19” means the disease caused by the Coronavirus.

“COVID-19 test” means a COVID-19 test recognized by the Government of Ontario or the Government of Canada.

“Fully Vaccinated” means having received the completed series of a Vaccine. An individual is considered Fully Vaccinated 14 days after receiving their completed dose.

“Guest” means an individual aged 12 years and older who is not a University Community Member who has been invited by York to attend on Campus or to participate in In-person activities.

“In-person activities” means University-organized or University-sanctioned activities occurring in person on-Campus or off-Campus.

“Person” means a University Community Member, Contractor, or Guest.

“Proof of vaccination” means a vaccination record, receipt, or certificate.

“University Community Member” means all students, staff, Faculty, instructors, volunteers, and members of a governing body of York University.

“Unvaccinated” means an individual who

- a. has confirmed to York their Vaccination status that indicates they are not Fully Vaccinated, or
- b. has been exempted under section 5, or
- c. has not confirmed to York their Vaccination status nor submitted Proof of Vaccination by October 19, 2021.

“Vaccination status” means being either Fully Vaccinated, partially vaccinated, or Unvaccinated.

“Vaccine” means a vaccine approved by Health Canada² or the WHO.

“WHO” means the World Health Organization.

¹ <https://www.who.int/standards/classifications/classification-of-diseases>

² <https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/vaccines.html>

“York” means York University and its affiliates.

4. Vaccination Mandate

- 4.1 York requires that all Persons who seek Access to campus or to otherwise participate in In-person activities provide Proof of vaccination or exemption based on a substantiated medical or human rights ground.
- 4.2 **Effective September 7, 2021**, University Community Members seeking Access to Campus or to otherwise participate in In-person activities must provide York with Proof of vaccination or apply for an exemption.
- 4.3 York will make available to all University Community Members, Contractors and Guests an educational session about
 - a) how COVID-19 vaccines work,
 - b) vaccine safety related to the development of the COVID-19 Vaccines,
 - c) the benefits of COVID-19 vaccination,
 - d) risks of not being vaccinated against COVID-19, and
 - e) possible side effects of COVID-19 vaccination.
- 4.4 York will be providing support and access to vaccine clinics (as available) to encourage the uptake of Vaccines. A University Community Member may wish to consult with their healthcare provider before receiving a Vaccine.
- 4.5 **Between September 7, 2021, and October 18, 2021 (inclusive)**, York will require University Community Members who have not submitted Proof of vaccination including those exempted pursuant to section 5, to provide proof of negative COVID-19 tests in a manner and at a frequency to be determined by York, which must be at least once every seven days at a minimum. Such University Community Members may also be required to comply with additional health and safety measures that York deems necessary.
- 4.6 **Effective October 19, 2021**, no Person will be permitted Access to campus or to otherwise participate in In-person activities unless they:
 - (a) Have provided to York Proof of vaccination; or
 - (b) Have been granted an exemption or accommodation by York or are awaiting a decision from York with respect to an exemption or accommodation request pursuant to section 5 of this Policy; and are complying with any additional requirements under section 4.5. York will require a person who has been granted an exemption or is awaiting a decision with respect to an exemption to provide proof of negative COVID-19 tests in a

manner and at a frequency to be determined by York, which must be at least once every seven days at a minimum.

- 4.7 A University Community Member are expected to uphold York's ongoing commitment to accessibility, equity, and inclusion. Other than the staff tasked with implementing this Policy, University Community Members should not enquire about someone else's Vaccination status or their reasons for being Fully Vaccinated or not, nor should they engage in any reprisal against someone else on that basis.
- 4.8 This Policy does not apply to a Contractor that
- a. controls or operates a space on Campus not accessible by University Community Members, other than a York staff who may access the space to assess or assist performance of a contract; and
 - b. implements a COVID-19 vaccination policy and appropriate health and safety requirements.

Where a Contractor does not implement a COVID-19 vaccination policy and appropriate health and safety requirements, the Contractor must comply with this Policy and ensure that they and their employees are Fully Vaccinated prior to Access to campus.

Where a Contractor or its employees access a space on Campus that it does not control or operate, that Contractor and its employees are subject to this Policy.

- 4.9 A Guest may be granted Access to campus providing they
- a. are invited by York to participate in In-person activities, and
 - b. in specific cases authorized by York at least one week prior to the date for which Access to campus is being requested, provide proof of negative COVID-19 tests in a manner and at a frequency to be determined by York and comply with such other requirements as York may deem necessary.
- 4.10 A University Community Member who works or has a placement in a space operated by another organization is required to comply with this Policy in addition to the requirements of the other organization.
- 4.11 A University Community Member participating in In-person activities occurring outside Canada such as international programs or activities will undertake all reasonable efforts to comply with this Policy and may be subject to additional local public health and safety requirements and laws.

- 4.12 York may from time-to-time designate spaces on Campus that are subject to additional health and safety requirements.

5 Exemption and Accommodations

A University Community Member who cannot be Fully Vaccinated on a substantiated medical or human rights ground may request an exemption and will be accommodated to the point of undue hardship. A University Community Member who is awaiting a decision with respect to an exemption request must comply with any additional requirement under section 4.5.

6 Compliance

- 6.1 University Community Members who do not comply with the requirements of this Policy or any procedure enacted under it may be subject to remedial actions and consequences, complaint and disciplinary procedures and other actions under applicable University policy, processes, or collective agreements.
- 6.2 Consequences will be determined based on the nature of the contravention and may include, as appropriate: withdrawal of Access to campus, prohibition from participating in In-Person activities, and discipline under the *Code of Student Rights and Responsibilities*, and/or the relevant collective or employment agreement, processes and policies.
- 6.3 Contravention by a University Community Member of this Policy involving falsification of Proof of Vaccination, test results, or other documents required under this Policy will be subject to discipline.

7 Confidentiality and protection of personal information

- 7.1 Personal information is collected under the authority of the *York University Act, 1965* for the purposes of administering York's COVID-19 vaccination requirement for Persons that seek Access to campus and will be stored in accordance with the *Policy on Access to Information and Protection of Privacy*³.
- 7.2 As per the Instructions of the Chief Medical Officer of Health of Ontario, York will collect and maintain statistical information including the number of persons that provided proof of being Fully Vaccinated against COVID-19, the number of persons that provided a documented medical reason for not being Fully Vaccinated against COVID-19 and the total number of persons to whom the Instruction applies and disclose such information to the Ministry of Colleges and Universities of Ontario ("Ministry") in the manner and within the timelines specified by the Ministry. York may provide additional detail within the statistical information as requested by the Ministry.

³ <https://www.yorku.ca/secretariat/policies/policies/access-to-information-and-protection-of-privacy-policy-on/>

8 Complaints

Complaints under this Policy will be submitted, assessed, and resolved under existing policies, regulations, procedures, processes, or collective agreements in effect at York.

9 Roles and Responsibilities

The Vice-President Equity, People and Culture (VPEPC) is responsible for the implementation of this Policy. The VPEPC may designate individuals responsible for the implementation of this Policy and may publish related requirements and procedure for the implementation of this Policy.

10 Duration and review

10.1 From time to time, this Policy may be updated, as warranted by public health guidance or other changing circumstances. At all times, York will be guided by public health information, legislative requirements, and its existing obligations under, the *Occupational Health and Safety Act*, the *Ontario Human Rights Code* and other applicable law.

10.2 This Policy will be reviewed no later than December 1, 2021.

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| Legislative history: | New |
| Date of next review: | December 1, 2021 |
| Policies superseded by this policy: | None |
| Related policies, procedures and guidelines: | Code of Student Rights and Responsibilities Healthy Workplace Policy Policy on Access to information and Protection of Privacy Human Rights Policy |