UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Mary Gauvain
Telephone: (510) 987-0887
Email:mary.gauvain@ucop.edu

Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

May 28, 2021

SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL

Re: Proposed SARS-CoV-2 (COVID-19) Vaccination Program Policy

Dear Susan,

As requested, I distributed for systemwide Senate review the proposed SARS-CoV-2 (COVID-19) Vaccination Program Policy. All ten Academic Senate divisions and two systemwide committees (UCFW and UCPT) submitted comments. These comments were discussed at Academic Council's May 26 meeting and are attached for your reference.

We understand that the proposed policy would require students, faculty, academic appointees, and staff who access campus facilities at any UC location beginning in fall 2021 to be immunized against SARS-CoV-2, the virus that causes COVID-19. The policy allows for exceptions based on religious belief and medical conditions.

The Senate strongly supports a University-wide vaccine mandate. Given the continuing risks associated with the virus and the demonstrated effectiveness of the vaccines currently under FDA emergency use authorization, a mandate will advance the public health imperative to control the virus. This action, in turn, supports the University's plan to safely reopen campuses and resume normal teaching and research activities in fall 2021.

Notwithstanding this overwhelming support, Senate groups also raised serious concerns about specific elements of the policy and its implementation. I will summarize several of these concerns below, and strongly we encourage you to review the detailed comments from the Senate divisions and committees for additional information.

First, many reviewers are concerned that the policy is unclear about the scope of the mandate and its implementation and enforcement. Of particular concern is that important aspects of the policy are more equivocal than what is needed or useful. While we appreciate efforts to be flexible and accommodating, too much flexibility could backfire, undermining the effectiveness of the policy and the safe reopening of campuses. The Council would like the policy to have a stronger and more definitive position on the mandate and the consequences of non-compliance. This would include stating that the University will prohibit unvaccinated campus members from in-person access to University facilities or programs, except in the rare cases for which there is an

acceptable and certified exemption and protective measures are in place and monitored closely, including non-pharmaceutical intervention (NPI) use and regular COVID testing. In addition, the policy should extend the mandate to contractors, volunteers working on campus, human subject research participants, and other visitors. This will send a strong signal to students, faculty, staff, and other community members that the vaccine is an important prerequisite for participating in campus life.

Rather than delay implementation until the FDA fully licenses the vaccines, we also believe that the University should consider implementing and enforcing the mandate on an earlier timeline. Doing so will eliminate uncertainty and increase faculty, students, and staff confidence about returning safely to UC campuses this summer and fall. That said, there is a lack of detail regarding who will enforce the policy on the campuses and what the consequences will be for non-adherence. More specifically, what enforcement mechanisms, and follow-up actions, will be in place related to the use of personal protective equipment and physical distancing, as well as regular COVID diagnostic testing for exempt individuals?

Another concern identified by Senate groups is the policy's religious exemption, which faculty found to be unnecessarily broad and prone to misuse. We understand that under Title VII, the University is not required to provide a religious exemption or other accommodation when it would pose undue hardship to the University or a direct threat to the health and safety of others. The hardship, as well as health and safety considerations, are relevant in this case. While we do not know what campuses will need to do to address and limit this exemption, the Senate considers it necessary to pursue. Similarly, the scope of medical exemptions should be more clearly defined and narrowed as much as possible and include only valid medical conditions recognized by the CDC and the FDA. It is also not clear in the policy who reviews and makes the determination about requests for medical and religious exemptions, and the criteria for review should be provided. The policy also suggests that campus personnel who are granted a religious or medical exception could choose their own NPI. The policy should state that NPI use is not up to the employee, but will be based on the demands of the job and require approval by the supervisor. Also, after a mask requirement is lifted for vaccinated individuals, will those granted an exemption still need to wear a mask, and if so, how will adherence be implemented and enforced?

Many reviewers emphasized that the University is not obligated to offer unvaccinated individuals, with or without an exemption, accommodation to participate in activities remotely. Consistent with Academic Council's *Systemwide Guidelines and Recommendations for Campus Re-openings*[1] supported by President Drake, it is imperative that campuses should not require faculty to accommodate unvaccinated students with dual mode instruction. Nor should there be any role for faculty in policing the vaccination status of students. We anticipate that many students may request an accommodation to take classes online. While some of these requests will have a legitimate basis in a medical or religious issue, others are likely to be based on the convenience of the online format. However, teaching a course in dual mode is a hardship for faculty and the University, and for students themselves, and should not be considered a reasonable accommodation. The process for responding to student requests should be rigorous, and exceptions granted minimally.

[1] https://senate.universityofcalifornia.edu/_files/reports/senate-recommendations-fall-reopening.pdf

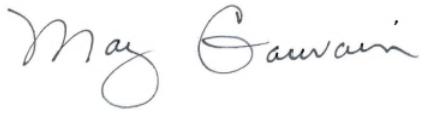
Senate reviewers suggest the policy should offer clearer guidance about how the mandate will apply to international students who receive a vaccine in their home country, and which international vaccines the University will accept. It should also address processes for students and personnel who do not have a copy of their vaccination card; the requirement for booster shots if they become necessary; and whether one or both doses of the vaccine must be obtained prior to returning to campus. The Senate is also concerned that undocumented students and other groups may have difficulty securing a vaccine or obtaining full documentation of vaccination. We are uncertain what the University should or can do in this situation, but we want to draw attention to it as the vaccine mandate policy is finalized.

Regarding proof of vaccination, Senate members would like more clarity about what type of proof will be required on the campuses, the process by which people will verify they have received the vaccine, and what will happen if the requisite verification is not available. This process necessarily brings up the issue of privacy. Notwithstanding the strong support for a vaccine mandate, the Senate also supports strong privacy protections for students and employees around their health information and vaccination status, and urges the University to avoid actions that would stigmatize those who decline the vaccine or are given an exemption. Will faculty be informed if there are students, staff, or colleagues who are not vaccinated in their work areas, classes, laboratories, or performance spaces? The identity of these individuals need not be disclosed, but faculty need to be able to protect themselves. We understand how important it is to adhere to evidence-based decision making grounded in science, but we should not disregard the real fears and concerns people have about vaccines in general and these vaccines in particular. Given the recent data breach, there are also concerns about the security of personal medical information that campus members will be asked to provide.

Finally, we emphasize that campuses will need additional resources to support the verification and enforcement of the vaccine mandate. We look forward to continued robust Senate involvement in campus re-opening discussions and decisions, including what types of COVID-19-related accommodations are reasonable and/or legally required.

We appreciate the opportunity to comment. Please do not hesitate to contact me if you have additional questions.

Sincerely,



Mary Gauvain, Chair
Academic Council

cc: Deputy General Counsel Nosowsky
Academic Council
Senate Directors
Executive Director Baxter

Encl.

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

May 24, 2021

MARY GAUVAIN
Chair, Academic Council

Subject: Systemwide Review of SARS-CoV-2 (COVID-19) Vaccination Program

Dear Chair Gauvain:

On April 26, 2021, I sent out the proposed policy, *SARS-CoV-2 (COVID-19) Vaccination Program* to the Council of the Berkeley Division (DIVCO). We usually disseminate systemwide review items to the appropriate committees, and have a discussion and vote at a DIVCO meeting. Due to the shorter review period and the timing at the end of our semester, we collected comments via email, which are summarized below.

Overall, the Berkeley Division strongly supports a vaccine mandate, and endorses the broad strategy proposed in the document. We have some minor suggestions:

We oppose a mandatory online or in-person training since it is costly, time-consuming, and unproductive. Information should be limited to written information that can be disseminated electronically.

The answer to FAQ #10 is unclear. The question asks "Does this policy apply to X?" and the answer is "X will be asked to participate." Does that mean "X will be required to participate" or does it mean "X will be asked to participate but are not required to"?

We would appreciate more clarity about what should happen when students don't have a copy of their vaccination card; what process will apply if boosters become necessary to deal with variants, and how to address international students who received vaccines in their home country.

Finally, according to F.1, individuals who choose not to get the vaccine "may be prohibited from in-person access to University Facilities or Programs, including University housing." Additional language should be included indicating that the University is under no obligation to accommodate these individuals' remote participation in University activities.

Thank you for the opportunity to comment.

Sincerely,

Jennifer Johnson-Hanks
Professor of Demography and Sociology
Chair, Berkeley Division of the Academic Senate

cc: Ronald Cohen, Vice Chair, Berkeley Division of the Academic Senate

UNIVERSITY OF CALIFORNIA, DAVIS

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May 24, 2021

Mary Gauvain
Chair, Academic Council

RE: Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

Dear Mary,

The proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program was forwarded to all standing committees of the Davis Division of the Academic Senate. Ten committees responded: Faculty Welfare (FW), Graduate Council (GC), Planning and Budget (CPB), Undergraduate Council (UGC), and the Faculty Executive Committees of the College of Agricultural and Environmental Sciences (CAES), the College of Biological Sciences (CBS), the Graduate School of Management (GSM), the School of Law (LAW), the School of Nursing (SON), and the School of Veterinary Medicine (SVM).

Committees support the policy and the requirement for vaccination. Committees also expressed several common recommendations and concerns.

First, certain policy language should be less equivocal. FW notes that the language in section III.E.3 states that campus members who fail to participate in the vaccination program "*may* [emphasis added] be prohibited from in-person access to University Facilities or Programs," which is inconsistent with the mandatory nature of the policy. The policy is also not specific about the consequences of being barred from campus access. Similarly, CBS and LAW both note that the medical exemptions are broad and vague. LAW urges the university to track the medical exemption rules recently codified in California Health & Safety Code § 120372. LAW also argues that the vaccination mandate should not be delayed until full FDA licensure: "While we understand that requiring vaccines that have only EUA approval is legally untested, many institutions of higher education are mandating COVID vaccination irrespective of whether the vaccines have full FDA licensure….Given the enormity of the public health crisis and the importance of getting as many people vaccinated as soon as possible, we urge the UC to join other institutions in taking a strong and clear stand regarding vaccination."

Second, it is unclear how the policy applies to international students who receive a vaccine in their home country that is not approved in the United States. In the "Vaccine Approval" policy on page 4, the policy only recognizes vaccines with US FDA licensure or authorization. UGC also raised concern about undocumented students, who could have a harder time providing vaccine documentation.

Third, given recent cybersecurity breaches, there is concern about the safeguards in place for vaccination health data. The university should have a deliberate and detailed discussion about the plans in place to protect health information and medical records.

Fourth, committees wonder how this policy fits into the broader context of instructional delivery and policies. FAQs 5 and 14 address this topic vaguely and put the onus on local disability services offices to handle these situations. However, the Davis Division believes that the Senate must continue to be involved in these discussions to determine what types of COVID-19-related accommodations are reasonable and/or legally required. Faculty Welfare provides hypothetical scenarios:

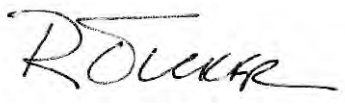
- Will faculty have to deliver dual-mode (in person and online) instruction if a student with a medical exemption to the policy feels it is too risky to attend in person?
- Are students who refuse to get vaccinated, and with no exceptions, entitled to demand an online version of everything offered?
- Are faculty, when faced with the fact that unvaccinated students will be in the room, entitled to insist on offering their course online rather than in person?
- Will immunocompromised faculty be given an option to teach remotely if there are students with exceptions and exemptions in the class?

While such questions may be outside the scope of the immediate policy and may apply to COVID-19-related accommodations more broadly, they are important questions for campuses and systemwide to resolve, likely with assistance of legal counsel.

Lastly, SON notes that section III.A.1 does not specify which units/departments on campuses or at the systemwide level will be responsible for disseminating vaccination educational information.

The Davis Division appreciates the opportunity to comment.

Sincerely,



Richard P. Tucker, Ph.D.
Chair, Davis Division of the Academic Senate
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

UCDAVIS: ACADEFMIC SENATE
FACULTY WELFARE COMMITTEE

May 12, 2021

Richard Tucker, Chair
Davis Division of the Academic Senate

RE: Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

Dear Professor Tucker,

The Faculty Welfare Committee reviewed and discussed the Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program. We found the policy itself to be reasonable and to address well the narrow issues it is concerned with. The language is mostly clear, except for the following.

- The policy uses imprecise, and potentially equivocating, language when talking about the consequences of not abiding by its mandates. Namely, the policy in page 8, III.E.3, states (emphasis added) "Any personnel, trainees, or students subject to this policy who fail to […] MAY be prohibited from in-person access to […] ." Using MAY there is inconsistent with the mandatory nature of the policy. We find the language in the FAQ, page 12, VII.12, much more appropriate for a mandatory policy, where it states (emphasis added) "Those who, following these efforts, fail to participate […] WILL BE BARRED from in-person access[…] ." fwc respon
- The policy is not specific about consequences following getting barred from campus. It should state clearly that the educational delivery of a course will not change if a student is banned, i.e., an online delivery will not be made available to banned students, unless one was already in place before their ban.

More broadly, we are concerned how this policy fits in the context of delivering instruction. In particular, what are our educational and employment policies going to look like with this policy in place, vis-a-vis individual needs, rights, and perceived risks? E.g., will faculty have to deliver dual-mode (in person and online) instruction if a student with a medical exemption to the policy feels it is too risky to attend in person? Are students who refuse to get vaccinated, and with no exceptions, entitled to demand an online version of everything offered? Are faculty, when faced with the fact that unvaccinated students will be in the room, entitled to insist on offering their course online rather than in-person? Will immunocompromised faculty be given an option to teach remotely if there are students with exceptions and exemptions in the class? And even if delivering instruction in a large classroom is perceived as being of low risk, the same may not apply to one-on-one interactions, like office hours. These and potentially other issues will need to be discussed in the broader context of this policy.

Regards,

Vladimir Filkov, Chair
Faculty Welfare Committee

UCDAVIS: ACADEMIC SENATE
GRADUATE COUNCIL COMMITTEE

TO: Richard Tucker, Chair, Davis Division of the Academic Senate

From: Dean Tantillo, Chair, Graduate Council Committee

RE: Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

Date: May 18, 2021

Dear Professor Tucker:

Graduate Council had the opportunity to review the Proposed Presidential Policy on SARS-CoV-2 (COVID-19) Vaccination Program. Although generally in support of the proposed policy, Graduate Council noted some confusion about how aspects of the policy will be implemented. For example, it is not clear how the policy would apply to international students who received a vaccine in their home country (e.g., AstraZeneca) that is not approved in the US. More clarification would be beneficial.

Sincerely,

Dean Tantillo
Chair, Graduate Council Committee

UCDAVIS: ACADEMIC SENATE
COMMITTEE ON PLANNING AND BUDGET

May 17, 2021

Richard Tucker
Chair, Davis Division of the Academic Senate

RE: Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

The Committee on Planning and Budget (CPB) has reviewed and discussed the Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program. Overall, CPB is supportive of the proposed policy, which they agree is appropriate and well designed. However, there were some questions about the logistics of providing the accommodations mentioned in the policy, specifically who (or which office) would be responsible for covering the costs of providing these accommodations. Currently, much of the financial burden for supporting accommodations is borne by departments or units. The committee therefore recommends that the policy include a mechanism for assessing the ongoing financial impact of accommodations as well as designate where funds for accommodations should be paid from. This designation should also include a final authority where departments or units could appeal for the provision of additional funds, should the granting of accommodations require financial support that exceeds the department or unit's budgetary means.

CPB appreciates the opportunity to comment.

UC DAVIS: ACADEMIC SENATE
UNDERGRADUATE COUNCIL

May 19, 2021

Richard Tucker
Chair, Davis Division of the Academic Senate

RE: Request for Consultation: Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

Dear Richard:

The Undergraduate Council (UGC) reviewed the Request for Consultation (RFC) of the Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program.

UGC endorses the proposal to require vaccinations. However, we do so with the caveat that a much more detailed and deliberate discussion be undertaken of how the University will safeguard all related health information shared by employees to comply with the policy.

UGC members did note, however, that the process for granting exceptions and how those decisions are going to be made is not totally clear from the policy and should be made transparent.

There was special concern for our undocumented students. It would be important to keep in mind in formulating a policy for exceptions that individuals who are undocumented and who have received the vaccine may not have full documentation to prove it.

Given the massive data breaches recently affecting the University, Members harbor grave concerns about the storage of this confidential data in administrative systems established for tracking and enforcement of the vaccination policy.

Thank you.

Katheryn Russ
Chair, Undergraduate Council

FACULTY EXECUTIVE COMMITTEE
COLLEGE OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
UNIVERSITY OF CALIFORNIA - DAVIS

May 03, 2021

Dr. Richard Tucker
Academic Senate Chair

RE: ***Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program***

We thank you for the opportunity to comment on the systemwide review of the presidential policy for a vaccination program.

The College of Agricultural and Environmental Sciences FEC highly supports the implementation of a program that requires vaccination for all members of the University of California system, including faculty, staff, and students. We agree that the University of California, as a public institution, should require all members of its community to obtain the COVID-19 vaccine.

The CA&ES FEC expresses concerns regarding the mandatory proof of vaccination for all members of the community to the Location Vaccination Authority as stated in the III Policy Text, Item 2. Given that the entire UC system has just suffered a massive cyberattack compromising names, addresses, social security numbers and bank accounts of its community members; this FEC requests extreme care to be exercised when maintaining the medical records of faculty, staff, and students.

Sincerely,

Jorge Rodrigues
Chair of the Faculty Executive Committee
College of Agricultural and Environmental Sciences

/bn

FACULTY EXECUTIVE COMMITTEE
COLLEGE OF BIOLOGICAL SCIENCES
UNIVERSITY OF CALIFORNIA, DAVIS

May 17, 2021

Richard Tucker
Chair, Division of the Davis Academic Senate

RE: Systemwide Review of Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program

The Faculty Executive Committee (FEC) of the College of Biological Sciences (CBS) has reviewed the proposed Presidential Policy SARS- CoV-2 (COVID-19) Vaccination Program.

The CBS FEC has no objections to the policy, which was viewed favorably by several committee members and considered to be essential for resuming in person activities in the fall.

A question arose concerning whether the policy should include more precisely defined criteria for granting Exception or Medical Exemption. For example, one would expect that a person with a documented medical condition (e.g. severe allergic reaction to vaccines) would be granted a Medical Exemption, but what are the other Exemptions and Exceptions? There was concern that, in the absence of clearly defined criteria, the university could be embroiled in litigation when the goal is to provide a safe environment for students, staff, and faculty.

Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

FEC: Graduate School of Management Committee Response

May 18, 2021

Date May 11, 2021

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program

The Graduate School of Management has reviewed the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. Based on the provided documentation, we have the following comment:

The GSM's FEC supports the proposed policy overall. However, there is one concern that we would like to raise: the proposed policy for Covid-19 vaccination program only recognizes Covid vaccine with a license from the US FDA or authorization by the CDC (under "Vaccine Approval", page 4). The policy does not recognize vaccines that are made available outside the United States, such as AstraZeneca, Sinovac, Sputnik V, Covishield, and others. Under the current proposal, international students coming to the UC might be asked to re-vaccinate with a US-approved vaccine which can lead to over-vaccination with unknown health implications.

Davis Division Committee Responses

Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

FEC: School of Law Committee Response

May 18, 2021

The law school faculty provided both individual comments and a collectively signed statement by several of the faculty (pasted below) to the proposed UCOP COVID-19 Vaccine Policy. Below is a summary of the comments and questions raised:

Comments related to the requirement of only mandating the vaccine with "full FDA approval":

If I understand correctly, **the "requirement" won't be enforced unless and until at least one vaccine gets "full FDA approval."** This non-enforcement rule threatens to gut the mandate, at least for the fall (and especially for us in August).

So the proposal is not a vaccination "requirement." It only states that vaccines ***might*** be required in the fall, ***depending*** on uncertain future events well beyond UC's control or current knowledge. As far as I know, there is no timeline for full FDA approval of any vaccine. Nor is there any apparent incentive for the FDA to grant full approval, since vaccination has been going ahead under the current emergency approvals. Full approval would probably only increase the possibility of litigation exposure from people with adverse reactions.

This article provides the simple version of the legal argument that vaccines under EUA can be mandated –

https://www.statnews.com/2021/04/05/authorization-status-covid-19-vaccine-red-herring-mandating-vaccination/

Comments on Religious exemptions:

The policy has a very vague and generous "religious" exemption that includes any "beliefs…which an individual sincerely holds." California had a similar "religious" exemption from vaccinations for primary and secondary students; it eliminated it in 2015 because of widespread abuse by "anti-vaxxers" (and, if I recall correctly, the Disneyland measles outbreak). https://www.cde.ca.gov/ls/he/hn/immunization.asp

Questions:

One question I have is whether we will have access to information about which students are unvaccinated. I would normally assume this information would be considered private health records, but I worry about the possibility of unknowingly bringing unvaccinated students into the local domestic violence shelter or in small conference rooms at the courthouse or clinic cottage for meetings with clients and their children.

I don't know as much about the labor side of it, but am I correct that maybe the policy for students and the policies for employees should be separate? I believe schools have much more control over students (eg. To enroll UC students must submit proof of MMR vaccine). With employees it is a more complicated calculation around ability to accommodate. The CA dept of labor has also issued this guidance if of interest.

https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf

Collective input from the law faculty to the proposed policy:

To: University of California Office of the President

From: The undersigned members of the faculty of the UC Davis School of Law

Re: Concerns regarding the draft UC COVID vaccination policy

Date: May 7, 2021

We write to express two concerns about the draft UC COVID vaccination policy:

1. Requirement of full FDA licensure. We are opposed to the position in the draft COVID vaccination policy that enforcement will be delayed until full FDA licensure. While we understand that requiring vaccines that have only EUA approval is legally untested, many institutions of higher education are mandating COVID vaccination irrespective of whether the vaccines have full FDA licensure. Here is a small sampling of policies from other public and private institutions, none of which is contingent on final FDA approval: Rutgers, UMass, Univ. of MD, Univ. of Rochester, Yale, Brown, Notre Dame. Given the enormity of the public health crisis and the importance of getting as many people vaccinated as soon as possible, we urge the UC to join other institutions in taking a strong and clear stand regarding vaccination. Moreover, given that the fall semester for the UC Davis School of Law begins in mid August, there is a possibility that full FDA approval will not occur prior to the start of our semester.

2. Broad and vague medical exemptions We are concerned about the breadth and vagueness of the medical exemptions included in the policy. We urge the UC to amend the exemptions in the policy to track the medical exemption rules recently codified at Cal. Health & Safety Code § 120372.

We do not take a position on the need for a religious exemption to a vaccination mandate.

Davis Division Committee Responses

Signed,

Titles and affiliations of signatories are provided for identification purposes only

Kelly Behre Lecturer and Director, Family Protection and Legal Assistance Clinic

Ashutosh Bhagwat Boochever and Bird Endowed Chair for the Study and Teaching of Freedom and Equality and Martin Luther King Jr. Professor of Law

Karrigan R. Bork Acting Professor of Law

Gabriel “Jack” Chin Edward L. Barrett Jr. Chair of Law, Martin Luther King, Jr. Professor of Law, and Director of Clinical Legal Education

William S. Dodge John D. Ayer Chair in Business Law and Martin Luther King Jr. Professor of Law

Christopher S. Elmendorf Martin Luther King Jr. Professor of Law

Katherine Florey Martin Luther King Jr. Professor of Law David Horton Professor of Law John Patrick Hunt Professor of Law

Lisa Ikemoto Martin Luther King Jr. Professor of Law

Irene Oritseweyinmi Joe Acting Professor of Law and Martin Luther King Jr. Hall Research Scholar

Elizabeth E. Joh Martin Luther King Jr. Professor of Law

Thomas W. Joo Martin Luther King Jr. Professor of Law

Courtney G. Joslin Martin Luther King Jr. Professor of Law

Carlton F.W. Larson Martin Luther King Jr. Professor of Law

Albert C. Lin Martin Luther King Jr. Professor of Law

Robert D. Mullaney Director, Aoki Water Justice Clinic

Menesh Patel Acting Professor of Law

Lisa R. Pruitt Martin Luther King Jr. Professor of Law

Alix Rogers Acting Professor of Law Shayak Sarkar Acting Professor of Law

Leticia Saucedo Martin Luther King Jr. Professor of Law

Clay Tanaka Legal Research and Writing Instructor Aaron Tang Professor of Law

Dennis J. Ventry, Jr. Professor of Law

Carter C. White Lecturer with Continuing Appointment

Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

FEC: School of Nursing Committee Response

May 18, 2021

Our FEC reviewed the proposed policy and shared the policy with our clinical faculty to seek additional input. Overall, we have concerns about logistics and understand that some of the details will need to be worked out in time. Nonetheless, the more clarity that can be offered up front, the our comments relate to logistics.

Pg 3 of 12 Students (iii): please clarify – do the leave-related points refer to PELP?

Pg 8 of 16 Information: please clarify – will this be responsibility of individual schools/departments or campus level and/or some combination of personnel departments and admissions?

Pg 9 of 16 Vaccine declination: please clarify – who tracks if there is declination on file, who is keeper of this information, what is notification process, and what is follow through process to inform departments (for personnel/trainees) and course instructors (for students), considering the University's position not to disclose this information. Also, we would appreciate more information about the "Location Vaccine Authority".

Pg 11 of 16 Top of page "3. …may be prohibited from in-person access to University…": please clarify this relates to missing deadline – it doesn't mean that we have discretion to waive this prohibition, correct?

Pg 13 of 16: Frequently Asked Questions 4.: please clarify - use of badge attachments, stickers, etc are at the sole discretion of individuals who wish to communicate they have received the vaccine.

Pg 14 of 16 Frequently Asked Questions 8. "Students should contact their faculty/instructors regarding minor illnesses or disability services to address any significant issues" – logistics of this process will need further detail.

Proposed Presidential Policy: SARS-CoV-2 (COVID-19) Vaccination Program

FEC: School of Veterinary Medicine Committee Response

May 18, 2021

The SVM FEC has reviewed the proposed policy, and consulted with the department chairs, and administrative leadership for the school and hospital, and no concerns were expressed.

University of California, Irvine

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www.senate.uci.edu

May 20, 2021

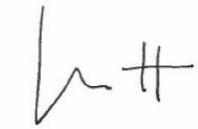
Mary Gauvain, Chair
Academic Council

Re: Systemwide Review of SARS-CoV-2 (COVID-19) Vaccination Program

Dear Chair Gauvain,

The Irvine Division has discussed the proposed SARS-CoV-2 (COVID-19) vaccination program. Cabinet members agreed with the assessments of the Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) and the Council on Teaching, Learning, and Student Experience (CTLSE), who also reviewed the proposed program. The CFW and CTLSE memos are enclosed for your review.

Sincerely,



Jeffrey Barrett, Chair
Academic Senate, Irvine Division

Encl: CFW and CTLSE memos

Cc: Joanna Ho, Chair Elect-Secretary
Kate Brigman, Executive Director
Gina Anzivino, Associate Director

University of California, Irvine

Academic Senate
Council on Faculty Welfare, Diversity & Academic Freedom
307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-7685
www.senate.uci.edu

May 14, 2021

JEFFREY BARRETT, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

Re: Systemwide Review of the SARS-CoV-2 (COVID-19) Vaccination Program

Systemwide Senate Chair Gauvain has forwarded for review the SARS-CoV-2 (COVID-19) Vaccination Program. The proposed policy would require students, faculty, academic appointees, and staff who are accessing campus facilities at any UC location beginning this fall to be immunized against SARS-CoV-2, the virus that causes COVID-19.

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) discussed this issue at its meeting on May 11, 2021 and members had the following comments:

1. Overall, members agreed that this is a reasonable policy and allows for reasonable accommodation. It will likely end up in litigation, but overall the policy makes sense for health and safety purposes.

2. The racial and ethnic differentials in vaccination rates that we observe among Americans in general suggest that Black African Americans and Latinx members of the UCI community will be disproportionately represented among those requesting "exceptions." It was suggested that the Office of Inclusive Excellence should also be consulted on this policy from that perspective.

3. It is not clear from the policy how those persons who choose not to be vaccinated, but don't have a valid excuse, will be accommodated, if at all. They won't be permitted to interact in person, but what will they be able to do? For example, will faculty be required to teach non-vaccinated students online?

4. The exception definition states “An Exception to the COVID-19 vaccine mandate based on a person’s sincerely held religious belief, practice, or observance, which includes any traditionally recognized religion as well as beliefs, observances, or practices, which an individual sincerely holds and which occupy in their life a place of importance parallel to that of traditionally recognized religions”. This seems to be open enough that anybody objecting vaccination may request an exception. So, mandatory vaccination doesn’t seem to be really mandatory.

5. Members questioned how the costs of testing those who have not been vaccinated or receive accommodations for the vaccine would be covered.

6. Last year we were required to take flu shot in the Fall. Is the plan to have the flu shot go together with the COVID-19 vaccine this year?

7. People with underlying medical conditions and those who are immunocompromised may have particular concerns on the safety of the vaccine. The CDC website shows more details and suggestions. I think it would be nice to include the CDC reference and some details for the potential groups of people who may have concerns.

8. There should be no expectations that faculty 'police' the vaccination status of students in classrooms, office hours, meetings, etc.

9. No faculty should be required (or expected) to deliver a dual modality course because one or more registered students have opted out of vaccination.

Sincerely,

Terry Dalton, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

C: Kate Brigman, Executive Director
Academic Senate

Gina Anzivino, Associate Director
Academic Senate

University of California, Irvine

Academic Senate
Council on Teaching, Learning & Student Experience
307 Aldrich Hall
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May 12, 2021

JEFFREY BARRETT, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

Re: Systemwide Review of the SARS-CoV-2 (COVID-19) Vaccination Program

Systemwide Senate Chair Gauvain has forwarded for review the SARS-CoV-2 (COVID-19) Vaccination Program. The proposed policy would require students, faculty, academic appointees, and staff who are accessing campus facilities at any UC location beginning this fall to be immunized against SARS-CoV-2, the virus that causes COVID-19.

The Council on Teaching, Learning, and Student Experience (CTLSE) discussed this issue at its meeting on May 3, 2021 and would like to submit the following comments:

1. Members expressed concern regarding how this policy would affect international students and their ability to attend in-person classes, particularly since not all countries have approved the same vaccines.
2. Members questioned how the costs of testing those who have not been vaccinated or receive accommodations for the vaccine would be covered.

Sincerely,

Andrea Henderson, Chair
Council on Teaching, Learning, and Student Experience

C: Kate Brigman, Executive Director
Academic Senate

C: Gina Anzivino, Associate Director
Academic Senate

UCLA Academic Senate

May 24, 2021

Mary Gauvain
UC Academic Senate Chair

Re: *Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program*

Dear Chair Gauvain,

After review by appropriate standing committees the Executive Board of the UCLA Division discussed the *Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program*.

Members of the Executive Board unanimously supported early implementation of the Vaccination Program for those returning to campus, well before the Fall Quarter, August 1 or earlier being recommended. Implementation and enforcement should not be delayed until full FDA licensure is obtained.

Members of the Executive Board were unanimously opposed to having a religious exemption in the Vaccination Program. It is noted that Title VII applies narrowly to employees who must cooperate with the employer's reasonable inquiries, and that the employer may deny the accommodation request if it would pose an undue hardship to the University. It is also noted that vaccines that did not necessitate the use of stem cells in their provision are widely available.

Members of the Executive Board opined that exemptions could be granted for medical contraindications, but only when necessary, per guidance provided by the U.S. Food & Drug Administration and the Centers for Disease Control and Prevention, as well as for qualifying disabilities.

Committees raised questions relating to the policy having religious and medical exemptions, enforcement, its application to affiliates, the likely future need for boosters, and a need for improved clarity (attached).

In summary, the UCLA Division strongly urges changes to the Vaccination Program Policy to include much earlier implementation, the removal of a broad religious exemption, and a narrowing of the language describing medical exemption.

Sincerely,

Shane White
Chair, UCLA Academic Senate

Encl.

Cc: Jody Kreiman, Vice Chair/Chair Elect, UCLA Academic Senate
Michael Meranze, Immediate Past Chair, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate

UCLA Academic Senate
Undergraduate Council

3125 Murphy Hall
410 Charles E. Young Drive East
Los Angeles, California 90095

May 18, 2021

To: Shane White, Chair, UCLA Academic Senate

From: Megan McEvoy, Chair, Undergraduate Council

Re: Systemwide Senate Review: SARS-CoV-2 (COVID-19) Vaccination Program

At its meeting on May 14, 2021, the Undergraduate Council reviewed the proposed Presidential Policy SARSCoV-2 (COVID-19) Vaccination Program.

Members generally endorsed the proposed program, as it will promote the campus community's health and safety. Members noted that mandating the vaccine will help protect members of our community who are immunocompromised and/or for medical reasons should not receive the COVID-19 vaccine.

Although one member expressed opposition to the program, noting that the COVID-19 vaccines remain under emergency use authorization, the vast majority of our members supported the program with enthusiasm. Members noted that Pfizer requested full approval from the Food and Drug Administration (FDA) for its COVID-19 vaccine on May 7, and others (Moderna and Johnson & Johnson) are expected to follow.

One member wondered why this vaccine has a religious exemption, where the general vaccine policy for the UC does not. Having differing vaccine policies may cause confusion. The Council would appreciate clarification on this question.

Thank you for the opportunity to opine. If you have any questions, please contact us via the Undergraduate Council's analyst, Aileen Liu, at aliu@senate.ucla.edu.

cc: April de Stefano, Executive Director, Academic Senate
Jody Kreiman, Vice Chair/Chair Elect, Academic Senate
Aileen Liu, Committee Analyst, Undergraduate Council
Michael Meranze, Immediate Past Chair, Academic Senate

UCLA Academic Senate
Council on Research

May 13, 2021

Shane White, Chair
Academic Senate

Re: SARS-CoV-2 (COVID-19) Vaccination Program

Dear Chair White,

At its meeting on May 12, 2021, the Council on Research (COR) had an opportunity to review the SARS-CoV-2 (COVID-19) Vaccination Program. Members raised a few concerns.

First, does the policy take into consideration the potential for multiple yearly vaccinations as well as changes in vaccine coverage of specific variants? The proposed program does not clearly state frequency or expectations.

Second, what are the particular underlying health conditions which may be allowed a medical exemption? How will this process be facilitated? The program does not offer guidance which may leave faculty, students and staff in the untenable position of having to advocate for themselves.

Thank you for the opportunity to review and comment. If you have any questions for us, please do not hesitate to contact me at julianmartinez@mednet.ucla.edu or via the Council's analyst, Elizabeth Feller, at efeller@senate.ucla.edu.

Sincerely,

Julian Martinez, Chair
Council on Research

cc: Jody Kreiman, Vice Chair/Chair-Elect, Academic Senate
Michael Meranze, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Elizabeth Feller, Principal Policy Analyst, Council on Research
Members of the Council on Research

UCLA Academic Senate
Faculty Welfare Committee

May 12, 2021

Shane White, Chair
Academic Senate

Re: SARS-CoV-2 (COVID-19) Vaccination Program

Dear Chair White,

At its meeting on April 28, 2021, the Faculty Welfare Committee discussed the SARS-CoV-2 (COVID-19) Vaccination Program. Committee members offered the following comments.

Some members observed that the vaccines are currently considered experimental treatment, and the university cannot enforce experimental treatment as a condition of work. Members observed that the proposed policy has loopholes and appears unfinished.

Other members foresee potential issues with "FAQ 12: Those who, following these efforts, fail to participate entirely, will be barred from in-person access to University Facilities and Programs, and may experience consequences as a result." How will this be done?

Additional issues raised include:
Who will track and enforce the compliance? Who will protect individuals' privacy? How will vaccines be enforced? This is a costly process. Who will have access to the health information, from a public health perspective?

If you have any questions, please contact us via the Faculty Welfare Committee's interim analyst, Elizabeth Feller, at efeller@senate.ucla.edu.

Sincerely,

Huiying Li, Chair
Faculty Welfare Committee

cc: Jody Kreiman, Vice Chair/Chair Elect, Academic Senate
Michael Meranze, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Elizabeth Feller, Interim Analyst, Faculty Welfare Committee
Members of the Faculty Welfare Committee

UCLA Academic Senate
Graduate Council

3125 Murphy Hall
410 Charles E. Young Drive East
Los Angeles, California 90095

May 11, 2021

To: Shane White, Chair, UCLA Academic Senate

From: Andrea Kasko, Chair, Graduate Council

Re: Systemwide Senate Review: SARS-CoV-2 (COVID-19) Vaccination Program

At its meeting on May 7, 2021, the Graduate Council reviewed the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program.

Members endorse the proposed policy, and find it to be instrumental to promoting the safety and health of our campus community as well as our continued ability to return to in-person research, teaching, and operations.

Thank you for the opportunity to opine. If you have any questions, please contact us via the Graduate Council's interim analyst, Aileen Liu, at aliu@senate.ucla.edu.

cc: Estrella Arciba, Committee Analyst, Graduate Council
April de Stefano, Executive Director, Academic Senate
Jody Kreiman, Vice Chair/Chair Elect, Academic Senate
Aileen Liu, Interim Committee Analyst, Graduate Council
Michael Meranze, Immediate Past Chair, Academic Senate

UCLA Academic Senate
Council on Planning & Budget

May 7, 2021

Shane White, Chair
Academic Senate

Re: Review: SARS-CoV-2 (COVID-19) Vaccination Program Policy

Dear Chair White,

At its meeting on May 3, 2021, the Council on Planning and Budget (CPB) had an opportunity to review the SARS-CoV-2 (COVID-19) Vaccination Program Policy. Members offered the following comments.

Members expressed that the university should not delay the policy's implementation until "FDA licensure (approval), expected in the coming months" as this would prevent the campus from opening further. Additionally, members found the wording of the policy regarding exceptions to be too vague, especially in the case of religious exceptions. Moreover, the state policy on other vaccines is strict and does not allow exceptions. Members agreed that the university should follow state policy.

Other members indicated that UCLA is affiliated to schools and daycare for children and the policy does not offer guidance for them nor for the teachers.

Finally, the policy does not clearly state whether vaccination only refers to an individual being "fully vaccinated" (i.e. received the full vaccine regimen, not just a single dose of a two-dose vaccine).

If you have any questions for us, please do not hesitate to contact me at groeling@comm.ucla.edu or via the Council's analyst, Elizabeth Feller, at efeller@senate.ucla.edu.

Sincerely,

Tim Groeling, Chair
Council on Planning and Budget

cc: Jody Kreiman, Vice Chair/Chair-Elect, Academic Senate
Michael Meranze, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Elizabeth Feller, Principal Policy Analyst, Council on Planning and Budget
Members of the Council on Planning and Budget

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OFFICE OF THE ACADEMIC SENATE
ROBIN DELUGAN, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

May 24, 2021

To: Mary Gauvain, Chair, Academic Council

Re: Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

The proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program was distributed for comment to the Merced Division Senate Committees and the School Executive Committees. The following committees offered several comments for consideration. Their comments are appended to this memo.

- Admissions and Financial Aid Committee (AFAC)
- Committee on Rules and Elections (CRE)
- Graduate Council (GC)
- Committee on Academic Planning and Resource Allocation (CAPRA)
- Committee on Research (CoR)
- Committee for Diversity and Equity (D&E)
- Committee on Faculty Welfare and Academic Freedom (FWAF)
- Committee on Library and Scholarly Communication (LASC)
- Undergraduate Council (UGC)
- School of Engineering Executive Committee (SOE EC)

AFAC pointed out that pursuant to California Senate Bill 277, the Personal Belief Exemption for vaccines was eliminated. Thus, AFAC recommends that the proposed vaccination policy mirror California's legislature law.

CRE commented as follows:

- Page 5 – II – DEFINITIONS
  - (Sentence: "Exception: An Exception to the COVID-19 vaccine mandate based on a person's sincerely held religious belief, practice, or observance, which includes any traditionally recognized religion as well as beliefs, observances, or practices, which an individual sincerely holds and which occupy in their life a place of importance parallel to that of traditionally recognized religions.." p. 7)

  CRE inquires: who is the arbiter of sincerity? How does one measure or corroborate the sincerity of a belief, observance, or practice? CRE recommends deleting "sincerely held" and any other

occurrences of "sincerely" in the proposed policy. An alternative approach could be to address this question in the FAQs at the end of the document.

- Page 8 – III.A – POLICY TEXT
  - (Sentence: “The information may be conveyed through any combination of written information statements (e.g., a VIS), verbal communications, or online or in-person training programs, consistent with applicable law and Location policies and practices.” p. 10)

  CRE recommends that to ensure that this step has occurred, Personnel, Trainees and Students should be required to sign a statement (which could be electronic) that they have received the information. If the vaccine is administered on site, the signed statement should be presented at the time that the vaccine is administered.

- Page 15 – IX – APPENDIX
  - (Section “B. Model Acknowledgement Form” p. 17)
  - (Section “C. Model Declination Form” p. 17)

  CRE points out that it is not clear if comments are requested on these two forms and they are not provided in the policy.

  Finally, CRE notes that the proper channels are being followed to vet and adopt this policy. There do not appear to be any conflicts with existing policies.

GC endorsed the proposed Presidential Policy.

CAPRA’s concerns are focused on implementing this proposal that may require significant additional resources that are not addressed in the proposal. Some of CAPRA’s concerns are as follows:

- The policy indicates that those who fail to participate in the program will be barred from in-person access to University Facilities and Programs and may experience consequences as a result. However, it does not specify what those consequences are.
- Do faculty members need to provide additional remote classes for students who choose not to get vaccinated?
- The program adds an additional workload for staff to process and issue medical or religious exemptions. This might be challenging using existing resources if the number of required exemptions is significant.
- The policy requires contractors and their employees to participate in the program. This may add an additional level of difficulty in finding contractors and could increase the costs for projects, which could lead to a delay in research and teaching activities.
- The policy does not address the people attending outreach education events, seminars, workshops, and conferences that will be held on campus. Do all attendees need to go through the vaccination process?

Without any data showing what percentage of people in the campus community will not participate in vaccination, CAPRA found it hard to judge the resource requirement for implementing this policy. An alternative approach may be considered, such as requiring people who choose not to get vaccinated to have a biweekly COVID test at their own cost.

CoR asserted that it is important that no student or employee be delayed or denied access to the University due to administrative errors or due to no fault or delay of their own in the face of this policy. Thus, non-pharmaceutical precautions (i.e., masks, distancing) should always be in place and offered, but proper distancing guidelines must be observed until herd immunity is reached. CoR also pointed out that the policy lacks information on the current status or projection of FDA vaccine approvals, and the availability of "fully Licensed" vaccines and how this would affect a rollout of this program. How will this policy transition from the current one to ensure maximum protection? It is unclear when this policy will go into effect relative to the start of the fall semester. That is to say, what is the projected timeline for having at least one "fully Licensed" and available vaccine by the FDA? Is it possible that the licensure will be long after the fall semester begins? Thus, transitioning policies between this one and the current interim COVID-19 policies should be clearly laid out to avoid confusion and any gaps in protection. Cor also inquired, what if a large number of people apply for exceptions to the policy such that herd immunity is compromised? Is there a population safety threshold that is being considered for each Location?

D&E saw potential issues of concern around the local implementation of this policy. Section IV (B) 3 states: "Each Location should implement strategies for vaccine access, including efforts to ensure vaccination availability during all work shifts and to address vaccine hesitancy, particularly among groups at most significant risk for contracting COVID-19 and suffering severe illness." It is here that the proposed policy would be put to the test both in terms of the efficacy of this program as well as its potential D&E implications. D&E strongly urges the administration to share its plans for addressing these points as soon as possible and work in concert with the Academic Senate and relevant staff association and union bodies to ensure that vaccines are made readily available and that we are seriously addressing any issues around vaccine hesitancy. Given the mandatory nature of this program, working out these issues ahead of time is critical to both ensuring the health and safety of our community as well as ensuring that this mandate does not have adverse effects on historically marginalized populations.

FWAF had the following comments:

- Monitoring the exempted faculty, staff, and students
  FWAF wonders how individuals who are exempted (the criteria for which would require further clarifications and definitions) may be monitored so as not to put them, and those who may come into close contact with them, in danger of potential or actual exposure to COVID-19 while on university properties. Will they, or those who are vaccinated, be given a way to identify themselves so that those around them could make an informed decision (such as distancing, masking even when outdoors, ensuring sufficient ventilation, etc.)? If there are privacy concerns that prohibit identification of this kind, how does the University plan to keep its employees and students safe, if unvaccinated individuals are allowed to be on university properties?

- Communication to encourage vaccination
  The success of the vaccination program depends in large part on respectfully engaging with the populations that have expressed vaccine hesitancy. In BIPOC communities, such hesitancy can be rooted in systemic racism, lack of trust in authorities, and past research abuse (1). FWAF therefore recommends that the university goes beyond one way communication, to reach potentially hesitant populations. It is important to listen to them without judgement and identify the sources of their hesitancy. Only then can the university find effective ways to engage with these populations. It is also important that the information campaign, including the listening sessions, reach beyond the university employees and students, to their close circles, especially family members of students, as they likely influence students' views and choices significantly. It may also be helpful to include, in university communications, that a large number of the nation's higher education institutions, including the California State Universities, will be mandating vaccination.

LASC supports this proposed policy as it will also protect students, faculty members, librarians, and library staff.

UGC endorses the proposed policy.

The **SOE EC** conveyed several concerns from faculty members which are appended to their memo.

Divisional Council reviewed the committees' comments via email and supports their various points and suggestions.

The Merced Division thanks you for the opportunity to comment on this proposed policy.

Sincerely,

Robin DeLugan
Chair, Divisional Council
UC Merced

CC: Divisional Council
Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate Senate Office

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ACADEMIC SENATE, MERCED DIVISION
ADMISSIONS AND FINANCIAL AID COMMITTEE (AFAC)
ABBAS GHASSEMI, CHAIR

UNIVERSITY OF CALIFORNIA, MERCED

May 17, 2021

To: Senate Chair DeLugan

From: Admissions and Financial Aid Committee (AFAC)

Re: SARS-CoV-2 (COVID-19) Vaccination Policy

At their May 14 meeting, members of AFAC discussed the SARS-CoV-2 (COVID-19) Vaccination Policy and offer the following recommendation:

Pursuant to California Senate Bill 277, the Personal Belief Exemption for vaccines was eliminated; thus AFAC recommends that the proposed Vaccination policy mirror California's legislature law.

We thank you for the opportunity to review this item.

Cc: AFAC Members
Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RULES AND ELECTIONS (CRE)

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

May 19, 2021

To: Senate Chair DeLugan

From: Committee on Rules and Elections (CRE)

Re: SARS-CoV-2 (COVID-19) Vaccination Program Policy

The Committee on Rules and Elections has reviewed the SARS-CoV-2 (COVID-19) Vaccination Program Policy and offers the following comments (in bold font).

Page 5 – II – DEFINITIONS

- (Sentence: "Exception: An Exception to the COVID-19 vaccine mandate based on a person's sincerely held religious belief, practice, or observance, which includes any traditionally recognized religion as well as beliefs, observances, or practices, which an individual sincerely holds and which occupy in their life a place of importance parallel to that of traditionally recognized religions.." p. 7)

  Who is the arbiter of sincerity?
  How does one measure or corroborate the sincerity of a belief, observance, or practice?

  CRE recommends deleting "sincerely held" and any other occurrences of "sincerely" in the proposed policy. An alternative approach could be to address this question in the FAQs at the end of the document.

Page 8 – III.A – POLICY TEXT

- (Sentence: “The information may be conveyed through any combination of written information statements (e.g., a VIS), verbal communications, or online or in-person training programs, consistent with applicable law and Location policies and practices.” p. 10)

  To ensure that this step has occurred, Personnel, Trainees and Students should be required to sign a statement (which could be electronic) that they have received the information. If the vaccine is administered on site, the signed statement should be presented at the time that the vaccine is administered.

Page 15 – IX – APPENDIX

- (Section “B. Model Acknowledgement Form” p. 17)
- (Section “C. Model Declination Form” p. 17)

  It is not clear if comments are requested on these two forms and they are not provided in the policy.

CRE notes that the proper channels are being followed to vet and adopt this policy. There do not appear to be any conflicts with existing policies.

CRE thanks you for the opportunity to review this policy.

Cc: CRE Members

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OFFICE OF THE ACADEMIC SENATE
HRANT HRATCHIAN, CHAIR, GRADUATE COUNCIL
hhratchian@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

MAY 14, 2021

TO: ROBIN DELUGAN, CHAIR, DIVISIONAL COUNCIL

FROM: HRANT HRATCHIAN, CHAIR, GRADUATE COUNCIL

RE: PROPOSED PRESIDENTIAL POLICY FOR THE COVID-19 VACCINATION PROGRAM

At its meeting on May 13, 2021, Graduate Council (GC) reviewed the proposed Presidential Policy for the SARS-CoV-2 (COVID-19) Vaccination Program. GC is pleased to unanimously endorse the proposed Presidential Policy.

Graduate Council appreciates the opportunity to opine.

CC: Graduate Council
Senate Office

Encl (0)

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON ACADEMIC PLANNING AND RESOURCE ALLOCATION
PATTI LIWANG, CHAIR
pliwang@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

May 17, 2021

To: Robin DeLugan, Chair, Division Council

From: Patricia LiWang, Chair, Committee on Academic Planning and Resource Allocation (CAPRA)

Re: Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

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CAPRA has reviewed the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. The proposed policy will mandate all students, faculty, academic appointees, or staff living, learning or working on-premises in University programs to receive a COVID-19 vaccine unless authorized by a university official. CAPRA's concerns are focused on implementing this proposal that may require significant additional resources that are not addressed in the proposal. Some of the concerns are as follows:

- The policy indicates that those who fail to participate in the program will be barred from in-person access to University Facilities and Programs and may experience consequences as a result. However, it does not specify what those consequences are.
- Do faculty members need to provide additional remote classes for students who choose not to get vaccinated?
- The program adds an additional workload for staff to process and issue medical or religious exemptions. This might be challenging using existing resources if the number of required exemptions is significant.
- The policy requires contractors and their employees to participate in the program. This may add an additional level of difficulty in finding contractors and could increase the costs for projects, which could lead to a delay in research and teaching activities.
- The policy does not address the people attending outreach education events, seminars, workshops, and conferences that will be held on campus. Do all attendees need to go through the vaccination process?

Without any data showing what percentage of people in the campus community will not participate in vaccination, it is hard to judge the resource requirement for implementing this policy. An alternative

approach may be considered, such as requiring people who choose not to get vaccinated to have a biweekly COVID test at their own cost.

We appreciate the opportunity to opine.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RESEARCH
KARA MCCLOSKEY, CHAIR
kmccloskey@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

May 17, 2021

To: Robin DeLugan, Chair, Division Council

From: Kara McCloskey, Chair, Committee on Research (COR)

Re: Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

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CoR reviewed the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. We offer the below comments.

It is important that no student or employee be delayed or denied access to the University due to administrative errors or due to no fault or delay of their own in the face of this policy. Thus, non-pharmaceutical precautions (i.e., masks, distancing) should always be in place and offered, but proper distancing guidelines must be observed until herd immunity is reached.

Currently, this policy lacks information on the current status or projection of FDA vaccine approvals, and the availability of "fully Licensed" vaccines and how this would affect a rollout of this program. How will this policy transition from the current one to ensure maximum protection? It is unclear when this policy will go into effect relative to the start of the fall semester. That is to say, what is the projected timeline for having at least one "fully Licensed" and available vaccine by the FDA? Is it possible that the licensure will be long after the fall semester begins? Thus, transitioning policies between this one and the current interim COVID-19 policies should be clearly laid out to avoid confusion and any gaps in protection.

What if a large number of people apply for exceptions to the policy such that herd immunity is compromised? Is there a population safety threshold that is being considered for each Location?

We appreciate the opportunity to opine.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE FOR DIVERSITY AND EQUITY

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-7930

May 17, 2021

To: Robin DeLugan, Senate Chair

From: Committee for Diversity and Equity (D&E)

Re: Proposed Presidential Policy for the SARS-CoV-2 (COVID-19) Vaccination Program

The Committee for Diversity and Equity (D&E) found the proposed Presidential Policy for the SARS-CoV-2 (COVID-19) Vaccination Program to be a sound policy that reflects the public health urgency around vaccination while offering some flexibility for exceptions but only though a documented process. To the extent D&E sees potential issues of concern, they are around the local implementation of this policy. Section IV (B) 3 states:

> *"Each Location should implement strategies for vaccine access, including efforts to ensure vaccination availability during all work shifts and to address vaccine hesitancy, particularly among groups at most significant risk for contracting COVID-19 and suffering severe illness."*

It is here that the proposed policy would be put to the test both in terms of the efficacy of this program as well as its potential D&E implications. D&E strongly urges the administration to share its plans for addressing these points as soon as possible and work in concert with the Academic Senate and relevant staff association and union bodies to ensure that vaccines are made readily available and that we are seriously addressing any issues around vaccine hesitancy. Given the mandatory nature of this program, working out these issues ahead of time is critical to both ensuring the health and safety of our community as well as ensuring that this mandate does not have adverse effects on historically marginalized populations.

The Committee for Diversity and Equity appreciates the opportunity to opine.

Enclosures: none

cc: D&E Members
Fatima Paul, Executive Director, Senate Office
Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM
CAROLIN FRANK, CHAIR
cfrank3@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-4369

May 17, 2021

To: Robin DeLugan, Chair, Divisional Council

From: Carolin Frank, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

Re: **Proposed Presidential Policy for the SARS-CoV-2 (COVID-19) Vaccination Program**

FWAF reviewed the proposed Presidential Policy for the SARS-CoV-2 (COVID-19) Vaccination Program at its May 12 meeting, and welcomes the university's encouragement for faculty, staff, and students to receive the COVID-19 vaccination. FWAF has two comments about the implementation of this proposed Program: 1) monitoring of those who receive exemption, and 2) communication to encourage vaccination.

1) Monitoring the exempted faculty, staff, and students

FWAF wonders how individuals who are exempted (the criteria for which would require further clarifications and definitions) may be monitored so as not to put them, and those who may come into close contact with them, in danger of potential or actual exposure to COVID-19 while on university properties. Will they, or those who are vaccinated, be given a way to identify themselves so that those around them could make an informed decision (such as distancing, masking even when outdoors, ensuring sufficient ventilation, etc.)? If there are privacy concerns that prohibit identification of this kind, how does the University plan to keep its employees and students safe, if unvaccinated individuals are allowed to be on university properties?

2) Communication to encourage vaccination

The success of the vaccination program depends in large part on respectfully engaging with the populations that have expressed vaccine hesitancy. In BIPOC communities, such hesitancy can be rooted in systemic racism, lack of trust in authorities, and past research abuse (1). FWAF therefore recommends that the university goes beyond one-way communication, to reach potentially hesitant populations. It is important to listen to them without judgement and identify the sources of their hesitancy. Only then can the university find effective ways to engage with these populations. It is also important that the information campaign, including the listening sessions, reach beyond the university employees and students, to their close circles, especially family members of students, as they likely influence students' views and choices significantly.

It may also be helpful to include, in university communications, that a large number of the nation's higher education institutions, including the California State Universities, will be mandating vaccination.

FWAF appreciates the opportunity to opine.

cc: Senate office

1. Addressing Vaccine Hesitancy in BIPOC Communities — Toward Trustworthiness, Partnership, and Reciprocity (New England Journal of Medicine, March 2021).

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATIONS
MARIA DEPRANO, CHAIR
mdeprano@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

Friday, May 14, 2021

To: Robin DeLugan, Senate Chair

From: Maria DePrano, Chair, Committee on Library & Scholarly Communications (LASC) & LASC Committee Membership

Re: SARS-CoV-2 (COVID-19) Vaccination Policy

We write in support of the SARS-CoV-2 (COVID-19) Vaccination Policy, which will enable the utilization of Library resources and spaces. This policy will also protect students, faculty members, librarians, and library staff.

We appreciate the opportunity to comment.

Cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
UNDERGRADUATE COUNCIL (UGC)

UNIVERSITY OF CALIFORNIA, MERCED

May 12, 2021

To: Senate Chair DeLugan

From: Undergraduate Council (UGC)

Re: SARS-CoV-2 (COVID-19) Vaccination Policy

At their May 10 meeting, members of the Undergraduate Council discussed the SARS-CoV-2 (COVID-19) Vaccination Policy.

UGC is pleased to endorse the policy.

We thank you for the opportunity to review this item.

CC: UGC Members
Senate Office

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SCHOOL OF ENGINEERING

University of California, Merced
5200 N. Lake Road | Merced, CA 95343
PHONE: 209-228-4411
FAX: 209-228-4047

May 18, 2021

Dear Chair DeLugan:

On behalf of the School of Engineering (SoE) Executive Committee (ExComm), please find feedback on the COVID-19 SARS Vaccination policy.

1) Below, please find a response from a SoE faculty member who expresses concern about the proposed policy. The faculty member has also submitted comments directly to the Senate.

2) Several other faculty members have approached the Chair (in private or by convenience during non-related meetings) about discomfort about the proposed policy. Health-related issues preventing participation (e.g. Immuno-compromised individuals and organ transplant recipients), under reporting of health side-effects of some vaccines (e.g. J&J), and lack of certainty/research regarding variant coverage have been among the issues raised. In other words, it is highly likely that more Senate Faculty have concerns about the policy than are being vocalized.

Thank you for the opportunity to opine.

Catherine Keske (Chair)

From: Russ McBride <russ.mcbride@ucmerced.edu>
Sent: Tuesday, April 27, 2021 12:17 PM
To: UCM Senate Chair <senatechair@ucmerced.edu>
Cc: Keske, Catherine M.
Subject: Re: Fw: By May 17, 2021 - Systemwide Review Item - SARS-CoV-2 (COVID-19) Vaccination Policy

I am delighted at the advances in medical science and vaccine technology, and I am on the waiting list to receive a COVID-19 vaccination. I would also like to see everyone vaccinated. However, I am strongly against the proposed SARS-CoV-2 (COVID-19) Vaccination Program, or any mandate that requires the ingestion, injection, of bodily alteration of any individual (including lethal injection).

I agree that the COVID-19 vaccines appear to be relatively safe (with the possible exceptions of the Johnson & Johnson and the AstraZeneca vaccines). There remain questions about the absolute safety of something that lacks FDA approval, is an experimental technology in humans, and was rushed to market. But my reasons for being against the mandate have nothing to do with safety since it seems likely that the statistical risk of adverse effects from COVID-19 itself outweighs the risks of the vaccines.

My reasons for being against it are as follows:

1) It is self-contradictory to be pro-choice and yet pro-vaccine-mandate, at least if one's reason for being pro-choice is the belief that an individual should be the sole authority of their physical body. One cannot, without self-contradiction, believe that a woman should retain the right to decide whether or not to engage in a procedure to remove an unwanted pregnancy and at the same time believe that she should not possess that right to decide whether something can be injected into her body. I am pro-choice for this reason so, I cannot, without abandoning my intellectual integrity vote for a mandate that violates the principle upon which my belief in pro-choice is grounded.

2) To the degree the vaccines provide protection against COVID-19, those who rely upon them for such protection should feel comfortable that they are relatively safe, regardless of the choices of others who may elect to not receive the vaccine. To the degree that the vaccines do not provide protection, it does not make a difference if one receives the vaccine or not. Either way, it makes little difference to those vaccinated if others elect to not receive the vaccine.

3) There is an appealing argument in favor of a vaccine mandate—namely, that failing to get the vaccine puts other people's lives in danger. We should mandate vaccines so others don't die. We do not, however, eliminate people's right to transport themselves in cars simply because doing so causes 4.4 million injuries per year in the U.S. alone (according to the National Safety Council's 2019 numbers). "Yes, but the vaccines are only ~96% effective and we also need to protect that last 4% for whom the vaccine is not effective. It's a numbers game and getting to 'herd immunity' requires a mandate".

The answer here is not to transgress the right to a person's dominion over her own body to but to support vaccine science and the education around immunity enhacement instead of issuing a dictatorial mandate, just as the answer to car injuries is not to make driving illegal but to work on making it safer and educating drivers to enhance their driving ability. Having the vaccines available is enough.

Thanks for your time and consideration,

Russ

Russ McBride, Assistant Professor
Department of the Management of Complex Systems

Director of the Social Reality & Cognition Research Group & Human Productivity Lab
Social Science & Management Building, Suite #202A
University of California, Merced
5200 North Lake Road, Merced CA 95343
Mobile/WhatsApp: 510-295-8655

On April 26, 2021 at 2:49:41 PM, Catherine Keske (ckeske@ucmerced.edu) wrote:

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CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

JASON STAJICH
PROFESSOR OF BIOINFORMATICS
RIVERSIDE, CA 92521-0217
TEL: (951) 827-6193
EMAIL: JASON.STAJICH@UCR.EDU

May 24, 2021

Mary Gauvain, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: (Systemwide Senate Review) Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear Mary,

Executive Council discussed the *Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program* on May 24, 2021. I write to provide the Riverside Division's response to the subject proposal and have attached memos from a number of standing committees who opined on the subject proposal.

During Executive Council's discussion, local committee memo responses were amplified and reiterated. It was discussed that at, at least one other Division, processes related to mandating proof of vaccination has been overwhelming to staff. If UCR is going to go that route, more resources will be necessary. It was also mentioned that the proposed policy does not conflict with HIPAA (Health Insurance Portability and Accountability Act) and is similar to other policies at other campus across the U.S.

Sincerely yours,
Jason Stajich
Professor of Bioinformatics and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

UC RIVERSIDE Academic Senate

COMMITTEE ON EDUCATIONAL POLICY

May , 2021

To: Jason Stajich, Chair
Riverside Division

From: Stefano Vidussi, Chair
Committee on Educational Policy

RE: Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

The Committee on Educational Policy reviewed the proposed Presidential Policy for the SARS-CoV-2 (COVID-19) Vaccination Program at their May 7, 2021 meeting.

The Committee noted concern that the proposed policy's guidelines to verify vaccination status (III.A.2) suffer from the lack of availability of a uniform, verifiable documentation. Moreover, in III.A.3a there is no provision of how unvaccinated faculty, students, and staff who do not fall in the exception category will be prevented from access on campus: in fact III.A.3b can be construed as permitting access on campus under heightened (if vague) precaution measures, as it does not specify that the paragraph applies solely to exempted individuals. The Committee recommends that the policy be updated to address these concerns.

Additionally, the Committee noted concern that the requirements for non-medical exceptions were vague: in (II. Exception) the eligibility to exception is described in terms of highly subjective terms, without mention of which authority has the jurisdiction of determining what constitutes "beliefs, observances, or practices, which an individual sincerely holds". The Committee recommends that the policy on non-medical exceptions be revised to be more restrictive. It was noted that in the current policy for vaccinations non-medical exceptions are not considered and several members requested that the proposed policy similarly limit exceptions to medically justified exemptions.

UC RIVERSIDE

College of Humanities, Arts, and Social Sciences
EXECUTIVE COMMITTEE

May 17, 2021

TO: Jason Stajich, Chair
Riverside Division of the Academic Senate

FROM: Lucille Chia, Chair Lucille Chia
CHASS Executive Committee

RE: SARS-CoV-2 (COVID-19) Vaccination Program

The CHASS Executive Committee approves the provisions presented in the SARS-CoV-2 (COVID-19) Vaccination Program. The EC is concerned that the specific details—policies and regulations to be determined by and for each campus—be issued in a timely fashion so that the community for each campus will have sufficient time to make the necessary work plans.

UC RIVERSIDE | College of Natural and Agricultural Sciences
Executive Committee

18 May 2021

To: Jason Stajich, Chair
Riverside Division

From: Theodore Garland, Jr., Chair, Executive Committee
College of Natural and Agricultural Science

Re: Systemwide Review: Proposed Policy on SARS-CoV-2 Vacc Prog

After some discussion regarding the Fall 2021 densities and the impact full vaccination could have on this, the CNAS Executive Committee voted to support the plan for everyone to get vaccinated. However, in their response to the Senate, the Committee wishes to note that once full vaccination process is complete, there should be communication of a logical step to potentially revise the plan for the fall and consider fully re-opening sooner.

Cheers,

Ted Garland

UC RIVERSIDE Academic Senate

COMMITTEE ON DIVERSITY, EQUITY, & INCLUSION

May 11, 2021

To: Jason Stajich, Chair
Riverside Division Academic Senate

From: Xuan Liu, Chair
Committee on Diversity, Equity, & Inclusion

Re: Proposed Policy: SARS-CoV-2 (COVID-19) Vaccination Program

The Committee of Diversity, Equity and Inclusion reviewed the Proposal and is supportive of this policy for SARS-CoV-2 vaccination program.

In addition, the committee recognizes that non-exempt employees and hourly academic appointees have been given paid time to obtain each vaccine dose, and we would like to ensure that our vaccination clinic on campus receives enough supply for everybody who needs to access UCR facilities and programs in person.

UC RIVERSIDE

Academic Senate

May 19, 2021

To: Jason Stajich, Chair
Riverside Division

From: Hai Che, Chair
Committee on Research

Re: 20-21. SR. SARS-CoV-2 (COVID-19) Vaccination Program

The committee reviewed the proposed policy SARS-CoV-2 Vaccination and felt that policy should explicitly include or exclude visitors and/or human subjects research participants.

UC RIVERSIDE Academic Senate

COMMITTEE ON FACULTY WELFARE

May 18, 2021

To: Jason Stajich
Riverside Division Academic Senate

From: Patricia Morton, Chair
Committee on Faculty Welfare

Re: [Systemwide Review] Proposed Policy: *SARS-CoV-2 (COVID-19) Vaccination Program*

The Committee on Faculty Welfare consider by email the proposed SARS-CoV-2 (COVID-19) Vaccination Program, a proposed policy that would require students, faculty, academic appointees, and staff who are accessing campus facilities at any UC location beginning this fall to be immunized against SARS-CoV-2, the virus that causes COVID-19.

Overall the CFW supports the proposed policy but with some caveats. The committee believes that requiring the vaccine should not be the sole measure used to prevent COVID outbreaks. While vaccination efforts are robust, we must prepare for the possibility that a significant number of our students and colleagues will remain unvaccinated in the near term, including fall quarter. Continued community health practices, such as wearing masks and rigorous cleaning regimes, will be needed for the foreseeable future as we move back to in-person instruction. We are also concerned about the efficacy of the currently-available vaccines should more virulent variants of SARS-CoV-2 become prevalent.

We have concerns about issues the proposed policy does not address. It will be extremely difficult to monitor who has and who has not been vaccinated on campus and in our classrooms. The policy uses ambiguous language regarding the consequences of not abiding by its mandate. We need to know how UC anticipates documenting vaccination. Will persons who fail to participate, either not being vaccinated or granted an exception, be barred from in-person access to campus? Will faculty and staff be informed of exceptions for students (similar to accommodation letters) to inform them of potential risks? A similar question applies to visitors, building maintenance, other staff, and contractors.

How will persons granted an exception be given access to instruction, advising, and other activities? Will faculty be expected to deliver dual-mode (in person and online) instruction if a student with a medical exemption to the policy cannot attend in person? If there are unvaccinated students in the classroom, will faculty have the choice to offer their course remotely? These and other crucial issues must be specified in the broader context of this policy.

UC RIVERSIDE Academic Senate

GRADUATE COUNCIL

May 6, 2021

To: Jason Stajich, Chair
Riverside Division

From: Amanda Lucia, Chair
Graduate Council

Re: [Systemwide Review] Proposed Policy: SARS-CoV-2 (COVID-19) Vaccination Program

Graduate Council reviewed the proposed policy: SARS-CoV-2 (COVID-19) Vaccination Program. The Council is supportive of the policy but thought the language was vague with respect to the timing of the full dose of the vaccine relative to the start of the fall quarter. The way the policy is written, it could be interpreted that one shot is enough to return to campus. If this is not the intention, it should be explicitly stated that the second dose of the vaccine must be obtained two weeks prior to returning to campus. It also was not clear if people would need to wait a full two weeks after the final dose to achieve full effectiveness before returning to campus, or if they would be able to return to campus immediately after their second dose. It was unclear whether people will be required to provide proof of vaccination, or just state that they have been vaccinated.

School of Medicine
Division of Biomedical Sciences
Riverside, CA, 92521

School of Medicine

May 13th, 2021

To: Jason Stajich, Ph.D., Chair, Academic Senate, UCR Division

From: Declan McCole, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

Subject: SOM FEC Response to the Draft SARS-CoV-2 (COVID-19) Vaccination Program

Dear Jason,

The SOM Faculty Executive Committee is in broad agreement with the draft policy on the SARS-CoV-2 (COVID-19) Vaccination Program. However, we would like clarification as to why a religious exemption is available for declination of inoculation with an approved COVID-19 vaccine. This conflicts with – and represents a singular exception from - established UC policy on vaccinations which expressly states that while medical exemptions are permitted (following appropriate review of a submitted medical exemption request form), "*requests for exemptions for non-medical reasons will be denied and are not eligible for appeal*". This is a direct quote from the University of California Immunization Exemption Policy document (https://www.ucop.edu/uc-health/_files/UC%20Immunization%20Exemption%20Policy.pdf).

Yours sincerely,

Declan McCole

Declan F. McCole, Ph.D.
Chair, Faculty Executive Committee
School of Medicine

UC RIVERSIDE Academic Senate

COMMITTEE ON UNDERGRADUATE ADMISSIONS

May 14, 2021

To: Jason Stajich, Chair
Riverside Division

From: Sheldon Tan, Chair
Committee on Undergraduate Admissions

RE: SR. Proposed Policy SARS-CoV-2 (COVID-19) Vaccination Program

The Committee on Undergraduate Admissions reviewed the Proposal Policy SARS-CoV-2 (COVID-9) Vaccination Program and are supportive of the proposal. The committee acknowledges that this policy is critical for many faculty to be willing to return to predominantly in person instruction in the Fall. The committee feels it will facilitate a return to normal instruction which could conceivably positively impact the willingness of students to attend and even apply in the future.

The committee requests clarification on the following:

1) Vaccine Declination: The proposal states: “Individuals who are not vaccinated and do not have an approved Exception or Medical Exemption documented on a Declination Form will not be cleared to access University Facilities or Programs in person.” Does this mean that remote learning will be provided for these individuals? Are there alternatives like deferred enrollment for freshman and transfer students if they fall under this category? There will be declinations (not just among students, but among some faculty as well) and this issue will arise.

2) In multiple spots, including the Policy Summary, the document refers to a person receiving the COVID-19 vaccine as a requirement for, in effect, full participation in university activities. Perhaps this should be strengthened to require the person to be "fully vaccinated." This term is clearly defined by the CDC, and basically means two weeks following the full sequence of doses (1 or 2) of the vaccine that is administered.

3) The verbiage on disabilities is confusing and perhaps misleading. On page 10, it seems to refer to a specific disability---being immunocompromised. Surely this is a medical exemption, though the disability service offices might play a supportive role should that exemption be challenged. But on page 3, the wording is so terse that it seems to imply that any disability is automatically a medical exemption. Perhaps the "; or disability" on page 3 should just be dropped but keep the verbiage on page 10.

UC RIVERSIDE UNIVERSITY OF CALIFORNIA
Marlan and Rosemary Bourns College of Engineering

Marlan and Rosemary Bourns College of Engineering
446 Winston Chung Hall
900 University Avenue
Riverside, CA 92521

May 20, 2021

TO: Jason Stajich, Chair
Academic Senate

FROM: Philip Brisk, Chair
BCOE Executive Committee

RE: Proposed Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear Jason,

The BCOE Executive Committee reviewed the Systemwide proposed policy on the SARS-CoV-2 (COVID-19) Vaccination Program. The Committee supports the proposal.

School of Public Policy
University of California, Riverside
INTS 4133 | 900 University Ave
Riverside, CA 92521

TO: Jason Stajich, Chair
Riverside Division

FR: Richard M. Carpiano, Chair
Executive Committee, School of Public Policy

RE: [Systemwide Review] Proposed Policy: SARS-CoV-2 (COVID-19) Vaccination Program

Date: May 20, 2021

The Executive Committee of the School of Public Policy reviewed the "Proposed Policy: SARS-CoV-2 (COVID-19) Vaccination Program." No concerns were noted.

Sincerely,

Richard M. Carpiano, Ph.D., M.P.H.
Professor of Public Policy and Sociology

UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
http://www.senate.ucsb.edu

May 25, 2020

To: Mary Gauvain, Chair
Academic Senate

From: Susannah Scott, Chair
Santa Barbara Division Susannah L Scott

Re: Systemwide Review of the Proposed Presidential Policy on SARS-CoV2 (COVID-19) Vaccination Program

The Santa Barbara Division distributed the proposed policy widely in order to solicit broad faculty feedback. A distribution list is included at the end of this document and is followed by each group's individual comments.

The majority of councils and committees express support for a vaccination mandate (UgC, GC, CIE, CAERS, CAP, L&S FEC, COE FEC, CCS FEC, GGSE FEC, BREN FEC). These groups cite the safety of UC students, faculty and staff, protection of those who are unable to be vaccinated, and a return to normal teaching and research operations among the reasons for their position. CFW and the COE FEC indicate that most members support the proposed policy, though several members strongly oppose it. CDE expresses support for vaccinations, in general, but raises a number of concerns. Overall, the reviewing groups present a number of concerns and issues for consideration, detailed below.

Many groups raise strong concerns about the need for clear policy language regarding enforcement of the vaccine mandate and related measures such as face coverings and social distancing. Although some of these details may be in place or in process, they have not been widely communicated to the faculty, which is contributing to anxiety and confusion. There is particular concern about expectations as they apply to the classroom environment.
The policy does not address general issues related to building access and residential arrangements, includes only weak language regarding contractors and volunteers, and does not cover visitors. GC asks how the university will balance HIPAA and the needs of immunocompromised individuals who cannot receive the vaccine, and notes that a population of the campus will be put at risk if unvaccinated people are allowed on campus.

UgC, CIE, and the CCS FEC raise issues related to vaccination for international students. The current proposal appears limited to U.S. approved vaccines, and they point out the need for guidance for international students who may have been vaccinated in their home countries.

These groups cite a number of related questions that will be important to clarify for international students in order to minimize confusion.

A key theme common to the reviewing group responses is the exception policy. A number of groups call attention to the wide range of non-medical allowances, potentially undermining the program's purpose. CDE notes that policy is vague, and calls attention to the statement that exceptions may be granted due to "...beliefs, observances, or practices, which an individual sincerely holds and which occupy in their life a place of importance parallel to that of traditionally recognized religions." Members emphasize that this seems to open the door for exceptions to be granted for almost any reason. The L&S FEC directs attention to the inconsistent language regarding situations in which unvaccinated individuals do not obtain a valid exception. Per the FEC, "the statements "participation may be delayed" (III.A) and "may be prohibited" (III.E.3) appear to conflict with the very clear statement that individuals who do not get vaccinated and do not receive exemption "will not be cleared to access University Facilities or Programs in person" (III.A.3.a)." The committee suggests that UCOP standardize the language across the document or explicitly refer to flexibility at the campus level to handle such situations on a case-by-case basis, including authority and decision-making criteria. Similarly, the CCS FEC raises questions about the ambiguity of the statement that those who "fail to participate entirely, will be barred from in-person access to University Facilities and Programs and may suffer consequences as a result." They inquire about enforcement and the specific consequences to be levied.

Several groups comment on the Nonpharmaceutical Interventions (NPI) for unvaccinated individuals. CRPP states that the use of NPI as response to vaccine declination is only a moderate consequence, and multiple groups note the ambiguity of the details and would like to see stricter, or at least clearer language. Members of CFW noted unique challenges with NPI compliance within their discipline, for example teaching foreign language courses from behind a mask.

Another concern groups express is the potential for negative consequences for unvaccinated individuals, particularly if the system implements a visual marker to confirm vaccination. Some members of the faculty are worried about possible stigmatization of those who decline the vaccine (whether under provisions of section A.3 or by choice), and the discriminatory effects, marginalization, or bullying this may generate. CDE is concerned about profiling that could occur regarding perceptions of who may have received the vaccine or not. More guidance in this area is necessary.

The details regarding FDA approval for the various vaccines and issues related to booster shots are also unclear, prompting a number of questions. If the FDA approval is not granted prior to the start of the fall term does the university have a contingency plan? Will future boosters be mandated? The COE FEC emphasizes the need for transparency and clear communication with the campus community. The L&S FEC emphasizes the importance of following existing effective practices for student vaccination mandates.

A few members of CFW and a member of the COE FEC raised concerns that the vaccines are at this time experimental and long-term side effects are still unknown. For this reason, these members believe opting out on these grounds is legitimate and expressed concern over the mandatory nature of the policy.

In sum, the Santa Barbara Division supports the proposed policy, but cautions the Academic Council and the Office of the President about the number of policy and implementation issues yet to be addressed. Prompt attention to these issues will help to ensure an efficient and effective administration of the mandate, and promote a healthy environment on the campuses.

We thank you for the opportunity to comment.

Distribution List - Santa Barbara Division

Undergraduate Council (UgC)
Graduate Council (GC)
Council on Faculty Welfare, Academic Freedom, and Awards (CFW)
Committee on Diversity and Equity (CDE)
Committee on International Education (CIE)
Committee on Admissions, Enrollment, and Relations with Schools (CAERS)
Committee on Academic Personnel (CAP)
Committee on Rules, Jurisdiction, and Elections (RJ&E)
Committee on Library, Information, and Instructional Resources (CLIIR)
Committee on Research Policy and Procedures (CRPP)
Faculty Executive Committee - College of Letters and Science (L&S FEC)
Faculty Executive Committee - College of Engineering (COE FEC)
Faculty Executive Committee - College of Creative Studies (CCS FEC)
Faculty Executive Committee - Gevirtz Graduate School of Education (GGSE FEC)
Faculty Executive Committee - Bren School of Environmental Science and Management (BREN FEC)

Opted not to opine:
Council on Planning and Budget
Charges Advisory Committee
Committee on Privilege and Tenure
Committee on Courses and General Education

Academic Senate
Santa Barbara Division

May 19, 2021

To: Susannah Scott, Chair
Academic Senate

From: Mary Betsy Brenner, Chair
Undergraduate Council

Re: SARS-CoV-2 (COVID-19) Vaccination Program Policy

Undergraduate Council has reviewed the draft SARS-CoV-2 (COVID-19) Vaccination Program Policy and appreciates the work of those involved in this endeavor. UgC supports a vaccine mandate and the establishment of a strict exception policy. With this in mind, UgC would like to raise the following questions and concerns:

1. UgC would like to see stricter language in the exception policy section and expressed concerns about the potential exceptions given for sincerely held non-religious beliefs, observances or practices.
2. UgC recommends more developed enforcement policies so that this burden does not fall on instructors including faculty, teaching associates, and teaching assistants.
3. UgC was concerned that the residence halls were only briefly mentioned and foresees a situation where a vaccinated student could end up being assigned a roommate who is not vaccinated. Will there be procedures in place to deal with such situations?
4. UgC noted a lack of language surrounding the University's plan for incoming international students. Going further, can vaccines from other countries be used to satisfy the vaccination requirements? If not, will there be a quarantine period for such international students or any person who arrives to campus without completion of approved vaccination?
5. The Council expressed concerns about a potential timing issue that a required booster shot may present for the start of Fall quarter. Will there be any mention of a policy for booster shots?
6. UgC noted weak policy language surrounding contractors and volunteers.
7. UgC wonders if it is possible for the campuses to lead a stronger informational campaign regarding the benefits of vaccinations?
8. UgC is interested to know if any of the language will change once the vaccinations are given full licensing?

CC: Shasta Delp, Executive Director, Academic Senate

Academic Senate
Santa Barbara Division

May 14, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Tamara Afifi, Chair
Graduate Council

Re: SARS-CoV-2 (COVID-19) Vaccination Program Policy

Graduate Council (GC) reviewed the SARS-CoV-2 (COVID-19) Vaccination Program Policy. While the Council is supportive of a policy that will safely bring people back to campus, there were questions raised, including:

- Implications of the Health Insurance Portability and Accountability Act (HIPAA). How will faculty and graduate students know if students in their classes have received the vaccine or not? How will the university balance HIPAA and the needs of immunocompromised individuals who cannot receive the vaccine? A population of the campus will be put at risk if unvaccinated people are allowed on campus.

- What system will there be for graduate students, faculty and staff to verify that they have been vaccinated? A reporting structure needs to be created and explained.

- Who will be responsible for enforcing this vaccination mandate, as well as other measures such as face coverings and social distancing measures (as needed) on campuses?

CC: Shasta Delp, Executive Director, Academic Senate

Academic Senate
Santa Barbara Division

May 20, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Lisa Parks, Chair
Council on Faculty Welfare, Academic Freedom, and Awards

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

The Council on Faculty Welfare, Academic Freedom, and Awards met on May 5, 2021 to discuss the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program.

Most council members support the proposed UC mandatory vaccination policy, and believe it is an important step in trying to protect the health of UC staff, students, and faculty. Those who strongly favor the proposed policy expressed that they would not be comfortable teaching or working on campus without such a policy. While the majority of members support the proposed policy, in what follows we mention concerns that emerged in our discussion.

A few members are gravely concerned about or object to a mandatory vaccination program, regardless of exemptions for medical and religious or other sincerely held beliefs. Some members are worried about possible stigmatization of those who decline the vaccine (whether under provisions of section A.3 or by choice), and the discriminatory effects, marginalization, or bullying this may generate. Those members wondered whether a clause should be added to the policy to mitigate discrimination. Some members noted unique challenges with NPI compliance within their discipline, for example teaching foreign language courses from behind a mask.

A few members raised concerns that the vaccines are at this time experimental and long-term side effects are still unknown. For this reason, these members believe opting out on these grounds is legitimate and expressed concern over the mandatory nature of the policy. Some also mentioned uncertainties around variants. Others asked about the duration of the vaccines' effectiveness and whether some people will need to receive boosters during fall quarter to remain protected and in compliance with the policy, once it is in full effect. There were additional questions about enforcement of the policy, particularly with regard to campus visitors (not just contractors or volunteers, as addressed in FAQ 10). Members also expressed concerns that such a policy might have unintended consequences, for example, in the fair treatment and consideration of faculty recruits. A member also suggested that the provision for tracking and reporting of adverse events (under provision C.2) be expanded to include the campus community for required notification rather than just public health officials.

Members are grateful for the opportunity to provide feedback. They emphasize the need for robust discussion and democratic process, however difficult, as a policy of this magnitude cannot be implemented by executive decree.

CC: Shasta Delp, Executive Director, Academic Senate

Academic Senate
Santa Barbara Division

May 21, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Melissa L. Morgan, Chair
Committee on Diversity and Equity

Re: SARS-CoV-2 (COVID-19) Vaccination Program Policy

The Committee on Diversity and Equity (CDE) reviewed the SARS-CoV-2 (COVID-19) Vaccination Program Policy. While the Committee supports vaccinations which will allow the campus community to return safely, there were concerns, primarily around equity and inclusion:

- Communities of color have been disproportionately impacted by COVID-19. CDE is concerned about profiling that could occur regarding perceptions of who may have received the vaccine or not.
- There is much concern about biases against international students, especially from countries that are experiencing high levels of COVID-19.
- What system will be in place for students, faculty and staff to show they have been vaccinated? If vaccination records are to be kept confidential, how will faculty and graduate students know if the students in their classes have been vaccinated?
- Who will enforce campus policies, such as this vaccination mandate, as well as other potential guidelines such as face coverings and social distancing?
- The exception policy is vague, especially the statement that an exception can be made for "...beliefs, observances, or practices, which an individual sincerely holds and which occupy in their life a place of importance parallel to that of traditionally recognized religions". This seems to open the door for exceptions to be granted for almost any reason.

CC: Shasta Delp, Executive Director, Academic Senate

Academic Senate
Santa Barbara Division

May 21, 2021

To: Susannah Scott
Divisional Chair, Academic Senate

From: Erika Felix, Chair
Committee on International Education

Re: CIE Response to the SARS-CoV-2 (COVID-19) Vaccination Program Policy

The Committee on International Education (CIE) has reviewed the SARS-CoV-2 (COVID-19) Vaccination Program Policy. The committee is supportive of a policy that requires all "University of California Personnel, Trainees, and Students accessing University Facilities and Programs in person to receive the COVID-19 vaccine, subject to limited exceptions and exemptions, beginning before the start of the Fall 2021 term." It was noted that the vaccine must have FDA approval, which raised questions about international students who have access to different vaccines in their home countries. The policy should have specific guidance in the main document or in the Frequently Asked Questions that can help address the questions international students may have. For example, specify if an international student was vaccinated in their home country, but not with a vaccine approved by the FDA, do they need to be re-vaccinated with a FDA-approved vaccine upon return to the U.S.? If they did have access to FDA-approved vaccines in their home country, would the vaccine card from their home country be accepted? The policy does not address international students who may not have CDC cards or who have cards from other countries or if the university will accept vaccination cards in other languages.

CIE thoroughly reviewed the Frequently Asked Questions (FAQs) and noted that they did not address questions that may be raised by international students. For example, will students need to be vaccinated before entering the United States or would they have to be re-vaccinated by an FDA approved vaccine? Some of the questions may be confusing to international students and further clarification on the requirements is needed. We anticipate that by adding a section addressing the concerns and questions of international students, this will save time and energy for individuals at home campuses who may be fielding questions from international students on these issues.

Please do not hesitate to contact the committee if you have additional questions.

Academic Senate
Santa Barbara Division

May 21, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Mike Gordon, Chair
Committee on Admissions, Enrollment & Relations with Schools

Re: SARS-CoV-2 (COVID-19) Vaccination Program Policy

The Committee on Admissions, Enrollment and Relations with Schools has reviewed the draft SARS-CoV-2 (COVID-19) Vaccination Program Policy. CAERS is generally supportive of the draft policy but would like to raise the following concerns:

1. CAERS recommends more developed enforcement policies so that this burden does not fall on instructors including faculty, teaching associates, and teaching assistants.
2. CAERS would like to see stricter language regarding Nonpharmaceutical Interventions (NPIs)for unvaccinated people.

CC: Shasta Delp, Executive Director, Academic Senate

May 21, 2021

TO: Susannah Scott, Divisional Chair
Academic Senate

FROM: Ruth Finkelstein, Chair
Committee on Academic Personnel

RE: CAP Response to SARS-CoV-2(COVID-19) Vaccination Program Policy

The Committee on Academic Personnel (CAP) has reviewed SARS-CoV-2 (COVID-19) Vaccination Program Policy. CAP is supportive of universal vaccination and requirements for students, faculty, academic appointees, and staff accessing University Facilities and Programs in person to receive the COVID-19 vaccine. While CAP understands that there will be limited exemptions and exceptions and that those individuals will be subject to additional safety measures, we feel that there is not enough clarity on what those additional safety measures will be.

Academic Senate
Santa Barbara Division

May 14, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Don Marolf, Chair
Committee on Rules, Jurisdiction and Elections

Re: SARS-CoV-2 (COVID-19) Vaccination Program Policy

The Committee on Rules, Jurisdiction and Elections (RJE) reviewed the proposed SARS-CoV-2 (COVID-19) Vaccination Program Policy. Generally, RJE supports the vaccination policy, but questioned how compliance would be verified. In addition, some members of the committee expressed concern that the possibility of requiring repeat vaccinations or boosters into the indefinite future may be too far reaching, and that it might be better to formulate the current proposal as being of finite duration. Of course, such a policy could be amended or extended at a later time.

Cc: Shasta Delp, Executive Director, Academic Senate

Academic Senate
Santa Barbara Division

May 5, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Karen Lunsford, Chair
Committee on Library, Information, and Instructional Resources

Re: Comments on Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

The Committee on Library, Information, and Instructional Resources reviewed the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program by email during the week of April 27, 2021. Members unanimously support a policy that protects the safety of the campus in this public health emergency. That said, committee members had several questions about the policy's regulations and implementation.

In regard to the policy's regulations, committee members questioned the wide range of personal (non-medical) exceptions allowed by the policy. Members believed that allowing such broad exceptions would undermine the vaccination program's purpose. They cited the recent measles outbreaks in CA (leading to SB 277) as an example of how personal exceptions contribute to spreading a disease. In addition, committee members noted that the proposed policy does not address visitors to the campus. For example, would the policy apply to invited speakers and researchers? Would unvaccinated prospective students and families be barred from entering residence halls, classrooms, and dining areas?

In regard to the policy's implementation, committee members raised a number of concerns:

1. At what point will people be considered vaccinated: after their first dose of a two-dose sequence, after their second dose, or two weeks after their second dose? What happens in the interim, when they have received their doses but do not yet have the full effect of the vaccination?

2. Because the virus is continuing to mutate, booster vaccine shots may become necessary. Will this policy also apply to booster vaccinations?

3. What will be considered appropriate documentation for international students who have received vaccinations elsewhere? What are the procedures for international students who may need to be vaccinated upon arrival?

4. If someone has received a vaccine that is considered less effective, will they need to be re-vaccinated?

5. Students who choose not to comply with the policy may be barred from campus. However, what happens if a faculty member or researcher refuses the vaccine and does not fully comply with other procedures?

A committee member also suggested an edit to the definition of “Working, Living, and/or Learning on Site” (the last definition in the list): “including living in housing furnished by the University...” should be changed to “including, but not limited to, living in housing furnished by the University…”

CC: Shasta Delp, Executive Director, Academic Senate

Academic Senate
Santa Barbara Division

May 12, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Forrest Brewer, Chair
Committee on Research Policy and Procedures

Re: Comments on Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

The Committee on Library, Information, and Instructional Resources reviewed the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program by email during the week of April 27, 2021.

Members agree that a policy defining a vaccination requirement for campus access is important to speed the return to on-campus research and teaching. While this policy has less "teeth" than the standard student immunization policy, it is reasonable given the unique landscape presented by COVID-19. Members find that rapid implementation of such a policy is appropriate given the social and political constraints currently at play.

The use of "Non-Pharmaceutical Intervention" as a response to vaccine declination is only a moderate consequence, and it is rather ambiguous. However, members recognize that any other response would be difficult to implement and only further jeopardize the primary goal of widespread vaccination. It is also clear that crafted ambiguity is appropriate in this case; a flexible response is helpful to handle a dynamic situation with potentially different driving issues at different sites. Members are curious as to how this policy will evolve and future requirements for booster shots. While not likely a concern for the policy's implementation in Fall 2021, more guidelines may be necessary in the future regarding being "up-to-date," rather than being vaccinated.

Members have questions about local campus plans for enforcement of this policy. Given that UCSB is an open campus, discussion is urgently needed regarding policy enforcement with respect to building access. Even if student, staff and faculty vaccination statuses are known (which we're not yet sure is possible), it is not clear how the campus could rigorously control building accessibility. Reliable means for verifying vaccination, i.e. spot checks on campus, are likely needed to ensure policy compliance and protect the campus community from visitors and the public.

CC: Shasta Delp, Executive Director, Academic Senate

UC SANTA BARBARA

Faculty Executive Committee
College of Letters and Science

To: Susannah Scott
Chair, Divisional Academic Senate

From: Sabine Frühstück
Chair, L&S Faculty Executive Committee

Re: Systemwide Review of Proposed Presidential Policy for SARS-CoV-2 (COVID-19) Vaccination Program

At its meeting on April 29, 2021, the Faculty Executive Committee of the College of Letters and Science (FEC) reviewed the proposed Presidential Policy for the SARS-CoV-2 (COVID-19) Vaccination Program. The policy establishes a vaccination mandate for all students, faculty, and staff, pending full FDA approval of one or more vaccines available to protect against SARS-CoV-2.

Generally, the committee supports the proposed vaccination mandate. Some concern was expressed that language in the mandate lacks specificity, particularly around situations where an individual does not receive the vaccine and does not receive a valid exemption. For example, the statements "participation may be delayed" (III.A) and "may be prohibited" (III.E.3) appear to conflict with the very clear statement that individuals who do not get vaccinated and do not receive exemption "will not be cleared to access University Facilities or Programs in person" (III.A.3.a). The committee feels that either A.) Language around compliance should be standardized across the document, or B.) That flexibility intended to allow campuses to handle such situations on a case-by-case basis should be explicitly written out when language such as "may" is used, indicating criteria and by whom such cases will be considered.

The committee also emphasizes the importance of following existing effective practices for vaccination mandates, and felt that this policy – which assumes full FDA approval as a condition of going into effect – should draw on and be modeled after long-standing vaccination requirements, such as the systemwide policy *requiring* MMR vaccinations for all incoming students.

Thank you for the opportunity to comment.

cc: Pierre Wiltzius, Executive Dean of the College and Dean of Science
Jeffrey Stopple, Associate Vice Chancellor and Dean of Undergraduate Education
Mary Hancock, Acting Dean of Humanities and Fine Arts
Charlie Hale, Dean of Social Sciences

May 18, 2021

TO: Susannah Scott
Divisional Chair, Academic Senate

FROM: Pradeep Sen, Chair
College of Engineering, Faculty Executive Committee

RE: SARS-CoV-2 (COVID-19) Vaccination Program Policy

The College of Engineering Faculty Executive Committee met and thoroughly discussed the SARS-CoV-2 (COVID-19) Vaccination Program Policy on May 4, 2021 and then again on May 18, 2021.

The committee's response to the policy was not unanimous. The various views are explained in the response below.

The majority of committee members expressed support for the policy implementation. These committee members noted that requiring vaccination is not unusual in UC policy or in American life, citing mandatory vaccination for UCSB students, mandatory vaccination to enter the United States as an immigrant, and mandatory vaccination for children enrolling in UCSB day care programs.

It was also noted that by having the University of California system and California State University systems implementing this policy together, more people residing in California will be compelled to receive a vaccine, bringing California closer to its vaccination goals.

Committee members also pointed out that having most of the UCSB community vaccinated is good for those of our members who are unable to receive a vaccine due to a health condition or age.

There were some concerns among the committee, however. One concern was raised about vaccine availability (or FDA approval) at the time of implementation, which could have implications for UCSB community members trying to comply with the requirements but unable to. The committee suggests a contingency plan be established in case of this scenario.

There were also questions about whether future "boosters" of the vaccine would also be mandated or how this policy opens the door to future COVID-related mandates (or any other medical mandates, for that matter). The committee recommends the university be forward-thinking about this possibility and consider how this mandate would apply, or not, to possible booster shots, and to be clear and transparent with the university community about its decision-making process used to reach their conclusions.

Committee members also expressed concerns about being asked to teach in a hybrid manner in order to accommodate students who choose not to be vaccinated. Hybrid modes of teaching (simultaneously teaching in-person and online) is burdensome and this mode should not be imposed on faculty.

Finally, it should be noted that one committee member expressed strong disapproval of a vaccine mandate and suggested that rather than requiring people to be vaccinated, the university should dedicate their efforts towards providing the relevant information and educating the community members so they can choose to be vaccinated or not. Those who chose not to be vaccinated could be required to wear masks or attend classes virtually.

This committee member expressed three primary concerns with mandatory vaccination:

1. Safety risks of new technology like the mRNA vaccines. This committee member cited concerns over potential long-term impacts on individuals' health from vaccination because mRNA vaccines are extremely new and long-term side-effects are unknown. Because of these unknowns, we could be potentially putting a low-risk population from COVID (young people) at higher risk of other more serious health problems by forcing them to be vaccinated.
2. UC-system administrators are not medical doctors and should not mandate medical issues. Everyone has individual medical needs that are not being taken into consideration when deciding whether or not to take a vaccine. Students and staff can be informed with education and can make their own decisions. Some committee members pointed out, however, that UC already mandates certain vaccines for students, so adding a COVID vaccine to the list does not seem like overreach.
3. Pharmaceutical companies do not have a clean history and they have no liability with many of these vaccines. These companies are protected if something goes wrong and furthermore are financially incentivized to continue to develop and deploy future COVID booster shots.

In general this committee member would like to see more research on COVID-19 vaccines, cost/benefit analysis weighing the benefits and potential risks of the proposed policy. Ultimately, however, he believes the university should not be enforcing medical mandates, especially on a younger healthy population such as students, although as was pointed out the university already has a policy of requiring vaccines for other diseases (e.g., measles).

Some of these concerns could be alleviated if the UC would provide detailed documentation on the vaccines, their safety/efficacy, and any studies which they used to reach their conclusions. This

would also help make the process transparent and would help with buy-in from the community, as opposed to feeling like the mandate is coming "from above." Finally, having more information would help us have intelligent conversations about vaccination within (and outside) the university community.

In summary, the majority of the committee was in favor of the policy but there were strong minority opinions.

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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COLLEGE OF CREATIVE STUDIES

May 21, 2021

To: Carrie Byington
Executive Vice President, University of California Health

Fr: John Latto, FEC Chair, College of Creative Studies.

Re: CCS Response to SARS-CoV(COVID-19) Vaccination Program Policy

The College of Creative Studies Faculty Executive Committee met on May 18th and discussed the proposed Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination program. The committee was grateful for the opportunity to review the proposal and thankful to those who worked to produce it.

The committee supported there being a universal vaccination mandate across the UC system as being one of the best ways to return to normal operations safely. However, a number of issues and concerns were raised.

It is likely that many international students will be returning in the Fall who have received vaccines that are licensed in their home country but not in the USA, for example the Sinopharm and CoronaVac vaccines being widely used in China, and the only vaccines available in several other countries. The current proposal appears limited to vaccines that have been approved in the US. What guidance will be given to International students? At a minimum this could be added to the FAQ ('Do I need to get a second vaccine if I received a vaccine that is not licensed in the US?') but another possibility would be to accept the five vaccines, to date, that the World Health Authority has approved based on their approval by a Stringent Regulatory Authority - the three in use in the US plus the Sinopharm and Oxford-AstraZeneca vaccines.

A second concern was the potential consequences for people with legitimate medical reasons for not being vaccinated. Requiring any form of badge or sticker system for those who are vaccinated will effectively mark the unvaccinated and could lead to discrimination and other negative consequences. It was felt that greater guidance could be given in this area. Perhaps by discouraging the use of badges and stickers except under certain specific circumstances, especially if it is known that a very high fraction of the overall campus population is vaccinated.

Two issues were raised with regard to enforcement of the policy. There was a strong feeling that faculty should not be placed in the position of enforcement - e.g. requiring students to show badge status to enter a lecture hall. There were also questions raised about the ambiguity of the

statement that those who ‘fail to participate entirely, will be barred from in-person access to University Facilities and Programs and may suffer consequences as a result.’ Who will enforce this bar and what consequences are being referred to?

Finally, it was noted that although the United States has a robust and generous Vaccine Injury Compensation Program, COVID-19 vaccines are not currently included and are instead covered under the less generous and less accessible Countermeasures Injury Compensation Program which also requires a higher burden of proof. Although all the evidence suggests that all the vaccines in use in the US are safe and effective it is not unreasonable to expect some rare events if hundreds of millions of people are vaccinated. Perhaps the University of California could add its voice to those calling for the COVID-19 vaccines in use in the US to be immediately added to those covered under the Vaccine Injury Compensation Program.

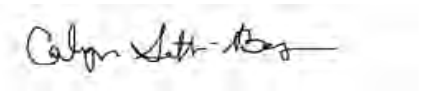
UC SANTA BARBARA

Faculty Executive Committee
Gevirtz Graduate School of Education

May 14, 2021

To: Susannah Scott, Chair
Academic Senate

From: Carolyn Sattin-Bajaj, Vice Chair
Faculty Executive Committee, GGSE



Re: SARS-COV-2 Vaccination Policy

The Faculty Executive Committee of the Gevritz Graduate School Education supports the proposed vaccination policy, with encouragement to proceed cautiously regarding employee-imposed health requirements in the future. We also request regular re-assessments of the policy and adjustments according to changing local, national, and global concerns, community needs, and feedback from campus constituents about the policy. We request more information about the allowable exemptions, the plan for policy implementation and oversight. Additionally, we would like more information about contingency plans based on the timing of FDA approval. For example, if FDA approval is not granted prior to the start of Fall quarter start or there is not sufficient lead time to allow for full vaccination, what will the university do in terms of vaccine requirements and course formats/teaching?

We would also encourage the university leadership to take this opportunity to examine existing policies that were created prior to the pandemic and reassess their validity for the current and changing context. For example, given the successful models of virtual instruction that have emerged during the quarantine, the university might consider offering expanded hybrid or online instruction. Relatedly, the university might consider allowing a certain percentage of faculty/staff to work remotely— particularly for positions that can be highly efficient when done remotely. This would facilitate lower campus volume and greater distancing on campus. This may also reduce campus overhead costs, assist with workspace limitations (e.g., allowing for shared offices), and lessen the environmental impacts of requiring daily commutes.

UC SANTA BARBARA
Bren School of Environmental Science & Management

2400 Bren Hall
UC Santa Barbara
Santa Barbara, CA 93106-5131
bren.ucsb.edu

May 21, 2021

TO: Susannah Scott, Academic Senate Chair

FR: Mark Buntaine, Bren School Faculty Executive Committee Chair

RE: SARS-CoV-2 (COVID-19) Vaccination Program

All members of the Bren School Faculty Executive Committee fully support the vaccine mandate for UC faculty, staff, and students as described in the draft policy. This policy is essential to enable faculty and students to safely return to the classroom in person and staff to safely return to work on campus.

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SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

May 24, 2021

MARY GAUVAIN, Chair
Academic Council

RE: Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear Mary,

The Academic Senate has reviewed the campus revised "Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program." The following committees have reviewed and responded: Committee on Affirmative Action and Diversity (CAAD), Academic Freedom (CAF), Admissions and Financial Aid (CAFA), Academic Personnel (CAP), Educational Policy (CEP), Faculty Welfare (CFW), Teaching (COT), Planning and Budget (CPB), Privilege and Tenure (P&T), and Rules, Jurisdiction, and Elections (RJ&E).

Each committee supports the efforts to achieve universal vaccination within the community. However, they each also have questions regarding implementation of the vaccination program.

CAAD is pleased that materials will be made accessible for individuals who are visually impaired and will be made available in other languages. But they also inquire how UC will approach international student vaccinations from their home country. They question whether UC will accept this to meet the mandate requirement and if the USFDA emergency authorization approval will need to be met in this case. There is also the question of how the UC will support international students who may not be able to easily access the vaccine in their home countries. CAAD further requests information regarding the vetting process of third party locations which will distribute indicators of vaccination. They have concerns that a possible health disclosure could result in a cause of discrimination including for those with approved medical exemptions and should not be expected to make a disclosure public.

The members of CAF firmly believe that religious and medical exemptions will not curtail the goals of universal vaccination within each campus community. They also believe that the universal vaccination policy will help the campus community reach herd immunity locally, but they recognize the authority of the University Review Board to grant religious-based or medical-based exemptions. CAF suggests the relevant language be more flexible and lenient. They agree that most UC campuses are located in relatively progressive communities and thus will likely have relatively minor anti-vaccine resistance, so CAF does not think the University should be mired in disputes that the policy could potentially raise implicating the First Amendment.

CAFA also wonders about UC handling of vaccines distributed in other states and countries. They point out that not all states may have vaccine registries similar to California's Immunization Registry, and question how the Local

Vaccine Authority (LVA) will confirm proof of vaccination in this case as well as confirmation of met standards of a vaccine's preliminary approval. They request expedited communication on these topics as some out-of-state students as well as some international students may be concerned with their vaccination statuses.

CAP members agree the intentions of the proposed policy and program are good, but they have several concerns regarding implementation, including stigma marking, inequity, privacy, effects on personnel reviews, and omission of reference to booster shots and associated requirements. CAP notes that the proposed policy suggests those who are vaccinated may be marked with a badge and this raised concerns about a possibility of stigma marking and identifying of those who are not vaccinated, despite the proposal policy's exceptions and exemptions policy. Members also have privacy concerns relating to the possibility of staff or faculty inquiring about an individual's vaccination status or medical history. They mention that while it is not appropriate for faculty to poll students, they may be able to better protect themselves if they are informed by the campus previously that there are unvaccinated students in the class, while maintaining identifiable information confidential. CAP lastly notes that a faculty member's personnel review should not be negatively impacted should the member choose to teach online due to safety concerns and/or vaccine exemption.

CEP raised several concerns. The committee would like clarification about the increase in accommodation requests and was unclear if accommodation requests extend to employees with immunocompromised family members. CEP also noted that access to vaccines for international students is a critical issue. Will the university ensure these students can access vaccines? International students may also face issues receiving student visas or campus housing. Some members felt strongly that only medical exemptions should be allowed, though there was not a clear consensus on this issue.

CFW raised questions regarding campus specific details regarding policy mandating as well as provided suggestions for program improvement. CFW strongly supports UC-wide policy requiring members of the campus community to be vaccinated against COVID-19, once there are FDA approved vaccines and after everyone who wishes to get vaccinated is able to. The committee also has concerns regarding management of exceptions and exemptions from this policy, as it is difficult to verify whether beliefs are sincerely held. However, the committee does see purpose in the policy as encouragement to get vaccinated and maintaining a record of who is not vaccinated. CFW is mainly concerned with how the university and community members can protect themselves in a policy where not all individuals on campus are vaccinated. The members oppose identifying badges and stickers that may cause stigma to those without these markers. They have provided the following suggestions to proceed: Informing faculty members when students in their classes or labs or section are unvaccinated as well as when colleagues or staff in their unit are unvaccinated without identifying the individuals, and regular testing of unvaccinated members for COVID-19 along with informing members that may have been in contact with any individual who tested positive. CFW also requests information regarding the monitoring of the current campus policy requiring campus members to have received the flu vaccine and the handling of exceptions to this policy.

COT supports the mandate. COT echoes CAAD's concern about international students being in compliance with the policy if they received vaccinations outside of the US. COT noted the importance of clear communication with students to correct any misconceptions they may have, and to provide them with clear guidelines about when and how to obtain vaccines (both before arriving on campus, and locally in Santa Cruz) to ensure that they have the opportunity to comply with the mandate. COT also shares CAAD's concerns about the logistics of implementing the policy. COT is uncertain about how confidentiality can be protected while at the same time implementing some sort of markers to identify those who have been vaccinated.

CPB was in support of this policy but observed that this proposed policy rather confusingly uses the terminology "approved" to refer to both EUA-vaccines (Emergency Use Authorizations) and approved vaccines. CPB recommends the language in the policy stay consistent with FDA terminology. CPB would like to confirm that UC will ensure that all campuses are able to provide easy access to students and community members who face challenges in getting the vaccination. CPB also noted the challenges for international students. Would a broader

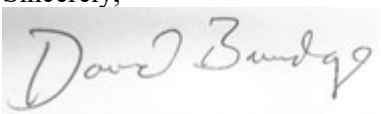
approach where documentation of being vaccinated by the originating country be considered adequate? Additionally, some members of CPB were troubled by the opt out option as it exposes others on campus. Might there be a compromise where campuses make data available (without names) that there are X number of students/faculty/staff in a building or classroom who have received an approved Exception or Medical Exemption?

RJ&E brought up several questions after review of the proposed vaccination program. They would like to know why the proposed policy is contingent on "full FDA licensure," given that vaccines have already been administered by the UC system already. They wonder why the proposed policy isn't implemented under the current emergency use authorization. They suggest this implementation as full FDA approval can take up to six months and is expected some time in the second half of 2021. They also ask how the University will define "widespread availability" if the clause about FDA licensure is kept as well as when policy enforcement will begin should approval happen in the middle of the academic term. With reference to SB 277 and the UC Student Immunization Policy, there are no personal belief exemptions, so RJ&E asks why this vaccine policy would have such exemptions. The committee also asks if students with religious exemptions are excluded from in-person participation, could this be construed as a discriminatory policy? RJ&E also draws attention to the UC Immunization Exemption Policy Committee, noting that is appears to be composed primarily of members with expertise in medicine and public health. The committee requests details about how the committee will approve requests for exemption based on faith or beliefs and whether the committee might be better reconstructed to account for these exemptions. Will information about the number of exceptions and courses implicated be made available in a time fashion to faculty and administrators to ensure public health and safety of the UCSC community?

RJ&E mentions the Student Immunization Policy provides for enforcement by a Registration Hold but does not address the enforcement mechanisms related to personal protective equipment, social and physical distancing, frequent hand washing, and such. They also mention that a Registration Hold is not effective in the case of faculty and staff. The committee would like to know how prohibition for in-person access to University Facilities or Programs would be enforced across the wider University community. They further state the details of the implementation and enforcement are vague and question whether the vagueness was intended for each campus to develop its own solutions. Lastly, the members question what will be done if vaccine-resistant variants arise in the UC community and how might the proposed policy impact the University's response. They point out that the proposed policy would result in shutdowns and return to remote instruction rather than requiring "boosters" even if non-FDA approved, modified vaccines were prepared.

P&T is in full support of the proposed policy and are gratified to see that vaccination certification will take place at admission or enrollment, relieving faculty and staff from the desire or need to inquire about an individual's vaccination status. P&T raised a concern about the policy currently in effect, which restricts faculty from inquiring about a student's or employee's vaccination status due to individual privacy rights. The members feel that in the case of the pandemic, individual privacy rights should not necessarily trump personal and community safety rights. They are concerned that lack of inquiry about vaccination status may lead to faculty being unable to take appropriate measures to protect themselves and others when near an unvaccinated individual.

Sincerely,



David Brundage, Chair

Enc: Senate Committee Responses (Bundled)

cc: Sylvanna Falcón, Chair, Committee on Affirmative Action & Diversity
Minghui Hu, Chair, Committee on Academic Freedom
David Smith, Chair, Committee on Admissions and Financial Aid
Junko Ito, Chair, Committee on Academic Personnel
Tracy Larrabee, Committee on Educational Policy
Nico Orlandi, Chair, Committee on Faculty Welfare
Maureen Callanan, Committee on Teaching
Dard Neuman, Committee on Planning and Budget
Julie Guthman, Chair, Committee on Privilege and Tenure
Kenneth Pedrotti Chair, Committee on Rules, Jurisdiction, and Elections

May 11, 2021

David Brundage, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear David,

The Committee on Affirmative Action and Diversity (CAAD) has reviewed the Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. Overall we are in support of a universal vaccine mandate, "unless an authorized University official approves an exception or medical exemption." We note that the materials will be made accessible for the visually impaired and made available in other languages as well.

The policy refers to international students but does not clarify where these students are expected to be vaccinated. If vaccinated in their home country, will the UC accept this as meeting the mandate requirement and will the UC accept vaccines that haven't received USFDA emergency authorization approval? How does the UC plan to support international students who may not have access to the vaccine in their home countries? And have plans been developed on how to proceed with this level of oversight and verification?

Even though the university will not disclose vaccine status of individuals to respect privacy, the policy states, "however third parties and some locations may distribute badge attachments, stickers, pins, or other indicators that vaccinated individuals may use to show that they have received the vaccine." Can examples be provided of these third party vendors and how they will be vetted? Moreover, a possible health disclosure in this example by a third party vendor could potentially result in a cause of discrimination, including for those who have an approved medical exemption, and should not be expected to make such a disclosure public.

Sincerely,

Sylvanna M. Falcón

Sylvanna Falcón, Chair
Committee on Affirmative Action and Diversity

cc: Minghui Hu, Chair, Committee on Academic Freedom
Junko Ito, Chair, Committee on Academic Personnel
David Smith, Chair, Committee on Admissions and Financial Aid
Maureen Callanan, Chair, Committee on Teaching
Nico Orlandi, Chair, Committee on Faculty Welfare
Dard Neuman, Chair, Committee on Planning and Budget
Julie Guthman, Chair, Committee on Privilege and Tenure
Ken Pedrotti, Chair, Committee on Rules, Jurisdiction and

May 17, 2021

DAVID BRUNDAGE, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear David,

The Committee on Academic Freedom (CAF) has reviewed the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program (Policy) and endorses its goal of achieving universal vaccination within the University community. CAF also discussed the potential issues with religious and medical exemptions and the members firmly believe that these exemptions will not curtail the primary goals of universal vaccination and of achieving herd immunity locally within each campus community.

The universal vaccination policy will help the campus community cross the finish line to reach herd immunity locally. The University of California Office of the President (UCOP) has articulated and detailed how this policy helps keep the campus community safe and avoid being closed again due to a future outbreak of COVID-19. CAF agrees with UCOP that the primary goal of public health trumps other individual concerns. With this in mind, CAF also recognizes the authority of the University Review Board to grant exemptions to those who seek not to be vaccinated on either religious or medical grounds, and suggests that the relevant language could be more flexible and lenient. Nearly all UC campuses are located within pockets of relatively progressive communities in California and agrees with UCOP that the anti-vaccine resistance will be relatively minor in most of these communities. As such, CAF does not think the University should be mired in disputes that the policy could potentially raise implicating the First Amendment.

Sincerely,
/s/
Minghui Hu, Chair
Committee on Academic Freedom

cc: Sylvanna Falcon, Chair, Committee on Affirmative Action and Diversity
David Smith, Chair, Committee on Admissions and Financial Aid
Junko Ito, Chair, Committee on Academic Personnel
Tracy Larrabee, Chair, Committee on Educational Policy
Dard Neuman, Chair, Committee on Planning and Budget
Maureen Callanan, Chair, Committee on Teaching
Nico Orlandi, Chair, Committee on Faculty Welfare
Kenneth Pedrotti, Chair, Committee on Rules, Jurisdiction, and Elections
Julie Guthman, Chair, Committee on Privilege and Tenure

May 19, 2021

DAVID BRUNDAGE, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program

Dear David,

The Committee on Admissions and Financial Aid (CAFA) had the opportunity to review and discuss the proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program. Our reading of the proposed policy left us wondering about one important issue, which is the handling of vaccinations given in other countries and in other states, considering that many of our newly admitted students are coming from elsewhere. How will the Local Vaccine Authority (LVA) confirm that the vaccinations have been given, since not all states may have a vaccine registry analogous to the California Immunization Registry. And how will the LVA confirm that the vaccines given in other countries have met our standards of "preliminary approval"? It is important both to answer these questions and communicate the answers to new students entering in fall as quickly as possible. Undergraduate Admissions has assured us that the vaccination requirement itself has been communicated, but I imagine out-of-state and international students are still very concerned about their own vaccination status.

Sincerely,
/s/
David Smith, Chair
Committee on Admissions and Financial Aid

cc: Sylvanna Falcon, Chair, Committee on Affirmative Action and Diversity
Minghui Hu, Chair, Committee on Academic Freedom
Junko Ito, Chair, Committee on Academic Personnel
Tracy Larrabee, Chair, Committee on Educational Policy
Dard Neuman, Chair, Committee on Planning and Budget
Maureen Callanan, Chair, Committee on Teaching
Nico Orlandi, Chair, Committee on Faculty Welfare
Julie Guthman, Chair, Committee on Privilege and Tenure
Kenneth Pedrotti, Chair, Committee on Rules, Jurisdiction, and Elections

May 19, 2021

David Brundage, Chair
Academic Senate

Re: Systemwide Review, Proposed Presidential Policy on COVID-19 Vaccination Program

Dear David,

During its meeting of May 6, 2021, the Committee on Academic Personnel (CAP) reviewed the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. Although the intention of the proposed policy and program to increase safety for the UC community is a good one, members raised several concerns about its implementation, including the potential for stigma marking, inequity, privacy, effects on personnel review, and the omission of any reference to booster shots and associated requirements.

As one might assume, it is difficult to balance the rights of all. However, the UC has a responsibility to protect all employees, including those who may be unable to receive the vaccine. As the policy leads much up to individual campuses, there were many unanswered questions about implementation and monitoring at UCSC. The proposed policy states that those who have vaccination exceptions or exemptions will be asked to do non-pharmaceutical interventions. The FAQ section of the policy also suggests that those who are vaccinated may be marked with a badge or badge sticker. Concerns were raised about the possibility of stigma marking and identifying those who are not vaccinated, particularly among communities of color, where there is skepticism regarding vaccination due to past abuses.

It is also difficult to balance safety and privacy. Members raised concerns about privacy rights and the possibility of faculty or staff inquiring about an individual's vaccination status or medical history. CAP contends that although it is not appropriate for faculty to poll students, faculty may be better able to protect themselves and their students if the campus informs them that there are unvaccinated students (unidentified) in a class, lab, etc.

In terms of how this proposed policy and program intersects with personnel review, CAP notes that faculty may choose to, or be required to, teach online due to safety concerns, and/or vaccine exceptions/exemptions, and that these choices should not have negative consequences in one's personnel review.

Thank you for the opportunity to provide feedback.

Sincerely,

Junko Ito, Chair
Committee on Academic Personnel

cc: Sylvanna Falcon, Chair, Committee on Affirmative Action and Diversity
Minghui Hu, Chair, Committee on Academic Freedom
David Smith, Chair, Committee on Admissions and Financial Aid
Julie Guthman, Chair, Committee on Privilege and Tenure
Tracy Larrabee, Chair, Committee on Educational Policy
Dard Neuman, Chair, Committee on Planning and Budget
Maureen Callanan, Chair, Committee on Teaching
Nico Orlandi, Chair, Committee on Faculty Welfare
Kenneth Pedrotti, Chair, Committee on Rules, Jurisdiction, and Elections

May 19, 2021

David Brundage, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Senate Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear David,

The Committee on Educational Policy (CEP) has reviewed the Systemwide Senate Review of proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. Overall, the committee raised some concerns that we hope will be addressed as this policy is finalized.

1. The committee would like clarification about increases in accommodation requests as well as other novel challenges. What if disability coordinators are unable to process larger numbers of requests with the needed speed? Do campuses have adequate appeals processes for employees and will such processes be agile enough to avoid disruptions? Do accommodation processes extend to employees whose household members (dependents) are immune compromised? Is there any guidance the university can issue to employees that would increase efficiency of incoming requests?

2. Although eligibility is not currently an issue for U.S.-based students, access to vaccines remains a critical issue, including for international students. Will the university provide vaccines for students who have not been able to receive them? How will the university ensure that students can access vaccines?

3. The letter omits discussion of the circumstances facing international students, many of whom may live in countries without vaccination programs or may have been vaccinated with non-U.S. vaccines. Members are concerned about how this policy will accommodate them and whether their ability to receive a student visa or secure campus housing may be affected by this policy.

4. Some committee members were concerned about the exemption policies and felt strongly that only medical exemptions should be considered/allowed. However, the committee did not reach consensus on this particular issue.

Sincerely,

Tracy Larrabee, Chair
Committee on Educational Policy

cc: Sylvanna Falcón, Chair, Committee on Affirmative Action and Diversity
Minghui Hu, Chair, Committee on Academic Freedom
Junko Ito, Chair, Committee on Academic Personnel

David Smith, Chair, Committee on Admissions and Financial Aid
Maureen Callanan, Chair, Committee on Teaching
Nico Orlandi, Chair, Committee on Faculty Welfare
Dard Neuman, Chair, Committee on Planning and Budget
Julie Guthman, Chair, Committee on Privilege and Tenure
Ken Pedrotti, Chair, Committee on Rules, Jurisdiction and Elections

May 19, 2021

David Brundage, Chair
Academic Senate

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear David,

During its meeting of May 13, 2021, the Committee on Faculty Welfare (CFW) reviewed the proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. As discussed in more detail below, CFW is in favor of a UC-wide vaccination policy, but as campus specific details were not provided, the committee also raised questions about the exception and exemption process at UCSC, and how the policy mandate will be monitored. With faculty welfare in mind, the committee additionally offered suggestions for improvements to the program.

CFW is strongly in favor of a UC-wide policy that requires anyone working, studying, and/or living on campus to be vaccinated against COVID-19, once there are FDA-approved vaccines and as long as anyone who wishes to get vaccinated is able to get vaccinated.

Most of our discussion concerned the issue of exceptions and exemptions from the policy. The document provides little information about how exceptions will be managed, other than to say that requests for exceptions must be submitted to authorized campus representatives and may be based on medical conditions or on sincerely held beliefs. Given the inherent difficulty of verifying whether a belief is sincerely held, members questioned whether any requests will be denied. Nonetheless, the Committee sees value in the policy as a way of encouraging individuals to get vaccinated and as a way to keep track of those who are not vaccinated.

The principal issue that concerned the committee is how the University and members of the campus community can protect themselves given that there will, under this policy, be individuals on campus who are not vaccinated. CFW is not in favor of badges or stickers to identify those who are vaccinated, as this may stigmatize those without these visual markings. The Committee suggests the following measures.

- Faculty should be informed when there are students in their classes or labs or sections who are unvaccinated. Likewise, faculty should be informed when colleagues or staff in their units are unvaccinated. This would not require identifying the unvaccinated individuals, but would allow faculty to take steps to protect themselves.
- Unvaccinated members of the campus community should be tested regularly for COVID-

19. If someone tests positive for COVID-19, the university must alert those who may have been in contact with that individual. I.e., they must do contact tracing.

Finally, CFW notes that the campus currently requires anyone coming on campus to have received the flu vaccine. It would be instructive to know how this requirement is being monitored and how exceptions are being handled as this might inform UC or local campus policy regarding the COVID-19 vaccine.

Thank you for the opportunity to opine.

Sincerely,

Nico Orlandi, Chair
Committee on Faculty Welfare

cc: Sylvanna Falcón, Chair, Committee on Affirmative Action and Diversity
Minghui Hu, Chair, Committee on Academic Freedom
Junko Ito, Chair, Committee on Academic Personnel
David Smith, Chair, Committee on Admissions and Financial Aid
Julie Guthman, Chair, Committee on Privilege and Tenure
Tracy Larrabee, Chair, Committee on Educational Policy
Dard Neuman, Chair, Committee on Planning and Budget
Maureen Callanan, Chair, Committee on Teaching
Kenneth Pedrotti, Chair, Committee on Rules, Jurisdiction, and Elections

May 19, 2021

David Brundage, Chair
Academic Senate, Santa Cruz Division

RE: Systemwide Senate Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear David,

The Committee on Teaching (COT) has reviewed the Systemwide Senate Review of proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program proposal. We support the mandate and we recognize that the proposed policy, including suitable grounds for exemptions, seems to be an extension of existing policy regarding other mandatory vaccinations. This makes perfect sense to us. We do note, however, some remaining questions that are not addressed in the proposed policy and should be considered.

Our committee echoes the issues raised by CAAD in their May 11th correspondence. We agree that there are open questions about whether international students would be in compliance with the policy if they received vaccinations outside of the US, especially if those vaccines have not been approved by USFDA. If waiting to be vaccinated in the US, would international students need to come back to the US much earlier in order to quarantine? Further, we think it is important to consider students within the US in terms of access to vaccines. While vaccine accessibility has increased considerably of late, we are concerned that access has been an equity issue, and we have heard that some students are assuming that they will have access to vaccines on campus when they return. We'd suggest the importance of clear communication with students to correct any misconceptions they may have, and to provide them with clear guidelines about when and how to obtain vaccines (both before arriving on campus, and locally in Santa Cruz) to ensure that they have the opportunity to comply with the mandate.

We also share with CAAD some concerns about the logistics of implementing the policy. We are uncertain about how confidentiality can be protected while at the same time implementing both some sort of markers to identify those who have been vaccinated and a requirement for non-vaccinated individuals to continue masking and social distancing. For those who are not vaccinated, how will the need for continued precautions be communicated without violating privacy? Also, will those who have exemptions from the mandate be required to continue to engage in frequent testing, and will that be provided on campus?

We appreciate the opportunity to comment on this important policy.

Sincerely,

Maureen Callanan, Chair
Committee on Teaching

cc: Sylvanna Falcón, Chair, Committee on Affirmative Action and Diversity
Minghui Hu, Chair, Committee on Academic Freedom
Junko Ito, Chair, Committee on Academic Personnel
David Smith, Chair, Committee on Admissions and Financial Aid
Tracy Larrabee, Chair, Committee on Educational Policy
Nico Orlandi, Chair, Committee on Faculty Welfare
Dard Neuman, Chair, Committee on Planning and Budget
Julie Guthman, Chair, Committee on Privilege and Tenure
Ken Pedrotti, Chair, Committee on Rules, Jurisdiction and Elections

May 19, 2021

David Brundage, Chair
Academic Senate

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program

Dear David,

The Committee on Planning and Budget (CPB) reviewed the Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program on May 13, 2021. The committee is in support of this policy but raises the following observations, questions and recommendations:

- The FDA distinguishes between "Emergency Use Authorizations" (EUA) and "approved" vaccines. For example, from https://www.fda.gov/vaccines-blood-biologics/vaccines/emergency-use-authorization-vaccines-explained, "FDA also expects manufacturers who receive an EUA to continue their clinical trials to obtain additional safety and effectiveness information and pursue licensure (approval)", suggesting that there are differences in the safety and effectiveness requirements for EUA and approval.

  This proposed presidential policy for the COVID-19 vaccination program rather confusingly uses the terminology "approved" to refer to both EUA-vaccines and approved vaccines.

  "Vaccine Approval: For purposes of this policy, a COVID-19 vaccine is considered "approved" after the following conditions are met: (i) the U.S. Food and Drug Administration has issued a License for the vaccine; and (ii) the U.S. Centers for Disease Control and Prevention has recommended its administration. However, any vaccine administered under a License or an Emergency Use Authorization (EUA) meets the vaccination requirements of this policy."

  CPB recommends the language in the policy stay consistent with FDA terminology.

- CPB would like the University of California to ensure that all campuses are able to provide easy access to students and community members who face challenges in getting the vaccination.
- CPB is concerned with the barriers faced by our many international students and colleagues who receive vaccinations that are not approved in the United States. Might a broader approach be explored, where documentation of being vaccinated by a vaccine approved by the originating country be considered adequate?
- Some members were troubled by the opt out option. While CPB recognizes the issues of privacy and individual rights, it is also concerned with the rights of the UC community for a safe working environment, as well as the potential liability to UC if anyone contracts the virus on campus. Might there be a compromise where campuses make data available (without names) that there are X number of students/faculty/staff in a building or classroom who have received an approved Exception or Medical Exemption?

CPB appreciates the opportunity to comment on this matter.

Sincerely,

Dard Neuman, Chair
Committee on Planning and Budget

Cc: CAAD Chair Falcón
CAF Chair Hu
CAFA Chair Smith
CAP Chair Ito
CEP Chair Larrabee
CFW Chair Orlandi
COT Chair Callanan
P&T Chair Guthman
RJ&E Chair Pedrotti

May 5 2021

DAVID BRUNDAGE, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program

Dear David,

The Committee on Privilege and Tenure (P&T) has reviewed the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. The committee is in full support of this policy and are gratified to see that under this policy the vaccination certification will take place at admission (or enrollment in classes) thereby relieving academic faculty and staff of the desire or need to inquire about an individual's vaccination status. In discussing this aspect, the committee raised concerns about the policy currently in effect. As it stands, interim policy restricts faculty from asking about vaccination status from students or employees due to individual privacy rights. While we understand the respect for privacy, we feel that in the case of the pandemic these rights should not necessarily trump another set of rights for personal and community safety. We are concerned that restricting faculty from inquiring about personal vaccination status may preclude them from taking appropriate measures to protect themselves and others when in the presence of an unvaccinated person (by, for example, masking, social distancing, opening windows, and so forth).

Sincerely,
/s/
Julie Guthman, Chair
Committee on Privilege and Tenure

cc: Sylvanna Falcon, Chair, Committee on Affirmative Action and Diversity
Minghui Hu, Chair, Committee on Academic Freedom
David Smith, Chair, Committee on Admissions and Financial Aid
Junko Ito, Chair, Committee on Academic Personnel
Tracy Larrabee, Chair, Committee on Educational Policy
Dard Neuman, Chair, Committee on Planning and Budget
Maureen Callanan, Chair, Committee on Teaching
Nico Orlandi, Chair, Committee on Faculty Welfare
Kenneth Pedrotti, Chair, Committee on Rules, Jurisdiction, and Elections

May17, 2021

DAVID BRUNDAGE, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program

Dear David,

The Committee on Rules, Jurisdiction, and Elections (RJ&E) has reviewed the Proposed Presidential Policy SARS-CoV- 2 (COVID-19) Vaccination Program. The committee has several questions about this policy proposal.

The policy states that enforcement "of the mandate will be delayed until full FDA licensure (approval) and widespread availability of at least one vaccine." Why is the proposed policy contingent on "full approval" of a vaccine before implementation, given that vaccines have been administered in and by the UC system already? Why not implement the proposed policy under the current emergency use authorization? This would appear to be a more prudent approach, better ensuring the safety and health of students, staff and faculty as well as expediting a return to normal operations. Full approval can take up to six months and is expected some time in the second half of 2021. If the clause about FDA license is kept, how will the University define "widespread availability"? And will the proposed policy be enforced immediately, even if approval happens in the middle of the academic term?

SB 277 does not allow for personal beliefs exemptions, nor does the UC Student Immunization Policy, so why would the University allow for such exemptions in the case of this vaccine policy? (See also https://www.shotsforschool.org/laws/exemptions/.) If students with religious exemptions are excluded from in-person participation, might this be construed as a discriminatory policy?

With regard to implementation and enforcement, the Student Immunization Policy states that the UC Immunization Exemption Policy Committee will grant the exemptions. This committee is composed of:

> "UC faculty, staff and students, and public health officials, with members having expertise in primary care medicine, infectious disease, public health, international student services, medical ethics, law, etc."

This committee appears to be composed primarily of members with expertise in medicine and public health. Given this constitution, and without including interfaith representatives or religious ethicists, how will this body be approving the request for an exemption based on faith or beliefs? Will the

composition of the committee be changed to better account for this proposed exemption? Little is said with regard to enforcement. Will information about the number of exceptions, courses implicated, etc. be made available in a timely fashion to faculty and administrators so appropriate ancillary measures be adopted to ensure collective public health and safety of the UCSC community?

The Student Immunization Policy provides for enforcement by the Registrar in the form of a Registration Hold and does not address the enforcement mechanisms related to, "Non-Pharmaceutical Interventions including appropriate use of either personal protective equipment (where required) or face coverings, social and physical distancing, frequent hand-washing and cleaning, and regular surveillance testing." As noted, the sole enforcement mechanism provided by the existing policy appears to apply only to students in the form of a Registration Hold, which would *not* be appropriate or effective in the case of faculty and staff.

How would prohibition from "in-person access to University Facilities or Programs, including University housing" be enforced across the wider University community? Overall, the details of implementation and enforcement seem vague, e.g. it appears that the Location Vaccine Authority may be the responsible party for deciding on the details of implementation and enforcement in section III E regarding Program Implementation and Enforcement. Later section IV C states:

> "Chancellors and leaders at non-campus locations are responsible for implementing this policy. Deans, Department Chairs, unit heads, managers, supervisors, student affairs leaders, and others with responsibility for personnel management will support program implementation and enforcement. Consultation with Academic Senate leaders, especially on the campus, is encouraged with respect to implementation procedures for academic appointees."

Is the vagueness we observe intended to allow for each campus to develop its own solutions in this regard?

Finally what will be done if vaccine-resistant variants of SARS-CoV-2 arise in the UC community and how might the proposed policy impact the University's possible response? For example if modified vaccines with EUA approval become available but they are not "approved," the proposed policy would seem to leave further shutdowns and return to remote instruction as the course of action rather than requiring "boosters." We suggest that the possible impact of the proposed policy be carefully considered with regard to its impact on the Universities reopening plans.

Sincerely,
/s/
Kenneth Pedrotti, Chair
Committee on Rules, Jurisdiction, and Elections

cc: Sylvanna Falcon, Chair, Committee on Affirmative Action and Diversity
Minghui Hu, Chair, Committee on Academic Freedom
David Smith, Chair, Committee on Admissions and Financial Aid
Junko Ito, Chair, Committee on Academic Personnel
Tracy Larrabee, Chair, Committee on Educational Policy
Dard Neuman, Chair, Committee on Planning and Budget
Maureen Callanan, Chair, Committee on Teaching
Nico Orlandi, Chair, Committee on Faculty Welfare
Julie Guthman, Chair, Committee on Privilege and Tenure

UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD

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May 14, 2021

Professor Mary Gauvain
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of SARS-CoV-2 (COVID-19) Vaccination Program

Dear Professor Gauvain,

The SARS-CoV-2 (COVID-19) Vaccination Program proposal was distributed to San Diego Divisional Senate standing committees and discussed at the May 10, 2021 Divisional Senate Council meeting. Senate Council endorsed the proposal.

However, there is concern that the language as it is currently written for "non-pharmaceutical intervention" (NPI) is too broad as the policy appears to allow employees to choose their own NPI if they choose not to be vaccinated. The consensus was that NPI should to be tailored to the job, and should be approved by the supervisor and not be the employee's choice. It was unclear how this policy would apply to colleagues from outside the University who will be visiting the campus and working with University of California personnel. The policy does not mention potential booster vaccinations, and if they would also be required to in order to be considered vaccinated. It is the hope that by having this vaccination policy, it will reduce the number of allowable exemptions, as there is concern that managing too many exemptions at once will burden faculty as they be required to make accommodations while still trying to teach an in-person course.

Sincerely,

Steven Constable
Chair
San Diego Divisional Academic Senate

cc: Tara Javidi, Vice Chair, San Diego Divisional Academic Senate
Ray Rodriguez, Director, San Diego Divisional Academic Senate
Hilary Baxter, Executive Director, UC Systemwide Academic Senate

UCSF Academic Senate

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Sharmila Majumdar, PhD, Chair
Steven Cheung, MD, Vice Chair
Pamela Ling, MD, Secretary
Jae Woo Lee, MD, Parliamentarian

May 24, 2021

Mary Gauvain, PhD
Chair, Academic Council
Systemwide Academic Senate
University of California Office of the President
1111 Franklin St., 12th Floor
Oakland, CA 94607-5200

Re: Proposed SARS-CoV-2 (COVID-19) Vaccination Program Policy

Dear Mary:

The San Francisco Division has reviewed the proposed SARS-CoV-2 (COVID-19) Vaccination Program Policy, and give it our qualified endorsement, with some concerns or caveats.

As you are aware, the policy would require that "[a]ll Personnel, Trainees, and Students accessing any University Facility or Program in person in connection with their employment, appointment, or educational program" either be vaccinated or receive an approved exception or medical exemption by the start of the Fall 2021 term. UCSF's Clinical Affairs Committee (CAC), Committee on Educational Policy (CEP), and Committee on Faculty Welfare (CFW) articulated concerns around the process by which one would obtain a "Medical Exemption" or a religious "Exception". In particular, the proposed policy does not set a systemwide standard on how to request such an exemption (CAC, CFW). In addition, the proposed policy was missing a 'LIST', which may have provided clarification more details about campus standards and procedures. Instead, the policy refers to a "LINK TO LIST," but the list was not provided and was not available.

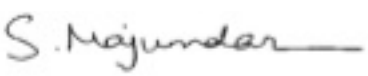
Relatedly, UCSF's CEP felt that there is also a need for more detailed clarification on how UCSF (and other UC campuses) would specifically address unvaccinated individuals due to religious or specific medical issues.

Finally, our Division poses the following questions with respect to the proposed policy, as it is currently written:

1. Should there be a list of example conditions that would warrant a Medical Exemption or should that matter be left to individuals and their providers? Are templates available? What, if any, documentation will be required for requests for religious Exceptions, and how will those requests be reviewed?
2. Who reviews and makes determinations about requests for Medical Exemptions and Exceptions? What are the criteria for review?
3. After the mask mandate is lifted, will people granted an Exception or a Medical Exemption still need to wear a mask?
4. The proposed policy references regular asymptomatic testing in the definition of Non-Pharmaceutical Intervention and in section 3.b on Vaccine Declination. Who will be tested? When? How? Who will decide which asymptomatic people will be tested?

Thank you for the opportunity to opine on this important proposed vaccination policy. If you have any questions about our comments, please do not hesitate to let me know.

Sincerely,



Sharmila Majumdar, PhD, 2019-21 Chair
UCSF Academic Senate

Enclosures (3)
Cc: Kathleen Liu, Chair, UCSF Clinical Affairs Committee
Jose Gurrola II, Chair, UCSF Committee on Educational Policy
Jill Hollenbach, Chair, UCSF Committee on Faculty Welfare

UCSF Academic Senate

https://senate.ucsf.edu

Clinical Affairs Committee

Kathleen Liu, M.D., Ph.D., M.A.S., Chair

May 14, 2021

Sharmila Majumdar, Ph.D.
Division Chair
UCSF Academic Senate

Re: Systemwide Review of the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear Chair Majumdar:

The Clinical Affairs Committee (CAC) writes to generally endorse the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program that is under systemwide review and to advocate for improving the policy by explaining the process and standards that will be used to review requests for "Medical Exemptions" and religious "Exceptions".

The proposed policy would require that "[a]ll Personnel, Trainees, and Students accessing any University Facility or Program in person in connection with their employment, appointment, or educational program" either be vaccinated or receive an approved exception or medical exemption by the start of the Fall 2021 term.

CAC strongly supports efforts to vaccinate as many members of the University community as possible, and CAC supports a requirement for vaccination with very limited exceptions to achieve this. It is critical that members of the UC community be vaccinated to protect themselves, to protect those who cannot be vaccinated, and to stop the spread of the virus that has caused such profound loss worldwide.

The proposed policy does not set a systemwide standard for how a request for a "Medical Exemption" or a religious "Exception" should be documented or reviewed. The proposed policy states that requests must be submitted to "authorized University representatives, who vary by Location and requestor group." The proposed policy then refers to a "LINK TO LIST" that may have provided more details about campus standards and procedures, but the list was not provided and was not available to CAC upon request. This hindered CAC's ability to meaningfully comment on the proposed policy.

CAC recommends that the policy provide guidance on how requests for Medical Exemptions and religious Exceptions will be reviewed. CAC suggests the following questions be considered:

1. Should there be a list of example conditions that would warrant a Medical Exemption or should that matter be left to individuals and their providers?

2. Should an individual be able to submit a request for a Medical Exemption based on their own statements about their health? Alternatively, should the University require that request for a Medical Exemption be supported by documentation from the individual's health care provider?
3. Should requests for Medical Exemptions be independently reviewed by a campus health care provider?
4. What, if any, documentation will be required for requests for religious Exceptions, and how will those requests be reviewed?

CAC reiterates that it is strongly supportive of a policy that requires members of the UC community to be vaccinated against COVID-19 with only limited exceptions. CAC generally supports the proposed policy but found that the policy provided inadequate information about the process and standards that will be used to review requests for Medical Exemptions and religious Exceptions.

Sincerely,

Kathleen Liu, M.D., Ph.D., M.A.S.
Clinical Affairs Committee Chair

UCSF Academic Senate

http://senate.ucsf.edu

May 18, 2021

Sharmila Majumdar, Ph.D
Chair, UCSF Academic Senate

Re: Systemwide Review of the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear Chair Majumdar,

During their May 7th meeting the Committee on Educational Policy (CEP) reviewed the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program. This continued into a discussion over email.
What arose from the committee was a need for more detailed clarification on how UCSF would specifically address unvaccinated individuals due to religious or specific medical issues. Related to these individuals, should someone obtain vaccine exemption status from their doctors, or other legitimate third-party agencies, what specific steps would UCSF recommend for those whose jobs are in direct or close contact with others. Our committee arrived at options to be considered such telemedicine, zoom calls, continued remote work, or re-deployment, although further guidance from the leadership would be most welcome. Of note, a concern was raised as to whether circumstances or situations had been considered in which the vaccination status of an employee may potentially place their employment at risk.

Thank you for taking CEP's concerns and questions into consideration.

Sincerely,

J. Gurrola II, M.D.

Jose Gurrola II, MD
Chair, Educational Policy
UCSF Academic Senate
2020-2021

UCSF Academic Senate

https://senate.ucsf.edu

Committee on Faculty Welfare
Jill Hollenbach, PhD, MPH, Chair

May 14, 2021

Sharmila Majumdar, PhD
Division Chair
UCSF Academic Senate

Re: Systemwide Review of Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program

Dear Chair Majumdar:

The Committee on Faculty Welfare (CFW) writes to provide a qualified endorsement of the Proposed Presidential Policy SARS-CoV-2 (COVID-19) Vaccination Program that is out for systemwide review. CFW strongly supports a university-wide policy that requires members of the UC community be vaccinated, with very limited exceptions, so that UC is a safe and healthy place to live, learn, and work. With that in mind, CFW offers the following comments and questions about the proposed policy in hope that the policy will be improved.

1. The proposed policy made several references to a "[LINK TO LIST]". That list was not provided with the review. That was an important omission. CFW could not do a complete review of the proposed policy without the list.

2. Are there templates for submitting, reviewing, approving and denying requests for Medical Exemptions, Exceptions, and Declinations? Will the same forms be used across campuses?

3. Who reviews and makes determinations about requests for Medical Exemptions and Exceptions? What are the criteria for review? Are the criteria determined by each site or will they be systemwide criteria?

4. After the mask mandate is lifted, will people granted an Exception or a Medical Exemption still need to wear a mask?

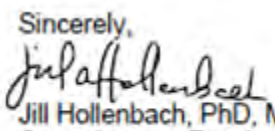
5. The proposed policy references regular asymptomatic testing in the definition of Non-Pharmaceutical Intervention and in section 3.b on Vaccine Declination. Who will be tested? When? How? Who will decide which asymptomatic people will be tested?

6. Will UC consider people who have received non-FDA approved vaccines vaccinated for purposes of the policy? We raise this question both for vaccines that only have an emergency-use authorization in the United States and for vaccines that have not been authorized in the United States at all.

7. What kind of proof of vaccination will be required? In considering this question, please keep in mind that some members of the UC community may be vaccinated outside of the United States.

Thank you for the opportunity to comment on this policy. Please reach out if you have any questions about the committee's comments.

Sincerely,



Jill Hollenbach, PhD, MPH
Committee on Faculty Welfare Chair

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UNIVERSITY COMMITTEE ON PRIVILEGE AND TENURE
Jorge Hankamer, Chair
hank@ucsc.edu

ACADEMIC SENATE
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

May 12, 2021

ACADEMIC COUNCIL CHAIR MARY GAUVAIN

Dear Chair Gauvain,

UCPT endorses the proposed policy for the SARS-CoV-2 (COVID-19) vaccination program, with the following caveats from the Vice Chair:

> 6. Will University of California Health specify which authorized or licensed vaccine is preferred? The UC Infection Prevention Collaborative **supports the principle that all EUA-authorized vaccines are safe** and very effective in preventing symptomatic COVID-19 and in decreasing the odds of hospitalization and death.
>
> In order to reach herd immunity, the UC Infection Prevention Collaborative recommends that every effort be made to maximize vaccine uptake across the UC systems and more widely. This can be achieved by maximizing access, minimizing barriers, and ensuring that our communities are vaccinated within the shortest timeframe. **As stated by the CDC, the best vaccine is the one that you are eligible to receive and that you can get today.**
>
> My concern:
>
> In light of the recent debate about the safety of J&J vaccine (and the EU saga re: Astrazeneca), I wonder what would happen if, at some point in the future, we learned that one of the vaccines is not as safe as the others for a certain demographic? Would the policy need to be revised?
>
> A revision could take a lot of time and I could imagine that UC might be held in some way liable if something serious were to happen to any personnel who was vaccinated with a vaccine that in the meantime might have deemed not as safe for them.
>
> Wouldn't it be better to qualify the opening with something like “at the time when this policy goes into effect”? A similar issue arises with the closing sentence. What would happen if the CDC were to change their position that the best vaccine is the first one can get? Would the University FAQ have to be changed?

UCPT appreciates the opportunity to weigh in on this matter. Please contact me if you have any questions or need additional information.

Sincerely,

Jorge Hankamer
Chair, University Committee on Privilege and Tenure

cc: Robert Horwitz, Academic Council Vice Chair
UCPT Members
Hilary Baxter, Academic Senate Executive Director
Michael LaBriola, Academic Senate Assistant Director

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UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Shelley Halpain, Chair
Shalpain@ucsd.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th
Oakland, CA 94607-5200

May 24, 2021

MARY GAUVAIN, CHAIR
ACADEMIC COUNCIL

RE: Proposed SARS CoV-2 (COVID-19) Vaccination Program Policy

Dear Mary,

The University Committee on Faculty Welfare (UCFW) has reviewed the proposed SARS CoV-2 (COVID-19) Vaccination Program Policy, and we have several comments. Overall, members reported general support for the vaccine policy, but each member also reported hesitancy among some campus counterparts and across-the-board requests for greater specificity and detail.

Specific areas in need of clarification include:

- Who will approve exemptions/exclusions, and on what bases?
- How will approval of exemptions/exclusions be communicated? Who be informed? TAs and GSIs, or just instructors of record? Deans? Supervisors? How will privacy concerns be addressed?
- How will the mandate be enforced, and by whom? Will this vaccine mandate be enforced more stringently than other, existing vaccine mandates? How will any discrepancy be explained?
- What accommodations will faculty be expected to provide? Dual-delivery is cumbersome for faculty and poorly received by most students. Dual-delivery also increases the risk of academic integrity violations and puts faculty intellectual property at greater risk.
- What accommodations will be afforded to faculty who receive exemptions/exclusions?
- How are non-podium interactions to be handled? How will visitors to campus be treated?
- The timing of FDA approval could preclude adoption prior to the beginning of Fall 2021 courses.
- Will non-FDA approved vaccines be acceptable for international students and scholars? If so, which, and how will this be communicated? What "proof" will be accepted?
- How will "boosters" be treated?
- How/Will non-pharmaceutical interventions be mandated and enforced?
- How will any outbreaks be handled?

Members also noted the necessity of clear and copious messaging to the University community of requirements and of the health benefits of vaccination, both to self and others. The committee did not reach consensus on the practice of adverse event reporting, however. While some members thought the community deserves as much information as possible as quickly as possible, others worried that unverified information could lead to confusion and fear. Still others noted the possible social impacts of a mandate, such as shaming and bullying of those who are unvaccinated for whatever reason. As in all things, University communications and policy must be based on science and facts, while not being dismissive of those with questions.

Thank you for your support.

Sincerely,

Shelley Halpain, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate
Robert Horwitz, Academic Council Vice Chair