

**UPEIFA**  
UNIVERSITY OF PRINCE EDWARD ISLAND  
**FACULTY ASSOCIATION**

August 30, 2021

Dr. Alaa Abd-El-Aziz  
President  
University of Prince Edward Island

Dear President Abd-El-Aziz,

I'm writing to provide you with an update on our recent engagements with your administration on preparations for mitigating the risk of covid transmission at UPEI as we prepare to welcome students, faculty, and staff back to campus in the coming days.

As you will recall, we recently called on UPEI Administration to adopt a comprehensive COVID-19 mitigation strategy, of which an important piece would be a vaccination mandate for the entire campus community. We appreciate the quick response we received from UPEI Administration and although the campus unions were not consulted in the development of the campus vaccination policy, our members were happy to see UPEI Administration recognize the urgency of developing a vaccination mandate.

With that being said, the policy that was recently distributed to the campus community is deeply flawed in a number of ways, the most important of which is that it is, in fact, **not a vaccination mandate**. In contrast to the vaccine mandates put in place by many other postsecondary institutions in the region and across the country, it places the onus on individuals who are unvaccinated to notify UPEI of their status. Unfortunately, this provides no assurances to members of the campus community that those who share their space – often in conditions where physical distancing is not possible – are vaccinated against this virus. Moreover, because the policy requires additional measures only for those who have self-identified as unvaccinated, it makes it less rather than more likely that unvaccinated individuals will report their status. In our view, the vaccination policy as it currently written will have little to no effect on the safety of our members, colleagues, and students as they live, study and work on campus at UPEI. I've attached a comprehensive list of concerns we have around this policy which we will also be distributing to our members.

To function effectively, a vaccine mandate must require that anyone who steps on campus either provide **proof of vaccination** or relevant documentation identifying protected grounds within provincial human rights legislation. Individuals who are

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unable to provide proof of vaccination should be subject to additional testing. To protect their privacy while ensuring the health and safety of the entire campus community, we believe UPEI should maintain a mandatory indoor mask policy when physical distancing is not feasible.

Today, representatives of all of the campus unions met with your administration to raise concerns around this policy. While we were happy to see a mandatory indoor mask policy instituted after our meeting, we were disappointed that many of our other concerns were dismissed, that there was little interest in improving the campus vaccination policy, and that our calls to institute immediate and appropriate ventilation mitigation measures to reduce the spread of the virus that causes COVID-19 were not well received despite the fact that classrooms are expected to be at full capacity as early as next week.

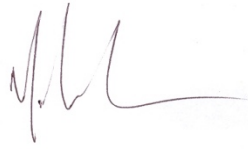
The document we've included with this letter reiterates a number of the concerns we've previously raised regarding ventilation and COVID-19. While we appreciate your assurances that UPEI Administration is taking these concerns seriously, our meeting today suggests that UPEI Administration does not fully appreciate the urgency of this issue.

Although we have provided you with a COVID-19 ventilation checklist that is designed to assess the current status of our ventilation systems, we learned in our meeting this morning that UPEI Administration has instead chosen to focus its efforts on evaluating the air quality of various buildings around campus. While ventilation systems and air quality are certainly related, standard air quality tests are not capable of determining whether our ventilation systems are in an optimum position to mitigate the spread of the virus that causes COVID-19. Perhaps more concerning, we learned today that a requests for proposals (RFP) to complete an air quality (rather than ventilation) evaluation has not been drafted much less distributed and that UPEI is unable to say when this will happen or when they anticipate that this work will be completed. Based on our meeting today, what we can say with certainty is that no COVID-19 ventilation mitigation measures will be in place prior to the start of classes.

As UPEIFA members prepare for returning to campus this fall, they have been asking us to assure them that they will be returning to a healthy and safe campus environment, that all reasonable precautions are being taken to mitigate the spread of this virus, and that they can focus exclusively on their work and the success of their students.

I write to you today to let you know that I am disappointed that we are unable to provide our members with those assurances.

Sincerely,



Dr. Michael Arfken  
President, UPEI Faculty Association

cc: Dr. Margot Rejskind, Vice President, UPEIFA  
Dr. Katherine Gottschall-Pass, VPAR (Interim), UPEI

**UPEI Faculty Association**  
COVID-19  
Vaccination Requirement & Ventilation Strategy  
August 30, 2021

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On August 24, UPEI President Alaa Abd-El-Aziz sent a message to the campus community in which he stressed, in light of the rapid spread of the Delta variant of COVID-19, the importance of taking additional measures to mitigate the spread of this virus. While he indicated that a campus vaccination requirement would be a central feature of these additional measures, he also recognized that such a requirement would be only one feature of an overall strategy to maintain a healthy and safe working environment in these difficult and uncertain times.

We very much appreciated President Abd-El-Aziz's message and believe it is absolutely vital at this juncture for the UPEI Faculty Association (UPEIFA) to play a role in providing some additional substance to that vision.

### **UPEI COVID-19 Mandatory Vaccination Policy (MVP)**

We would like to begin by applauding UPEI Administration for recognizing the importance of developing a mandatory vaccination policy (MVP) as part of a robust and comprehensive covid-mitigation strategy for our campus:

[https://files.upei.ca/policy/upei\\_mandatory\\_vaccination\\_policy.pdf](https://files.upei.ca/policy/upei_mandatory_vaccination_policy.pdf)

Although this is certainly an important first step in protecting the health and safety of the entire campus community, we strongly believe the current policy needs to be significantly revised to ensure that it has its intended effect.

MVP (2.1) does not include **guests/visitors** who should be subject to the same vaccination requirements. For comparison, the *UPEI Fair Treatment Policy* recognizes that guests are also subject to University policy (FTP – 2.1). Procedures should be developed to enable guests/visitors to submit proof of vaccination.

MVP (5.1) may fail to recognize the vaccinations of individuals who received a World Health Organization (WHO) approved COVID-19 vaccination:

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines/advice>

We feel that adopting WHO (rather than Health Canada) guidelines will permit greater flexibility for international faculty and students.

We do not believe it should be at the discretion of UPEI to require proof of vaccination (MVP – 5.4). A mandatory vaccination policy should **require everyone to submit proof of vaccination** subject to the exemptions identified in the policy. Individuals who are unable or unwilling to submit proof of vaccination should be subject to additional testing or not be permitted to be on UPEI campus. MVP (5.4) should specify the date when members of the campus community are required to submit all documentation for proof of vaccination. At the end of this document, we have included examples of mandatory university vaccination policies in the region and around the country that **require proof of vaccination**.

MVP (6.1) suggests that proof of vaccination can be collected only with the consent of members of the University Community. We believe this section should be removed as it undermines the ability to **enforce a mandatory vaccination policy**.

MVP (6) should include a **specific date when vaccination records will be destroyed**. The policy should be reviewed every semester (rather than on an annual basis). MVP (10) should also include a specific date for review.

Requiring unvaccinated members of the campus community to wear a mask (MVP-8.1) may constitute an unfair and unreasonable exercise of management rights and a violation of our members' privacy rights – a position supported by a recent labour arbitration<sup>1</sup>. We encourage UPEI Administration to replace MVP (8.1) with a fair and reasonable **mandatory mask policy**<sup>2</sup> for the entire campus community.

While MVP (9) identifies some of the consequences that individuals may face if they fail to comply with the policy, most of the consequences appear to be **specific to UPEI employees rather than students**. For example, expulsion from UPEI is not listed as one of the possible consequences. In the absence of specific consequences for students, we are concerned that students would have little if any reason to comply with this policy.

We believe it is important to incorporate a full description of the COVID-19 testing procedures into the MVP. A model for this type of description is available at the end of our original mandatory vaccination proposal:

[https://www.upeifa.ca/wp-content/uploads/2021/08/MOA\\_UPEIFAProposedVaccinationRequirement.pdf](https://www.upeifa.ca/wp-content/uploads/2021/08/MOA_UPEIFAProposedVaccinationRequirement.pdf)

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<sup>1</sup> St. Michael's Hospital v Ontario Nurses' Association, 2018 CanLII 82519 (ON LA), <https://canlii.ca/t/htsxxg>

<sup>2</sup> While we applaud UPEI Administration for instituting a campus wide mandatory mask policy just before we distributed this document, it should be noted that this policy still places additional public requirements on unvaccinated individuals.

At a minimum, these procedures should recommend that testing occur twice in a 7-day cycle, 72-hours apart and should not be self-administered but rather conducted by a health care professional trained in the appropriate testing procedures.

## UPEI COVID-19 Ventilation Strategy

For a number of months, UPEIFA has been encouraging UPEI Administration to develop a robust ventilation strategy to mitigate the spread of the virus that causes COVID-19. These efforts culminated in the following letter to UPEI President Abd-El-Aziz urging him to take these concerns seriously:

[https://www.upeifa.ca/wp-content/uploads/2021/08/UPEIFA\\_CUPE\\_VentilationCOVID-1.pdf](https://www.upeifa.ca/wp-content/uploads/2021/08/UPEIFA_CUPE_VentilationCOVID-1.pdf)

While we are happy to report that UPEI Administration has agreed to review the air quality in UPEI buildings, we have made it clear that reviewing the current air quality in our workspaces is not equivalent to a **thorough evaluation by an independent HVAC technician of the campus ventilation systems**. In addition, we once again encourage UPEI Administration to utilize the following COVID-19 ventilation checklist as an important first step for assuring the campus community that they are living, working, and studying in a healthy and safe environment:

[https://www.upeifa.ca/wp-content/uploads/2021/08/B.OHCOW\\_COVID\\_Ventilation\\_Checklist.pdf](https://www.upeifa.ca/wp-content/uploads/2021/08/B.OHCOW_COVID_Ventilation_Checklist.pdf)

While we appreciate the complexity, variability, and uncertainty of the current situation vis-à-vis the return to campus, we strongly encourage UPEI Administration to adhere to the *precautionary principle*<sup>34</sup> as it addresses health and safety concerns more generally but particularly with respect to adequate ventilation; as such, we recommend at a minimum installing appropriately-rated portable air purifiers in all classrooms until their ventilation can be appropriately evaluated and remediated, in combination with other measures including a mandatory masking policy, disinfection protocols, and physical distancing where possible.

At the end of this document, we have also included what we feel are exemplary university ventilation strategies.

If President Abd-El-Aziz's recent message to the campus community is any indication, it is clear that UPEI Administration recognizes the central role it plays in maintaining a healthy and safe environment for everyone who lives, works, and studies at UPEI. Our hope is that by raising

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<sup>3</sup> Ontario., & Campbell, A. G. (2006). *Spring of fear: The SARS Commission final report*. Toronto: SARS Commission. [http://www.archives.gov.on.ca/en/e\\_records/sars/report/v1-pdf/Volume1.pdf](http://www.archives.gov.on.ca/en/e_records/sars/report/v1-pdf/Volume1.pdf)

<sup>4</sup> Liquor Control Board of Ontario v Ontario Public Service Employees Union, 2021 CanLII 15607 (ON LRB), <https://canlii.ca/t/jdk0z>

these concerns, the UPEI Faculty Association can transform the promise of these mitigation measures into a concrete reality for all UPEI students, faculty, and staff.

## **Further Information**

### University Mandatory Vaccination Policies

#### **Dalhousie University**

[https://www.dal.ca/covid-19-information-and-updates/updates/2021/08/25/updated\\_vaccination\\_and\\_testing\\_requirements\\_for\\_students\\_faculty\\_and\\_staff.html](https://www.dal.ca/covid-19-information-and-updates/updates/2021/08/25/updated_vaccination_and_testing_requirements_for_students_faculty_and_staff.html)

#### **Mount Saint Vincent University**

<https://www.msvu.ca/about-msvu/return-to-campus/vaccine-requirement/>

#### **Saint Mary's University**

<https://www.smu.ca/covidinfo/welcome.html>

#### **University of New Brunswick**

<https://www.unb.ca/coronavirus/community-updates/august-27-21.html>

#### **University of Toronto**

<https://www.utoronto.ca/utogether/vaccines>

#### **University of Western Ontario**

[https://www.uwo.ca/univsec/pdf/policies\\_procedures/section3/mapp311\\_covid19.pdf](https://www.uwo.ca/univsec/pdf/policies_procedures/section3/mapp311_covid19.pdf)

### University Ventilation Strategies

#### **University of Toronto**

<https://www.fs.utoronto.ca/services/hvac-mechanical-utilities/covid-hvac-strategy/>

#### **University of Western Ontario**

<https://www.uwo.ca/coronavirus/health-safety/Ventilation%20Report.pdf>