

**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>