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THE REGENTS OF THE UNIVERSITY OF
13 CALIFORNIA AND MICHAEL V. DRAKE

14
15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 SOUTHERN DIVISION
18

19 AARON KHERIATY, M.D.,
20 Plaintiff,
21 v.
22 THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA, a
23 corporation, and MICHAEL V.
DRAKE, in his official capacity as
24 President of the UNIVERSITY OF
CALIFORNIA,
25 Defendants.
26

Case No. 8:21-cv-01367-JVS-KES

**DECLARATION OF PRESIDENT
MICHAEL V. DRAKE, M.D., IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION**

Date: September 27, 2021
Time: 1:30 p.m.
Place: Courtroom 10 C
Judge: Hon. James V. Selna

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THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA AND MICHAEL V. DRAKE
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1 I, Dr. Michael V. Drake, M.D., declare:

2 1. I provide this declaration in support of Defendants The Regents of the
3 University of California and President Michael V. Drake (collectively,
4 “Defendants”) Opposition to Plaintiff’s Motion for Preliminary Injunction. I base
5 this declaration on facts within my personal knowledge, to which I could and would
6 testify competently if called upon to do so.

7 2. In July 2020, the University of California Board of Regents appointed
8 me to serve as the twenty-first President of the University of California. As UC
9 President, I lead a university system of 10 campuses, five medical centers, three
10 affiliated national laboratories, and a statewide agriculture and natural resources
11 program. The UC system has more than 280,000 students, 230,000 faculty and
12 staff, an operating budget estimated at \$40.4 billion in 2019-20, and two million
13 living alumni.

14 3. Prior to serving as the President of the University of California, I
15 served as president of The Ohio State University (OSU) from 2014 through June
16 2020. Prior to my six years at OSU, my entire academic career had been at UC,
17 including as chancellor of UC Irvine for nine years from 2005 to 2014 and as the
18 systemwide vice president for health affairs from 2000 to 2005. I received my A.B.
19 from Stanford University and my residency, M.D., and fellowship in
20 ophthalmology from UCSF. I subsequently spent more than two decades on the
21 faculty of the UCSF School of Medicine, including as the Steven P. Shearing
22 Professor of Ophthalmology.

23 4. I am a member of the National Academy of Medicine and the
24 American Academy of Arts and Sciences. I received the UCSF School of
25 Medicine’s Clinical Teaching Award, the Hogan Award for Laboratory Research,
26 the Chancellor’s Award for Public Service, the Martin Luther King Jr. Award for
27 University Service, the UC Irvine Medal, and the University of California
28 Presidential Medal in recognition of exemplary service to the University.

1 5. I lead the UC Office of the President (UCOP), which supports
2 campuses and students through systemwide funding and programs. It manages
3 UC's multi-billion-dollar operations and investments and provides centralized labor
4 relations and legal services. UCOP also supports the well-being of the entire UC
5 workforce. In all respects, UCOP aims to further UC's public interest, academic,
6 and research missions. To that end, UCOP oversees and manages programs that
7 serve the entire university system, allowing campuses to benefit from the
8 efficiencies that come from centralized, coordinated operations and decision-
9 making.

10 6. As UC President, I direct the mobilization of resources to handle UC's
11 emergency response to the COVID-19 pandemic to protect the welfare and safety
12 of UC students, faculty, and staff, while ensuring the continuation of UC's
13 academic and research mission.

14 7. University of California Health convened the UC Health Coordinating
15 Committee (UC-HCC) in response to the threat of spread of COVID-19. UC-HCC
16 members included subject matter experts from the entire UC System who provided
17 subject matter expertise in domains including clinical research, education, public
18 health, infectious disease, laboratory medicine, critical care medicine, telehealth,
19 pharmacy, and other disciplines, as well as ethical, legal, and social issues related to
20 UC Health's response to the pandemic. During UC's COVID-19 emergency
21 response, I have worked with Dr. Carrie Byington—UC Health Executive Vice
22 President, a Professor of Pediatric Infectious Diseases at the University of
23 California, San Francisco, and Chair of the UC-HCC—who was working with the
24 UC-HCC experts and campus representatives.

25 8. I understand that vaccination is by far the most effective way to
26 prevent severe disease and death after exposure to SARS-CoV-2 (COVID-19) and
27 to reduce spread of the disease to those who are not able, or not yet eligible, to
28 receive the vaccine.

1 9. On July 15 2021, I authorized the University of California’s SARS-
2 CoV-2 (COVID-19) Vaccination Program Policy (“COVID-19 Vaccination
3 Policy”). The same day, I sent a letter attaching the COVID-19 Vaccination Policy
4 to all UC Chancellors, Medical Center Chief Executive Officers, the Lawrence
5 Berkeley National Laboratory Director, and UC Vice President – Agriculture and
6 Natural Resources. A true and correct copy of my July 15, 2021 letter and the
7 attached COVID-19 Vaccination Policy is provided here as **Exhibit A**.

8 10. As set forth in my July 15, 2021 letter, the COVID-19 Vaccination
9 Policy requires COVID-19 vaccination for all individuals learning, working and
10 living at UC locations this fall, and participating in person in UC programs that
11 may occur off-site (such as UC athletics programs or study abroad), with limited
12 exceptions, accommodations, and deferrals.

13 11. The COVID-19 Vaccination Policy is the product of consultation with
14 UC infectious disease experts and ongoing review of evidence from medical studies
15 concerning the dangerousness of COVID-19 and emerging variants of concern, as
16 well as the safety and effectiveness of the vaccines for preventing infection,
17 hospitalizations, and deaths from COVID-19, and for reducing the spread of this
18 deadly disease.

19 12. The COVID-19 Vaccination Policy is also the product of consultation
20 with the UC community, including faculty and student health physician directors
21 that began in April, and revealed strong support for moving forward with a
22 vaccination requirement now.

23 13. To maintain the health and well-being of the campus community and
24 that of the general public, the COVID-19 Vaccination Policy applies to students
25 and employees, including faculty, academic appointees, staff, postdoctoral
26 researchers, and trainees, as a condition of their physical access to UC facilities, as
27 well as in-person participation in UC programs that may occur off-site (such as UC
28 athletics programs or study abroad).

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14. The COVID-19 Vaccination Policy was arrived at after reviewing the safety and efficacy of the three vaccines then approved by the Food and Drug Administration (FDA) for emergency use, and considering the severe risks presented by COVID-19, as well as the rise of more transmissible and more virulent variants.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed in Oakland, California, on this 27 th day of August 2021.



Dr. Michael V. Drake, M.D.

EXHIBIT A



UNIVERSITY
OF
CALIFORNIA

Michael V. Drake, MD
President

July 15, 2021

Office of the President
1111 Franklin St.
Oakland, CA 94607

universityofcalifornia.edu

CHANCELLORS
MEDICAL CENTER CHIEF EXECUTIVE OFFICERS
LAWRENCE BERKELEY NATIONAL LABORATORY DIRECTOR
VICE PRESIDENT—AGRICULTURE AND NATURAL RESOURCES

Dear Colleagues:

CAMPUSES

Berkeley
Davis
Irvine
UCLA
Merced
Riverside
San Diego
San Francisco
Santa Barbara
Santa Cruz

MEDICAL CENTERS

Davis
Irvine
UCLA
San Diego
San Francisco

NATIONAL LABORATORIES

Lawrence Berkeley
Lawrence Livermore
Los Alamos

I'm sending you the final copy of the COVID-19 vaccine policy, which will be posted today. The policy requires COVID-19 vaccination for all individuals learning, working and living at UC locations this fall, and participating in person in UC programs that may occur off-site (such as UC athletics programs or study abroad), with limited exceptions, accommodations, and deferrals. The issuance of the policy today gives students, faculty, academic appointees, and staff who are returning in the fall ample time to arrange to be fully vaccinated if they have not done so already.

The final policy is the product of consultation with UC infectious disease experts and ongoing review of evidence from medical studies concerning the dangerousness of COVID-19 and emerging variants of concern, as well as the safety and effectiveness of the vaccines for preventing infection, hospitalizations, and deaths from COVID-19, and for reducing the spread of this deadly disease. Vaccination is by far the most effective way to prevent severe disease and death after exposure to the virus and to reduce spread of the disease to those who are not able, or not yet eligible, to receive the vaccine. The final policy is also the product of consultation with the UC community, including faculty and student health physician directors that began in April, and revealed strong support for moving forward with a vaccination requirement now.

To maintain the health and well-being of the campus community and that of the general public, the COVID-19 vaccination requirement applies to students and employees alike, including faculty, academic appointees, staff, postdoctoral researchers, and trainees, as a condition of their physical access to UC facilities, as well as in-person participation in UC programs that may occur off-site (such as UC athletics programs or study abroad). This policy was arrived at after reviewing the safety and efficacy of the three vaccines approved by the Food and Drug Administration (FDA) for emergency use, and considering the severe risks presented by a virus that has killed more than 600,000 people in the United States alone, as well as the rise of more transmissible and more virulent variants.

We look forward to a safe return to campuses this fall.

Page 2

Sincerely,

A handwritten signature in black ink that reads "Michael V. Drake, MD". The signature is written in a cursive style with a large, stylized "D" at the end.

Michael V. Drake, MD
President

Attachment

Cc: Division Leaders
Deputy Counsel Nosowsky
Universitywide Policy Office

University of California –Policy



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

Responsible Officers:	Provost & Executive Vice President for Academic Affairs (Campuses, ANR, Labs) Executive Vice President – University of California Health (UC Health) Executive Vice President and Chief Operating Officer (Campuses, ANR, Labs)
Responsible Offices:	Academic Affairs University of California Health (UCH) University of California Operations (UCO)
Issuance Date:	December 14, 2020 Last Updated July 15, 2021
Effective Date:	July 15, 2021
Last Review Date:	July 15, 2021
Scope:	All University of California locations and faculty, academic personnel, staff, trainees, students, and others accessing University facilities and programs.

	UC Health	Campuses, ANR, Labs
Contact:	Anne Foster, MD	Amina Assefa
Title:	Chief Clinical Officer	Director, Emergency Management
Email:	REDACTED	REDACTED
Phone:	REDACTED	REDACTED

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University of California – Policy
SARS-CoV-2 (COVID-19) Vaccination Program

I. POLICY SUMMARY

The purpose of this policy is to facilitate protection of the health and safety of the University community, including its patients as well as its Students, Trainees, Personnel and all others who work, live, and/or learn in any of the University's locations or otherwise participate in person in University Programs.

The University strongly recommends that all members of the University community obtain the COVID-19 vaccine as soon as they are eligible. In addition, this policy provides for a COVID-19 Vaccination Program under which any Covered Individual is required, subject to limited deferrals, exceptions, and associated non-pharmaceutical interventions, to be fully vaccinated against COVID-19 before physically accessing the University's Locations and Programs. This policy further provides that Locations must begin collecting proof of vaccination and processing requests for Exceptions and Deferrals for all Covered Individuals no later than July 15, 2021, to facilitate fall planning efforts.

II. DEFINITIONS

Covered Individuals: A Covered Individual includes anyone designated as Personnel, Students, or Trainees under this Policy who physically access a University Facility or Program in connection with their employment, appointment, or education/training. A person accessing a Healthcare Location as a patient, or an art, athletics, entertainment, or other publicly accessible venue at a Location as a member of the public, is not a Covered Individual.

Covered Non-Affiliates: A Covered Non-Affiliate is a person who accesses a University Facility or Program as a Non-Affiliate (other than as an "official volunteer") under the [Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California](#).

Contraindications and Precautions: A contraindication or precaution to COVID-19 vaccination recognized by the [U.S. Centers for Disease Control and Prevention](#) (CDC), or by the vaccine's manufacturer, as based on a condition in the potential vaccine recipient that may increase the risk for a serious adverse reaction to the vaccine, may cause diagnostic confusion if the vaccine is administered, or may compromise the ability of the vaccine to produce immunity. Contraindications and Precautions are limited and do not include conditions that are unrelated to vaccines or injectable therapies, such as food, pet, venom, or environmental allergies, or allergies to oral medications.

COVID-19 Vaccination Program or Program: A set of rules governing Physical Presence at University Locations or in University Programs intended to reduce the incidence of SARS-CoV-2 infection and resultant COVID-19 disease, disability, and death in connection with University Facilities or Programs.

Deferral: An approved deferral of vaccination based on pregnancy. Pregnancy Deferral will extend throughout the term of the pregnancy and until the Covered Individual returns to work or instruction, as applicable.

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

Disability: A physical or mental disorder or condition that limits a major life activity and any other condition recognized as a disability under applicable law. “Disability” includes pregnancy, childbirth, or a related medical condition where reasonable accommodation is medically advisable.

Exception: An approved exception to COVID-19 vaccination based on a Medical Exemption, Disability, or Religious Objection. For purposes of this policy, a person who is pregnant is not eligible on that basis alone for an Exception, but is eligible for a Deferral for the duration of pregnancy.

Fully Vaccinated: A person is considered “fully” vaccinated when two weeks have passed since they completed a COVID-19 Vaccine series (for example, 1 dose of the Janssen/J&J vaccine, or 2 doses within no more than 12 weeks of the Moderna or Pfizer vaccine); as well as any boosters consistent with manufacturer instructions and applicable agency approval, authorization, or listing.

Healthcare Location: A collection of buildings and Personnel that service an academic health system including hospitals, ambulatory surgery centers, outpatient centers, clinics, or other locations where preventive, diagnostic, therapeutic, or other interventional physical or behavioral healthcare services are provided to UC Health patients, employees, or research participants and any associated educational, research, or administrative facilities and offices. A Healthcare Location refers only to that part of a campus that meets this definition and does not include student health and counseling centers.

Implementation Date: The deadline for initial implementation of the Program, which is two (2) weeks before the first day of instruction at any University campus or school for the Fall 2021. For locations that do not operate on an academic calendar (e.g., UCOP, ANR, medical centers, national laboratories), the deadline is September 1, 2021. For new employees whose first date of employment is later, the deadline is 8 weeks after the first date of employment. For students starting or returning to campus after Fall 2021, the deadline is the first date of instruction for the term when they first enroll.

Location (or Facility): Any United States campus, medical center, or facility operated by the University in connection with its research, teaching, or public service (including clinical care) missions or programs, including University housing. A Location does not include a property owned by the University but leased to a third party unless (and only to the extent) a University Program occurs at that site.

Location Vaccine Authority (LVA): The office or person responsible for implementing the COVID-19 Vaccination Program for a Location, typically the Chief Medical Officer or Occupational Health office at a Medical Center or an Occupational Health or Student Health office at an academic campus. The LVA is a health care provider and its records are considered confidential health records for purposes of the University’s privacy policies.

Medical Exemption: An excuse from receiving COVID-19 vaccine due to a Medical Contraindication or Precaution.

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Non-Pharmaceutical Intervention (NPI): An action, other than getting vaccinated or taking medicine, that members of the University community can take to help prevent or slow the spread of COVID-19 and other contagious illnesses. NPIs include, for example, staying home, especially when a person is sick or when a member of the person’s family or household is sick; quarantining when an unvaccinated person has been exposed to someone else with the illness; avoiding large gatherings; physical/social distancing; wearing personal protective equipment or face coverings; frequent handwashing and cleaning; and asymptomatic (surveillance) and symptomatic testing.

Participation: Participation in the COVID-19 Vaccination Program (by providing proof of vaccination or obtaining an approved Exception or Deferral under this policy). Participation is a condition of Physical Presence at any University Location or Program as set forth in this policy. For Covered Individuals who must be vaccinated under this policy, Participation compliance will require repeat vaccinations or boosters on an annual or recurring basis consistent with FDA-approved labeling and CDC recommendations.

Personnel: University faculty, other academic appointees, and staff, including but not limited to visiting, volunteer, without salary, and emeritus/a professors, visiting or volunteer academic appointees, contract, recall, and emeritus/a employees. “Personnel” also includes, for purposes of this policy, official volunteers, as defined in the [Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California](#).

Physical Presence: Physical presence at a University Location or Program for any work, research, or education/training related purpose (as distinguished from accessing a Healthcare Location as a patient, or an art, athletics, entertainment, or other publicly accessible venue at a Location as a member of the public). Physical presence includes living in housing furnished by the University, using University amenities such as entertainment venues, museums, libraries, workout facilities, or dining halls or food courts in one’s capacity as Personnel or a Student or Trainee, or participating in person in a University Program even if not occurring at a Location. Access is not defined by reference to any particular frequency (e.g., daily, weekly, monthly, *ad hoc*).

Reasonable Accommodation: An adjustment made to the requirements of the COVID-19 Vaccination Program for a Covered Individual who has received an approved Exception or Deferral to allow them to Physically Access a University Location or Program without impairing the health and safety objectives of this policy. Covered Individuals who are granted Exceptions or Deferrals will be required to observe Non-Pharmaceutical Interventions as a condition of Physical Presence.

Religious Objection: A Covered Individual’s objection to receiving the COVID-19 vaccine based on that person’s sincerely held religious belief, practice, or observance.

Responsible Office: The office at a Location responsible for processing requests for Exception or Deferral. The list of such offices can be found online at: [COVID-19 Vaccination Program: Responsible Offices](#).

Students: The term “Student” has the same meaning as defined in the current version of PACAOS 14.40: an individual for whom the University maintains student records and

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

who: (i) is enrolled in or registered with an academic program of the University; (ii) has completed the immediately preceding term, is not presently enrolled, and is eligible for reenrollment; or (iii) is on an approved educational leave or other approved leave status, or is on filing-fee status. For purposes of this policy, the term “Student” also includes K-12 students, children enrolled in day care programs, and campers who are eligible for vaccination outside clinical trials; as well as visiting students and extension students.

Trainees: Trainees include participants in post-graduate training programs who are neither Students nor Personnel; as well as individuals enrolled in continuing education, lifelong learning, seminars, workshops, and other non degree-granting educational programs.

University or UC: The University of California.

University Program: A program or activity operated by the University to support the University’s teaching or research mission and generally offered exclusively to University Personnel or Students. Examples of covered Programs that may not be conducted at a Location include the [UC Education Abroad Program](#) and University-sponsored athletics programs.

Vaccine: A COVID-19 Vaccine satisfies the requirements of this policy if: (i) the U.S. Food and Drug Administration (FDA) has issued a [License](#) or an [Emergency Use Authorization](#) (EUA) for the vaccine or; (ii) the World Health Organization has approved [Emergency Use Listing](#) (EUL).

Vaccine Information Statement (“VIS”): An information sheet produced by or including information derived from the Centers for Disease Control and Prevention, the California Department of Public Health, or UC Health or any of its components, explaining in plain language the benefits and risks of a COVID-19 vaccine to vaccine recipients. A VIS generally must be provided to an individual being vaccinated prior to each dose of the vaccine, in a language they understand. For purposes of this policy, a VIS may also include FDA fact sheets for vaccine recipients and caregivers.

III. POLICY TEXT

This policy supplements, and does not replace, policies or guidelines requiring University Personnel, Trainees, Students, patients, and visitors to observe Non-Pharmaceutical Interventions, as further described in [Appendix A: COVID-19 Prevention Strategies](#).

- A. COVID-19 Vaccination Program.** As a condition of Physical Presence at a Location or in a University Program, all Covered Individuals must Participate in the COVID-19 Vaccination Program by providing proof of Full Vaccination or submitting a request for Exception or Deferral no later than the Implementation Date. This requirement will be subject to implementation guidelines and any local procedures for enforcement. Alternative remote instructional programming is not expected to be available in most cases and the availability of alternative remote work arrangements will depend on systemwide guidance and any local policies or procedures, as well as the nature of the work to be performed.

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1. **Access to Vaccination.** All Locations that are campuses and medical centers must offer COVID-19 vaccination on-site or maintain a list of nearby and accessible off-site locations offering vaccination to Covered Individuals during working and non-working hours. This provision is not intended to restrict a Covered Individual's choice of provider, but to maximize their access to the Vaccine.
2. **Proof of Vaccination.** Covered Individuals must submit proof of their vaccination or of a University-approved Exception or Deferral to their Location Vaccine Authority, by providing: (i) in the case of one who has been Fully Vaccinated, a copy of their CDC vaccination card (or foreign equivalent in the case of Covered Individuals who received their vaccinations abroad); official documentation issued by a State vaccine registry; or an official medical record; or (ii) in the case of one who has received an Exception or Deferral, documentation that the Exception or Deferral has been granted. Proof of vaccination may be subject to audit.

Request for Exception/Deferral. A Covered Individual seeking an Exception or Deferral must, no later than the Implementation Date, submit their request to the appropriate Responsible Office. While a request is pending, the Covered Individual must, as a condition of Physical Presence, observe Non-Pharmaceutical Interventions defined by the LVA consistent with applicable public health directives and the guidelines in [Appendix A: COVID-19 Prevention Strategies](#). If an Exception or Deferral is granted, the issuing office must notify the Covered Individual and the LVA of the approval and the associated expiration date, if any. If a request for Exception or Deferral is denied, the Covered Individual will be notified and, thereafter, will be expected to promptly become Fully Vaccinated or denied Physical Presence at the relevant University Location(s) or Program(s).

3. **Education.** Any Covered Individual who has not provided proof of Full Vaccination by the Implementation Date will receive from the Location Vaccine Authority or designee information concerning:
 - a. The potential health consequences of COVID-19 illness for themselves, family members and other contacts, coworkers, patients, and the community;
 - b. Occupational exposure to SARS-CoV-2;
 - c. The epidemiology and modes of transmission, diagnosis, and non-vaccine infection control strategies (such as the use of appropriate precautions, personal protective equipment or face coverings, and respiratory hygiene/cough etiquette), in accordance with their level of responsibility in preventing COVID-19 infections;
 - d. The potential benefits of COVID-19 vaccination; and
 - e. The safety profile and risks of any COVID-19 vaccine.

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SARS-CoV-2 (COVID-19) Vaccination Program**

The information may be conveyed through any combination of written information statements, verbal communications, or online or in-person training programs, as required by the Location Vaccine Authority.

This educational requirement is not an alternative to required Participation in the COVID-19 Vaccination Program as a condition of Physical Presence at a University Location or Program as set forth above.

- 4. Registration Holds.** Program implementation and enforcement with respect to Students will be handled consistent with the procedural provisions of the [Student Immunization Policy](#). Students who fail to provide proof of vaccination or apply for an Exception or Deferral by the Implementation Date may, therefore, be subject to a registration hold.
 - 5. Non-Pharmaceutical Interventions.** All Covered Individuals must participate in Non-Pharmaceutical Interventions described in [Appendix A: COVID-19 Prevention Strategies](#), as implemented by the relevant University Location or Program. In the event of a COVID-19 outbreak, Covered Individuals and Covered Non-Affiliates who are not Fully Vaccinated may be excluded from the Location or site of the outbreak.
 - 6. Optional Additional Measures.** Covered Individuals may wear masks or face coverings even if they are Fully Vaccinated.
- B. Covered Non-Affiliates.** Each University Location and Program will define any requirements for public or other Covered Non-Affiliate Physical Presence (for example, at health facilities, entertainment venues, museums, libraries, workout facilities, or dining halls or food courts), consistent with applicable public health guidance.
- C. Superseding Public Health Directives.** A federal, state, or local public health agency with jurisdiction may impose a COVID-19 vaccination requirement that lawfully supersedes this policy. In the event of a perceived conflict between public health requirements and this Policy, [UC Legal](#) should be consulted.
- D. Tracking and Reporting**
- 1. Vaccination Data.** The following information must be recorded and tracked by the Location Vaccine Authority or designee in the Covered Individual's confidential health record, consistent with University privacy and security policies including [BFB-IS-3](#) (Electronic Information Security Policy):
 - (i) date(s) of administration and vaccine type and manufacturer; or
 - (ii) documentation of a University-approved Exception or Deferral.
 - 2. Vaccines Administered by the University**
 - a. Registries.* For all vaccinations administered by the University in its capacity as healthcare provider, appropriate information will be submitted to the [California Immunization Registry](#) (CAIR) or such other registries as may be required by applicable public health agencies or University policy. While vaccine recipients ordinarily are permitted to opt out from registry reporting in California, the California Department of Public Health [has mandated](#) that all

University of California – Policy
SARS-CoV-2 (COVID-19) Vaccination Program

participating vaccinators report each dose of COVID-19 vaccine administered. Accordingly, the typical opt-out option does not apply.

- b. *Adverse Events.* Any adverse events associated with COVID-19 vaccine administered at a Location and reported to the University must be tracked and logged by the LVA or designee and reported to federal and state public health officials using the [Vaccine Adverse Event Reporting System \(VAERS\)](#).

- E. Program Evaluation.** Unless UCOP requires more regular reporting, Individual Healthcare Locations must, and other Locations may, evaluate Program Participation on an annual and ongoing basis, including evaluation of equity in Program implementation; as well as reasons identified for non-Participation or untimely Participation and the number and population-level characteristics of Covered Individuals who are not vaccinated.

IV. COMPLIANCE / RESPONSIBILITIES

- A. CDC and FDA generally translate VIS into many languages commonly spoken in California and elsewhere in the United States and post these online. Whenever the University is administering a vaccine in its capacity as healthcare provider, the relevant VIS should be provided to a person receiving vaccine in a language that they understand. In the unlikely event relevant VIS translations are unavailable, they should be accompanied when distributed with a document with [taglines such as those approved by the U.S. Department of Health & Human Services to facilitate language access by all affected Personnel, Trainees, and Students](#). Interpreters should also be made available in person, by video, or by phone during vaccine clinics.
- B. Each campus is responsible for: (i) assuring any necessary updates are made to its local Infectious Diseases/Infection Prevention and Control Programs; (ii) establishing deadlines for COVID-19 Vaccination Program Participation on an annual or ongoing basis, in consultation with epidemiology and infection prevention experts and occupational health representatives as applicable and consistent with any supply limitations; and (iii) assuring implementation of the COVID-19 Vaccination Program at all sites.
1. Implementation includes informing Personnel, Trainees, and Students of the requirement and deadline for Program Participation, dates and Locations for on-site administration, and that vaccines will be provided at no cost to them if they wish to receive the vaccine from the University.
 2. Each campus 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.
- C. Chancellors, Laboratory Directors, and the Vice President ANR are responsible for implementing this policy. Deans, Department Chairs, unit heads, managers, supervisors, student affairs leaders, and others with responsibility for personnel

University of California – Policy
SARS-CoV-2 (COVID-19) Vaccination Program

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.

V. PROCEDURES

A systemwide implementation working group will develop implementation guidelines for this policy, which will subsequently be attached to the policy. Each Location may establish local procedures consistent with those guidelines to facilitate implementation of the policy.

VI. RELATED INFORMATION

- [Advisory Committee on Immunization Practices – Ethical Principles for Allocating Initial Supplies of COVID-19 Vaccine – United States, 2020 \(MMWR Nov. 23, 2020\)](#) and [Meeting Information](#) (November 23 and December 1, 2020)
- [American College Health Association Recommends COVID-19 Vaccination Requirements for All On-Campus College Students in Fall 2021](#)
- [American College of Obstetricians and Gynecologists, COVID-19 Vaccination Recommendations for Obstetric-Gynecologic Care](#) (December 2020)
- [UC Health Coordinating Committee – Bioethics Working Group Vaccine Allocation Recommendations](#)
- [Cal. Health & Safety Code Division 2, Chapter 2, Article 3.5](#)
- California Department of Public Health, [Licensees Authorized to Administer Vaccine in California](#)
- [Centers for Disease Control and Prevention, COVID-19 Contraindications and Precautions](#)
- [Centers for Disease Control and Prevention, COVID-19 Vaccine Training: General Overview of Immunization Best Practices for Healthcare Providers](#)
- [FDA COVID-19 Vaccine Information](#)
- FDA AstraZeneca COVID-19 Vaccine (includes fact sheet and translations) [COMING SOON]
- [FDA Janssen COVID-19 Vaccine](#) (includes fact sheet and translations)
- [FDA Pfizer-BioNTech COVID-19 Vaccine](#) (includes fact sheet and translations)
- [FDA Moderna COVID-19 Vaccine](#) (includes fact sheet and translations)
- [CDC COVID-19 Vaccination](#)
- [CDC COVID Vaccination Program Planning Guidance](#)
- [CDC Vaccine Recommendation Process](#)

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- [American Medical Association, Opinion 8.7, Routine Universal Immunization of Physicians](#) and KB O'Reilly, [Are Physicians Obligated to Get Vaccinated Against COVID-19?](#) (November 16, 2020)
- [Infectious Disease Society of America – COVID-19 Vaccine Information](#)
- [Congregation for the Doctrine of the Faith, Note on the Morality of Using Some Anti-COVID-19 Vaccines](#) (December 21, 2020)
- [UC Responsible Offices](#)

VII. FREQUENTLY ASKED QUESTIONS

1. *What is the relationship between this policy and the previously posted interim policy?* This policy replaces the previously posted interim policy in its entirety.
2. *The policy both encourages and requires members of the University Community to be vaccinated. Which is it?* The policy strongly *encourages* all members of the University Community to be vaccinated. Only Covered Individuals are *required* to Participate in the Program by becoming Fully Vaccinated or receiving a University-approved Exception or Deferral.
3. *Why is UC allowing exceptions for reasons other than medical exemption? If California can eliminate personal belief and religious exceptions for K-12 students, why can't UC do the same?* The University is required by law to offer reasonable accommodations to individuals who qualify for an Exception to the vaccination requirement based on their disability, as well as to employees who object to vaccination based on their sincerely-held religious belief, practice, or observance. A decision was made to apply the COVID-19 vaccine mandate consistently across all groups of individuals covered by this policy. Vaccination against the virus that causes COVID-19 is a critical step for protecting the health and safety of our communities and ending the pandemic.
4. *Is this a one-time mandate or will I be required to get boosters or annual shots?* This is a permanent policy. Infectious disease experts anticipate that annual or more frequent boosters will be necessary and receipt of boosters will be required, consistent with product labeling, in the same way that the initial vaccination is required by this policy and subject to the same Exceptions and Deferrals.
5. *Am I required to be vaccinated to attend school?* Covered Individuals must receive the COVID-19 vaccine as a condition to Physical Presence at Locations and in University Programs, unless they have been granted an Exception or Deferral.
6. *Will this requirement apply to union-represented employees?* Yes, in accordance with any applicable collective bargaining requirements.
7. *How do I apply for an Exception or Deferral?* Individuals covered by this policy who seek an exception (on medical, disability, or religious grounds) or deferral (during pregnancy) must complete the request form and submit it to their location's Responsible Office. Model forms have been published with this final policy for adaptation or as-is use by each location. Employees should use the forms adopted

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by their location. Details will be communicated by each UC Location to Covered Individuals.

8. *I am pregnant. Will I be eligible for a medical exemption?* No, but you are eligible for a Deferral throughout your pregnancy or (if later) when you return to work or instruction, as applicable. You may also be eligible for a disability accommodation. According to the Centers for Disease Control and Prevention (CDC), pregnant people and recently pregnant people are at increased risk for severe illness from COVID-19 when compared with non-pregnant people. Severe illness includes illness that requires hospitalization, intensive care, or a ventilator or special equipment to breathe, or illness that results in death. Additionally, pregnant people with COVID-19 are at increased risk of preterm birth and might be at increased risk of other adverse pregnancy outcomes compared with pregnant people without COVID-19. There is currently *no evidence* that any vaccines, including COVID-19 vaccines, cause female or male fertility problems. Accordingly, the University strongly recommends that all Students, Trainees, and Personnel be vaccinated unless they have Contraindications or Precautions. However if you are pregnant, you will be eligible for Deferral through the end of the pregnancy or (if later) when you return to work or instruction, as applicable.
9. *I was recently diagnosed with COVID-19, and/or I had an antibody test that shows that I have natural immunity. Does this support a Medical Exemption?* You may be eligible for a temporary Medical Exemption (and, therefore, a temporary Exception), for up to 90 days after your diagnosis and certain treatments. [According to the US Food and Drug Administration](#), however, “a positive result from an antibody test does not mean you have a specific amount of immunity or protection from SARS-CoV-2 infection ... Currently authorized SARS-CoV-2 antibody tests are not validated to evaluate specific immunity or protection from SARS-CoV-2 infection.” For this reason, individuals who have been diagnosed with COVID-19 or had an antibody test are not permanently exempt from vaccination.
10. *I am participating or have participated in a vaccine clinical trial for a vaccine that has not been approved, and so I have not received a CDC card. Am I considered to be in compliance with the policy?* The University will accept any FDA- or WHO-authorized vaccine as fulfilling the mandate. If you participated in a trial of a vaccine that has received authorization from either body, and you can show that you did not receive the placebo (that is, your record has been “unblinded”), then you will be considered in compliance with the policy. Boosters may later be required as explained above. **For Novavax clinical trial participants:** If you participated in the trial long enough to receive your CDC Vaccine Card, you may present a copy of that card as proof of your initial compliance with this policy, even though Novavax has not yet received FDA or WHO authorization. Again, boosters may later be required.
11. *How will I know if my co-workers or fellow Students are going unvaccinated?* You probably won't know. Because vaccination-related information is private and confidential, the University will not disclose vaccine status of Covered Individuals except on a need-to-know basis; however third parties and some Locations may

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distribute badge attachments, stickers, pins, or other indicators that vaccinated individuals may use to show that they have received the vaccine.

12. *I teach both seminar and lecture classes, and as a result am typically exposed to many students. Will I be informed if someone in my class is not vaccinated? If not, will all students be required to wear masks?* As will be the case in any public setting, you will not be informed of the vaccination status of individual students and should expect that some may not be vaccinated due to pending or granted Exceptions or Deferrals. Guidance on face coverings for individuals who have and have not been Fully Vaccinated is provided in [Appendix A: COVID-19 Prevention Strategies](#).
13. *Will University of California Health specify which authorized or licensed vaccine is preferred?* No. Any COVID-19 vaccine authorized or approved by the U.S. Food and Drug Administration or by the World Health Organization will be accepted to satisfy the vaccination requirement.
14. *Will Locations provide paid time off for non-exempt employees for the time needed to get vaccinated?* Yes. Non-exempt employees and hourly academic appointees may take up to four hours of paid time to obtain each dose of the SARS-CoV-2 (COVID-19) vaccine. These employees and academic appointees must provide advance notice to their supervisor. If an employee or academic appointee needs more time for this purpose before September 30, 2021, the employee or academic appointee may request 2021 Emergency Paid Sick Leave (EPSL) (Reason 3(d)) for the additional time.
15. *What if I experience flu-like symptoms as a result of the vaccine that mean I cannot work as scheduled, or attend classes?* Employees should contact their supervisors or local human resources offices for instruction but as a general matter, accrued sick leave, vacation, and/or PTO may be used to take time off as needed to recover. Before September 30, 2021, employees may also request EPSL (Reason 3(e)) for that purpose. Students should contact their faculty/instructors regarding minor illnesses or disability services to address any significant issues.
16. *If I have applied for or been granted an Exception or Deferral, what Non-Pharmaceutical Interventions (NPIs) will I be required to observe?* See [Appendix A: COVID-19 Prevention Strategies](#), which describes required NPIs. Additional safety measures may be deemed necessary, depending on the circumstances, by local public health, environmental health and safety, occupational health, or infection prevention authorities, including the Location Vaccine Authority. In that case, a person who has received an approved Exception or Deferral (or whose request is pending) will be informed of any additional requirements.
17. *Who will pay for the vaccine?* Initial supplies have been paid for by the federal government. Vaccines administered by the University to consenting Covered Individuals as part of the COVID-19 Vaccination Program (e.g., during vaccine clinics or at employee health or occupational health offices) are administered free of charge. In addition, all of the University's health plans cover CDC-recommended vaccines administered by an employee's primary care physician or at a local pharmacy.

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18. *How will enforcement work for failure to participate in the program?* Efforts will be made to encourage Participation in the COVID-19 Vaccination Program prior to the Implementation Date. Those Covered Individuals who fail to Participate by being Vaccinated or requesting an Exception or Deferral on or before the Implementation Date will be barred from Physical Presence at University Facilities and Programs, and may experience consequences as a result of non-Participation, up to and including dismissal from educational programs or employment.
19. *I am at high risk for severe illness if I contract COVID-19 (e.g., immunocompromised) and even though I have been vaccinated, I know that no vaccine is 100% effective. Do I have to come to work if my co-workers or Students are not all vaccinated? What accommodations will be made for me?* Please contact your local disability services office to discuss your situation and possible accommodations.
20. *Will the University accept internationally approved vaccines even if not authorized or approved in the United States?* Yes, if the vaccine is authorized by the [World Health Organization](#) (WHO). The WHO [has developed a process](#) for assessing and listing unlicensed vaccines, therapeutics, and diagnostics during public health emergencies. Through that process, a number of vaccines not available in the United States have received Emergency Use Listing (EUL). A document summarizing the status of a wide range of international vaccines can be found [online on the WHO's website](#) (click on link to status of COVID-19 vaccines in the EUL/PQ evaluation process). The University will, consistent with [CDC](#) and CDPH guidance, accept proof of Full Vaccination with any international vaccine that has been authorized for emergency use by WHO through the EUL process. People who have completed a COVID-19 vaccination series with one of these vaccines *do not need* additional doses with an FDA-licensed or -authorized COVID-19 vaccine, at least initially (but may be subject to subsequent booster requirements). Those who are not Fully Vaccinated generally will be required to receive an FDA-licensed or -authorized Vaccine no less than 28 days after their last international vaccination (but may consult with the LVA or designee to discuss eligibility for a temporary Medical Exemption). In the interim, they will be treated as if they are not Fully Vaccinated.
21. *I was vaccinated in another country, where the government increased the time between first and second vaccines to longer than the CDC and FDA advise. Do I have to be revaccinated?* No. If you have proof of completing a series of any FDA-licensed or FDA- or WHO-authorized vaccine consistent with your country's implementation, you will be considered to have been Fully Vaccinated.
22. *I cannot come back to campus 3-4 weeks before school starts, and I can't access any vaccine in my country. Will I be allowed on campus?* Yes. You will be allowed on campus but will be referred to a vaccine site to get vaccinated immediately, unless you qualify for a University-approved Exception or Deferral. Until you are Fully Vaccinated, you will be subject to the NPIs described in [Appendix A: COVID-19 Prevention Strategies](#) for unvaccinated individuals. Additional safety measures may be deemed necessary, depending on the circumstances, by local public

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VIII. REVISION HISTORY

First Effective Date: December 14, 2020

Amended: January 15, 2021 (extended from UC Health to all University locations)

Amended: July 15, 2021 (extended to Students, effective Fall 2021; and vaccine mandated at that time for all groups subject only to limited Exceptions and Deferrals)

This Policy is formatted to meet Web Content Accessibility Guidelines (WCAG) 2.0.

IX. APPENDICES

- A. [COVID-19 Prevention Strategies](#)
- B. [Vaccine Information Statements](#) [COMING SOON]
 - a. FDA EUA Fact Sheet for Recipients and Caregivers (AstraZeneca) [COMING SOON]
 - b. [FDA EUA Fact Sheet for Recipients and Caregivers](#) (Janssen)
 - c. [FDA EUA Fact Sheet for Recipients and Caregivers](#) (Pfizer-BioNTech)
 - d. [FDA EUA Fact Sheet for Recipients and Caregivers](#) (Moderna)
- C. [COVID-19 Vaccination Program: Responsible Offices.](#)
- D. Exceptions and Deferrals
 - a. Medical Exemption and/or Disability Exception Request Form
 - b. Religious Exception Request Form
 - c. Deferral Request Form
 - d. Approval of Request for Exception or Deferral Form
 - e. Denial of Request for Exception or Deferral Form

Note: The model forms are provided for convenience only and may be adapted by locations consistent with applicable policies and practices.

- E. Implementation Guidelines: Exceptions and Deferrals
- F. Implementation Guidelines: Employee Compliance
Compliance Flowchart

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MEDICAL EXEMPTION AND/OR DISABILITY EXCEPTION REQUEST FORM
Exception to SARS-CoV-2 (COVID-19) Vaccination Requirement

EMPLOYEE OR STUDENT NAME	EMPLOYEE OR STUDENT ID
JOB TITLE (IF APPLICABLE)	LOCATION
DEPARTMENT	SUPERVISOR (IF APPLICABLE)
PHONE NUMBER	EMAIL

This form should be used by University employees and students to request an Exception to the COVID-19 vaccination requirement in the University's [SARS-CoV-2 Vaccination Program Policy](#) based on (a) Medical Exemption due to a Contraindication or Precaution to COVID-19 vaccination [recognized by the U.S. Centers for Disease Control and Prevention \(CDC\)](#) or by the vaccines' manufacturers; (b) Medical Exemption due to COVID-19 diagnosis or treatment within the last 90 days; or (c) Disability.

Fill out Part A to request a Medical Exemption due to Contraindication or Precaution. Fill out Part B to request a Medical Exemption due to COVID-19 diagnosis or treatment within the last 90 days. Fill out Part C to request an Exception based on Disability. More than one section may be completed if applicable. Important: Do not identify any diagnosis, disability, or other medical information (other than COVID-19 diagnosis in Part B). That information is not required to process your request.

Part A: Request for Medical Exemption Due to Contraindication or Precaution

- The Contraindications or Precautions to COVID-19 vaccination recognized by the CDC or by the vaccines' manufacturers apply to me with respect to all available COVID-19 vaccines. For that reason, I am requesting an Exception to the COVID-19 vaccination requirement based on Medical Exemption. My request is supported by the attached certification from my health care provider. ***I understand that some local (city/county) public health departments have issued orders specifying that the certification must be signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician.***

Part B: Request for Medical Exemption Due to COVID-19 Diagnosis or Treatment

- I have been diagnosed with or treated for COVID-19 within the last 90 days. For that reason, I am requesting an Exception to the COVID-19 vaccination requirement based on Medical Exemption. My request is supported by the attached certification from my health care provider. ***I understand that some local (city/county) public health departments have issued orders specifying that the certification must be signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician.***

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Exception to SARS-CoV-2 (COVID-19) Vaccination Requirement

Part C: Request for Exception Based on Disability

I have a Disability and am requesting an Exception to the COVID-19 vaccination requirement as a Disability accommodation. My request is supported by the attached certification from my health care provider. ***I understand that some local (city/county) public health departments have issued orders specifying that the certification must be signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician.***

Please provide any additional information that you think may be helpful in processing your request. ***Again, do not identify your diagnosis, disability, or other medical information.***

While my request is pending, I understand that I must comply with the Non-Pharmaceutical Interventions (e.g., face coverings, regular asymptomatic testing) for unvaccinated or not fully vaccinated individuals as a condition of my Physical Presence at any University Location/Facility or Program. These required Non-Pharmaceutical Interventions are defined by my Location’s public health, environmental health and safety, occupational health, or infection prevention authorities, including the Location Vaccine Authority. I also understand that I must comply with any additional Non-Pharmaceutical Interventions applicable to my circumstances or position, as required by my Location. If my request is granted, I understand that I will be required to comply with Non-Pharmaceutical Interventions specified by my Location as a condition of my Physical Presence at any University Location/Facility or Program.

I verify the truth and accuracy of the statements in this request form.

Employee/Student Signature: _____ Date: _____

Date Received by University: _____ By: _____

UNIVERSITY OF CALIFORNIA
MEDICAL EXEMPTION AND/OR DISABILITY EXCEPTION REQUEST FORM
 Exception to SARS-CoV-2 (COVID-19) Vaccination Requirement

CERTIFICATION FROM HEALTH CARE PROVIDER

The University of California requires that its employees and students be vaccinated against COVID-19 infection as a condition of accessing any University location, facility, or program in person. The University may grant Exceptions to this requirement based on (a) Medical Exemption due to a Contraindication or Precaution to COVID-19 vaccination recognized by the U.S. Centers for Disease Control and Prevention (CDC) or by the vaccines’ manufacturers; (b) Medical Exemption due to COVID-19 diagnosis or treatment within the last 90 days; or (c) Disability, provided that the individual’s request for such an Exception is supported by a certification from their qualified licensed health care provider.

HEALTH CARE PROVIDER NAME	LICENSE TYPE, # AND ISSUING STATE
FULL NAME OF PATIENT	DATE OF BIRTH OF PATIENT
PATIENT’S EMPLOYEE/STUDENT/TRAINEE ID NUMBER	HEALTH CARE PROVIDER PHONE/EMAIL
PHYSICIAN SUPERVISOR AND LICENSE # (FOR A PHYSICIAN ASSISTANT WORKING UNDER A PHYSICIAN’S LICENSE)	

Please note the following from the Genetic Information Nondiscrimination Act of 2008 (GINA), which applies to all University employees:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Please complete Part A of this form if one or more of the Contraindications or Precautions to COVID-19 vaccination recognized by the CDC or the vaccines’ manufacturers apply to this patient. Please complete Part B if this patient has been diagnosed with or treated for COVID-19 within the last 90 days. Please complete Part C if this patient has a Disability, as defined below, that makes COVID-19 vaccination inadvisable in your professional opinion. More than one section may be completed if applicable to this patient. Important: Do not identify the patient’s diagnosis, disability, or other medical information (other than COVID-19 diagnosis in Part B) as this document will be returned to the University.

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MEDICAL EXEMPTION AND/OR DISABILITY EXCEPTION REQUEST FORM
Exception to SARS-CoV-2 (COVID-19) Vaccination Requirement

Part A: Contraindication or Precaution to COVID-19 Vaccination

- I certify that one or more of the Contraindications or Precautions recognized by the CDC or by the vaccines' manufacturers for each of the currently available COVID-19 vaccines applies to the patient listed above. For that reason, COVID-19 vaccination using any of the currently available COVID-19 vaccines is inadvisable for this patient in my professional opinion. The Contraindication(s) and/or Precaution(s) is/are:
 Permanent Temporary.

If temporary, the expected end date is: _____ .

Part B: COVID-19 Diagnosis or Treatment Within Last 90 Days

- I certify that my patient has been diagnosed with or treated for COVID-19 within the last 90 days.
- My patient's COVID-19 diagnosis or last day of treatment (whichever is later) was on _____ .
- My patient is being actively treated for COVID-19. The expected end date of treatment is: _____ .

Part C: Disability That Makes COVID-19 Vaccination Inadvisable

"Disability" is defined as a physical or mental disorder or condition that limits a major life activity and any other condition recognized as a disability under applicable law. "Disability" includes pregnancy, childbirth, or a related medical condition where reasonable accommodation is medically advisable.

- I certify that the patient listed above has a Disability, as defined above, that makes COVID-19 vaccination inadvisable in my professional opinion. The patient's disability is: Permanent Temporary.

If temporary, the expected end date is: _____ .

Signature of Health Care Provider

Date

UNIVERSITY OF CALIFORNIA
RELIGIOUS EXCEPTION REQUEST FORM
Accommodation to SARS-CoV-2 (COVID-19) Vaccination Requirement

EMPLOYEE OR STUDENT NAME	EMPLOYEE OR STUDENT ID
JOB TITLE (IF APPLICABLE)	LOCATION
DEPARTMENT (IF APPLICABLE)	SUPERVISOR (IF APPLICABLE)
PHONE NUMBER	EMAIL

Based on my sincerely held religious belief, practice, or observance, I am requesting an Exception to the COVID-19 vaccination requirement in the University's [SARS-CoV-2 Vaccination Program Policy](#) as a religious accommodation.

Please identify your sincerely held religious belief, practice, or observance that is the basis for your request for an Exception as a religious accommodation.

Please briefly explain how your sincerely held religious belief, practice, or observance conflicts with the University's COVID-19 vaccination requirement.

Please provide any additional information that you think may be helpful in processing your religious accommodation request.

While my request is pending, I understand that I must comply with the Non-Pharmaceutical Interventions (e.g., face coverings, regular asymptomatic testing) for unvaccinated or not fully vaccinated individuals as a condition of my Physical Presence at any University Location/Facility or Program. These required Non-Pharmaceutical Interventions are defined by my Location's public health, environmental health and safety, occupational health, or infection prevention authorities, including the Location Vaccine Authority. I also understand that I must comply with any additional Non-Pharmaceutical Interventions applicable to my circumstances or position, as required by my Location. If my request is granted, I understand that I will be required to comply with Non-Pharmaceutical Interventions specified by my Location as a condition of my Physical Presence at any University Location/Facility or Program.

I verify the truth and accuracy of the statements in this request form.

Employee/Student Signature: _____ Date: _____

Date Received by University: _____ By: _____

**UNIVERSITY OF CALIFORNIA
DEFERRAL REQUEST FORM**
Deferral of SARS-CoV-2 (COVID-19) Vaccination Requirement

EMPLOYEE/STUDENT NAME	EMPLOYEE/STUDENT ID
JOB TITLE (IF APPLICABLE)	LOCATION
DEPARTMENT (IF APPLICABLE)	SUPERVISOR (IF APPLICABLE)
PHONE NUMBER	EMAIL

This form should be used by University employees and students to request a Deferral of the COVID-19 vaccination requirement in the University's [SARS-CoV-2 Vaccination Program Policy](#) during pregnancy.

I am currently pregnant and am requesting a Deferral of the COVID-19 vaccination requirement during my pregnancy. My anticipated due date is: _____.

While my request is pending, I understand that I must comply with the Non-Pharmaceutical Interventions (e.g., face coverings, regular asymptomatic testing) for unvaccinated or not fully vaccinated individuals as a condition of my Physical Presence at any University Location/Facility or Program. These required Non-Pharmaceutical Interventions are defined by my Location's public health, environmental health and safety, occupational health, or infection prevention authorities, including the Location Vaccine Authority. I also understand that I must comply with any additional Non-Pharmaceutical Interventions applicable to my circumstances or position, as required by my Location. If my request is granted, I understand that I will be required to comply with Non-Pharmaceutical Interventions specified by my Location as a condition of my Physical Presence at any University Location/Facility or Program.

I verify the truth and accuracy of the statements in this request form.

Employee/Student Signature: _____ Date: _____

Date Received by University: _____ By: _____

**UNIVERSITY OF CALIFORNIA
APPROVAL OF REQUEST FOR EXCEPTION OR DEFERRAL
SARS-CoV-2 (COVID-19) Vaccination Requirement**

TO:	EMPLOYEE/STUDENT NAME	EMPLOYEE/STUDENT ID
FROM:	ISSUING OFFICE	ISSUING OFFICE PHONE/EMAIL
	ISSUING AUTHORITY NAME	ISSUING AUTHORITY TITLE
CC:	LOCATION VACCINE AUTHORITY NAME/EMAIL	

On _____, we received your request for the following in connection with the COVID-19 vaccination requirement in the University's [SARS-CoV-2 Vaccination Program Policy](#):

- Exception based on Medical Exemption
- Exception based on Disability
- Exception based on Religious Objection
- Deferral based on pregnancy

For Exceptions: Based on the information you have provided, your request for Exception has been **APPROVED** subject to the requirement that you comply with the Non-Pharmaceutical Interventions specified below. This approval is valid until _____ indefinitely. If your approval has an end date and you no longer need an Exception or Deferral at that time, you will have until _____ (eight [8] weeks after the end date) to become Fully Vaccinated and submit proof of vaccination.

For Deferrals: Based on the information you have provided, your request for Deferral has been **APPROVED** subject to the requirement that you comply with the Non-Pharmaceutical Interventions specified below. This approval is valid until you return to work or instruction, as applicable. If you no longer need an Exception or Deferral at that time, you must become Fully Vaccinated and submit proof of vaccination within eight (8) weeks of your return.

You must comply with the Non-Pharmaceutical Interventions (e.g., face coverings, regular asymptomatic testing) for unvaccinated or not fully vaccinated individuals as a condition of your Physical Presence at any University Location/Facility or Program. These required Non-Pharmaceutical Interventions are defined by your Location's public health, environmental health and safety, occupational health, or infection prevention authorities, including the Location Vaccine Authority. You must also comply with the following Non-Pharmaceutical Interventions applicable to your position (if any):

If you have any questions or concerns regarding the above, please contact:

BY SIGNING BELOW, YOU CERTIFY THAT YOU HAVE BEEN INFORMED OF THE RISKS OF COVID-19 INFECTION, INCLUDING LONG-TERM DISABILITY AND DEATH, BOTH FOR YOU AND FOR OTHERS WHO YOU MAY EXPOSE TO THE DISEASE.

Approved by: _____ Date: _____
(Signature of Issuer)

Accepted: _____ Date: _____
(Signature of Employee/Student)

**UNIVERSITY OF CALIFORNIA
DENIAL OF REQUEST FOR EXCEPTION OR DEFERRAL
SARS-CoV-2 (COVID-19) Vaccination Requirement**

TO:	EMPLOYEE/STUDENT NAME/EMAIL	EMPLOYEE/STUDENT ID
FROM:	ISSUING OFFICE	ISSUING OFFICE PHONE/EMAIL
	ISSUING AUTHORITY NAME	ISSUING AUTHORITY TITLE
CC:	LOCATION VACCINE AUTHORITY NAME/EMAIL	

On _____, we received your request for the following in connection with the COVID-19 vaccination requirement in the University's [SARS-CoV-2 Vaccination Program Policy](#):

- Exception based on Medical Exemption
- Exception based on Disability
- Exception based on Religious Objection
- Deferral based on pregnancy

Your request has been **DENIED** based on the information we have received to date.

The reason for the denial is the following:

- You do not qualify for the Exception/Deferral that you requested.
- Your request is incomplete. We have requested the following additional information from you but have not received it.

- You are not a Covered Individual as defined by the SARS-CoV-2 Vaccination Program Policy. This means that you are not required to be vaccinated against COVID-19 at this time, so you do not need an Exception or Deferral to the University's COVID-19 vaccination requirement. If you later become a Covered Individual and wish to request an Exception or Deferral at that time, you will need to submit a new request. (Note: The deadlines referenced below do not apply to you.)

Because your request for an Exception/Deferral has been denied, **you have until _____ (14 calendar days from the denial date below) to submit proof that you have received your first dose of a COVID-19 vaccine. That proof must include the date that you received it. You then have until _____ (eight [8] weeks from the denial date below) to submit proof that you are Fully Vaccinated.** If either of the dates above falls on a weekend or University holiday, the deadline for providing the required proof is the next business day that is not a University holiday.

Until you are Fully Vaccinated, you must comply with the Non-Pharmaceutical Interventions (e.g., face coverings, regular asymptomatic testing) for unvaccinated or not fully vaccinated individuals as a condition of your Physical Presence at any University Location/Facility or Program. These required Non-Pharmaceutical Interventions are defined by your Location's public health, environmental health and safety, occupational health, or infection prevention authorities, including the Location Vaccine Authority. You must also comply with the following Non-Pharmaceutical Interventions applicable to your position (if any):

If you have any questions regarding the above, please contact:

Denied by: _____ Date: _____
(Signature of Issuer)

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Appendices E, F: Implementation Guidelines

These Guidelines are provided to aid those charged with evaluating, processing, and resolving Personnel requests for Exception and/or Deferral to the [University of California Policy: SARS-CoV-2 \(COVID-19\) Vaccination Program](#) (“Program”) and also provide information regarding compliance with the Program.

APPENDIX E: EXCEPTIONS AND DEFERRALS

These Guidelines apply to Covered Individuals who physically access a University Location/Facility or University Program in connection with their employment or appointment and who have requested an Exception to the COVID-19 vaccination requirement based on Medical Exemption, Disability, and/or Religious Objection or who have requested a Deferral of that requirement based on pregnancy.

I. DEFINITIONS

All terms in the “Definitions” section of the Program apply to these Guidelines.

Additional Term:

Decision: The determination of the approval or denial of an Exception or Deferral request.

II. ADMINISTRATION OF REQUESTS

A. Establishment of a Responsible Office

1. Locations should designate a particular office(s) and/or individual(s) to field Exception or Deferral requests and make this Responsible Office known to Personnel.
2. This Office might be different for each type of Exception or Deferral allowed under the Program – e.g. Medical Exemption or Disability Exception requests may be processed by a different Office from the Religious Objection Exception requests.
3. Locations can opt to utilize Third Party Administrator (TPA) Sedgwick to support the administration and review of Medical Exemptions, Disability Exceptions, Religious Objection Exceptions, and/or Deferrals due to pregnancy. If utilizing this option, the Location must still designate a Responsible Office to manage the coordination with Sedgwick.

B. Documentation of the Request

1. The Responsible Office is responsible for reporting all Exception and Deferral requests, approvals, and denials to the Local Vaccine Authority (LVA) at the Location.
2. The Responsible Office should make Exception and Deferral Request Forms

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(see Program, Appendix D) publicly available to Personnel and available upon request. Locations utilizing the TPA should provide full name and email address (individually or in a flat list format such as an Excel table) to the TPA; Sedgwick will then reply with the applicable Exception or Deferral Request Form.

3. Either the Responsible Office or TPA should evaluate the Exception or Deferral request using the standardized criteria.
4. The Responsible Office should use the Approval or Denial Form to record the Decision.
5. The Responsible Office will exercise best practice information security procedures and comply with [BFB-IS-3 \(Electronic Information Security Policy\)](#) as well as [BFB-RMP-1 \(the University Records Management Program\)](#) when storing Program records (e.g., Exception and Deferral request forms, approval forms, denial forms, related communications) and when notifying the LVA regarding pending requests for Exceptions/Deferrals and Exception/Deferral Decisions. Program records should be kept confidential and only accessed for Program-related purposes. Program records should not be stored in an employee's personnel file.

C. Standardized Communications and Process

1. All forms and notifications should follow standard templates. Location-specific forms may include consistently communicated modifications such as campus-specific non-pharmaceutical intervention (NPI) requirements, Responsible Office contact information, etc.
2. Communications and forms regarding Exceptions and Deferrals (including request forms, notifications such as a notice of pending request, notice of approval, and notice of denial) should be standardized as much as possible regardless of medium (e.g., digital/e-mail vs. hard-copy) or the office sending the communication (e.g., local Responsible Office or Sedgwick).
3. Communications should be made in a timely fashion, both acknowledging receipt of the request and communicating the subsequent Decision.

D. Pending and Granted Exceptions and Deferrals Require Employee Use of NPI

All forms and references to Exception and Deferral requests should clearly state that, as a condition of Physical Presence, employees are required to comply with the Location's NPI requirements (e.g., face coverings, regular asymptomatic testing) while an Exception or Deferral request is pending or after such requests have been approved. NPI requirements may be amended and communicated to employees subsequently, such as if public health conditions prompt revisions to NPI requirements. See Appendix D of the Program for recommended model form language.

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III. DECISION PROCESS

- A. The Responsible Office will evaluate all Exception and Deferral requests consistently in both the application of the Guidelines and treatment of similarly situated Personnel throughout the University.
- B. The Responsible Office will utilize system-wide training for individuals charged with evaluating Exception or Deferral requests. The Responsible Office will stay up to date on training, which may be amended as new information or changes to conditions (i.e., Public Health) may require.
- C. The Responsible Office will contact Personnel in a timely fashion in the event that an incomplete form is submitted or more information is needed in order to evaluate the request.

IV. APPENDIX E REVISION HISTORY

First Effective Date: July 20, 2021

Amended Effective Date: August 11, 2021

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APPENDIX F: EMPLOYEE COMPLIANCE

I. SUMMARY

The purpose of the Program is to facilitate the protection of the health and safety of the University community. The Program requires employees to be Fully Vaccinated against COVID-19 before physically accessing the University's Locations/Facilities or University Programs, subject to specified Exceptions and Deferrals.

These Guidelines provide information regarding compliance with the Program by University of California policy-covered staff and Academic Personnel Manual (APM)-covered academic appointees. The University desires a consistent approach for all employee populations, including represented employees, subject to its collective bargaining obligations and applicable collective bargaining agreements.

II. EMPLOYEE REQUIREMENTS BY IMPLEMENTATION DATE

The COVID-19 vaccination requirement applies to UC employees who physically access the University's Locations/Facilities or University Programs in connection with their employment or appointment. As a condition of Physical Presence at a University Location/Facility or in a University Program, all of these UC employees must provide proof of Full Vaccination or submit a request for an Exception or Deferral no later than the applicable implementation date.

III. TIMELINE

The path to full compliance for each employee, including the notices provided, may differ depending upon the date that the employee complies with each compliance step or submits a Request for Exception/Deferral.

IV. REQUEST FOR EXCEPTION/DEFERRAL

An employee seeking an Exception or Deferral must, no later than the applicable implementation date, submit their request to the Responsible Office described in Section II.A of Appendix E. While a request is pending, the employee must, as a condition of Physical Presence, comply with non-pharmaceutical interventions (NPIs) defined by the Location.

A. Request Approved

If an Exception or Deferral is granted, the issuing office must notify the employee and the Location Vaccine Authority of the approval and the associated expiration date, if any. The employee must, as a condition of Physical Presence, comply with NPIs defined by the Location.

B. Request Denied

If an employee has submitted a single request for an Exception or Deferral that has been denied, or requests on more than one ground that have all been fully

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considered and denied, the employee (“Non-Excepted Employee” hereafter) will receive a Denial of Request for Exception or Deferral.

1. Employee Chooses to Become Fully Vaccinated

If the Non-Excepted Employee chooses to become Fully Vaccinated, they must provide proof that they have received their first shot within 14 calendar days of the date of denial. This proof must include the date of the first shot.

Until the Non-Excepted Employee is Fully Vaccinated, they must, as a condition of Physical Presence, comply with NPIs defined by the Location.

If the Non-Excepted Employee receives the Johnson & Johnson vaccine, they will be considered Fully Vaccinated two weeks after the date of the first shot. If they receive the Moderna or Pfizer vaccine, they will be considered Fully Vaccinated two weeks after the date of the second shot. Proof of Full Vaccination must be provided no later than eight weeks from the date of the denial.

2. Employee Chooses Not to Start the Vaccination Process

If the Non-Excepted Employee chooses not to receive their first shot within 14 calendar days of the date of denial, the applicable process begins at Section V.A.

V. EMPLOYEE NON-COMPLIANCE

A. First Notice of Non-Compliance (All Employees)

UC employees subject to the COVID-19 vaccination requirement who fail to provide proof of Full Vaccination and who have not requested an Exception or Deferral by the applicable implementation date (or Non-Excepted Employees, who fail to provide proof that they have received their first shot within the 14 calendar days as described in Section IV.B.2) will receive a First Notice of Non-Compliance.

B. Three-Day Period Following First Notice of Non-Compliance (All Employees)

Once an employee has received a First Notice of Non-Compliance, they will have three business days to provide proof of Full Vaccination or to make a request for an Exception or Deferral (or, in the case of a Non-Excepted Employee, to provide proof that they have received their first shot or, if applicable, to make a new request). During these three business days, the employee must, as a condition of Physical Presence, comply with NPIs defined by the Location.

If an employee has not responded within three business days and is a non-Excepted Employee, the applicable process continues below at Section V.D; for other employees, the applicable process continues below at Section V.C.

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C. Second Notice of Non-Compliance (Employees Other Than Non-Excepted Employees)

If, after receipt of the First Notice of Non-Compliance, the employee does not submit proof of Full Vaccination or make a request for an Exception or Deferral within three business days, they will receive a Second Notice of Non-Compliance that requires them to submit proof that they have received their first shot within 14 calendar days of the date of the Second Notice of Non-Compliance. This proof must include the date of the first shot.

As described in Section V.B, until the employee is Fully Vaccinated, the employee must, as a condition of Physical Presence, comply with NPIs defined by the Location.

If the employee receives the Johnson & Johnson vaccine, the employee will be considered Fully Vaccinated two weeks after the date of the first shot. If the employee receives the Moderna or Pfizer vaccine, the employee will be considered Fully Vaccinated two weeks after the date of the second shot.

Proof of Full Vaccination must be provided no later than eight weeks from the date of the Second Notice of Non-Compliance.

D. Notice of Continued Non-Compliance

If an employee fails to submit proof of Full Vaccination or make a request for an Exception or Deferral within the period prescribed in the Second Notice (or the First Notice, if a Non-Excepted Employee), the employee will receive a Notice of Continued Non-Compliance stating that the Department will commence a period of progressive corrective action/discipline against the employee.

During the corrective action/discipline period, the employee will be permitted Physical Presence for up to six weeks (at the Location's discretion) and must, as a condition of Physical Presence, comply with NPIs defined by the Location.

The Chancellor or designee may choose to briefly extend the six-week period of Physical Presence for exceptional circumstances, including but not limited to:

- Providing for a non-compliant instructor to continue teaching or mentorship in the best interest of student learning;
- Providing for a non-compliant employee to continue work in order to avoid potential negative impacts on critical University operations due to unanticipated business requirements; or
- For other urgent requirements.

Any corrective action/discipline taken as a result of employee non-compliance will be consistent with the policies or collective bargaining provisions applicable to the specific employee population.

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E. Corrective Action/Discipline

1. Policy-Covered Staff

For regular status employees in the Professional & Support Staff (PSS) personnel group, corrective action/discipline is taken in accordance with [PPSM 62 \(Corrective Action\)](#).

For career employees in the Managers & Senior Professionals (MSP) personnel group refer to [PPSM 64 \(Termination and Job Abandonment\)](#). For Senior Management Group (SMG) employees refer to [PPSM II-64 \(Termination of Appointment\)](#).

For employees in the PSS or MSP personnel groups who are not regular status or career, refer to the specific appointment type in [PPSM 3 \(Types of Appointment\)](#).

2. Policy-Covered Academic Appointees

For all faculty, the University policy on faculty conduct is set forth in [APM – 015 \(The Faculty Code of Conduct\)](#). For Senate Faculty, the administration of discipline is set forth in [APM – 016 \(University Policy on Faculty Conduct and the Administration of Discipline\)](#). In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or against other faculty members in cases where the right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents, proceedings shall be conducted before a Divisional Committee on Privilege and Tenure according to [Senate Bylaw 336 Privilege and Tenure: Divisional Committees -- Disciplinary Cases](#).

For all other academic appointees, corrective action is taken in accordance with [APM – 150 Corrective Action and Dismissal](#).

3. Represented Employees

Corrective action/discipline for represented employees is described in the employee's applicable collective bargaining agreement.

VI. APPENDIX F REVISION HISTORY

First Effective Date: July 20, 2021

Amended Effective Date: August 11, 2021 (added timeline; updated language in sections IV.B, V.A and V.B for clarity; added two additional examples in section V.D; and clarified corrective action/discipline for policy-covered staff)

