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SANTA CRUZ DIVISION  
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January 18, 2023

Susan D. Cochran, Chair  
Academic Council

**RE: Revised Proposed Presidential Policy on Vaccination Programs**

Dear Susan,

The Santa Cruz Division has completed its review of the proposed revisions to the proposed Presidential Policy on Vaccination Programs. This response includes comments from the first and second cycle of reviews. The Committees on Academic Freedom (CAF) and Privilege and Tenure (CPT) provided comments on the first iteration but not the second. The Committee on Faculty Welfare (CFW) provided comments on the second round but not the first.

CFW raised concerns about both the lack of a guarantee for access to free vaccination, and the lack of reference of a guarantee for all employees (including faculty) to take paid time off in order to recover from potential side effects associated with required vaccinations (in particular COVID vaccinations). This is of a particular concern for faculty who do not accrue sick leave. CFW suggested that a program similar to the New Emergency Paid Sick Leave (EPSL22) for COVID-19 relief be created to ensure that all UC employees are able to take paid leave to recover from symptoms related to a COVID-19 vaccine or vaccine booster.

CAF observed that while the policy contemplates vaccines such as those for covid, flu, etc., which are broadly available to the general public, some in the future may be available only to those who fall under the status of specific marginalized and/or legally protected classes. CAF offered the example of the Monkeypox vaccine, which was initially offered only to sex workers, intravenous drug users, and/or men who have sex with men. Their concern was that this could create a system in which the University is mandating the collecting of data on which of its employees are sex workers, intravenous drug users, and/or men who have sex with men. CAF recommended that explicit protections are needed to ensure that the vaccination policy will be applied only to vaccines that are broadly available and not restricted to particular marginalized social groups. This could prevent any potential chilling of the speech and academic freedom of university employees who may choose not to be employed at the university should the University's vaccination policy require them to disclose their status within specific marginalized groups.

On a related note, CPT wrote that it is unreasonable to expect members of the University to keep monitoring Up-To-Date required vaccines pursuant to any Center for Disease Control and California Department of Public Health recommendations. When changes are made to the list of required vaccinations, CPT suggested notifications should be mandated in the policy, and all UC members notified by email.

As well, CPT noted that the definition of Program Attachment states that it is an attachment describing a specific Vaccination Program. The committee suggests the alternate phrasing of “an attachment to the end of this Policy, describing a specific Vaccination Program” to improve clarity.

Finally, CPT took issue with language on page 11, item 11 in the FAQ, which states that individuals who fail to comply with the policy 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 termination or dismissal.”

This language implies that those meeting the definition of Covered Individual, someone who normally physically accesses University facilities, but can fulfill their duties without doing so, may face “consequences” as a result of non-Participation. To address this, CPT offered this alternative language:

“barred from Physical Presence at University Facilities and Programs. The inability to be physically present may result in consequences in accordance with the provisions of employment, up to and including termination or dismissal.”

On behalf of the Santa Cruz division, I thank you for the opportunity to provide comment on this policy.

Sincerely,



Patty Gallagher, Chair  
Academic Senate, Santa Cruz Division

encl: Senate Committee Responses (Bundled)

cc: Roger Schoenman, Chair, Committee on Academic Freedom (CAF)  
David Cuthbert, Chair, Committee on Educational Policy (CEP)  
Alexander Sher, Chair, Committee on Faculty Welfare (CFW)  
Onuttom Narayan, Chair, Committee on Privilege and Tenure (CPT)  
Andy Fisher, Chair, Graduate Council (GC)  
Matthew Mednick, Executive Director, Academic Senate

January 17, 2023

PATTY GALLAGHER, Chair  
Academic Senate, Santa Cruz Division

**Re: Proposed Presidential Policy on Vaccination Programs**

Dear Patty,

While overall, we had a generally positive reaction to the Vaccination Programs Policy Draft that we reviewed, we had one concern we would like to see addressed in a future revision of the policy. While the kinds of vaccinations that the policy seems to have in mind (covid, flu, etc.) are vaccinations that are broadly available to the general public, some vaccinations that could potentially fall under the policy in the future may be vaccines that are only available to certain individuals who fall under the status of specific marginalized and/or legally protected classes.

For example, earlier this past summer, Monkeypox vaccinations were only being made available to sex workers, intravenous drug users, and/or men who have sex with men, as part of a public health effort to stop the spread of Monkeypox among these high-risk groups. However, if a vaccination requirement were to be required for a vaccination that is not broadly available, such as could have happened with the Monkeypox vaccination earlier this summer, it could unintentionally create a system in which the University is mandating the collecting of data on which of its employees are sex workers, intravenous drug users, and/or men who have sex with men. Similar issues could emerge in the future with gene-based vaccinations designed for particular racial or ethnic groups as part of race-based medicine (such as future sickle-cell anemia advancements, Tay-Sachs advancements, or Cystic Fibrosis advancements).

To protect from the university collecting data on marginalized identities in their relationship to potential future vaccinations, both to prevent discrimination lawsuits, and to avoid creating the appearance of discrimination, we would recommend that explicit protections be put in that the vaccination policy will only be applied to vaccines that are broadly available and not restricted to particular marginalized social groups.

Requiring these disclosures as a manner of policy would potentially chill the speech and academic freedom of university employees who may choose not to be employed at the university if the university is requiring them to disclose their status within specific marginalized groups as part of a vaccination policy. Thus, to protect academic freedom, we would recommend these protections be explicitly included in the Vaccination Programs Policy.

Sincerely  
/s/  
Roger Schoenman, Chair  
Committee on Academic Freedom

cc: David Cuthbert, Chair, Committee on Educational Policy (CEP)  
Alexander Sher, Chair, Committee on Faculty Welfare (CFW)  
Onuttom Narayan, Chair, Committee on Privilege and Tenure (CPT)  
Andy Fisher, Chair, Graduate Council (GC)

January 16, 2023

Patty Gallagher, Chair  
Academic Senate

**Re: Systemwide Review of Presidential Policy – UC Policy on Vaccination Programs**

Dear Patty,

During its meeting of October 20, 2022, the Committee on Faculty Welfare (CFW) considered the original proposed UC Policy on Vaccination Programs, which is aimed to consolidate existing systemwide vaccination requirements into systemwide policy with program attachments for the COVID-19 Vaccination Program and the Seasonal Vaccination Program. In January 2023, CFW reviewed the updated materials for this review online. Members were pleased to see that additional optional measures such as masking are protected under the proposed policy. However, the committee raised concerns about both the lack of a guarantee for access to free vaccination, and the lack of reference of a guarantee for all employees (including faculty) to take paid time off in order to recover from potential side effects associated with required vaccinations (in particular COVID vaccinations).

As noted, members were pleased to find that optional additional measures such as wearing masks or face coverings (even for those up to date on all relevant vaccines) is protected by the draft policy in section III.A.6 – Optional Additional Measures.

CFW notes that section IV.B.1. states that each location is responsible for informing personnel and students that required vaccines will be provided at no out-of-pocket cost if they receive the vaccine from the university. Further, section III.A.1 – Access to Vaccination requires that all campuses and medical centers offer any required 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. However, CFW acknowledges that some campuses (particularly those without medical centers) may not be able to provide the full range of required vaccines to all employees. As such, this policy may unintentionally create inequities if some campuses and/or individual employees are able to receive free vaccination on campus, and others are forced to pay a copay or fee for required vaccinations. Although it may not be possible to require all campuses to provide free vaccination on campus, CFW notes that there should be some process spelled out in the policy whereby free vaccination for required vaccines is guaranteed to every employee on every campus.

Further, members noted that the Frequently Asked Questions Section VII.8 recommends employees who suffer from COVID vaccine side effects to “contact their supervisors, local human resources, or academic personnel offices with questions but as a general matter, accrued sick leave, vacation, and/or PTO may be used to take time off as needed to recover.” This is an issue of concern for faculty, who do not accrue sick leave or vacation. Members noted that some departments are supportive of faculty taking time off to recover from vaccine side effects, but some are not. Furthermore, the answer in Section VII.7 does not apply to faculty, making them ineligible

for a time off for receiving vaccination. In order to avoid placing the burden of recovery for a UC mandate on the individual, CFW recommends that the policy explicitly state that all employees must be provided with time to recover from potential side effects associated with receiving required vaccines, and should not have to claim personal sick leave and/or vacation hours to do so. Members discussed the temporary New Emergency Paid Sick Leave (EPSL22) for COVID-19 relief that was made available to employees and expired in September 2022, and recommend that a similar permanent program be put in place and noted in this policy, in order to ensure that employees are able to take paid leave to recover from symptoms related to a COVID-19 vaccine or vaccine booster.

Thank you for the opportunity to provide feedback.

Sincerely,



Alexander Sher, Chair  
Committee on Faculty Welfare

cc: Roger Schoenman, Chair, Committee on Academic Freedom  
David Cuthbert, Chair, Committee on Educational Policy  
Kate Jones, Chair, Committee on Teaching  
Andy Fisher, Chair, Committee on Graduate Council  
Onuttom Narayan, Chair, Committee on Rules, Jurisdiction, and Elections

October 7, 2022

PATTY GALLAGHER, Chair  
Academic Senate, Santa Cruz Division

**Re: Systemwide Review of Presidential Policy – University of California – Policy on Vaccination Programs**

Dear Patty,

The Committee on Privilege and Tenure (P&T) has reviewed the draft Policy on Vaccination Programs, and has the following comments:

Being Up-To-Date with required vaccines is defined in terms of CDC and CDPH recommendations. P&T believes that it is unreasonable to expect members of the University to keep monitoring these recommendations. Some updates may not even be relevant to UC employees. This definition should be amended to state that all vaccines that are required to be up-to-date are recommended by the CDC and CDPH, and are listed in the attachments to the Policy on Vaccination Programs. In addition to being posted with other UC policies, this Policy should be posted on relevant websites (such as campus health centers). When changes are made to the list of required vaccinations, all UC members should be notified by email. Campus (or systemwide) notification should be mandated in the policy.

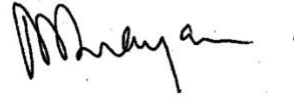
On a related point: the definition of Program Attachment states that it is an attachment describing a specific Vaccination Program. This would be clearer if it were changed to “an attachment to the end of this Policy, describing a specific Vaccination Program”. The attachments themselves should be reviewed to eliminate unnecessary repetition, now that they are attachments instead of independent policies.

On page 11, item 11 in the FAQ states that individuals who fail to comply with the policy 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 termination or dismissal.”

This should be changed to “barred from Physical Presence at University Facilities and Programs. The inability to be physically present may result in consequences in accordance with the provisions of employment, up to and including termination or dismissal.”

As it stands, the draft policy implies that even someone who normally physically accesses University facilities (thus making them a Covered Individual), but can fulfill their duties without doing so, may face “consequences” as a result of non-Participation.

Sincerely

A handwritten signature in black ink, appearing to read "Onuttom Narayan". The signature is fluid and cursive, with a period at the end.

Onuttom Narayan, Chair  
Committee on Privilege and Tenure

cc: Roger Schoenman, Chair, Committee on Academic Freedom (CAF)  
David Cuthbert, Chair, Committee on Educational Policy (CEP)  
Alexander Sher, Chair, Committee on Faculty Welfare (CFW)  
Catherine Jones, Chair, Committee on Teaching (COT)  
Andy Fisher, Chair, Graduate Council (GC)