



James Steintrager
Telephone: (510) 987-9983
Email: james.steintrager@ucop.edu

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

December 18, 2023

KATHERINE S. NEWMAN
PROVOST & EXECUTIVE VICE PRESIDENT

DAVID RUBIN
EXECUTIVE VICE PRESIDENT, UC HEALTH

RACHAEL NAVA
EXECUTIVE VICE PRESIDENT & CHIEF OPERATING OFFICER

Re: Revisions to Presidential Policy on Vaccination Programs

Dear Colleagues,

As requested, I distributed for systemwide Senate review the proposed revisions to the Presidential Policy on Vaccination Programs. All ten Academic Senate divisions and two systemwide committees (UCAADE and UCFW) submitted comments. These were discussed at the Academic Council's December 13 meeting and are attached for your reference.

We understand that the revisions finalize the interim policy issued in August 2023, transitioning the University's COVID-19 vaccination program to a systemwide opt-out program for all covered individuals while maintaining the University's seasonal flu vaccination program as an opt-out program. The policy requires covered individuals to be up to date on the COVID-19 vaccination or to opt out of the vaccination, with room for potential adjustments based on evolving public health orders.

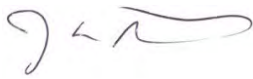
In general, the Senate supports the policy as an important public health directive that facilitates the health and safety of the University community by aligning UC vaccine requirements and recommendations with evidence-based federal and state guidelines. While most reviewers appreciate this approach, a minority raised concerns about the policy's opt-out provisions and its relatively weak enforcement mechanisms.

The Academic Council voted unanimously to endorse the policy revisions. We provide summarized feedback below, with the full details available in the attached documents. We encourage you to review these and incorporate suggestions as appropriate.

- **Support for free and accessible vaccinations:** The Senate endorses the provision of free and easily accessible vaccinations on campuses and at healthcare centers to encourage compliance.
- **Administrative burden:** There is concern about the administrative burden on faculty and staff to report and track compliance. We suggest setting the default option as “compliant” to minimize this burden.
- **Deadline adjustment:** The Senate recommends shifting the recommended compliance deadline for the Influenza Vaccination Program to November 1, considering that flu season is well underway by December 1.
- **Leave for side effects:** The policy should explicitly permit employees who experience vaccine side effects to take sick time off for recovery.
- **Forward-thinking principles:** Reviewers propose incorporating forward-thinking principles in the policy to guide the University through future pandemics and health emergencies.
- **Definitions:** Reviewers offered several recommendations for enhancing definitions used in the policy.

Thank you for the opportunity to opine. Please do not hesitate to contact me if you have additional questions.

Sincerely,



James Steintrager, Chair
Academic Council

Cc: Academic Council
Vice Provost Haynes
Vice President Lloyd
Chief Policy Advisor McAuliffe
Senate Division Executive Directors
Senate Executive Director Lin

Encl:



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

December 6, 2023

JAMES STEINTRAGER
Chair, Academic Council

Subject: Proposed UC Presidential Policy – Policy on Vaccination Programs

Dear Chair Steintrager:

On December 4, 2023, the Council of the Berkeley Division (DIVCO) discussed the proposed *UC Presidential Policy – Policy on Vaccination Programs*, informed by written comments from the Committee on Faculty Welfare (FWEL). DIVCO endorses the attached committee comments in full.

We would like to highlight FWEL's comments from November 8, 2022, which are enclosed and have been largely unaddressed in this revision. On December 4th, a discussion during our Divisional Council meeting found little objection to the purpose of the revised policy, but raised some general points, which are worth passing on.

- 1) In order to minimize the bureaucratic burden on faculty, the default option should be "compliant". Only colleagues who would like to seek an exemption should have to fill out a form. This will save thousands of hours worth of "clicking" and signing, which in the current environment of excessive administrative burdens is important.
- 2) The policy adopts a "rearview" mirror approach, by focusing on known viruses and pandemics. When designing these policies, it would be good to develop some guiding principles that would help navigate future pandemics.
- 3) DIVCO also supported the notion of not only making vaccinations free to the patient (which they are for employees with health benefits), but also easily accessible on campus.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Auffhammer', written over a white background.

Maximilian Auffhammer,
Professor of Agricultural & Resource Economics/Political Economy (ARE/PE)
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Amani Allen, Vice Chair, Berkeley Division of the Academic Senate
Keith Gillespie, Co-Chair, Committee on Faculty Welfare
Nancy Wallace, Co-Chair, Committee on Faculty Welfare
Jocelyn Surla Banaria, Executive Director
Patrick Allen, Senate Analyst, Committee on Faculty Welfare



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 21, 2023

CHAIR MAXIMILIAN AUFFHAMMER
Academic Senate

Re: Presidential Policy – University of California Policy on Vaccination Programs

Dear Chair Auffhammer,

At its meeting on October 16, 2023, the Committee on Faculty Welfare (FWEL) reviewed the proposed revisions to the Presidential Policy on Vaccination Programs. FWEL had submitted comments regarding concerns with the original draft on November 8, 2022. The Committee affirmed its position regarding this policy on January 5, 2023. Overall, the Committee stands by its previous comments and has no further concerns to comment on.

We appreciate the opportunity to weigh in on this important matter.

Regards,

A handwritten signature in cursive script, reading 'Nancy S. Wallace'.

Nancy Wallace, Co-Chair
Committee on Faculty Welfare

A handwritten signature in cursive script, reading 'Mary K. Firestone'.

Mary Firestone, Co-Chair
Committee on Faculty Welfare

NW/MF/pgs



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 8, 2022

CHAIR MARY ANN SMART
Academic Senate

Re: Draft of the Presidential Policy on Vaccination Programs

Dear Chair Smart,

On October 24, 2022, the Committee on Faculty Welfare (FWEL) reviewed and discussed “The Policy on Vaccination Programs—with Interim Amendments.” Two of our members had the benefit of hearing the thoughts on this public document from a UCBEA Working Group on Retiree Health that met a few days before our Oct. 24 meeting.

We believe that the Policy strikes the right balance, neither too stringent nor too relaxed, in the present circumstances. But we would likely support moves in either direction as federal or California health agencies advise at a later date.

The tone of the Policy should be made more positive, first thanking the UC community for protecting the health and well-being of all its members and also acknowledging our productive work in the very challenging environment of the pandemic.

FWEL seeks more clarity in the Policy about who will be paying for the vaccination(s). We wonder if delays in the supply chains, or a shortage of medical personnel to give the shots, has been properly factored into the Policy.

FWEL wishes the Policy could better inform everyone in our community about the effectiveness of both the influenza and the Covid-19 vaccines now available. But there is a consensus on our committee that the policy statement itself, including the FAQs, is not the place to handle this task. As a practical matter, information of this type would require constant updating and would have to allow for shifting expert opinion. This very important part of a complete Policy on Vaccination Programs is best achieved on each campus, we believe.

A model for doing this at Berkeley has been the Response and Recovery Newsletter that was active from August 2021 to August 2022, supplemented by the current site:

<https://coronavirus.berkeley.edu>

To our knowledge, the effectiveness of these channels of communication has not been reviewed by committees of the Academic Senate. Perhaps this would be useful now.

We appreciate the opportunity to weigh in on these matters.

Sincerely,

Handwritten signature of Thomas Leonard in black ink.

Thomas Leonard, Co-Chair
Committee on Faculty Welfare

Handwritten signature of Nancy Wallace in black ink.

Nancy Wallace, Co-Chair
Committee on Faculty Welfare

TL/NW/pga



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

December 6, 2023

James Steintrager
Chair, Academic Council

RE: Proposed Revisions to Presidential Policy on Vaccination Programs

The proposed revisions to Presidential Policy on Vaccination Programs were forwarded to all standing committees of the Davis Division of the Academic Senate. Six committees responded: Faculty Welfare (FWC), and the Faculty Executive Committees of the College of Biological Sciences (CBS), College of Engineering (COE), School of Education (SOE), School of Medicine (SOM), and School of Nursing (SON).

Committees had differing opinions on the proposed revisions. CBS, SOM, and SON support the revisions. FWC, SOE, and COE, however, expressed concern regarding opt-out vaccination programs. FWC and SOE feel that an opt-out vaccination program “is not in the best interest of faculty and student health.” COE argues that an opt-out vaccination program should only be active under a federal vaccine mandate.

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Palazoglu", is written over a light blue horizontal line.

Ahmet Palazoglu
Chair, Davis Division of the Academic Senate
Distinguished Professor of Chemical Engineering
University of California, Davis

Enclosed: Davis Division Committee Responses

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

Proposed Revisions to Presidential Policy on Vaccination Programs

FEC: College of Agricultural and Environmental Sciences Committee Response

November 17, 2023

The College of Agriculture and Environmental Sciences (CA&ES) Faculty Executive Committee (FEC) has reviewed the Request for Consultation (RFC) regarding the proposed revisions to the Presidential Policy on Vaccination Programs. The CA&ES FEC does not object to this change. However, it is unclear why the policy is needed if one can opt out. Opting out prevents someone from violating policy if they fail to report a vaccination. Thus, there is little incentive to volunteer to report their vaccination status.

Proposed Revisions to Presidential Policy on Vaccination Programs

FEC: College of Biological Sciences Committee Response

November 17, 2023

The CBS FEC reviewed the Proposed Revisions to Presidential Policy on Vaccination Programs and support these changes.

Proposed Revisions to Presidential Policy on Vaccination Programs

FEC: College of Letters and Science Committee Response

November 17, 2023

The College of Letters & Science Faculty Executive Committee (FEC) has reviewed and unanimously supports the Request for Consultation (RFC) regarding the Proposed Revisions to Presidential Policy on Vaccination Programs.

Proposed Revisions to Presidential Policy on Vaccination Programs

FEC: College of Engineering Committee Response

November 17, 2023

The COE FEC reviewed the proposed vaccine policy revisions and suggest further modification that the “opt out” program for continuing employees should only be active under circumstances in which there is a federal vaccine mandate. The faculty feel that in the absence of a federal mandate, the university should not impose constraints on personal health care decisions.

November 17, 2023

Ahmet Palazoglu

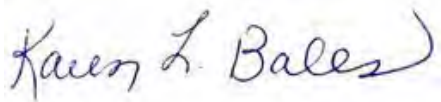
Chair, Davis Division of the Academic Senate

RE: Request for Consultation – Proposed Revisions to Presidential Policy on Vaccination Programs

Dear Ahmet:

The Committee on Faculty Welfare has reviewed the RFC – Proposed Revisions to Presidential Policy on Vaccination Programs and feels that the proposed revisions are neither equitable nor inclusive. The revisions implement an opt-out system that places the onus for protection on vulnerable and at-risk groups, which includes those ages 50 and above – a demographic that many faculty members are part of. The committee is alarmed that the campus community heard nothing regarding the COVID-19 vaccine at the beginning of the fall quarter, and feels the revisions are reflective of politics rather than decisions based on sound public health policy.

Sincerely,

A handwritten signature in blue ink that reads "Karen L. Bales". The signature is fluid and cursive, with the first name "Karen" and last name "Bales" clearly legible, and "L." as a middle initial.

Karen L. Bales

Chair, Committee on Faculty Welfare

Proposed Revisions to Presidential Policy on Vaccination Programs

FEC: School of Education Committee Response

November 17, 2023

The School of Education Faculty reviewed the vaccination policy and concurs with Faculty Welfare that an opt-out vaccination program is not in the best interest of faculty and student health. We also believe that an opt-out program potentially jeopardizes campus' ability to maintain in person classes and research.

Proposed Revisions to Presidential Policy on Vaccination Programs

FEC: School of Medicine Committee Response

November 17, 2023

This RFC was reviewed and discussed at the SOM FEC meeting on Oct. 25; no objections were raised. FEC supports these revisions.

Proposed Revisions to Presidential Policy on Vaccination Programs

FEC: School of Nursing Committee Response

November 17, 2023

The SON FEC has reviewed the RFC and supports the revision.

December 6, 2023

Jim Steintrager, Chair
Academic Council

Re: Systemwide Review – Presidential Policy on Vaccination Programs

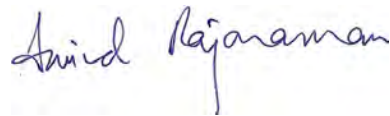
Dear Chair Steintrager,

The Irvine Division discussed proposed revisions to the Presidential Policy on Vaccination Programs at its Cabinet meeting on December 5, 2023. The Council on Equity and Inclusion (CEI), Council on Teaching, Learning, and Student Experience (CTLSE), Council on Faculty Welfare, Diversity, and Academic Freedom (CFW), and the Committee on Privilege and Tenure (CPT) also reviewed the proposal. Feedback from the committees is attached for your review.

Several Cabinet members shared concerns expressed in the attached CEI and CPT feedback. These members questioned the purpose of the vaccination policy and the effort to collect and store individuals' vaccination information, noting the optional nature of the policy and the lack of an enforcement mechanism, and therefore would like the university to articulate the goals of the policy more clearly. Lastly, they would also like to understand how the university is using the collected data.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Arvind Rajaraman, Chair
Academic Senate, Irvine Division

Enclosures: CEI, CTLSE, CFW, & CPT memos

Cc: Valerie Jenness, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director



November 14, 2023

ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

Re: Presidential Policy on Vaccination Programs

The Council on Equity and Inclusion discussed proposed revisions to the Presidential Policy on Vaccination Programs at its meeting on November 6, 2023.

Members did not identify any diversity, equity, and inclusion implications related to the policy and generally did not have concerns about it, although a couple of members questioned why individuals are required to report their status if there is no enforcement or requirement to be vaccinated, noting the significant resources required to track this information. Overall, however, members agreed that having a policy encourages individuals to get vaccinated and helps keep the campus community safe.

The Council on Equity and Inclusion appreciates the opportunity to comment.

Sincerely,



Karen Edwards
Chair, Council on Equity and Inclusion

Cc: Valerie Jenness, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director & CEI Analyst
Stephanie Makhoulf, Senate Analyst



November 16, 2023

**ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

Re: Systemwide Presidential Policy on Vaccination Programs

Academic Council Chair Steintrager forwarded for systemwide review proposed revisions to the Presidential Policy on Vaccination Programs to finalize the policy. The draft policy is virtually identical to the vaccination policy with interim amendments that underwent systemwide review in Winter 2022 and was issued in August 2023.

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) discussed this issue electronically, and members had no concerns, comments, or recommendations at this time.

Sincerely,



Lisa Naugle, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

C: Jisoo Kim, Executive Director
Academic Senate

Gina Anzivino, Associate Director
Academic Senate

Stephanie Makhoul, Cabinet Analyst
Academic Senate



Committee on Privilege and Tenure

November 8, 2023

**ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

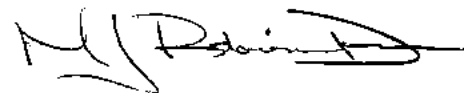
RE: Systemwide Presidential Policy on Vaccination Programs

The Committee on Privilege and Tenure (CPT) reviewed and discussed the proposed revisions to the Systemwide Presidential Policy on Vaccination Programs at its meeting on October 30, 2023. The Committee respectfully submits the following comments:

- The COVID-19 vaccine opt-out date is unclear. It is also unclear what it means to be “up to date” on the vaccination, which should inform the opt-out date.
- Members expressed concern regarding the request for people to identify their reason for declining. This is not consistent with the process for declining the flu vaccine, and it is unclear why the information was being collected or how it would or could be used. Relatedly, a member expressed concern regarding using the university’s human resources to collect and keep such information and store it privately, as well as the demand that might put on the system.
- A member stated that it is unclear if and how anyone would be held accountable for failing to follow the policy.
- A member asked about the goal(s) of the program: is the policy attempting to increase the number people who were “up to date,” ensure compliance, or provide education?

The Committee on Privilege and Tenure appreciates the opportunity to comment.

Sincerely,



Michael Robinson-Dorn, Chair
Committee on Privilege and Tenure

Cc: Valerie Jeness, Chair Elect
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director
Julie Kennedy, CPT Analyst



October 26, 2023

**ARVIND RAJARAMAN, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

Re: Systemwide Presidential Policy on Vaccination Programs

Academic Council Chair Steintrager forwarded for systemwide review proposed revisions to the Presidential Policy on Vaccination Programs to finalize the policy. The draft policy is virtually identical to the vaccination policy with interim amendments that underwent systemwide review in Winter 2022 and was issued in August 2023.

The Council on Teaching, Learning, and Student Experience (CTLSE) discussed this issue at its meeting on October 2, 2023, and submits the following comments:

1. Members generally had no issues with these revisions. However, a member stated that the phrase “up to date” is vague and should be more clearly defined.
2. A member stressed the importance of a proactive policy regarding other public health crises that may occur in the future.

Sincerely,



Sergio Gago-Masague, Chair
Council on Teaching, Learning, and Student Experience

C:

Jisoo Kim, Executive Director
Academic Senate

Gina Anzivino, Associate Director
Academic Senate



December 8, 2023

James Steintrager
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Presidential Policy on Vaccination Programs

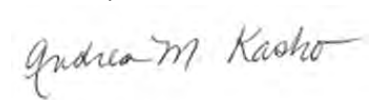
Dear Chair Steintrager,

The divisional Executive Board (EB) appreciated the opportunity to review the proposed Presidential Policy on Vaccination Programs. EB reviewed the proposal and divisional committee and council responses at its meeting on December 7, 2023. Members voted unanimously in favor of a motion to neither endorse nor oppose the proposed policy, to recognize that while the policy may be difficult to enforce several members are concerned about the ease of the opt-out option, and to affirm vaccination to protect the community.

Some members indicated they were favorably inclined towards the policy due to the costs of enforcing stricter university-wide policies. Other members expressed deep disappointment at how watered down the policy has become; they noted that people who opt out put the rest of population at great risk for illness and death, particularly vulnerable groups such as children and the elderly.

Members recommended that the policy should make it more challenging to opt out of vaccination. They suggested that more education, social pressure, and requiring provision of a reason were some ways to strongly encourage vaccination. The student representatives shared that students receive repeated reminders and their compliance is tied to course enrollment. Members expressed clear support for the benefits of vaccination.

Sincerely,



Andrea Kasko
Chair
UCLA Academic Senate

Encl.

Cc: Kathleen Bawn, Vice Chair/Chair Elect, UCLA Academic Senate
Jessica Cattelino, Immediate Past Chair, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate

To: Andrea Kasko, Chair, Academic Senate

From: Shane White, Chair, Committee on Rules and Jurisdiction

Date: October 13, 2023

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

At its meeting on October 11, 2023, the Committee on Rules and Jurisdiction (CR&J) discussed the systemwide Senate review of the Presidential Policy, University of California Policy on Vaccination Programs.

Members were disappointed in the proposed relaxation of COVID-19 vaccination requirements. The rationale for separate, specific vaccination programs (Program Attachments #1 and #2), was not clear to the members. Members recommended that all vaccination requirements, including opt-out programs, be handled in the same manner.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at snwhite@dentistry.ucla.edu or via the Committee's analyst, Lori Ishimaru, at lishimaru@senate.ucla.edu.

cc: Kathleen Bawn, Vice Chair/Chair-Elect, Academic Senate
Jessica Cattelino, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Lori Ishimaru, Senior Policy Analyst, Academic Senate
Members of the Committee on Rules and Jurisdiction



OFFICE OF THE ACADEMIC SENATE
PATTI LIWANG, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

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

November 3, 2023

To: James A. Steintrager, Chair, Academic Council

Re: [Policy on Vaccination Programs](#)

The proposed revisions to the Presidential Policy on Vaccination Programs were distributed for comment to the Merced Division Senate Committees and School Executive Committees. The following committees offered comments for consideration. Their comments are appended to this memo and summarized below.

- Committee on Rules and Elections (CRE)
- Committee on Faculty Welfare and Academic Freedom (FWAF)

CRE had several comments on specific sections of the policy:

- Pg. 5, Religious Objection
The term "sincerely held" suggests that the enforcers of the proposed policy have the standing and ability to determine whether an individual is sincere in their religious belief, practice, or observance. Since such standing and ability in regard to personal matters are questionable at best, the term should be avoided.
- Pg. 7, III.A.1. Access to Vaccination
It would be helpful to clarify whether on-site offerings of required vaccinations will be provided at a cost or at no-cost to the individual being vaccinated. Pg.9 (IV.B.1) states that "vaccination will be provided at no out-of-pocket cost to them if they receive the Vaccine from the University", but pg.13 (7) answers the question "Who will pay for the Vaccine?" with "All of the University's health plans cover CDC-recommended Vaccines administered by an employee's primary care physician or at a local pharmacy" without mention of vaccination provided by the university.
- Pg.10, IV.C
Explicit guidance should be provided to Deans, Department Chairs, unit heads, managers, supervisors, student affairs leaders, and others so that their individual roles, responsibilities and authority in this matter are clear.
- Pg.10, IV.D
It would be helpful for the policy to state explicitly which element of APM - 015 relates to this particular policy. Also, "as applicable, other policies and procedures" conveys the notion of multiple opportunities for someone to end up on the wrong side of a law, including laws that have not yet been conceived or approved.

FWAF noted that the proposed policy would adopt an opt-out model vaccination program for COVID-19 and Influenza. Because of this, FWAF questioned the need and purpose of a vaccine declination statement since the policy includes an option for members of the UC community to opt out.

Divisional Council discussed this policy and associated committees' comments and unanimously endorsed the policy.

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

CC: DivCo Members
Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Senate Office



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

UNIVERSITY OF CALIFORNIA, MERCED

October 19, 2023

To: Patti LiWang, Chair, Divisional Council

From: Christopher Viney, Chair, Committee on Rules and Elections (CRE)

Re: [Presidential Policy on Vaccination Programs](#)

The Committee on Rules and Elections evaluated the Presidential Policy on Vaccination Programs and offers the following comments.

Regarding Pg. 5, Religious Objection:

"A Covered Individual's objection to receiving an otherwise required Vaccine based on that person's sincerely held religious belief, practice, or observance."

The term "sincerely held" suggests that the enforcers of the proposed policy have the standing and ability to determine whether an individual is sincere in their religious belief, practice, or observance. Since such standing and ability in regard to personal matters are questionable at best, the term should be avoided.

Regarding Pg. 7, III.A.1. Access to Vaccination:

"All campuses and medical centers must 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."

It would be helpful to clarify whether on-site offerings of required vaccinations will be provided at a cost or at no-cost to the individual being vaccinated. Pg.9 (IV.B.1) states that "vaccination will be provided at no out-of-pocket cost to them if they receive the Vaccine from the University", but pg.13 (7) answers the question "Who will pay for the Vaccine?" with "All of the University's health plans cover CDC-recommended Vaccines administered by an employee's primary care physician or at a local pharmacy" without mention of vaccination provided by the university.

Regarding Pg.10, IV.C:

"The Chancellors, Lawrence Berkeley National Laboratory Director, (of the University- affiliated national laboratories), and the Vice President– of Agriculture and Natural Resources (ANR) are responsible for implementing this policy at their respective locations. Deans, Department Chairs, unit heads, managers, supervisors, student affairs leaders, and others with responsibility for personnel or student management will support Vaccination Program implementation and

enforcement. Consultation with Academic Senate leaders, especially on the campus, is encouraged with respect to implementation procedures for academic appointees."

Explicit guidance should be provided to Deans, Department Chairs, unit heads, managers, supervisors, student affairs leaders, and others so that their individual roles, responsibilities and authority in this matter are clear.

Regarding Pg.10, IV.D:

"For policy-covered academic appointees, corrective action and/or /discipline is governed by APM - 015 (The Faculty Code of Conduct), APM - 016 (University Policy on Faculty Conduct and the Administration of Discipline), APM - 150 (Non-Senate Academic Appointees/Corrective Action and Dismissal), and as applicable, other policies and procedures."

It would be helpful for the policy to state explicitly which element of APM - 015 relates to this particular policy. Also, "as applicable, other policies and procedures" conveys the notion of multiple opportunities for someone to end up on the wrong side of a law, including laws that have not yet been conceived or approved.

We thank you for the opportunity to review and comment.

CC: CRE Members
Senate Office

UNIVERSITY OF CALIFORNIA, MERCED

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM (FWAF)

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

October 20, 2023

To: Patti LiWang, Chair, Divisional Council

From: [Committee on Faculty Welfare and Academic Freedom \(FWAF\)](#)

Re: [Proposed Presidential Policy on Vaccination Programs](#)

The Committee on Faculty Welfare and Academic Freedom evaluated the proposed Presidential Policy on Vaccination Programs and offers the following comments.

The proposed policy would adopt an opt-out model vaccination program for COVID-19 and Influenza. Because of this, members of the Committee on Faculty Welfare and Academic Freedom questioned the need and purpose of a vaccine declination statement since the policy includes an option for members of the UC community to opt out.

We thank you for the opportunity to review and comment.

Cc: FWAF Members
Senate Office



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

SANG-HEE LEE
PROFESSOR OF ANTHROPOLOGY
RIVERSIDE, CA 92521-0217
TEL: (951) 827-4390
EMAIL: SANG-HEE.LEE@UCR.EDU

November 30, 2023

James A. Steintrager, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: (Systemwide Review) Proposed Revisions to Policy: Presidential Policy - University of California – Policy on Vaccination Programs

Dear Jim,

The Riverside Executive Council discussed the subject proposed policy during their November 20, 2023 meeting and like the local Committees on Diversity, Equity, & Inclusion and Faculty Welfare had no comments.

The UCR School of Medicine committee agrees with the revisions.

Sincerely yours,

A handwritten signature in cursive script, reading "Sang-Hee Lee".

Sang-Hee Lee
Professor of Anthropology and Chair of the Riverside Division

CC: Monica Lin, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office



Academic Senate

COMMITTEE ON DIVERSITY, EQUITY, & INCLUSION

November 2, 2023

To: Sang-Hee Lee
Riverside Division Academic Senate

From: Gareth Funning, Chair 
Committee on Diversity, Equity, & Inclusion

Re: [Systemwide Review] Proposed Revisions to Policy: Presidential Policy -
University of California – Policy on Vaccination Programs

The Senate Committee on Diversity, Equity, and Inclusion (DEI) has reviewed and deliberated on the revised Presidential Policy on Vaccination Programs. The committee did not identify any DEI specific concerns and has no further comment.



Academic Senate

FACULTY WELFARE

November 8, 2023

To: Sang-Hee Lee, Chair
Riverside Division

From: Committee on Faculty Welfare

RE: [Systemwide Review] Proposed Revisions to Policy: *Presidential Policy - University of California – Policy on Vaccination Programs*

The Committee on Faculty Welfare (CFW) reviewed the proposed revisions to the *Policy on Vaccination Programs*. CFW has no comments.



November 29, 2023

TO: Sang-Hee Lee, Ph.D., Chair, Academic Senate, UCR Division

FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

SUBJECT: Response to [Systemwide Review] New APM: *Proposed New APM - 672 - Negotiated Salary Program*

Dear Sang-Hee,

The SOM Faculty Executive Committee has reviewed the proposed New APM: *Proposed New APM - 672 - Negotiated Salary Program*.

The committee agrees with the revisions and has no further comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Kaul".

Marcus Kaul, Ph.D.
Chair, Faculty Executive Committee School of Medicine



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

December 6, 2023

Professor James Steintrager
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of the Presidential Policy on Vaccination Programs

Dear Chair Steintrager,

The revisions to the Presidential Policy on Vaccination Programs was distributed to San Diego Divisional Senate standing committees and discussed at the December 4, 2023 Divisional Senate Council meeting. Senate Council endorsed the proposal and had no comments.

The response from the Divisional Committee on Faculty Welfare is attached.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Hildebrand", is written over a light blue rectangular background.

John A. Hildebrand
Chair
San Diego Divisional Academic Senate

Attachment

cc: Olivia A. Graeve, Vice Chair, San Diego Divisional Academic Senate
Lori Hullings, Executive Director, San Diego Divisional Academic Senate
Monica Lin, Executive Director, UC Systemwide Academic Senate

November 21, 2023

JOHN HILDEBRAND, CHAIR
Academic Senate, San Diego Division

SUBJECT:
Systemwide Review of Presidential Policy – University of California – Policy on Vaccination Program

The Committee on Faculty Welfare (CFW) discussed the Policy on Vaccination Programs at its November meeting. The committee read these policy revisions as extensions of existing practices on campus. We had no immediate concern with the policy though we remain committed to the importance of precaution as a key measure of community and personal protection.

Sincerely,

Juan Pablo Pardo-Guerra, Chair
Committee on Faculty Welfare

cc: O. Graeve

Office of the Academic Senate

Wayne & Gladys Valley Center for Vision
490 Illinois Street, 5th Floor
San Francisco, CA 94158
Campus Box 0764
academic.senate@ucsf.edu
<https://senate.ucsf.edu>

Steve Hetts, MD, Chair
Errol Lobo, MD, PhD, Vice Chair
Thomas Chi, MD, Secretary
Kathy Yang, PharmD, MPH, Parliamentarian

December 6, 2023

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

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

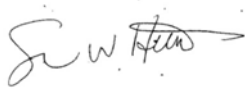
Dear Chair Steintrager:

The San Francisco Division of the Academic Senate is pleased to opine on the systemwide review of the Presidential Policy on Vaccination Programs. On the whole, UCSF appreciates the proposed changes to the vaccination policy to treat the COVID-19 vaccine similarly to the influenza vaccine by moving the COVID-19 vaccine to the opt-out compliance program. The Clinical Affairs Committee (CAC), Committee on Faculty Welfare (CFW), and School of Medicine Faculty Council (SOMFC) have commented on this review.

Making the COVID-19 Vaccine Freely Available: CAC, CFW, and SOMFC recommend facilitating free and easy-to-access vaccination centers across UC campuses and healthcare centers to encourage vaccination compliance and develop a culture of annual vaccination. This year UCSF is not offering the COVID-19 vaccine to employees in the same manner as the influenza vaccine, which makes it costly and burdensome for employees to seek and obtain the COVID-19 vaccine. Without free access to the vaccines, it may prove challenging for UC to develop a culture of annual vaccination for both influenza and COVID-19. UC should therefore intensify its efforts to facilitate vaccine accessibility, as the current approach may increase illness, absenteeism, and burnout rates.

Earlier Deadline: CAC urges an earlier vaccination compliance deadline for influenza and COVID-19 by November 1 rather than December 1. If UC prefers not to have an earlier compliance deadline, then CAC recommends encouraging employees to meet a November 1 deadline even though the official compliance deadline is December 1.

Thank you for the opportunity to opine on the revisions to this important policy. If you have any questions, please let me know.



Steven Hetts, MD, 2023-25 Chair
UCSF Academic Senate

Enclosures (3)

Cc: Malini Singh, Chair, Clinical Affairs Committee (CAC)
Elizabeth Rogers, Chair, Committee on Faculty Welfare (CFW)
Sara Whetstone, Chair, School of Medicine Faculty Council (SOMFC)

Clinical Affairs Committee
Malini Singh, MD, MPH, MBA, Chair

November 15, 2023

Steven Hetts, MD
Division Chair
UCSF Academic Senate

**Re: Comments on the Systemwide Review of the Proposed Revisions to the
Presidential Policy on Vaccination Programs**

Dear Chair Hetts:

The Clinical Affairs Committee (CAC) writes to comment on the [Proposed Revisions to the Presidential Policy on Vaccination Programs](#) that is out for systemwide review. CAC supports the proposed changes but continues to advocate for an earlier vaccination compliance deadline for both influenza and COVID-19 of November 1 rather than December 1. CAC also advocates for making the COVID-19 and influenza vaccines more readily available to the UC community than they have been this year.

As stated in CAC's 2022-2023 comments on proposed revisions to the vaccination policy, CAC believes an annual compliance deadline for influenza and COVID-19 vaccinations of November 1 would provide the UC community with greater protection against both infection and severe disease. If the University is not inclined to move the compliance deadline, CAC recommends that the policy at least recommend vaccination by November 1 so it is clear that vaccination earlier in the fall is preferable.

With respect to the proposed changes to the policy, CAC supports moving COVID-19 vaccination to the opt-out compliance program. As we have left the acute phase of the COVID-19 pandemic, CAC believes it is appropriate to treat the COVID-19 vaccine like the annual influenza vaccine. CAC believes it is possible to achieve high rates of vaccination through voluntary programs. A 2022 overview of national vaccination strategies that included an analysis of high-income countries showed that some countries with voluntary COVID-19 vaccination strategies were able to achieve high rates of vaccination (e.g. Norway, Sweden, Netherlands, and Spain). (See Charrier L, Garlasco J, Thomas R, Gardois P, Bo M, Zotti CM. *An Overview of Strategies to Improve Vaccination Compliance before and during the COVID-19 Pandemic*. Int J Environ Res Public Health. 2022 Sep 3;19(17):11044. doi: 10.3390/ijerph191711044. PMID: 36078757; PMCID: PMC9518554.) The analysis did not endorse a voluntary strategy over a mandatory strategy but observed variability in strategies and outcomes. Several countries showed it is possible to achieve high vaccination rates using voluntary programs, and UC should strive to achieve a very high rate through its voluntary program.

For UC to achieve high rates of influenza and COVID-19 vaccination that would improve health and alleviate strain on the health care system, including UC health centers, UC

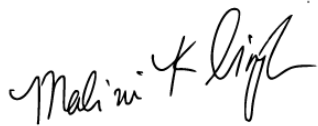
should be facilitating easy, free access to the vaccines and should be developing a culture of annual vaccination.

CAC is disappointed that UCSF is not offering the COVID-19 vaccine to employees this year through an on-campus or occupational health program. Employees and learners are expected to obtain the vaccine independently and submit records of their vaccination. This contrasts with the influenza vaccine, which UCSF offers at three locations on various days starting in September and going forward. (See <https://occupationalhealthprogram.ucsf.edu/content/occupational-health-flu-immunization-drop-hours-and-locations>.)

Vaccines are powerful tools against infection and severe disease. Having a voluntary opt-out vaccination policy is helpful, but what makes a voluntary vaccination program effective is the financial, logistical, and cultural support behind it. UC should be doing more to make vaccines easily available and to encourage vaccination. This year's approach, particularly with respect to COVID-19 vaccination, is disappointing and will result in greater rates of illness, absenteeism, and burnout than necessary.

CAC hopes that future approaches to implementing the vaccination policy will reflect a stronger commitment to vaccination and the health of our UC community. If you have questions about CAC's comments, please contact me or the committee's analyst Kristie.Tappan@ucsf.edu. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Malini Singh". The signature is fluid and cursive, with the first name "Malini" and the last name "Singh" clearly distinguishable.

Malini Singh, MD, MPH, MBA
Clinical Affairs Committee Chair

Committee on Faculty Welfare
Elizabeth Rogers, MD, Chair

November 17, 2023

Steven Hetts, MD
Division Chair
UCSF Academic Senate

Re: Presidential Policy on Vaccination Programs Systemwide Review

Dear Chair Hetts:

The Committee on Faculty Welfare (CFW) writes to comment on the [Proposed Revisions to the Presidential Policy on Vaccination Programs](#) that is out for systemwide review. CFW supports the proposed revisions. CFW agrees that the timing is right to transition COVID-19 vaccinations to the “opt-out” vaccination system.

As faculty at a health sciences campus, CFW members unequivocally support having as many UC community members as possible be vaccinated against COVID-19 and influenza. These vaccines reduce infections and the severity of disease for the individuals who receive them and reduce spread in the community. They also conserve healthcare resources because fewer people develop COVID-19 and influenza cases that require hospitalization, urgent care, or treatment, which leaves capacity in the health care system to care for people with other needs.

CFW encourages all members of the UC community to stay up to date on their influenza and COVID-19 vaccines. **CFW likewise encourages the University to make vaccination as easy as possible for community members by making these vaccines free and by providing ample opportunities to receive the vaccines at all campuses in locations convenient to faculty, staff, learners, and their families.**

CFW is disappointed that UCSF is not offering the COVID-19 vaccine to employees and learners on site this year and believes that for any vaccination program to be effective the vaccines need to be readily available and free on-site. At a minimum, the UC Health Centers should be making vaccines easily available to patients that include many UC employees, learners, and their families. This year, they are not, and they are particularly unavailable for children, especially those under 3. UC should do better in the future.

Thank you for the opportunity to comment on this important policy. Please contact me or our Senate analyst Kristie.Tappan@ucsf.edu if you have questions about CFW's comments.

Sincerely,

Elizabeth Rogers, MD
Committee on Faculty Welfare Chair

cc: Todd Giedt, Senate Executive Director, Sophia Bahar Root, Senate Analyst
Cat Mosti, Committee on Faculty Welfare Vice Chair

School of Medicine Faculty Council
Sara Whetstone, MD, MHS, Chair

November 17, 2023

Steven Hetts, M.D.
Division Chair
UCSF Academic Senate

Re: Vaccination Policy Systemwide Review

Dear Chair Hetts:

The School of Medicine Faculty Council (SOMFC) writes to comment on the [proposed revisions to the Presidential Policy on Vaccination Programs](#) that is out for systemwide review. The SOMFC supports the changes.

The SOMFC strongly encourages all members of the UC community to stay up to date on COVID-19 and influenza vaccinations. These are important public health tools that protect vaccinated individuals and our community from infection and severe disease. While the SOMFC cannot overstate its support for these vaccines, the SOMFC agrees that it is now appropriate to shift the COVID-19 vaccination to the “opt-out” vaccination system.

The SOMFC hopes the University will encourage and facilitate the vaccination of UC community members against both COVID-19 and influenza as much as possible. This year, SOMFC was disappointed that, unlike influenza vaccines, the COVID-19 vaccine has not been made available to UCSF faculty, staff, and learners on-site. The SOMFC strongly believes that UC's vaccination programs should be paired with easy and free access to vaccines. The SOMFC recommends that UC dedicate resources to making both COVID-19 vaccines and testing available on-site for UC employees, learners, and their families going forward. Doing so would better protect the UC community and advance public health.

Thank you for the opportunity to comment on this review. Please contact me or Senate Analyst Kristie Tappan if you have questions about the SOMFC's comments.

Sincerely,

Sara Whetstone, MD, MHS
Chair of the School of Medicine Faculty Council

cc: Sophia Bahar Root, UCSF Academic Senate Analyst
Todd Giedt, UCSF Academic Senate Executive Director
David Hwang, School of Medicine Faculty Council Vice Chair



UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

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

December 6, 2023

To: Jim Steintrager, Chair
Academic Senate

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

Re: Systemwide Review of Presidential Policy on Vaccination Programs

The Santa Barbara Division distributed the proposed revisions to the Presidential Policy on Vaccination Programs to the Undergraduate Council (UgC), Graduate Council (GC), Council on Faculty Welfare, Academic Freedom, and Awards (CFW), Council on Planning and Budget (CPB), Committee on Diversity and Equity (CDE), Committee on Academic Personnel (CAP), Charges Advisory Committee (CAC), Committee on Privilege and Tenure (P&T), Committee on Admissions, Enrollment, and Relations with Schools (CAERS), Committee on Courses and General Education (CCGE), Committee on Research Policies and Procedures (CRPP), Committee on Library, Information, and Instructional Technology (CLIIR), Committee on International Education (CIE), and the Faculty Executive Committees (FEC) of the College of Letters and Science (L&S), College of Engineering (ENGR), College of Creative Studies (CCS), Gevirtz Graduate School of Education (GGSE) and the Bren School (BREN). UgC, CAP, CAC, P&T, CAERS, CCGE, CRPP, CLIIR, CIE, and the L&S, CCS and BREN FECs opted not to opine.

There is general support for the proposed changes to the Presidential Policy on Vaccination Programs, which aim to finalize the previously released interim revisions and move the University's COVID-19 vaccination program to a systemwide opt-out program for all covered individuals. The reviewing groups raise a number of issues for consideration, which are summarized below, with more details in the attached memos.

Several groups call attention to the administrative burden of opt-out vaccination program compliance and reporting. CPB observes the imposition of "ever-increasing paperwork" absent a "well-defined cost-benefit analysis." To the latter point, some reviewers question overall the effectiveness of strongly recommending vaccination uptake or requiring a declination statement. The collective resource implications associated with the profusion of new Universitywide policies that contain unfunded compliance mandates would be unwise to ignore.

Both CDE and GC identify areas in which the policy could be improved. CDE questions the harsh tone of the Vaccine Declination Statement, which "will not promote the vaccine to those

that are skeptic of its efficacy.” They also note that while the policy specifies that Non-Pharmaceutical Interventions (NPIs) may be implemented by the Location Vaccine Authority (LVA), it lacks information regarding the mechanisms by which guidance is formulated and distributed at the systemwide level. GC highlights the omission of a sample or model language for the Vaccine Declination Statement for the influenza vaccine, and requests clarification regarding the intended language.

Finally, CFW emphasizes that the policy is not sufficiently forward thinking, and suggests that UC anticipate future global health crises and work to formulate policies that can be easily adapted in response to emergency situations.

We thank you for the opportunity to comment.

UC **SANTA BARBARA**
Academic Senate

DATE: October 20, 2023

TO: Susannah Scott, Divisional Chair
Academic Senate

FROM: Ben Hardekopf, Chair
Undergraduate Council



RE: Review of Presidential Policy - Policy on Vaccination Programs

The Undergraduate Council has reviewed and considered the revised policy at its meeting of October 19th. The Council chose not to opine, as members do not possess the relevant expertise to assess the policy, but they emphasized their support for the health and safety of our undergraduate students. UgC voted 12 in favor, 0 against, and 1 abstention to not opine and share the above sentiment.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate
Santa Barbara Division**

October 18, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: Chandra Krintz, Chair
Graduate Council



Re: Review of Presidential Policy - Policy on Vaccination Programs

At its meeting of October 16, 2023, Graduate Council reviewed the latest version of the Presidential Policy on Vaccination Programs. The Council agreed unanimously that clarification is needed on the language for the Vaccine Declination Statement for the influenza vaccine because it is not included in the policy.

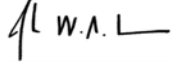
One member felt that the COVID-19 vaccine mandate was unethical because the vaccine, in their view, does not prevent transmission of the disease, and the opt-out option does not respect their personal freedom.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate
Santa Barbara Division**

November 17, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: John W.I. Lee, Chair 
Council on Faculty Welfare, Academic Freedom and Awards

Re: Presidential Policy - Policy on Vaccination Programs

At its meeting of November 1, 2023, the Council on Faculty Welfare, Academic Freedom and Awards (CFW) discussed the Presidential Policy - Policy on Vaccination Programs. CFW was overall supportive of moving from a mandated vaccine to an opt-out policy. Many members, however, questioned the need to complete and sign an opt-out form at all. In the absence of a clear purpose for having such a form, CFW members observed that this new reporting requirement creates additional workload at a time when faculty and staff are already overburdened with mandatory forms and trainings.

CFW also noted that this policy is not forward-thinking enough. UC should be paying attention to future potential pandemic challenges, and have policies that can be easily adapted to another global health crisis, rather than being narrowly focused on the recent COVID-19 experience.

CC: Shasta Delp, Executive Director, Academic Senate

UNIVERSITY OF CALIFORNIA
ACADEMIC SENATE
SANTA BARBARA DIVISION
Council on Planning & Budget

October 16, 2023

To: Susannah Scott, Divisional Chair
UCSB Academic Senate

From: France Winddance Twine, Chair
Council on Planning & Budget 

Re: Policy on Vaccination Programs

The Council on Planning & Budget (CPB) has reviewed the proposed revisions to the Presidential Policy on Vaccination Programs. Given that the Council already opined and commented on the previous draft in January 2023, the present comments are brief.

The Council expresses support for the revisions and changes to the Policy which overall streamline and clarify its core principles. In particular, CPB is appreciative of a clearer language regarding consequences of Policy noncompliance across employee types (updated Section IV-D), strengthened language regarding confidentiality of Vaccination Data (III-D-1) and the updated FAQ about the Covid vaccination policy.

The Council reiterates concern, which we also conveyed in our review of the prior draft, regarding the bureaucratic burden of annually confirming compliance for Opt-Out programs. To this end, the CPB notes the contrast between the Covid vaccination program that arose out of the acute pandemic emergency requires only a **single** (or at least ad hoc) compliance verification, but the Seasonal Influenza program continues to mandate **annual** compliance. The U.S. Centers for Disease Control (and the University) has recommended annual flu shots for many years; the new policy now elevates this recommendation to a written compliance that adds a non-negligible, annual overhead to our entire community. The Council is concerned about the trend of ever-increasing paperwork that is being imposed without a well-defined cost-benefit analysis.

cc: Shasta Delp, Academic Senate Executive Director

**Academic Senate
Santa Barbara Division**

November 17, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: Jean Beaman, Chair
Committee on Diversity & Equity



Re: Review of Presidential Policy - Policy on Vaccination Programs

At its meeting of November 13, 2023, CDE reviewed the latest draft of the Presidential Policy on Vaccination Programs. Overall, the Committee supports the streamlined draft of the proposal and has the following comments:

The Committee questioned the tone of the Vaccine Declination Statement. The Committee worried the harsh tone will not promote the vaccine to those that are skeptic of its efficacy.

Also, the policy also mentions Non-Pharmaceutical Interventions (NPIs), such as masking and increased testing, may be implemented by the Location Vaccine Authority (LVA). However, it is unclear how guidance on these measures originates and is distributed at the systemwide level.

CC: Shasta Delp, Executive Director, Academic Senate

October 17, 2023

TO: Susannah Scott
Divisional Chair, Academic Senate

FROM: Chris Bates, Chair
College of Engineering, Faculty Executive Committee

DocuSigned by:

ECDF6BBDA0FD47F...

RE: Review of Presidential Policy – Policy on Vaccination Programs

The College of Engineering FEC met on Tuesday, October 3rd and October 17th and reviewed the proposed changes to the policy. The committee generally supports the changes but requested to include comments in the committee's response.

Committee members noted this policy focuses almost entirely on COVID and flu vaccines. The policy mentions the “strong recommendation” to stay up to date on all CDC recommended vaccinations, but it does not spell those out.

The committee wonders specifically what other vaccinations are strongly recommended and if any are required for faculty and staff.

The committee questioned whether a policy that “strongly encourages” vaccines, rather than requiring them, is necessary at all.

UC SANTA BARBARA

Faculty Executive Committee
Gevirtz Graduate School of Education

October 19, 2023

To: Susannah Scott, Chair
Academic Senate

From: Tarek Azzam, Chair
Faculty Executive Committee, GGSE

Re: Review of Presidential Policy – Policy on Vaccination Programs

The GGSE FEC reviewed and supports the Policy on Vaccination Programs as it is aligned with the CDPH guidelines.

DocuSigned by:



B6E16D43CA25459...

Tarek Azzam, Professor

Faculty Executive Committee Chair

Gevirtz Graduate School of Education

UC SANTA BARBARA



1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

December 6, 2023

JAMES STEINTRAGER
Chair, Academic Council

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

Dear James,

The Santa Cruz Division of the Academic Senate has completed its review of the proposed revisions to the Presidential Policy on Vaccination Programs with the Committees on Faculty Welfare (CFW) and Privilege and Tenure (CPT) providing responses.

CFW raised concerns about compensation for time off taken by employees who have adverse reactions to a vaccine. The committee noted there is nothing in the policy that provides for those who do not have accrued vacation/paid time off/sick leave if time away from work is required due to an adverse reaction to a University required vaccine. 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. This could be enacted similarly to the temporary New Emergency Paid Sick Leave (EPSL22) for COVID-19 relief program that was made available to employees and expired in September 2022.

CPT commented on the relationship between Covered Individuals¹ and the conditions of physical presence related to their participation in mandatory Vaccination Programs. The committee noted the language in the proposed policy that states:

As a condition of Physical Presence at a Location or in a University Program, all Covered Individuals must Participate in any applicable Vaccination Program as described in a Program Attachment by—

¹ A Covered Individual includes anyone designated as Personnel or Students under this policy who Physically Access a University Facility or Program in connection with their employment, appointment, or education/training. A person exclusively 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.

no later than the Compliance Date—providing proof that they are Up-To-Date with Vaccines or submitting a request for Exception in a Mandate Program or properly declining vaccination in an Opt-Out Program.

And:

Up-To-Date: A person is Up-To-Date when they have received all doses of a Vaccine as recommended by the CDC and CDPH. A person need not obtain doses that are authorized but not explicitly recommended by CDC and CDPH in order to be considered Up-To-Date.

The issue CPT takes with these two provisions is the expectations that the latter places on employees as the result of their being covered by the former. Faculty appear to be expected to hunt through Centers for Disease Control (CDC) and California Department of Public Health (CDPH) recommendations to determine if they are, in fact, up to date. In many cases, an employee may be required to be physically present and this may present a potential for them to be barred from campus or disciplined should they inadvertently access the wrong information. It seems that in the case of a mandatory program, the burden to provide up to date information should be on the one mandating the requirement, the University of California, not on those who are mandated to comply.

Similarly, in the FAQs,² one who is authorized to be on campus may face similar disciplinary action if for example, they are on sabbatical and authorized to be on campus but choose delay their inoculation until they return. As CPT comments “The proper penalty for a failure to comply with the policy is to be barred from being physically present at a University location or program. While this may result in disciplinary action as a result of non-performance of assigned duties, the disciplinary action cannot be a consequence of the failure to comply itself.”

Though not specifically addressed by CPT, it may be prudent for the policy to discern between those who are *required* to be physically present (essential workers) and those who are *authorized* to be physically present, the latter suggesting that there is a choice to be made on the part of the employee. This could be remedied by providing a definition for an *authorized employee* in the definitions section.

CPT observed that the definition of Up To Date is inconsistent with the policy,³ which defines being Up-To-Date with references to vaccines described in program attachments. These references should be a part of the definition. As well, the Vaccination Program should also be defined with reference to program attachments.

² **I am fully remote. Am I a Covered Individual?** You are a Covered Individual at the time you are first Physically Present at a University Location or Program other than as a member of the public (or as a Covered Non-Affiliate). Your Location may also treat you as a Covered Individual if you are authorized to be Physically Present in connection with your employment, appointment, or education or training program.

³ See III.A.2.a.”Mandate Programs. Covered Individuals must be Up-To-Date on mandated Vaccines or timely secure a University-approved Exception. They also may be required to submit proof or certification of their vaccination or of a University-approved Exception to their Location Vaccine Authority (LVA), if and as specified in a Program Attachment. Proof or certification of vaccination may be subject to audit” and III.A.2.b. “Opt-Out Programs. Covered Individuals must be Up-To-Date on Vaccines or receive Vaccine Education and timely complete and submit a Vaccine Declination Statement to their LVA for each applicable Vaccine. They also may be required to submit proof or certification of their vaccination to their LVA, if and as specified in a Program Attachment. Proof or certification of vaccination may be subject to audit.

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

Sincerely,

A handwritten signature in black ink, appearing to read "P. Gallagher", with a long horizontal flourish extending to the right.

Patty Gallagher, Chair
Academic Senate, Santa Cruz Division

encl: Senate Committee Responses (Bundled)

cc: Alexander Sher, Chair, Committee on Faculty Welfare
Onuttom Narayan, Chair, Committee on Privilege and Tenure
Matthew Mednick, Executive Director, Academic Senate

November 30, 2023

Patty Gallagher, Chair
Academic Senate

Re: Systemwide Review – UC Presidential Policy on Vaccination Programs

Dear Patty,

During its meeting of October 26, 2023, the Committee on Faculty Welfare (CFW) discussed the proposed revisions and finalization of Presidential Policy - UC Policy on Vaccination Programs. The committee noted that concerns raised during a previous review have not been addressed in this proposed policy revision and re-emphasize these concerns and proposed remedies here.

The new Policy states that it: “will require covered individuals to either be up-to-date on COVID-19 vaccination or to opt out of COVID-19 vaccination. In the event that applicable law or public health orders impose stricter vaccination requirements, such as for healthcare workers, the policy will continue to require compliance with those stricter requirements.” CFW reiterates concerns voiced in our letter of January 16, 2023,¹ that vaccination can cause workload disruption for faculty. The revised policy does not acknowledge that faculty may need to take paid time off in order to recover from potential side effects associated with required vaccinations (in particular COVID vaccinations, which have significant side effects, including, according to the CDC: pain, tenderness and swelling at the site of vaccine, tiredness, headache, muscle pain, chills, nausea, and fever). Only employees who accrue sick leave, vacation and/or Paid Time Off (PTO) are referenced in the draft document. This is therefore a concern for faculty who do not accrue sick leave or vacation, as they are thus ineligible for a time off for receiving vaccination.

As new COVID vaccines are made available, access to these vaccines has not been without problems, including in the roll out of the most recent boosters in fall of 2023: these included distribution issues, complications with insurance coverage (some local pharmacies do not take all UCSC insurance plans), and limited appointment availability. Such issues may be recurring as COVID-19 is now endemic and faculty may require yearly vaccines to combat the disease, similar to the seasonal influenza vaccination program. The result of such shortages and high demand at the time of new vaccine release is that faculty may have little choice in selecting appointment days or times, and may incur side effects during periods of their teaching and service duties. Access to new vaccines is especially critical for faculty who are engaged in in-person teaching of large courses (and thus open to greater chance of exposure from students, whom the policy now allows to opt-out of vaccination), faculty with young children at home, faculty with immuno-compromised members of their household, or faculty who are themselves immuno-compromised.

Reiterating our previous recommendation, 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

¹ CFW Chair Sher to Senate Chair Gallagher, 1/16/23, Re: Systemwide Review of Presidential Policy - UC Policy on Vaccination Programs

must be provided with time to recover from potential side effects associated with receiving required vaccines. This could be enacted similarly to the temporary New Emergency Paid Sick Leave (EPSL22) for COVID-19 relief program that was made available to employees and expired in September 2022. We 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 opine.

Sincerely,



Alexander Sher, Chair
Committee on Faculty Welfare

cc: Roger Schoenman, Chair, Committee on Academic Freedom
David Cuthbert, Chair, Committee on Educational Policy
Elisabeth Cameron, Chair, Committee on Teaching
Onuttom Narayan, Committee on Privilege and Tenure
Andy Fisher, Chair, Graduate Council

November 8, 2023

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 (CPT) has reviewed the revised policy. Our comments are similar to those about the previous version of the policy:

The policy requirement is stated as:

As a condition of Physical Presence at a Location or in a University Program, all Covered Individuals must Participate in any applicable Vaccination Program as described in a Program Attachment by—no later than the Compliance Date—providing proof that they are Up-To-Date with Vaccines or submitting a request for Exception in a Mandate Program or properly declining vaccination in an Opt-Out Program.

But in the Definitions section of the policy, there is a definition of Up-To-Date:

Up-To-Date: A person is Up-To-Date when they have received all doses of a Vaccine as recommended by the CDC and CDPH. A person need not obtain doses that are authorized but not explicitly recommended by CDC and CDPH in order to be considered Up-To-Date.

Employees cannot be expected to hunt through Centers for Disease Control (CDC) and California Department of Public Health (CDPH) recommendations. The definition is also inconsistent with the policy, which defines being Up-To-Date with references to vaccines described in program attachments. It should be fixed. For good measure, Vaccination Program should also be defined with reference to program attachments.

We also disagree with this part of the policy in the FAQ:

I am fully remote. Am I a Covered Individual?

You are a Covered Individual at the time you are first Physically Present at a University Location or Program other than as a member of the public (or as a Covered Non-Affiliate). Your Location may also treat you as a Covered Individual if you are authorized to be Physically Present in connection with your employment, appointment, or education or training program.

The proper penalty for a failure to comply with the policy is to be barred from being physically present at a University location or program. While this may *result* in disciplinary action as a

result of non-performance of assigned duties, the disciplinary action cannot be a consequence of the failure to comply itself. As an example, a faculty member may be on sabbatical for the year, with no physical presence required, and choose to defer vaccination until the end of the year because of some concerns. They should be able to do so without being subject to disciplinary action simply because they were permitted to be physically present on campus.

Sincerely,

/s/

Onuttom Narayan, Chair

Committee on Privilege and Tenure

cc: Roger Schoenman, Chair, Committee on Academic Freedom (CAF)

UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION,
DIVERSITY, AND EQUITY (UCAADE)
Jennifer Burney, Chair
jburney@ucsd.edu

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

December 6, 2022

**JAMES STEINTRAGER
CHAIR, ACADEMIC COUNCIL**

**RE: PROPOSED REVISIONS TO PRESIDENTIAL POLICY ON VACCINATION
PROGRAMS**

Dear Jim,

UCAADE discussed the policy at the October 26, 2023 meeting and is supportive of the proposed revisions to the Presidential Policy on Vaccination Programs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Burney".

Jennifer Burney
Chair, UCAADE

cc: UCAADE



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
John Heraty, Chair
heraty@ucr.edu

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

December 6, 2023

**JAMES STEINTRAGER, CHAIR
ACADEMIC COUNCIL**

RE: Proposed revisions to Presidential Policy on Vaccination Programs

Dear Jim,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed revisions to the Presidential Policy on Vaccination programs, and we have several comments. The committee generally supports the revisions, but many wanted greater recognition of opt-out procedures and clarity as to whether mandates would be used at the medical centers. The University should facilitate access to vaccine, especially for mandated individuals. Ensuring that faculty who experience negative reactions to vaccines do not suffer any negative work consequences should also be stated explicitly, and appropriate guidance issued.

Thank you for your attention to this important matter.

Sincerely,

John Heraty, UCFW Chair

Copy: UCFW
Monica Lin, Executive Director, Academic Senate
Steven W. Cheung, Academic Council Vice Chair