

**WE ARE NEW YORK'S LAW SCHOOL**

## COVID-19 Community-Wide Mandatory Vaccination Policy

### Background

In December 2020, following extensive review of vaccine efficacy and safety, the U.S. Food and Drug Administration (FDA) authorized the emergency use of the first COVID-19 vaccine, a two-dose regimen produced by Pfizer-BioNTech. The following month, it approved a similar vaccine manufactured by Moderna. In March 2021, the FDA approved the single dose Johnson & Johnson/Janssen vaccine, and following a short pause to review reports of blood clot side effects, reauthorized its use in April 2021. As of the effective date of this policy, the Pfizer vaccine is authorized for people 12 years of age and older; the others are for people 18 years of age and older.

For us to live in ways that more resemble pre-pandemic conditions, a substantial share of the entire population must acquire immunity. Because the SARS CoV-2 virus that causes COVID-19 mutates over time, the sooner we reach a state of population immunity—often called “herd immunity”—the less opportunity there will be for mutations, or variants, of the virus to take hold. It is possible that one or more of these variants will not be as well controlled by the currently available vaccines.

Vaccines work by providing both individual and community protection. In a group of people, like our New York Law School (NYLS or the Law School) community, the more individuals who are vaccinated, the less opportunity there is for an infection to appear at the Law School. This lower risk at the Law School also protects those who are unvaccinated due to medical or religious exemptions. Protecting the adult population at NYLS also protects the children of our community members until they too can be vaccinated. Reaching herd immunity in our community, and of course, across our neighborhoods, city, and country is essential, and the more rapidly we achieve it, the safer we all will be.

As of the effective date of this policy, more than half of U.S. residents who are eligible for vaccines have received at least one dose. In New York City, over 40% of the eligible population is fully vaccinated. Vaccines are available at mass vaccination sites, Health Department clinics, community health centers, public hospitals, private clinician practices, and many chain pharmacies. To find a vaccination site, and make an appointment, visit <https://vaccinefinder.nyc.gov>.

Through this policy, NYLS seeks to protect the health and well-being of our community members, as well as their families, by lowering the risk of COVID-19 transmission and illness. The policy is intended to comply with applicable federal, state, and local laws, guidance, and authority, including guidance from the Centers for Disease Control and Prevention (CDC) and public health and licensing authorities. In the case of a conflict between this policy and such laws and/or guidance, the laws and/or guidance will control.

### Policy Statement

*All community members learning or working in-person are required to have full COVID-19 vaccination.*

### Students:

As a condition of entering the NYLS campus, including participation in any in-person classes and/or other activities, NYLS requires all students to be fully-vaccinated against COVID-19, as defined by the CDC.<sup>1</sup>

<sup>1</sup> Vaccine recipients are considered fully vaccinated 14 days after receipt of the final required dose. On April 25, 2021, the CDC and the Food and Drug Administration lifted a temporary pause in the use of the Johnson & Johnson/Janssen vaccine after fully evaluating the risk of severe side effects. It was determined that the benefit the Johnson & Johnson vaccine provides to individuals far exceeds any risk. Of note, the risk of developing blood clots following a COVID-19 infection is 10 times higher than the risk of blood clots after the vaccine. Clinical guidance was modified to counsel adult women under 50 years of age to seek medical care if they have warning signs (in particular, severe headaches). The availability of the Johnson & Johnson vaccine is expected to significantly increase the supply of vaccines to help meet demand.

**Employees/Contractors:**

As a condition of employment, NYLS will require all employees, including contractors, be fully-vaccinated against COVID-19, as defined by the CDC.<sup>2</sup>

Exceptions from this policy will be granted only for approved medical or religious exemptions as described, or as otherwise stated, below.

**Procedures****Students:**

As the COVID-19 vaccine has become widely available, NYLS will require students to: (a) confirm they are fully vaccinated; or (b) obtain an approved exemption from vaccination as an accommodation. Students are expected to either be fully vaccinated or obtain an exemption from the vaccination requirements prior to August 13, 2021, in anticipation of the start of on-campus classes on August 23, 2021. For first-year students, who attend Orientation, this deadline is July 30, 2021.

**Any student requesting an exemption from this Policy (see below) must do so as soon as possible and in any event not later than July 7, 2021. NYLS will shortly provide instructions on how students may submit such requests for an exemption.**

**Employees/Contractors:**

As the COVID-19 vaccine has become widely available, NYLS will require employees/contractors to: (a) confirm they are fully vaccinated; or (b) obtain an approved exemption from vaccination as an accommodation. **Employees/contractors are expected to either be fully vaccinated or obtain an exemption from the vaccination requirement prior to July 1, 2021.**

Students and employees/contractors should receive any subsequent doses of the vaccine, as well as potential "booster" doses, as recommended by their health care provider and public health authorities.

Community members must present written evidence of vaccination from an authorized healthcare provider or pharmacy, or public health authority (e.g., the New York State Excelsior Pass). The CDC Vaccination Card will be sufficient for this requirement. NYLS will shortly provide instructions on how community members may securely submit such evidence of vaccination. Community members should not submit any additional medical information as part of the proof that they have received the vaccine. NYLS regards all such information as confidential.

NYLS will pay non-exempt employees/contractors for time spent receiving the vaccination (up to 4 hours per injection) in accordance with state law. Employees/contractors should record their time receiving the vaccine according to NYLS's usual time-keeping policies. In addition, to facilitate the ability to receive the vaccination, NYLS will consider timely requests for temporary schedule changes and/or will approve paid time off as appropriate. NYLS will reimburse employees/contractors for the cost, if any, of the vaccination, contingent upon receipt of appropriate supporting documentation. Vaccinations should be run through health insurance where applicable and should then be submitted for reimbursement if there is any out-of-pocket cost.

Any community member who is having difficulty obtaining a vaccine should contact the Law School no later than July 1, 2021. Students should contact the Office of Student Life; staff members/contractors should contact Office of Human Resources.

<sup>2</sup> See fn 1.

### Exemptions and Accommodations

NYLS provides limited exemptions from this COVID-19 vaccine mandate for students and employees/contractors: (i) who have a medical condition (including pregnancy) or disability that contraindicates the vaccination; or (ii) whose sincerely held religious beliefs prohibit receipt of the vaccine. Community members who need an exemption must request one within the timeframes set forth above. Once NYLS is aware of a request for an exemption, the School will engage in an interactive process to identify accommodations which do not pose a threat to the health and safety of our community or create an undue hardship on NYLS. NYLS will shortly provide instructions on how community members may submit such requests for an exemption.

**Any community member who is not vaccinated because of an approved exemption may be allowed to enter the NYLS campus only if they provide weekly proof of a negative COVID-19 PCR test performed within the past seven (7) days. NYLS will shortly provide instructions on how community members may securely submit such test results. Community members should not submit any additional medical information as part of the proof that they have received a negative COVID-19 test. NYLS regards all such information as confidential.**

### Related Precautions

All NYLS community members, regardless of their vaccination status, must continue to take precautions against the spread of COVID-19. Accordingly, until further notice, all community members must follow all NYLS COVID-19 policies and protocols, including but not limited to continuing to wear masks, washing hands or using hand sanitizer often, and practicing social distancing.

All community members, regardless of their vaccination status, should also continue to monitor their daily health, and should not report to campus if they are feeling ill or if they have been exposed to an individual who was diagnosed with COVID-19.

Any community member that falsifies documents provided pursuant to this policy, or knowingly submits false information pursuant to this policy will be subject to discipline. The submission of false information, misrepresentations, or false documents may be grounds for termination for employees/contractors, and is considered a violation of the Code of Conduct for students.

Please direct any questions regarding this policy to the Office of Student Life, or Office of Human Resources, as appropriate.