

<p>Category: Hospitals / Clinical Services Student Affairs</p> <p>Responsible Office: <u>University Life</u></p>	<p><b>Policy Title:</b> COVID-19 Vaccination Policy</p> <p>Document Number: XXXX</p> <p>Effective Date: August 21, 2021</p> <p>This policy applies to: State-Operated Campuses Community Colleges</p>
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## Summary

This policy adopts the State of New York directive that public colleges and universities mandate that all students who intend to engage in-person at a SUNY campus or facility must receive a COVID-19 vaccination, pending final approval by the U.S. Food and Drug Administration (“FDA”). This policy describes the COVID-19 Vaccination requirements in place to protect the health and safety of the SUNY campus communities, including its students, faculty, staff, and others who engage in-person at any SUNY Facility.

## Policy

### I. General

This policy requires all students accessing SUNY Facilities in-person to receive a COVID-19 Vaccination, with limited exception. This requirement will take effect upon at least one COVID-19 Vaccination receiving full FDA approval (granting of a biologics license pursuant to 21 CFR 600 – 680) and reasonable availability to all students who request such a vaccine.

Though this New York State directive does not apply to faculty and staff, all SUNY faculty and staff are strongly encouraged to get vaccinated. However, patient-facing employees and volunteers at SUNY’s Hospitals and Nursing Homes may be subject to mandatory COVID-19 Vaccination pursuant to the Public

Health Law Section 16 Order issued by the NYS Department of Health on August 18, 2021. Likewise, regardless of the student mandate in effect being subject to full FDA approval, it is strongly recommended that all students get vaccinated.

For the purposes of this policy, “students” are defined as any individual matriculated or otherwise enrolled full-time or part-time at SUNY Facilities as well as visiting, auditing, exchange, continuing education, and international students taking in-person courses at SUNY. The definition of students does not include high school students enrolled in courses through a SUNY campus. Instead, students in concurrent enrollment programs must follow the health and safety guidelines and protocols of the physical location where they receive instruction. If the course is delivered at their high school, they must follow the local school district guidelines. If a student takes a course in a SUNY facility, they must follow the applicable SUNY Facility guidelines. If a high school student is not able to be Fully Vaccinated and is granted an Exemption as defined herein, they must abide by the applicable COVID-19 related health and safety restrictions for the SUNY Facility where they receive instruction (e.g., appropriate face coverings, social distancing, and surveillance testing).

This policy is subject to change based upon guidance from governmental authorities or if new federal and/or NYS COVID-19 related requirements are imposed.

## **II. Vaccination Requirements**

All students attending a SUNY institution in the Fall 2021 term and thereafter will be provided with information about the COVID-19 Vaccination and must either: (i) receive a COVID-19 Vaccination; or (ii) obtain an approved Exemption as further described below.

- A. Information. Within 15 days from the date that at least one COVID-19 Vaccination receives full FDA approval, and at least thirty (30) days prior to the start of classes for every term thereafter, all SUNY campuses must provide students with appropriate information about COVID-19 and COVID-19 vaccines. Such information shall include, without limitation, COVID-19 infection prevention protocols, where to obtain the COVID-19 vaccine, the benefits and risks of COVID-19 Vaccinations, and the consequences for the failure to obtain a vaccine.
- B. Receipt of Vaccine. Students who plan to attend in-person classes and/or utilize in-person services or clinical rotations at a SUNY Facility shall provide evidence of receiving the full vaccination series (i.e., both doses of a two-dose series) of any COVID-19 Vaccination or apply for an Exemption pursuant to this policy. For the Fall 2021 term, this must be completed no later than the Grace Period deadline established by the campus pursuant to Section III.B of this policy. For all subsequent terms, students must provide such evidence prior to coming to campus and show that such vaccine was received at least two weeks prior to arriving on a SUNY campus for any reason, including, without limitation, moving into a residence hall, attending in-person campus classes and/or entering any SUNY Facility. Beginning with the Fall 2021 term, pursuant to paragraph A of this section, campuses will provide information to students regarding how to provide proof of vaccination or apply for an Exemption to the appropriate campus office. Proof of COVID-19 antibodies through test results cannot be used as an alternative to receipt of a COVID-19 Vaccination.

International students who obtained a COVID-19 Vaccination may provide documentation signed by a healthcare provider duly licensed to practice medicine in the United States or a foreign country, and such documentation must include the dates of vaccination and name of the COVID-19 Vaccination given. International students who have received COVID-19 vaccines not licensed or under an EUA by the FDA in the United States, or not authorized for emergency use by the World Health Organization (“WHO”) (e.g., AstraZeneca/Oxford) may apply for a medical accommodation, as discussed below, which will be addressed in accordance with NYS guidance by each campus on a case-by-case basis. In general, campuses will designate these students as partially vaccinated and they will therefore be subject to the conditions of the medical accommodation until further notice.

International students and COVID-19 unvaccinated students who are traveling abroad and arrive in the United States to enter SUNY Facilities may be subject to additional quarantine restrictions as determined by the SUNY Facility.

Students who are unable to obtain a COVID-19 Vaccination in their hometown or country of embarkment will have an opportunity to be vaccinated when they arrive in New York State. These students must begin the vaccination process as soon as possible and either: (1) quarantine for at least ten (10) days upon arrival; (2) submit an attestation to the campus that they have quarantined for at least ten (10) days prior to arrival; or, (3) provide evidence of a negative result on an approved COVID-19 test within the past (5) days. Any such student must also abide by all COVID-19 related health and safety restrictions for all applicable SUNY Facilities (e.g., face coverings, social distancing, and surveillance testing) until Fully Vaccinated.

Campuses will be responsible for determining and implementing appropriate COVID-19-related health and safety protocols in the event that FDA approval occurs after the Fall 2021 term begins. If FDA approval is subsequently given mid-term, all students must comply with this Policy, including the Grace Period requirements set out in Section III.B.

Campuses have the discretion to impose additional health and safety restrictions as they deem appropriate for their Campus Communities in accordance with the “Final COVID Protocols for the 2021 Summer and Fall Semester” issued by the Chancellor on July 7, 2021 (as updated on July 8, 2021). The campus must work with campus stakeholders in the development of any additional changes and broadly communicate the restrictions to the entire college community.

### **III. Exemptions**

#### **A. Allowable Exemption Categories**

1. *Online or Fully Remote Exemption.* Students whose course of study is fully remote may be exempted from this vaccine requirement. For this exemption to apply, the student must have no physical presence on campus nor reasonably anticipate using on-campus services for the entirety of the academic term. Such student must submit an attestation to the campus that states they understand they will not be allowed to use any SUNY Facility unless they submit proof of vaccination as indicated above or are granted an Exemption.

2. *Medical Accommodation.* Students who are not yet Fully Vaccinated and international students who received a COVID-19 vaccine not authorized or approved by the FDA or the WHO may apply for a temporary medical accommodation to allow them time to become Fully Vaccinated. Any such requests will be reviewed and granted on a case-by-case basis by the campus. All students granted a medical accommodation under this section will be subjected to certain restrictions set forth in Sec. III. B. below and may be subject to other restrictions imposed by the campus.
  3. *Medical Exemption.*
    - i. Students may be exempt from this vaccine requirement if a duly licensed health care provider certifies in writing that the COVID-19 Vaccination may be detrimental to the student's health. The campus shall provide reasonable accommodations to those students whose medical condition(s) contraindicates COVID-19 Vaccination so long as the failure to be vaccinated does not prevent the student from otherwise fulfilling the programmatic or curricular requirements of their academic program.
    - ii. Any such requests will be reviewed and granted on a case-by-case basis by the campus.
    - iii. All students granted a medical exemption will be subjected to certain restrictions set forth in Sec. III. B. below and may be subject to other restrictions imposed by the campus.
  4. *Religious Exemption.* Students who hold genuine and sincere religious beliefs which are contrary to COVID-19 Vaccination may be exempt after submitting a written statement to that effect as required by SUNY Facility. Such statement should explain how receiving the COVID-19 Vaccination conflicts with the student's sincere religious belief or practice and how not receiving the COVID-19 Vaccination will not otherwise prevent the student's completion of their programmatic or curricular requirements of the academic program. General philosophical or moral objections to such vaccine shall not suffice as the basis for a religious exemption. Students granted a religious exemption will be subjected to certain restrictions set forth in Sec. III. B. below and may be subject to other restrictions imposed by the campus.
- B. Grace Period. Campuses must build in a grace period of no more than 35 days from the date that at least one COVID-19 Vaccination receives full FDA approval to allow students to either (i) show proof they have completed a full vaccine series (meaning that the student has received at least one dose of a single dose vaccine series or at least a second dose of a two-dose series), provided, however, that this period does not include the two-week window after completion of the series needed for immunity, or (ii) submit requests for an exemption based on medical or religious grounds. As long as the request for an exemption is received before the deadline, the grace period will extend through the review period of any such exemption. Upon expiration of this grace period, any student who has not shown that they have completed a full vaccine series or been granted an exemption will either be unenrolled, or may revert to fully remote instruction if that is an available option based on the student's course of study and is otherwise permitted by the campus, and will no longer have access to any in-person campus activities or services.

### C. Additional Considerations for Students with Exemptions

Students who are granted a medical or religious Exemption pursuant to paragraphs (2), (3), or (4) above, and who will be accessing a SUNY Facility without first receiving a COVID-19 Vaccination, must either: (1) quarantine for at least ten (10) days upon arrival; (2) submit an attestation to the campus that they have quarantined for at least ten (10) days prior to arrival; or, (3) provide evidence of a negative COVID-19 test within the past (5) days. All students with Exemptions will be subject to mandatory weekly COVID-19 testing administered by the campus. Such students will also be required to adhere to the health and safety protocols implemented by the campus, which may include social distancing, mask-wearing, and additional surveillance testing, among others. Exceptions to the mask-wearing requirement include when students are (1) in their private residential or personal space, (2) eating meals on-campus while seated and social distancing is appropriately enforced, or (3) by themselves. Campuses may impose additional restrictions as needed. Students with approved Exemptions must also be informed by the campus that they may be excluded from all in-person classes and activities at the campus' discretion should a COVID-19 outbreak occur at the campus.

Campuses have the discretion to impose additional health and safety restrictions as they deem appropriate for their Campus Communities in accordance with the "Final COVID Protocols for the 2021 Summer and Fall Semester" issued by the Chancellor on July 7, 2021 (as updated on July 8, 2021). The campus must work with campus stakeholders in development of any additional changes and broadly communicate the restrictions to the entire college community.

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### **Definitions**

Campus Community(s): Students and faculty, campus-related organization staff, vendors, visitors, and guests who regularly or periodically occupy and/or utilize the facilities of the campus. Campus-related organizations include one or all of the entities associated with the SUNY facility including, without limitation: Auxiliary Services Corporations, Alumni Associations, Faculty-Student Associations, and SUNY Foundations.

COVID-19: A primarily respiratory disease caused by the SARS-CoV-2 coronavirus.

COVID-19 Vaccination: Any COVID-19 vaccine administered under (i) an FDA Biologics License or an Emergency Use Authorization ("EUA") and approved for use by the New York State Department of Health or (ii) authorized for emergency use by the World Health Organization (WHO).

Facility(s): Any SUNY owned, leased, licensed, or operated space, facility, property, grounds, equipment, motor vehicle, or buildings.

Fully Vaccinated: People are considered fully vaccinated: (1) two weeks after receiving the second dose in a two dose COVID-19 vaccine series or (2) two weeks after receiving a single dose COVID-19 vaccine.

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## **Other Related Information**

[New York State COVID-19 Department of Health Information](#)

[State University of New York COVID-19 Information](#)

[State University of New York: Know Your Vax](#)

[U.S. Food and Drug Administration: COVID-19 Vaccines](#)

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## **Procedures**

There are no procedures relevant to this policy.

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## **Forms**

There are no forms relevant to this policy.

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## **Authority**

The following links to FindLaw's [New York State Laws](#) are provided for users' convenience; it is not the official site for the State of New York laws.

[NYS Education Law § 355\(2\)\(h\)](#) (Authority of the SUNY Board of Trustees to regulate the operation and administration of State-operated SUNY campuses).

[NYS Education Law § 355\(1\)\(c\)](#) (Authority of the SUNY Board of Trustees to regulate the operation of community colleges operating under the program of the State University of New York).

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

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## **History**

State University of New York Board of Trustees Resolution 21-24 adopted June 23, 2021.

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## **Appendices**

There are no appendices relevant to this policy.