

Preamble

The University of New Brunswick is committed to providing access to post-secondary education in a flexible and adaptable manner. The health and safety of our students, faculty and staff remains our top priority. Since the last academic year, vaccinations have become available to combat the COVID-19 virus. Vaccinations are the most effective way to keep our community safe from COVID-19. Fully vaccinated individuals carry a lower risk of contracting COVID-19 and spreading it to others.

Given current trends in vaccination within the University population, advice from New Brunswick Public Health regarding the state of COVID-19 infections in the province, and the nature of the University campus environment, beginning Sept. 8, 2021, UNB will implement mandatory, regular COVID-19 testing for all students, staff and faculty engaging in in-person classes and on-campus activities as well as others who regularly attend Campus. Individuals who demonstrate proof of full vaccination are exempt from this policy. Full vaccination requires an individual to be greater than 14 days past a second dose of a COVID-19 vaccine approved by the Public Health Agency of Canada, or a single dose of Janssen.

1.0 Purpose

- 1.1 The purpose of this Policy is to provide enhanced protection against COVID-19 for members of the University Community while they are undertaking activities on UNB Campuses.
- 1.2 This Policy provides direction on the conditions that members of the University Community will be expected to comply with during their time on UNB Campuses.

2.0 Applicability

- 2.1 This Policy applies to all members of the University Community attending any University Campus.
- 2.2 This Policy does not apply to portions of and/or activities on any University Campus that are subject to the *COVID-19 Preventative Measures Regulation - Public Health Act*,

N.B. Reg. 2021-67 (the "Regulation") or the *Revised Mandatory Order COVID-19* renewed pursuant to s. 17(2) of the *Emergency Measures Act*, R.S.N.B. 2011, c.147 (the "Order"). The Regulation and Order require proof of vaccination or medical exemption for access to certain facilities or participation in certain activities on the University Campus in a manner set out by that Regulation and Order. A summary of the areas enumerated by the Regulation and Order, and the portions of any University Campus and kinds of activities subject to the Regulation and Order but not this Policy, are included in Schedule "A". UNB will endeavour to update this Policy as any regulations or mandatory orders are updated. However, regardless of the status of this Policy, members of the University Community, Contractors, and Commercial Tenants are individually responsible for understanding and abiding by the requirements imposed by the Regulation and the Order. If there is a conflict, the Regulation and Order govern.

3.0 Definitions

- 3.1 **Approved Vaccine** means a COVID-19 vaccine that is approved by Health Canada, which currently includes¹:
- 3.1.1 Pfizer-BioNTech;
 - 3.1.2 Moderna;
 - 3.1.3 AstraZeneca/COVISHIELD; or
 - 3.1.4 Janssen (Johnson & Johnson).
- 3.2 **Campus** includes the UNB Fredericton Campus, UNB Saint John Campus, and, for the purpose of this Policy, the Moncton Site and portions of other properties where UNB conducts business.
- 3.3 **Commercial Tenant** means any entity that is renting any space on any Campus to provide a service or conduct business in anyway.

¹ <https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/vaccines.html>

- 3.4 **Contractor** means any entity who is subject to contractual relations with the University to provide a service or conducts business in any way on a University Campus.
- 3.5 **COVID-19 Test** means a Rapid Test or a PCR Test.
- 3.6 **Employee** means a person employed by the University of New Brunswick in any capacity, including but not limited to all Faculty and Staff.
- 3.7 **Fully Vaccinated** means an individual who has received two (2) doses (or one dose, in the case of the Janssen vaccine) of an Approved Vaccine and fourteen (14) days have passed since the date that the individual received their final dose of the Approved Vaccine. According to current Health Canada guidance², Fully Vaccinated also includes an individual who has received the recommended number of doses of a COVID-19 vaccine that is not an Approved Vaccine and has also received an additional dose of an Approved Vaccine that is an mRNA Vaccine, once fourteen (14) days have passed since the administration of the additional Approved mRNA Vaccine.
- 3.8 **mRNA Vaccine** means messenger ribonucleic acid vaccines, two of which are approved for use in Canada, Pfizer-BioNTech and Moderna.
- 3.9 **Partially Vaccinated** means an individual has received one (1) dose of an Approved Vaccine (other than the Janssen vaccine).
- 3.10 **PCR Test** means a polymerase chain reaction test for COVID-19.
- 3.11 **Policy** means a Policy brought into force by the University.
- 3.12 **Proof of Vaccination** means an official document provided by a government, or the individual's primary healthcare provider, outlining the date that the individual received their Approved Vaccine(s) and the Approved Vaccine that they received.
- 3.13 **Rapid Testing** means an approved rapid testing device (currently antigen-based) that can be used to screen for COVID-19 in a point of care application where preliminary results are available on site within 15 minutes.

² <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/guidance-documents/recommendations-those-vaccinated-with-vaccines-not-authorized-health-canada-staying-canada-live-work-study.html>

- 3.14 **Residential Tenant** means an individual who is renting a residential space from the University (i.e. is a signatory to a residence contract or residential lease with the University).
- 3.15 **Student** means an individual currently enrolled in classes at the University, whether for-credit or not-for-credit. Student includes part-time Students, full-time Students, graduate school Students, and anyone enrolled in any class on University Campus.
- 3.16 **University** means the University of New Brunswick.
- 3.17 **University Community** includes faculty, staff, students, and members of the academic community who attend a University Campus on a regular basis. For the purposes of this Policy, it also includes families of the Students of the University or any other individuals, who are not students, that are Residential Tenants in any of the residences on a University Campus or that are within the jurisdiction of the University. Families and other individuals residing in a residence on a University Campus who are not Residential Tenants do not fall within this definition. For questions about who may fall within this definition, please contact covidhelp@unb.ca.

4.0 General

- 4.1 The University recognizes and respects each member of the University Community's rights guaranteed by the New Brunswick *Human Rights Act*, other statutes and the common law.
- 4.2 The University also recognizes and respects the University's duty to provide a safe working and learning environment to the members of the University Community.
- 4.3 The University is committed to protecting the information it collects about the vaccination records of the members of the University Community. As such, the University will store only the minimally necessary information related to vaccination records in a secure data base for the minimal time appropriate and in accordance with applicable legislation and University Policies.
- 4.4 The University is committed to continue to provide time to Employees and Students to access vaccination clinics to help better protect members of the University Community, and residents of the province of New Brunswick.

5.0 Testing Requirements for Members of the University Community

- 5.1 All members of the University Community, after September 8th, 2021, will be subject to compliance with the following testing procedure, subject to accommodations or exceptions described in sections 6 and 7.
- 5.2 Members of the University Community will undergo regular COVID-19 Rapid Testing as set out in section 5.3 below to ensure they have received a negative result from a COVID-19 test within the previous (3) days before they attend a UNB Campus on a regular basis.
- 5.3 Regular COVID-19 Rapid Testing will consist of the member of the University Community undergoing a COVID-19 Rapid Test once every three (3) days and reporting their results to the University in accordance with this Policy. Except in the case of extended absences (as described in section 5.4 below), Rapid Testing is required every three (3) days regardless of the specific days of the week a member of the University Community may be on a UNB Campus.
- 5.4 In the event that a member of the University Community has not been present on Campus for a period of seven (7) days or longer (for example, extended vacations, medical leaves, sabbaticals off-site, etc.), the member will be required to resume regular COVID-19 Rapid Testing, in accordance with section 5.2 and 5.3 above, for at least seven (7) days prior to returning to Campus.
- 5.5 All COVID-19 Rapid Testing will be managed by the designated COVID-19 testing centre on each Campus.
- 5.6 The test results of each rapid test will be provided to the University to confirm the results of the COVID-19 rapid testing. The University will keep a record of the test results for each member of the University Community that is not Fully Vaccinated, utilizing only essential personal information.
- 5.7 The test result records will be monitored to ensure compliance with the testing requirements.
- 5.8 After a member of the University Community is confirmed as Fully Vaccinated under Section 7, all testing records with respect to COVID-19 kept by the University, apart

from the record stating that the member is Fully Vaccinated, will be removed from the University's records.

- 5.9 If a member of the University Community receives a positive test for COVID-19 via Rapid Testing, the individual will be required to leave University Campus immediately and refrain from returning to University Campus, except for those who reside on a UNB campus in which case they must follow the Residence self-isolation policy. All individuals who receive a positive test via Rapid Testing must also book and undergo the applicable Provincial COVID-19 PCR testing.
- 5.10 A member of the University Community who tests positive for COVID-19, as set out in Section 5.7, must follow the directions and guidance of Public Health and must refrain from attending Campus or follow the Residence self-isolation policy for those that reside on Campus.
- 5.11 If a member of the University Community obtains a negative PCR test result from the Province, they are to provide the record of the negative PCR test to the University so that they may be approved to return to Campus.

6.0 Accommodation for Testing for Students and Employees

- 6.1 Members of the University Community who are unable to be tested under the currently used rapid testing method for reasons protected by the New Brunswick *Human Rights Act* or the University's Policy of Harassment, Sexual Harassment and Discrimination may make a request for accommodation to covidhelp@unb.ca.
- 6.2 Personal information should not be provided to covidhelp@unb.ca. covidhelp@unb.ca will forward the request to the appropriate office, who will determine what information is required to support the request and what accommodation might be offered applicable to the restriction. The specific accommodation process will be governed by normal University policies and procedures and applicable collective agreements.

7.0 COVID-19 Vaccinations and Exemption from Testing Requirements

- 7.1 All Members of the University Community who are Fully Vaccinated, and who provide the required Proof of Vaccination to the University will be exempt from the testing requirements set out in this Policy from the time the exemption is approved forward.
- 7.2 An exemption from the testing procedures under this Policy for being Fully Vaccinated does not exempt those individuals from the other requirements or health and safety precautions at the University, such as the University's current masking requirements, those imposed by the Government of New Brunswick, or those imposed by the Government of Canada.
- 7.3 Only essential personal information is retained by the University regarding the required Proof of Vaccination documentation
- 7.4 Members of the University Community who have not been granted an exemption for being Fully Vaccinated as set out in Section 7.1, are required to comply with the testing requirements set out in Section 5 when they attend UNB Campuses.

8.0 Proof of Vaccination

- 8.1 Proof of Vaccination will include:
 - 8.1.1 A COVID-19 Vaccination record in an approved government format; or
 - 8.1.2 A medical report showing a record of the individual's COVID-19 vaccinations.
- 8.2 Proof of Vaccination shall be provided to the University by:
 - 8.2.1 Uploading the Proof of Vaccination to the UNBSafe app; or
 - 8.2.2 Providing Proof of Vaccine in-person to a designated representative of the University.
- 8.3 The University will store the Proof of Vaccination information on a secure database in accordance with the University's records management, privacy, and other data storage policies until it has been reviewed and approved.

- 8.4 Once Proof of Vaccination has been received and approved, the University will delete the Proof of Vaccination submitted and retain only the necessary personal information required to confirm that the individual is Fully Vaccinated according to this Policy.

9.0 Contractors and Tenants

- 9.1 Contractors and Commercial Tenants of the University who perform a service, engage in business, or operate in anyway on University Campus must remain in compliance with this Policy at all times.
- 9.2 All Residential Tenants of the University will be subject to the testing requirements set out in Section 5 (subject to accommodations or exemptions under Sections 6 and 7) and must remain in compliance with this Policy at all times.
- 9.3 Contractors and Commercial Tenants will be obligated to ensure that all of their employees or subcontractors are compliant with this Policy.
- 9.4 Contractors or Commercial Tenants may be obligated to provide proof of compliance and their methods of complying upon request of the University.
- 9.5 The University may approve exceptions to the application of this Policy for Contractors that do not work regularly on a University Campus on a case-by-case basis.
- 9.6 The main contact for the contracted services will consult with the Environmental Health and Safety office on the Fredericton Campus or Environmental Health, Safety & Security on the Saint John Campus before approving an exception.

10.0 Non-compliance with the Policy

- 10.1 In the event that a member of the University Community is not in compliance with the testing requirements and an exemption or accommodation has not been granted, that member will not be permitted to be on a University Campus for any reason apart from visiting the testing center on Campus to comply with the testing requirements of this Policy. Any further consequences, if any, for such non-compliance will be determined by the appropriate decision maker according to applicable processes or collective agreement.

- 10.2 Falsifying data and/or records that relate to the testing requirements or Proof of Vaccination, or violating the testing requirements or any other section of this Policy by any Student, may result in non-academic disciplinary action governed by the Student Disciplinary Code.
- 10.3 Falsifying data and/or records that relate to the testing procedures or Proof of Vaccination, or violating the testing requirements or any other section of this Policy by an Employee may result in disciplinary action governed by normal University policies, procedures, and/or applicable collective agreements.
- 10.4 Employees of the University who are not in compliance with the testing requirements of this Policy and an exemption or accommodation has not been granted, will be placed on unpaid leave and remain on unpaid leave until such time as they are in compliance with the testing requirements set out in this Policy or an exemption or accommodation is granted under this Policy.
- 10.5 Students of the University who are not in compliance with the testing requirements of this Policy or have not been granted an exemption or accommodation will remain responsible for their academic studies.
- 10.6 The University is not responsible for an Employee's time missed from work or a Student's class time missed, due to their failure to comply with the testing requirements or failure to obtain an exemption or accommodation.

11.0 Conflicts

- 11.1 In the event that this Policy conflicts with any legislation, government orders, collective agreements, or guidance from provincial or federal public health about vaccination and testing, those other legislation, government orders, or collective agreements or guidance will govern. Should any section of this Policy fail as a result of a conflict, only the sections of this Policy that conflict will fail. All other sections of this Policy will remain in force.
- 11.2 The sections of this Policy that fail due to a conflict as set out in Section 11.1 will only fail with respect to that specific matter. The conflicting sections will remain in force with respect to all other matters, until such time as they are assessed as conflicting.

11.3 Each potential conflict with respect to this Policy will be assessed on a case-by-case basis notwithstanding any previous findings of conflict and amended by the University as needed.

12.0 Interpretation and Questions

12.1 Questions concerning this Policy may be directed to the UNB COVID-19 Response Lead at covidhelp@unb.ca.

Schedule "A"

Provisions of the *COVID-19 Preventative Measures Regulation – Public Health Act* (N.B. Reg 2021-67) (the "Regulation") regarding providing proof of vaccination or exemption before entering certain premises or attending certain events are as follows:

3(1) An eligible person shall not enter a premises or attend an activity referred to in subsection (2) without providing proof of vaccination against COVID-19 in accordance with section 6 or providing proof of medical exemption in accordance with section 7.

3(2) The following premises and activities are prescribed for the purposes of subsection (1):

- (a) festivals, performing arts events and sporting events that are held indoors;
- (b) restaurants, pubs and bars, whether food or drink service is provided indoors or outdoors;
- (c) nightclubs, amusement centres, pool halls, bowling alleys and casinos;
- (d) movie theatres, libraries and museums;
- (e) gyms, indoor pools and other indoor recreational facilities, including tennis courts and climbing walls;
- (f) organized group recreational sports, classes and activities that are held or provided indoors;
- (g) gatherings that are held indoors, other than gatherings held indoors in a private dwelling;
- (h) visiting a community residential placement facility as defined in the *Community Placement Residential Facilities Regulation – Family Services Act*; and
- (i) visiting a nursing home as defined in the *Nursing Homes Act*.

3(3) An owner or occupier of a premises referred to in subsection (2) or a person that organizes an activity referred to in subsection (2) shall require every eligible person to provide proof of vaccination against COVID-19 in accordance with section 6 or proof of medical exemption in accordance with section 7 before allowing the eligible person to enter the premises or to attend the activity, as the case may be.

The Order supplements the Regulation by providing the following under paragraph 2:

2. Owners, occupiers and managers of the following premises and activities must take all reasonable steps to ensure that every person working or volunteering inside the venue is fully vaccinated against COVID-19 or is testing regularly for COVID-19 in compliance with guidelines and directives of the Chief Medical

Officer of Health and demonstrating their negative test results to the manager of the premises or event:

- a) Festivals, performing arts events and sporting events (practices as well as games and competitions) that are held indoors;
- b) Restaurants, food courts, cafeterias in schools, colleges and universities, clubs, pubs, and bars, whether food or drink service is provided for consumption indoors or outdoors (but not including premises at which food or drink is sold only for take-out and not for consumption on premises);
- c) Nightclubs, amusement centres, pool halls, bowling alleys and casinos;
- d) Movie theatres, libraries and museums;
- e) Gyms, swimming pools and other indoor recreational facilities, including tennis courts and climbing walls;
- f) Organized group recreational sports, classes and activities that are held or provided indoors; and
- g) Gatherings that are held indoors, other than gatherings held indoors in a private dwelling.

For greater clarity:

- i. This paragraph extends the requirements of section 3 of Regulation 2021-67 to all persons in the venue, other than first responders to an emergency call, who need not be screened before entry. Patrons must be fully vaccinated or medically exempt from vaccination, and workers must be fully vaccinated or tested regularly;
- ii. At restaurants and similar businesses, management may admit patrons to pay for and receive food and/or drink for take-out without requiring of those take-out patrons proof of vaccination or exemption, provided none are permitted to consume food or drink on the premises; and
- iii. A "gathering" implies common intent or purpose associated with socializing, celebration, ceremony, or entertainment.

This is the content of the Regulation and Order as of this Policy's Revised date. UNB will endeavour to update this Policy as any regulations are updated. If there is a conflict, the regulations govern. Regulations are available here:

https://www2.gnb.ca/content/gnb/en/departments/public-safety/attorney-general/content/acts_regulations.html and the current Order is available here:
<https://www2.gnb.ca/content/gnb/en/corporate/promo/covid-19.html>

UNB Activities and Facilities Affected by the Regulation and Order

The most current list of UNB facilities and activities on UNB Campus that will require proof of vaccination or proof of medical exemption under the Regulations and/or Order is available on UNB's COVID website here: <https://www.unb.ca/coronavirus/>

Proof of Vaccination at UNB Activities and Facilities

Members of the University Community who meet the Fully Vaccinated requirements of this Policy using the UNBSafe App may use the UNBSafe App's confirmation of vaccination tab, along with their UNB ID or a government issued ID, as proof of meeting the proof of vaccination requirements of the Regulations for UNB owned and occupied buildings and UNB operated activities.