



July 7, 2021
MANDATORY COVID-19 VACCINATION
GUIDE TO EXEMPTION REQUESTS

This guide takes you through the steps to submit an exemption request from the University's mandatory vaccination requirement(s).

STEP 1: DETERMINE WHETHER YOU HAVE A VALID BASIS FOR SEEKING AN EXEMPTION FROM THE UNIVERSITY'S MANDATORY VACCINATION REQUIREMENT

Title I of the Americans with Disabilities Act (ADA) requires employers to provide reasonable accommodations to qualified employees with a covered disability, unless the employer can demonstrate that doing so creates an undue hardship to the employer or poses a direct threat to the safety of the employee or others in the workplace. Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 includes similar provisions for students.

Under federal law, students and employees may be afforded certain reasonable accommodations related to a sincerely held religious belief, practice or observance and may seek an exemption from the University's mandatory vaccination requirements based on such a religious belief unless granting such an exemption would cause an undue burden on the operations of the University. The University is not obligated to approve your request for an exemption where the accommodation sought is costly; infringes on another's rights or benefits; compromises the safety of the requesting party, or others; decreases workplace efficiency or places a burden on other employees or students.

Personal anti-vaccination positions, political, economic or social philosophies or personal preferences are not protected by federal law and may not support your exemption request if made solely on that basis.

Requests for exemption from the University's Mandatory Vaccination Requirements for employees and students are fact-intensive inquiries and are reviewed on a case by case basis.

STEP 2: ENSURE THAT YOU HAVE REVIEWED THE UNIVERSITY'S MANDATORY VACCINATION REQUIREMENTS PRIOR TO SUBMITTING YOUR ACCOMMODATION REQUEST

In light of the Board of Trustees decision of June 19, 2021 to implement a mandatory vaccination requirement at the University of the Virgin Islands, the deadline for compliance with the vaccination policy is as follows¹:

Students: August 9, 2021

Staff: August 1, 2021

Faculty: August 11, 2021

The deadline to submit your exemption request form is as follows²:

Students: July 19, 2021

Staff: July 19, 2021

Faculty: July 28, 2021

STEP 3: SUBMIT YOUR COMPLETED EXEMPTION REQUEST

All forms to apply for an exemption request can be found at the University's website at www.uvi.edu *Coronavirus Update*.

All employee requests for an exemption from the University's Mandatory Vaccination Requirements are to be submitted to vaccexe@uvi.edu.

Identify the basis upon which your exemption request is grounded and complete the appropriate form, ensuring that all supporting documents are included. If you are a non-faculty employee, your request for an exemption shall be submitted to the University's Human Resources Department by July 19, 2021. For faculty, the deadline for submission of your exemption request to the University's Human Resources Department is July 28, 2021.

¹ If an individual falls into more than one category, the earliest compliance deadline is applicable.

² If an individual falls into more than one category, the earliest exemption submission deadline is applicable.

All student requests for an exemption from the University's Mandatory Vaccination Requirements on the Orville E. Kean Campus, St. Thomas should be submitted to the Dean of Students at studentexemptionrequestoek@uvi.edu. Students on the Albert A. Sheen Campus on St. Croix, should submit requests for exemptions to the Dean of Students on that campus to studentexemptionrequestaas@uvi.edu.

For students, your request for an exemption from the vaccine requirement shall be submitted to the Dean of Students no later than July 19, 2021. The University in its sole discretion shall determine whether it will consider any application received after the deadlines established herein. Accommodations will be reviewed carefully and will be granted only where they do not cause the University undue hardship or pose a direct threat to the health and safety of others. By submitting your exemption request you certify that the statements, documents and information provided to the University are true and correct.

STEP 4: THE UNIVERSITY'S REVIEW OF REQUESTS FOR EXEMPTION FROM THE VACCINE REQUIREMENT

Even if a student or employee can establish a covered disability as defined by the Americans with Disabilities Act; or can support their request for exemption from the vaccine requirement due to a medical reason or sincerely held religious belief, the University may deny an accommodation request if it poses an "undue hardship" or pose a direct threat to the health and safety of others.

Step 4(a): Initiate The Interactive Process

Upon receipt of an exemption request, duly completed and signed, which states the possible need for a reasonable accommodation, the Human Resources Department or the Campus Nurse, or such other designated persons will engage in a process in which the employee or student, his or her health care provider or religious leader, and the University share information about the nature of the disability, medical reason, or religious belief and the limitations on receiving an employer-required vaccination. This process is referred to as the interactive process and involves a good-faith effort by the University and the employee to discuss the employee's specific circumstances. The purpose of this discussion is to determine what (if any) accommodations may be needed.

The interactive process involves a review of the accommodation request from the employee or the student.

If your request for an exemption from the mandatory Vaccination requirement is on the basis of a disability, you will be asked to provide appropriate documentation from your health care provider regarding the nature of any impairment(s), the duration of the need for accommodation and the extent to which the impairment(s) conflict with the University's vaccination requirement.

In the event the University needs to consult with your health care provider, you may be asked to sign a medical release or permission to permit the University to receive information to support your request for an exemption.

If your request for an exemption from the Mandatory Vaccination Requirements is on the basis of a religious belief, practice or observance, you will be asked to provide an explanation of your sincerely held religious beliefs and, if necessary, appropriate documentation from your religious leader regarding the religious belief that conflicts with the University's vaccination requirement.

As the University reviews your request for an exemption, you may be asked to provide additional information, as the University in its discretion determine is necessary to complete the review process.

Step 4(b): The University May Determine If The Accommodation Poses A Direct Threat Or Creates An "Undue Hardship"

Even if you have submitted a completed request for an accommodation on the basis of a medical reason, a covered disability as defined by the ADA, or a sincerely held religious belief, your request may be denied. The University may deny your request for an accommodation if it will result in undue hardship on the institution or poses a direct threat to the health and safety of others.

In determining whether an exemption request presents the existence of a direct threat to the health and safety of others, the University will conduct an individualized assessment of four factors in determining whether a direct threat exists: (i) the duration of the risk; (ii) the nature and severity of the potential harm;(iii) the likelihood that the potential harm will occur; and (iv) the imminence of the potential harm. A conclusion that there is a direct threat would include a determination that an unvaccinated individual will expose others to the virus at the University's campuses.

If the University determines that good cause is established to deny an accommodation request because of the existence of a direct threat, it may do so.

**Step 4(c): Notify The Employee or Student of the
Decision on their Exemption Request**

The next step is for HR or the University Campus Nurse on the respective campus to notify the employee or student, in writing, that his or her requested exemption has been approved or denied. If the request is denied, the University will communicate and document any available alternative accommodations.

For employees, the University's Human Resources Department will maintain all copies of accommodation requests, supporting information and documentation, including denials, in a file separate from the employee personnel file, consistent with the confidentiality requirements of the ADA and to protect sensitive religious preference information.

For students, the Dean of Students will maintain all copies of accommodation requests, supporting information and documentation, including denials, in a file separate from the Registrar records.