



Request that the University of New Mexico Board of Regents Endorse the Administrative Mandate on Required COVID-19 Vaccination Applicable to UNM Faculty, Staff and Students

Background Information:

Since the declaration of a worldwide pandemic by the World Health Organization in March of 2020 due to the deadly spread of the COVID-19 virus, UNM has taken a variety of extraordinary measures to keep its community as safe and healthy as possible. University leaders have relied upon science in taking such measures and have adhered closely to the advice and counsel of its HSC leadership as well as the guidance of the New Mexico Department of Health and the Centers for Disease Control and Prevention (CDC).

Keeping the UNM community safe and healthy during the pandemic has required the University to severely limit its in-person operations since March 2020 and to utilize virtual platforms to continue delivering educational programming and allow employees to continue their work. Most students were released from dormitories in the spring of 2020 and on-campus student and employee populations have remained low throughout the pandemic due to the use of virtual learning and work platforms. COVID safe practices have been employed throughout the UNM system and have included masking, social-distancing and enhanced cleaning protocols. Reduction of in-person operations and successful deployment of COVID safe practices has resulted in low rates of infection at UNM and lesser impacts to mission and productivity.

UNM has also championed and facilitated the administration of the three vaccines currently approved by the FDA under Emergency Use Authorization (EUA). As a result, UNM faculty, staff and employees have become vaccinated at rates exceeding those of the general population. Unfortunately, with the advent of multiple COVID-19 variants and lower than optimal vaccination rates among all age categories, there is still significant risk to unvaccinated individuals of contracting COVID-19 or one of its variants. Unvaccinated individuals infected with COVID-19 or its variants also pose an increased risk of illness to unvaccinated or vaccinated individuals with whom they are in close contact.

UNM staff return to full in-person and/or hybrid operations on August 2, 2021 and the academic year for students and faculty begins on August 23, 2021. Accordingly, the campus population is expected to return to near pre-COVID levels by the end of August 2021. Based upon existing national, state and local conditions, UNM leadership believes there are compelling reasons to adopt additional measures to further preserve and protect the health, safety and welfare of its returning campus community. The first of such measures recently implemented is universal masking for faculty, students and staff until such time as the prevalence of infection in relevant counties in which UNM operates drops below the level indicated by the CDC where it is generally safe for fully vaccinated uncompromised individuals to appear in public without masks. The second measure, which is being brought before the Board of Regents in this special meeting, is the immediate implementation of an administrative mandate on required COVID-19 vaccination for all faculty, staff and students.

Presentation of UNM's Compelling Interests in Mandating Vaccination to Manage the Pandemic and Provide for the Health, Safety and Welfare of the UNM Community

The Administrative Mandate on Required COVID-19 Vaccination, a draft of which was publicly posted for community consideration in May 2021, is attached to this request for the Board's review. UNM

leadership believes that the mandate is reasonable and necessary to address prevailing health circumstances in New Mexico and that it affords due process of vaccination to all covered by the mandate. President Stokes will call on members of her leadership team or their designees to present the information that leads UNM leadership to conclude that mandatory vaccination will serve the legitimate interest of preserving and protecting the public health of its students, faculty and staff.

Requested Action:

Consistent with Regent Policy 3.1, President Stokes asks that the Board of Regents endorse the administrative mandate on required COVID-19 vaccination developed by UNM leadership and applicable to all UNM faculty, staff, and students to protect their health, safety, and welfare.

Administrative Mandate On Required COVID-19 Vaccination

Purpose:

To protect and preserve the health, safety and welfare of the UNM community, the University of New Mexico will require that all faculty, staff and students accessing University facilities and programs be fully vaccinated for COVID-19 as soon as possible, but no later than September 30, 2021. This mandate requires all UNM faculty, staff and students who access campus facilities, housing, programs, services and activities in person to be fully vaccinated for COVID-19, subject to limited exemptions.

Application:

This mandate applies to all UNM personnel and students who access UNM facilities, housing, programs, services and activities located on the Main Campus in Albuquerque, the Academic Health Sciences Campus in Albuquerque, Gallup Campus, Los Alamos Campus, Taos Campus and the Valencia Campus. Campus facilities include, but are not limited to, office buildings, libraries, classrooms, dormitories, research laboratories, dining facilities, student centers, athletics facilities, entertainment venues, gymnasiums and university buses and shuttles. This mandate does not apply to employees of UNM Hospitals, UNM Medical Group and the Sandoval Regional Medical Center; these UNM entities have specific policies pertaining to their employees and facilities.

COVID-safe practices (CSPs) are currently in force at all locations listed above in accordance with Centers for Disease Control and Prevention (CDC) guidance and the New Mexico Department of Health (DOH) mandates. Individuals who are not vaccinated and do not have an approved reasonable accommodation may not be cleared to access University facilities, housing, programs, services or activities in person. A reasonable accommodation means any reasonable adjustment to a work, academic, or educational environment which provides equal opportunities to individuals with qualifying disabilities or serious medical conditions, or for the religious observances, beliefs, and practices of its students and employees. Individuals who are not vaccinated may be required to participate in or implement additional CSPs to mitigate risk to others whenever they access University facilities, housing, services, programs or activities in person, including but not limited to more frequent and regular asymptomatic surveillance testing and symptomatic testing.

Accommodation:

Disability/Serious Medical Condition/Medical Contraindications: If a covered individual cannot receive the COVID-19 vaccine due to a qualifying disability/serious medical condition or medical contraindications or precautions recognized by the US Food and Drug Administration (FDA) or CDC, a request for a reasonable accommodation must be submitted to the Compliance, Ethics, and Equal Opportunity Office for employees including faculty and student employees. A person who is granted a reasonable accommodation may be required to adhere to additional safety measures to ensure the health and safety of the individual and the University community, including but not limited to asymptomatic surveillance testing and symptomatic testing.

Students requiring medical accommodations in their academic environment must submit a request to the Accessibility Resource Center.

Religious: A reasonable accommodation to the COVID-19 vaccine mandate may be granted based on a person's sincerely held religious belief, practice, or observance. A request for reasonable accommodation must be submitted to the Compliance, Ethics, and Equal Opportunity Office. A person who is granted a reasonable accommodation may be required to adhere to additional safety measures to ensure the health and safety of the individual and the University community, including but not limited to asymptomatic surveillance and symptomatic testing. UNM employees and students who are granted a reasonable accommodation are required to upload documentation of the accommodation at the vaccine verification site.

Existing Policies Concerning COVID-safe Practices:

This action supplements, and does not replace, existing policies and guidelines requiring all faculty, staff and students to observe CSPs including appropriate use of either personal protective equipment and/or face coverings, social and physical distancing, frequent handwashing and cleaning, and regular surveillance testing.

Procedures:

All employees and students MUST provide prior to September 30th either (1) documentation of full vaccination using a vaccine authorized by FDA License or under an FDA Emergency Use Authorization (EUA) or (2) provide appropriate documentation seeking an available

exemption. All documentation to verify vaccination or exemptions must be uploaded at <https://goto.unm.edu/vaccineverification>. International students vaccinated with a vaccine from the World Health Organization Emergency Use List (EUL) may submit documentation of that vaccination; these students are recommended to be vaccinated again upon arrival in New Mexico using an FDA approved vaccine and subsequently submit documentation of that vaccination.

Temporary EUA Exemption: While available vaccines are under EUA, UNM employees and students may request a temporary exemption to this vaccination mandate. Such employees and students will be subject to regular covid testing, requiring that upon demand they produce documentation of a negative COVID-19 test within 7-days of such request, with the sample having been collected within 7-days of submission of said documentation.

Once any vaccine for COVID-19 is available under regular FDA License, the Temporary EUA Exemption will no longer be available. COVID-19 testing required under this exemption will be at the expense of the employee or student seeking the exemption; the state of New Mexico has contracted with a test provider that currently will provide tests free of charge and this service may be used. UNM employees and students requesting the Temporary EUA Exemption are required to do so via the aforementioned vaccine verification website.

To protect the health of our community, all employees and students who are not vaccinated may be subject to restrictions on access to UNM facilities, including but not limited to Johnson Center Gym, Student Union Building (SUB), University Libraries, and various events. Other limitations on their access to university programs may be imposed for the safety of the UNM community.

Limited Remote Work Exemption: Employees working entirely remotely can request a Limited Remote Work Exemption on that basis. This request must attest that the employee will not access any university site or facility at any of our campus locations for any purpose, and must be endorsed by the employee's supervisor. An exemption form will be provided to make this request, which must be signed by the employee and supervisor, and then uploaded by the employee at the vaccination verification site.

Limited Remote Learning Exemption: Students who are completing a remote online program while residing outside New Mexico during the Fall 2021 or Spring 2022 semesters may request a Limited Remote Learning Exemption to the vaccination requirement. An exemption form will be provided to make this request, which must be signed by student and the dean of the student's academic unit, and then uploaded by the student at the vaccination verification site.

Existing university programs to incentivize vaccination will continue until August 31, 2021.