



Policy Name:	COVID-19 Vaccination Policy		
Associated Form(s):	Vaccination and Exemption Forms online at: 1) Students: https://mercy.edu/covid-19-student-vaccination-form 2) Employees: Mav Health and Wellness Portal .	Policy Number:	2022-6
Reviewed:	Non-Academic Policy Review Committee	Approved:	April 4, 2022
Approval Authority:	President 	Adopted:	April 4, 2022
Responsible Executive(s):	1) Vice President of Student Affairs 2) Vice President of Finance	Revised:	June 2021, September 2021, October 2021, January 2022
Responsible Office(s):	1) Office of Student Affairs 2) Office of ACCESSibility 3) Student Health Office 4) Office of Human Resources	Contact(s):	1) Assistant Dean of Student Affairs 2) Director of ACCESSibility 3) Director of Health and Wellness 4) Assistant Director of Human Resources

I. Policy Statement

SARS-CoV-2 (the virus that causes COVID-19) is a serious respiratory disease; almost 1,000,000 Americans have died from SARS-CoV-2-related-causes. The COVID-19 vaccination is recommended by the Centers for Disease Control and Prevention (CDC) for anyone over the age of 5 years in order to prevent infection from and transmission of SARS-CoV-2 and its complications, including death. Getting vaccinated may also protect other community members, including those who are more vulnerable to serious COVID-19 illness (i.e. infants, young children, older adults and individuals with certain chronic health conditions).

In order for Mercy College to continue to maintain a safe and healthy environment, and to bring Mercy College back to the vibrant campus community it has always been, Mercy is requiring all students, employees, vendors and visitors to provide proof of the COVID-19 vaccination, as set forth below.

II. Students

A. COVID-19 Vaccination Proof Required

Mercy College students who plan to attend classes, activities or events on-campus and in-person, or to access any of its indoor facilities, are required to submit proof of their fully vaccinated status by uploading the information online, prior to registering for classes. Fully vaccinated means two weeks after the second dose of the Moderna or Pfizer vaccine, or single dose of the Johnson and Johnson vaccine.

B. Booster Requirements

Currently the College requires the booster shot for all eligible students who attend classes and activities on campus. Effective May 16, 2022, the College is suspending its booster requirement for Mercy College students (except for clinical students, residential students and student-athletes) due to the low level of COVID-19 transmission rates and hospitalization rates in the region. After May 16, 2022 students will be required to either submit proof of the COVID-19 booster shot or submit an online waiver for declining the booster.

Should community levels rise from low to medium or high under the CDC Guidelines prior to or after May 16, 2022, the College reserves the right to reinstate the booster requirement. The booster requirements shall remain in effect for clinical students (or those students in other experiential programs that require the booster), residential students and student-athletes.

C. Vaccine Exemptions

Students have the right to seek an exemption to the COVID-19 vaccine under the following circumstances:

- 1) Due to an allergy or medical contraindication to receiving the vaccine. They must provide the exemption form and physician's statement (see below), or

2) Due to a sincerely held spiritual or religious belief, practice, or observance. They must provide a statement. Note that students in clinical practicums, while they can seek a religious accommodation at Mercy, currently cannot participate in an off-site clinical due to the restrictions set by those facilities.

Students who intend to be fully distance learning and shall not attend any on-campus, in-person classes, activities or events may also decline from providing proof of the COVID-19 vaccination. They must submit the waiver form.

Students with an exemption are required to wear masks on campus and submit to regular testing. *See Section V. below.*

Anyone who comes to campus who is not vaccinated and/or has not received the booster when eligible does so freely and voluntarily and shall assume all risks of the decision to decline the vaccination, including the risk of severe illness or death, as well as the risk posed to community members around them.

All students, regardless of vaccination status or having an exemption, are required to adhere to all COVID-19-related College policies, rules and guides, including the COVID-19 Addendum to the Student Handbook.

D. Reasonable Accommodations

Mercy College is committed to providing reasonable accommodations and academic adjustments to allow qualified students the opportunity to participate in programs and activities at the College. The College's *Student Accommodations Policy* provides for procedures in connection with: a) a disability or serious injury, b) pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, including breastfeeding, and c) religious practices. Students who believe they need an accommodation or academic adjustment should contact the Office of ACCESSibility.

III. Employees

A. Proof of COVID-19 Vaccination and Booster (if Eligible) Required

Mercy College employees are required to submit proof of full COVID-19 vaccination prior to commencing employment. In addition, proof of the booster is required for any employee who is eligible, which means:

- 2 months after receiving the J&J vaccine
- 5 months after receiving the second Pfizer or second Moderna dose

For those who are not currently eligible, they must obtain the booster within one month of when they do become eligible.

Under New York State law, all employees are entitled to up to 4 hours of paid leave to obtain the vaccine, which does not count against the employee's regular sick leave bank. Employees may

also use accrued paid sick leave if they have side effects from the vaccine. See [Mercy Employee Leave Policy](#). Any questions should be directed to the Office of Human Resources.

B. Exemptions

Employees have the right to seek an exemption from the COVID-19 vaccine (including booster requirement) under the following circumstances:

- 1) Due to an allergy or medical contraindication to receiving the vaccine. They must provide the exemption form and physician's statement (see below), or
- 2) Due to sincerely held spiritual or religious belief, practice, or observance. They must provide a statement (see below).

Failure to show proof of full vaccination and booster if eligible will result in termination or denial of employment. Employees who obtain an exemption are required to adhere to additional measures to ensure the safety of the campus community is maintained which may include masks, mandatory testing, and limitations on participation in on-campus activities and events, at the College's discretion.

All employees, regardless of vaccination status, are required to adhere to all COVID-19-related College policies, rules and guides, including the *Maintaining a Safe Workplace Guide*.

C. Reasonable Accommodations

Mercy College is committed to providing reasonable accommodations to allow qualified employees the opportunity to participate in employment at the College. The College's *Reasonable Accommodations Policy for Employees* provides for procedures in connection with: a) a disability or serious injury, b) pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, including breastfeeding, and b) religious practices. Employees who believe they need an accommodation should contact the Office of Human Resources.

IV. Contractors, Vendors and Visitors

All Mercy College contractors and vendors who regularly appear on campus are required to provide proof of full COVID-19 vaccination, (including the booster, if eligible) to their employer before coming to Mercy College campuses. Those individuals, like Mercy employees, are entitled to request an exemption with their employer.

All visitors to Mercy College campuses are required to abide by the [Interim COVID-19 Visitor Policy](#), which includes a requirement to show proof of vaccination before entering Mercy campus buildings where practicable. All Mercy College alumni are required to provide proof of vaccination before gaining access to Mercy's campuses. They must obtain pre-approval and an identification card through the Office of Alumni Relations, which will allow them entry into Mercy's campuses.

Effective May 16, 2022, the College is suspending its vaccine requirement for visitors to Mercy College due to the low level of COVID-19 transmission rates and hospitalization rates in the region. Should community levels according to CDC guidelines rise to medium or high prior to or after May 16, 2022, the College reserves the right to reinstate the booster requirement.

V. Testing

Consistent with CDC guidance, Mercy requires testing for all unvaccinated students, employees, contractors and vendors who are on-campus. This includes individuals who have received an approved exemption from the Office of ACCESSibility or the Office of Human Resources, or those who have received one dose of the COVID-19. Failure to adhere to mandatory testing will result in sanctions for students, employees and contractors and vendors. Penalties can include up to suspension from campus for students (including receiving an F and not being refunded for the term), termination for employees, and removal from the worksite for contractors and vendors.

A. Sanctions for Students Who Fail to Test

1. Failure to schedule a testing appointment may result in restriction from campus or suspension from the College.
2. First unexcused absence for a scheduled COVID-19 test will result in a judicial warning.
3. Second unexcused absence at any point during the term for a scheduled COVID-19 test will result in the student being restricted from entering any campus building until you submit proof of a negative COVID-19 test taken within 48 hours to covidtesting@mercy.edu.
4. If a student is found on campus while being restricted from entry due to a second unexcused absence for a scheduled COVID-19 test, they will be subject to suspension from the College for the balance of the term.
5. Third unexcused absence at any point during the term for a scheduled COVID-19 test will result in suspension from the College for the balance of the term.

B. Sanctions for Employees Who Fail to Test

1. First unexcused absence for a scheduled COVID-19 test will result in a warning issued by the Office of Human Resource for staff or the Provost for faculty.
2. Second unexcused absence for a scheduled COVID-19 test may result in a suspension from work for two (2) days with loss of two days' pay, with notice issued by the Office of Human Resources for staff and the Provost for faculty.

3. Third unexcused absence for a scheduled COVID-19 test may result in suspension from work for two weeks with loss of two weeks' pay, with notice issued by the Office of Human Resources and the Provost for faculty.
4. Fourth unexcused absence for a scheduled COVID-19 test could result in a longer unpaid suspension from the College, or even termination from employment.

VI. EU Authorization

The Pfizer vaccine has full FDA approval. While we understand that the Moderna and Johnson and Johnson vaccines are currently approved under an Emergency Use Authorization (EUA), Mercy believes that the vast weight of authority supports the safety and effectiveness of the vaccination and its importance in the return to a fully engaged campus.

VII. Non-Retaliation and Respect for Other Community Members

Section 11(c) of the Occupational Safety and Health Act of 1970 protects employees from retaliation in the workplace, particularly as it pertains to complaints that may arise regarding the health and safety of the environment and the vaccination status of other community members. The NYS HERO Act also protects employees from retaliation for making complaints about their concern for airborne infectious illnesses in the workplace. Confidential complaints can be made at any time pursuant to the [College's Whistleblower Policy](#).

In addition, given the severity of COVID-19 and the continued uncertainty surrounding the pandemic, all members of the Mercy College community shall respect any and all individuals who wear a mask, regardless of whether they may or may not be vaccinated. Reasons for continued mask-wearing may vary—from those who choose to take extra steps to protect themselves and others from potential exposure by continuing to wear masks, or who may be unable to obtain the COVID-19 Vaccination or who decline for religious or medical reasons to do so. No one shall inquire into another community member's medical history or background in an attempt to ascertain why an individual may or may not be vaccinated, other than the Office of Human Resources and the Office of ACCESSibility, solely pursuant to and for the purposes of this Policy.

VIII. SARS-CoV2 (COVID-19) Vaccination Status Privacy Notice

Mercy College is committed to protecting your personal information and being transparent about what information is held and how it is used. We understand your concerns about privacy and assure you that we take privacy matters seriously. Please see *Mercy's COVID-19 Privacy Policy Statement* in which the College explains how your personally identifiable information is collected and used as it relates to proof of the COVID-19 vaccine. The information you provide will be used only as outlined in that Policy Statement. If you have questions regarding this Privacy Notice, you may direct them to kbowes@mercy.edu.