

To: James Rush, Vice President Academic and Provost, UW

Cc: Lori Curtis, FAUW President

Roydon Fraser, Jasmin Habib and Jean-Paul Lam, FAUW Academic Freedom and Tenure Committee

From: Edward R. Vrscaj, Department of Applied Mathematics, UW

Re: Grievance filed by Edward R. Vrscaj against the University of Waterloo Administration as a consequence of its Mandatory Vaccination and Testing Policy

Date: April 6, 2022

I am filing this **formal grievance** (Subsection 9.4.3, Section 9, “Grievance and Arbitration”, Memorandum of Agreement, to be referred to as the “MOA”) against the Administration of the University of Waterloo. The reasons for this grievance lie in the sequence of disciplinary measures imposed upon me by my Dean of Mathematics, Professor Mark Giesbrecht, as declared in the following letters from him to me:

1. Article 8.8 Letter, dated January 5 2022
2. Article 8.10 Letter, dated January 6 2022
3. Article 8.12 Letter, dated February 9 2022 (declaration of 3-day paid suspension)
4. Article 8.8 Letter, dated February 16 2022
5. Article 8.10 Letter, dated February 18, 2022
6. Article 8.12 Letter, dated March 25, 2022 (declaration of 8-day unpaid suspension)

Copies of these letters are attached to this grievance letter.

As you will recall, I submitted a formal grievance, dated January 10, 2022, which was based in part on Letters 1 and 2 listed above. As will be shown below, Letters 1 and 2 are also relevant to this grievance since problematic statements appearing in Letters 3 and beyond can be traced back to Letters 1 and 2.

I now summarize the reasons for my grievance as follows:

Reason No. 1: There are “problematic statements” – in fact, falsehoods – which are repeated in many of these letters.

Reason No. 2: I may be considered “compliant” to the “Vaccination Requirement” or simply “Requirement” as presented on the UW website.

Reason No. 3: The discipline proposed by the Dean in his Article 8.12 Letter is inappropriate. In fact, no discipline is warranted.

Let us now examine each of these reasons in detail.

Reason No. 1: Problematic Statements – in fact, falsehoods – which are repeated in many of these letters.

Problematic Statement No. 1: “The University was required by statute to adopt a COVID-19 vaccination mandate.” (Letters 1, 3 and 4)

As has been pointed out in a number of letters to your administration, from both myself as well as others, **this statement is false**. In the original document, *Instructions issued by the Office of the Chief Medical Officer of Health* (copy attached) the following sentence appears at the bottom of Page 1:

“I AM THEREFORE OF THE OPINION that instructions from the OCMOH must be issued to establish **mandatory COVID-19 vaccination policies** in the post-secondary institutions listed below.” (This author’s bold font.)

In other words, the **CMOH recommended mandatory vaccination policies, not vaccination mandates**. We also point out, once again, that **UW’s “Requirement” ignores Point No. 4 on Page 3 of the document, which would make it possible for an individual to decline vaccination. UW can ignore Point No. 4 because it chose to follow Paragraph 2 of the Instructions, i.e., “to remove the option set out in paragraph 1(c) and require all Required Individuals to either provide the proof required in paragraph 1 (a) or (b).” That was UW’s choice – it was NOT required by statute to adopt this choice.**

You are undoubtedly aware that Dr. Kieran Moore, the CMOH of the Province of Ontario, recently told people, in numerous interviews, that he never recommended vaccine mandates. For example, in his oral report to the public on Thursday, February 17, 2022, which can be found here,

<https://globalnews.ca/news/8628340/workplace-covid-vaccination-policies-no-longer-necessary-ontario-top-doc/>

he said the following,

“We have not mandated immunizations. We have mandated that organizations have immunization policies.” (11:59 min)

In the same report, he stated the following,

“Our policy and recommendation was to have an immunization policy, whether you get vaccinated or tested. If they went forward and had a mandate, which was not our direction ...”

“Never the did provincial or federal governments require that such a hard-lined approach be taken with respect to vaccination requirements of employees or students.”

Indeed, this is so well known at this time that it deserves no further discussion in this grievance, except that I shall refer the reader to the excellent article by Prof. Claus Rinner, York University, entitled, “Vaccination mandates on post-secondary campuses have run their course and must never return” (March 18, 2022 – copy attached). In this article, also available at the following site,

<https://torontomoon.substack.com/p/vaccination-mandates-on-post-secondary?s=r>

Prof. Rinner discusses how most universities ignored the CMOH recommendations for vaccination along with testing and imposed mandatory vaccination policies at their campuses.

Indeed, Problematic Statement No. 1 above contains the same false information as in the first sentence of the first paragraph of **Letter 1**:

“You are aware that the University has established a Vaccination Requirement (the “Requirement”) for mandatory proof of COVID-19 vaccination pursuant to the Instructions of the Office of the Chief Medical officer of Health issued on August 20, 2021 and the recommendations of the Council of Ontario Medical Officers of Health. The University is statutorily required to ensure compliance with this Requirement.”

That being said, I fear that the University has been consistently trying to play a rather deceptive “sleight-of-hand” game with regard to the definition of its vaccination and testing policy. You will find reproduced below the four criteria for “non-compliance” as listed on the following UW webpage:

<https://uwaterloo.ca/coronavirus/return/vaccination-requirement>

Non-compliance

Individuals will be considered to have failed to comply with the proof of vaccination requirement if they:

- arrive on campus without having submitted acceptable proof of vaccination documentation through the Campus Check-In Proof of Vaccination form;
- arrive on campus and do not have a University-approved accommodation;
- have an approved accommodation and are found in non-compliance with the rapid testing requirement; or,
- refuse or fail to supply proof of completing a training module on vaccine safety, if directed to do so.

At first glance, it might appear that these conditions are consistent with the instructions of the CMOH. But, of course, they are not. There is no accommodation of Point No. 4 of the Instructions of the CMOH: If you choose not to be vaccinated and not to have an exemption/accommodation, then you would be deemed non-compliant if you set foot on campus. On the other hand, if you (i) remain unvaccinated and unexempted, (ii) manage to remain off-campus, and (iii) take the training module on vaccine safety, then, according to the above guidelines, you do not satisfy any of the criteria for non-compliance, implying that you are compliant. This is probably why the University changed its “Vaccination Requirement” – at least on paper, but not on the website – to the one stated in Problematic Statement No. 2 below.

We now come to another major point of this grievance:

A Resolution of the “Requirement” Paradox

There are actually two UW “Requirements” – one posted at the UW website,

<https://uwaterloo.ca/coronavirus/return/vaccination-requirement>

which shall be referred to as “Requirement A”, and the other being the “either (a) be fully vaccinated or (b) have a permitted exemption,” which shall be referred to as “Requirement B”.

“Requirement B” is the vaccination policy that has been cited in all of the letters received from Deans as part of the “disciplinary processes” applied to noncompliant faculty members. But “Requirement A” continues to be displayed on the UW website since it has the appearance of conforming with the Instructions of the Chief Medical Officer of Health of the Province of Ontario. One may naturally ask, “How can the University of Waterloo make these two Requirements work at the same time?” Two possible explanations come to mind, as summarized below:

Explanation No. 1: Given its commitment to quantum information and computing, UW considers “Requirement A” and “Requirement B” as two possible states, or realizations of its “Requirement”. As such, the **true “Requirement” is given by a linear superposition of these two states**, i.e.,

$$\text{“Requirement”} = C_1 \text{“Requirement A”} + C_2 \text{“Requirement B”}, \quad \text{where } C_1^2 + C_2^2 = 1.$$

(The C_i may depend on time.) From the rules of quantum mechanics, the probabilities of measuring/encountering “Requirements” A and B are given by, respectively, C_1^2 and C_2^2 .

Explanation No. 2: (This is perhaps the more likely of the two explanations. I am paraphrasing the original account.) While lecturing one day to his undergraduate class, Nobel Laureate physicist Richard Feynman was making more than the usual number of errors on the blackboard – perhaps his mind was somewhere else. After being interrupted the n^{th} time by the class to point out a blackboard error, Prof. Feynman stopped, turned around and, exasperated, said to his class, “Look, it’s not what I say and it’s not what I write. It’s what I mean!”

Problematic Statement No. 2: “... to be considered compliant with the Requirement, you were required to submit proof that you were either: (a) fully vaccinated within the meaning of the Requirement, or (b) had obtained a permitted exemption to being fully vaccinated.” (Letters 3, 4, 5 and 6)

As mentioned earlier, the above form of the “Requirement”, which I now call “Requirement B”, and which is clearly different from “Requirement A” stated on the UW website, follows the Instructions of the CMOH by removing the option set out in its paragraph 1(c). It is clearly a much stricter requirement. A person who chooses to be unvaccinated cannot satisfy this “Requirement” even if he/she is subjected to rapid testing. Once again, it is **false** for UW to claim that it was legally obligated to adopt this form of its “Requirement”. It was an option provided by the Instructions, and UW chose this option – or, at least, uses it in its letters and disciplinary procedures.

Problematic Statement No. 3: “Accordingly, due to the seriousness of your conduct amidst a pandemic, and your refusal to comply with the Requirement, I am imposing a 3-day paid suspension to be served February 11th, February 14th and February 15th.” (Letter 3) “I have considered the seriousness of your behavior amidst an ongoing pandemic, including the health and safety implications of having unvaccinated employees on campus, ...” (Letter 5)

My question to the Dean and other members of the UW administration: What exactly is the **seriousness of my conduct or behaviour amidst a pandemic?** It has not been stated explicitly in the letter. Since the Dean writes “and your refusal to comply with the Requirement,” one must conclude that the serious “conduct” is separate from my alleged refusal to comply with the Requirement. Have I in any way jeopardized the health of any person or persons on the UW campus by remaining unvaccinated? Since I have not been permitted to set foot on campus from August 2021, how could I possibly affect anyone there? The phrase “including the health and safety implications of having unvaccinated employees on campus” does not apply to me. As I have written several times, if you have proof of anything, you must provide this proof in your correspondence.

Reason No. 2: I may actually be considered “compliant” to the “Vaccination Requirement” or simply “Requirement” as presented on the UW website.

As I argued in my letter to Dean Giesbrecht dated February 16, 2022 (copy attached), none of the four points listed under “non-compliance” on the UW website apply to me which implies that I am not “non-compliant”, hence “compliant”. (The Dean did confirm that I have taken the LEARN training module (SO 2034) on the “safety” of COVID-19 vaccines.) But in his reply dated March 8, 2022 (copy attached), Dean Giesbrecht claimed that I was, in effect, arguing in circles. According to Dean Giesbrecht, my PMATH 370 course was taken away from me because of my stated intention not to submit to the UW

mandatory and vaccination policy. As such, he claims that I cannot use the above argument to conclude that I am compliant with the “Requirement” according to the UW website.

It is rather amusing that as soon as the PMATH 370 course was taken away from me, the University made it possible for me to be compliant with the “Requirement” – none of the four points listed under “non-compliance applies to. As such, any disciplinary process which is based on an allegation of noncompliance on my part at this time is unwarranted. That being said, you may well take issue with the fact that the PMATH 370 course had to be reassigned. The reassignment of courses, for a variety of reasons including sickness, personal problems, etc., is a fact of life. If a faculty member, for whatever reason, is not able to teach a pre-assigned course, then that faculty member is expected to make up for this course in the future. For this reason, I could ask my Chair to assign a “make up” course in the not-too-distant future. (In fact, my Chair told me informally that he would be willing to do this.) However, you may still wish to claim that I should be disciplined because I was unable to teach the PMATH 370 that was assigned to me for the Winter 2022 term, a claim that I would dispute. (I would like to remind you that I was asked to teach this course by the Chair of the Pure Mathematics Department.) And if you act on your claim, then the discipline should be appropriate to the charge, i.e., to my inability to teach the course that was assigned to me. By “appropriate” I mean that the discipline should be the same as if I were unable to teach the course because of my unwillingness to come on campus to teach it at the scheduled time, e.g., I just didn’t want to get up sufficiently early to be on campus at 8:30 a.m. to teach the course. **My right to choose not to be injected with an mRNA COVID-19 vaccine, a vaccine which (a) was developed with the use of aborted human tissue (hence immorally) and (b) has been shown to be toxic and possibly fatal, is protected by the Nuremberg Code of 1947 – see for example,**

<http://www.cirp.org/library/ethics/nuremberg/>.

My choice not to be vaccinated should play no role in the nature of the discipline. This leads to the third reason for this grievance:

Reason No. 3: The discipline proposed by the Dean in his Article 8.12 is inappropriate. In fact, no discipline is warranted.

No further discussion is required.

Concluding Remarks

Up to this point, no specific Policies have been mentioned with regard to violation. So which Policies have been violated? Certainly Policies 34 and 33.

Policy 34 – Health, Safety and Environment

According to Article 6.1.2 of Section 6 of Policy 34:

“The University will comply with applicable legislation governing health and safety, including, without limitation, ensuring that this policy is reviewed on an annual basis and posted as required under the Act.”

As discussed previously, the University did not comply with the recommendations of the CMOH.

According to Article 6.4.3 of Section 6 of Policy 34:

“University employees, students and visitors have primary responsibility for their safety and actions and for the impact of their actions on others.”

The UW “Requirement”, by not allowing an employee to choose whether or not to be vaccinated, not only violated the recommendations of the CMOH but also violated the employee’s right to decide whether or not to be vaccinated, as stipulated by the Nuremberg Code of 1947.

Policy 33 – Ethical Behaviour

The systematic dissemination of false statements, e.g., Problematic Statement No. 1, “The University was required by statute to adopt a COVID-19 vaccination mandate,” is a violation of Policy 33. One might well ask, “Is the dissemination of false statements mentioned in Policy 33?” The answer: “Not explicitly, but it is an abuse of supervisory authority, which is dealt with in Policy 33.”

Remedies

I ask for the following remedies:

1. A public retraction of the false statement, “The University was required by statute to adopt a COVID-19 vaccination mandate,” by the President of the University of Waterloo.
2. A letter from the Dean of Mathematics retracting Letters 4, 5 and 6, i.e., his Article 8.8, 8.10 and 8.12 letters addressed to me, thereby cancelling the 8-day unpaid suspension imposed on me.
3. An investigation of all similar disciplinary procedures being applied toward faculty members at UW, leading to a retraction of all suspensions and disciplinary procedures. This, of course, also implies that Prof. Michael Palmer (Chemistry, UW), who was fired unjustly, be rehired immediately.

Sincerely yours

A handwritten signature in black ink that reads "Edward R. Vrscaj". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Edward R. Vrscaj
Department of Applied Mathematics

Dr. Mark Giesbrecht
Dean, Faculty of Mathematics
University of Waterloo
Email: deanmath@uwaterloo.ca

January 5, 2022

BY EMAIL & REGISTERED MAIL

Faculty of Mathematics

Edward Vrscay
57 Strathcona Crescent
Kitchener, Ontario
N2B 2W8

Dear Professor Vrscay:

You are aware that the University has established a Vaccination Requirement (the “Requirement”) for mandatory proof of COVID-19 vaccination pursuant to the Instructions of the Office of the Chief Medical Officer of Health issued on August 30, 2021 and the recommendations of the Council of Ontario Medical Officers of Health. The University is statutorily required to ensure compliance with this Requirement.

On October 15, 2021, you received a letter advising that you were required to submit, by no later than end of day on October 17, proof that you were either: (a) fully vaccinated within the meaning of the Requirement, or (b) had obtained a permitted exemption to being fully vaccinated. You failed to submit proof of either (a) or (b) above by the October 17 deadline.

The University has decided to continue with its efforts to resume in-person operations as soon as possible. To date, the University’s records indicate you have failed to submit proof of either (a) or (b) above.

You received a further letter on November 19, 2021, advising that if you remained non-compliant with the Requirement, or did not take steps to become compliant, the University would resort to the disciplinary process outlined in the Memorandum of Agreement (“MOA”) between the University and the Faculty Association of the University of Waterloo (“FAUW”). The letter indicated that you must be fully compliant with the Requirement by January 4, 2022 and you have been given ample additional time to comply.

Please note that the present letter is provided to you pursuant to the provisions of Article 8.8 of the MOA between the University and FAUW to advise that your behavior is being further investigated. For clarity, you remain non-compliant with the Requirement, have not obtained a permitted exemption to being fully vaccinated, and

your actions suggest you have no intentions of complying with the Requirement in the future. The University expects its employees to comply with reasonable workplace procedures and rules. I am therefore initiating the process outlined in Article 8 of the MOA.

If there are individuals you wish to be interviewed as part of this investigation, please notify me as soon as possible following your receipt of this letter. Each individual who participates in the investigation will be specifically informed that the investigation and their participation must be kept strictly confidential.

As a matter of course, I must instruct you not to interfere with this investigation or to engage in any form of reprisal action against any individual for their actual or perceived role in this investigation. Such conduct is prohibited and will result in the taking of disciplinary action by the University.

If you have any questions or concerns about process, I am prepared to discuss them with you. It is important to advise you that FAUW continues to be prepared to advise and support you throughout this process. I would also like to let you know that you may take advantage of resources on campus available to you via the [Employee and Family Assistance Program](#) and [Occupational Health](#) (also reachable at x36264).

Sincerely,



Dr. Mark Giesbrecht
Professor and Dean, Faculty of Mathematics
University of Waterloo, Canada



Dr. Mark Giesbrecht
Dean, Faculty of Mathematics
University of Waterloo
Email: deanmath@uwaterloo.ca

January 6, 2022

BY EMAIL & REGISTERED MAIL

Faculty of Mathematics

Edward Vrscay
57 Strathcona Crescent
Kitchener, Ontario
N2B 2W8

Dear Professor Vrscay:

This letter is provided to you pursuant to the provisions of Article 8.10 of the Memorandum of Agreement (the “MOA”) between the University of Waterloo (the “University”) and the Faculty Association of the University of Waterloo (“FAUW”).

On January 5, 2022, you received a letter pursuant to Article 8.8 of the MOA, advising that you were expected to abide by the University of Waterloo’s COVID-19 [Vaccination Requirement](#) (the “Requirement”).

The present letter hereby serves as notice that I have investigated this matter and determined that you remain non-compliant with the Requirement, despite your having been advised for months of the need for you to comply and despite the University’s plans to resume in-person operations as soon as possible. I have determined that disciplinary sanction is appropriate.

I am proposing a 3-day paid suspension as a disciplinary sanction for your conduct. In assessing which disciplinary sanction I should impose under Article 8.4 of the MOA, I have considered the seriousness of your behavior amidst an ongoing pandemic, as well as the fact that you have been given ample notice of, and opportunity to comply with, the Requirement.

Pursuant to Article 8.11 of the MOA, I shall convene a meeting to afford you an opportunity to make oral and/or written submissions before any disciplinary measures are imposed. At this meeting, I would encourage you to bring forward any further information you have. This meeting will occur between 7 and 25 working days of your receipt of this letter. I suggest three possible dates/times for the meeting:

1. Monday January 17, 2022 11:00 AM – 12:00 noon
2. Monday January 17, 2022 2:30 PM – 3:30 PM
3. Tuesday January 18, 2022 1:00 PM – 2:00 PM

Please confirm your preferred meeting date and time with [Dana Hociung](#). If none of the above times are possible, please contact Dana to propose an alternative date and time. Please note that the last date which we can meet is February 10, 2022.

If you have any questions or concerns about the process, I am prepared to discuss them with you. It is important to advise you that the FAUW continues to be prepared to advise and support you throughout this process. I would also like to let you know that you may take advantage of resources on campus available to you via the [Employee and Family Assistance Program](#) and [Occupational Health](#) (also reachable at x36264).

Sincerely,



Dr. Mark Giesbrecht
Professor and Dean, Faculty of Mathematics
University of Waterloo, Canada



Dr. Mark Giesbrecht
Dean, Faculty of Mathematics
University of Waterloo
Email: deanmath@uwaterloo.ca

February 9, 2022

BY EMAIL & REGISTERED MAIL

Edward Vrscay
57 Strathcona Crescent
Kitchener
N2B 2W8

Dear Dr. Vrscay

This letter is provided to you pursuant to the provisions of Article 8.12 of the Memorandum of Agreement (the “MOA”) between the University of Waterloo (the “University”) and the Faculty Association of the University of Waterloo (“FAUW”).

On January 6, 2022, you received a letter advising that you had failed to comply with the University’s COVID-19 Vaccination Requirement (the “Requirement”). On January 7, 2022, you received a further letter advising that I was proposing a 3-day paid suspension in response to your conduct.

Pursuant to Article 8.11 of the Memorandum of Agreement (“MOA”) we held a meeting on February 8, 2022, where you were provided an opportunity to make oral and/or written submissions before I imposed any disciplinary measures.

At the meeting, you raised issues that you had with the discipline process and the investigation. However, it was also understood that you had previously submitted a grievance to the Provost related to those matters. You understood that the Article 8.11 meeting would proceed. You asked to have a meeting with me to discuss your students and we met separately to discuss possible next steps. I will follow up separately in writing on this concern.

I have considered your explanation and the submissions you made prior to and at the meeting. However, you have not provided me with any additional information that would cause me to reconsider my proposed discipline.

The University was required by statute to adopt a COVID-19 vaccination mandate. You were previously advised that to be considered compliant with the Requirement, you were required to submit proof that you were either: (a) fully vaccinated within the meaning of the Requirement, or (b) had obtained a permitted exemption to being fully vaccinated. For clarity, the only permitted exemptions to the

Requirement are for reasons related to disability or creed, as those terms are recognized and understood in the Ontario *Human Rights Code*, and you have not substantiated your entitlement to an exemption.

Accordingly, due to the seriousness of your conduct amidst a pandemic, and your refusal to comply with the Requirement, I am imposing a 3-day paid suspension to be served February 11th, February 14th and February 15th. Please be advised that, even after February 14th, you will continue not be permitted to attend campus due to your non-compliance with the Requirement.

It is important to advise you that the FAUW continues to be prepared to advise and support you throughout this process. I would also like to let you know that you may take advantage of resources on campus available to you via the Employee and Family Assistance Program and Occupational Health (also reachable at x36264).

Yours truly,



Mark Giesbrecht
Professor and Dean
Faculty of Mathematics

Dr. Mark Giesbrecht
Dean, Faculty of Mathematics
University of Waterloo
Email: deanmath@uwaterloo.ca

February 16, 2022

BY EMAIL & REGISTERED MAIL

Edward Vrscay
57 Strathcona Crescent
Kitchener, Ontario
N2B 2W8

Dear Professor, Vrscay:

On February 9, 2022, you received a 3-day paid disciplinary suspension due to the seriousness of your conduct amidst a pandemic, and your refusal to comply with the University of Waterloo's Vaccination Requirement (the "Requirement"). This suspension was served on February 11, 14, and 15, 2022.

This letter is provided to you pursuant to the provisions of Article 8.8 of the Memorandum of Agreement (the "MOA") between the University and the Faculty Association of the University of Waterloo ("FAUW") to advise that your behavior is being further investigated.

For clarity, you have still failed to submit proof that you are either: (a) fully vaccinated within the meaning of the Requirement, or (b) have obtained a permitted exemption to being fully vaccinated. The University is entitled to expect that its employees will comply with reasonable workplace procedures and rules and, as you are aware, the University was required by statute to adopt a COVID-19 vaccination mandate. Accordingly, I am again invoking the process outlined in Article 8 of the MOA.

It is important to advise you that the FAUW continues to be prepared to advise and support you throughout this process. I would also like to let you know that you may take advantage of resources on campus available to you via the [Employee and Family Assistance Program](#) and [Occupational Health](#) (also reachable at x36264).

Sincerely,



Dr. Mark Giesbrecht
Professor and Dean, Faculty of Mathematics
University of Waterloo, Canada



Dr. Mark Giesbrecht
Dean, Faculty of Mathematics
University of Waterloo
Email: deanmath@uwaterloo.ca

February 18, 2022

BY EMAIL & REGISTERED MAIL

Edward Vrscay
57 Strathcona Crescent
Kitchener, Ontario
N2B 2W8

Dear Professor Vrscay:

This letter is provided to you pursuant to the provisions of Article 8.10 of the Memorandum of Agreement (the “MOA”) between the University of Waterloo (the “University”) and the Faculty Association of the University of Waterloo (“FAUW”).

On February 9, 2022, you received a 3-day paid disciplinary suspension due to the seriousness of your conduct amidst a pandemic, and your refusal to comply with the University of Waterloo’s Vaccination Requirement.

On February 16, 2022, you received a further letter pursuant to Article 8.8 of the MOA, advising that you were expected to abide by the University of Waterloo’s COVID-19 [Vaccination Requirement](#) (the “Requirement”).

This letter hereby serves as notice that I have investigated this matter by confirming that you have still failed to submit proof that you are either (a) fully vaccinated within the meaning of the Requirement, or (b) have obtained a permitted exemption to being fully vaccinated. Accordingly, further disciplinary sanctions may be appropriate.

I am proposing an 8-day unpaid suspension as a disciplinary sanction for your conduct. In assessing which disciplinary sanction I should impose under Article 8.4 of the MOA, I have considered the seriousness of your behavior amidst an ongoing pandemic, including the health and safety implications of having unvaccinated employees on campus, as well as the 3-day paid suspension you recently served related to the same misconduct.

Pursuant to Article 8.11 of the MOA, I shall convene a meeting to afford you an opportunity to make oral and/or written submissions before any disciplinary measures are imposed. At this meeting, I would encourage you to bring forward any further information you have related to any steps you have taken to become compliant with the Requirement. I suggest three dates/times for a meeting:

1. Thursday March 3, 2022: 8:30 am – 9:30 am

2. Friday March 4, 2022: 11:00 am – 12:00 noon
3. Monday March 14, 2022: 4:00 pm – 5:00 pm

If none of the above dates are possible, please contact [Dana Hociung](#) to propose a date; the last date which we can meet is March 29, 2022.

It is important to advise you that the FAUW continues to be prepared to advise and support you throughout this process. I would also like to let you know that you may take advantage of resources on campus available to you via the [Employee and Family Assistance Program](#) and [Occupational Health](#) (also reachable at x36264).

Sincerely,



Dr. Mark Giesbrecht
Professor and Dean, Faculty of Mathematics
University of Waterloo, Canada



Dr. Mark Giesbrecht
Dean, Faculty of Mathematics
University of Waterloo
Email: deanmath@uwaterloo.ca

March 25, 2022

BY EMAIL & REGISTERED MAIL

Edward Vrscay
57 Strathcona Crescent
Kitchener, Ontario
N2B 2W8

Dear Professor Vrscay:

This letter is provided to you pursuant to the provisions of Article 8.12 of the Memorandum of Agreement (the “MOA”) between the University of Waterloo (the “University”) and the Faculty Association of the University of Waterloo (“FAUW”).

On February 9, 2022, you received a letter issuing a 3-day paid disciplinary suspension due to the seriousness of your conduct amidst a pandemic, and your refusal to comply with the University of Waterloo’s Vaccination Requirement (the “Requirement”). The suspension was served on February 11, 14 and 15, 2022.

On February 17, 2022, you received a letter pursuant to Article 8.10 of the MOA, advising that I was considering further disciplinary sanctions for your continued misconduct.

Pursuant to Article 8.11 of the MOA, we held a meeting on March 17, 2022, where you were provided an opportunity to make further oral and/or written submissions before I imposed any disciplinary measures.

Prior to the meeting, you asked us to confirm that we had a record of you completing the training module and Michelle Hollis confirmed at the meeting that your record indicates that you completed the training module. I asked if you had any further information that I should consider, and you said that you had nothing further to add.

You have provided no new information that would cause me to reconsider my proposed discipline. The Requirement, which has been in place at the University since the beginning of the 2021 Fall Term, remains in place. You have been continuously advised that you were required to submit proof that you were either: (a) fully vaccinated within the meaning of the Requirement, or (b) had obtained a permitted exemption to being fully vaccinated. To date, you have not submitted proof of vaccination (nor is there any indication you intend to do so), and you have not obtained a permitted exemption.

Accordingly, due to the seriousness of your conduct, your refusal to comply with the Requirement, and the previous 3-day paid suspension you already served, I am imposing an 8-day unpaid disciplinary suspension to be served on March 28, 29, 30, 31, and April 1, 4, 5, 6, 2022.

It is important to advise you that the FAUW continues to be prepared to advise and support you throughout this process. I would also like to let you know that you may take advantage of resources on campus available to you via the Employee and Family Assistance Program and Occupational Health (also reachable at x36264).

Sincerely,



Dr. Mark Giesbrecht
Professor and Dean, Faculty of Mathematics
University of Waterloo, Canada



Ministry of Health

Office of Chief Medical Officer of
Health, Public Health
393 University Avenue, 21st Floor
Toronto ON M5G 2M2

Ministère de la Santé

Bureau du médecin hygiéniste
en chef, santé publique
393 avenue University, 21^e
étage
Toronto ON M5G 2M2

**Instructions issued by the Office of the Chief Medical Officer of Health**

WHEREAS under subsection 2(2.1) of Schedule 1 and Schedule 4 of [O. Reg. 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step](#) under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA) the person responsible for a business or organization that is open shall operate the business or organization in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health (OCMOH):

- a) requiring the business or organization to establish, implement and ensure compliance with a COVID-19 vaccination policy; or
- b) setting out the precautions and procedures that the business or organization must include in its COVID-19 vaccination policy.

AND WHEREAS:

- some employees, staff, contractors, volunteers and students at post-secondary education institutions remain unvaccinated, posing risks to staff and students;
- keeping students in school to the fullest extent possible is critical to learning, development and well-being;
- vaccines provide the best protection against COVID-19; and
- the protection of staff and students in post-secondary education institutions from COVID-19 disease also enhances the protection of other community members by reducing the risk of disease transmission during an outbreak.

AND HAVING REGARD TO the prevalence of the Delta variant of concern globally and within Ontario, which has increased transmissibility and disease severity than previous COVID-19 virus strains, in addition to the declaration by the World Health Organization (WHO) on March 11, 2020 that COVID-19 is a pandemic virus and the spread of COVID-19 in Ontario.

I AM THEREFORE OF THE OPINION that instructions from the OCMOH must be issued to establish mandatory COVID-19 vaccination policies in the post-secondary institutions listed below.

Date of Issuance: August 30, 2021

Effective Date: Every Covered Organization (as defined below) must establish a COVID-19 vaccination policy by no later than September 7, 2021 and implement it by no later than September 7, 2021.

Issued To: The following post-secondary institutions:

- a university;
- a college of applied arts and technology;
- a private career college;
- an institution that is authorized to grant a degree by an Act of the Legislature,
- a person who is delivering in-person teaching or instruction in accordance with a consent given under section 4 of the *Post-secondary Education Choice and Excellence Act, 2000*;
- a person approved to provide training for apprenticeship programs under paragraph 5 of section 64 of the *Ontario College of Trades and Apprenticeship Act, 2009*; or
- any other institution that is a designated learning institution within the meaning of section 211.1 of the Immigration and Refugee Protection Regulations (Canada), other than a school or private school within the meaning of the *Education Act*.

(collectively the “**Covered Organizations**”).

Required Precautions and Procedures

1. Every Covered Organization must establish, implement, and ensure compliance with a COVID-19 vaccination policy requiring its employees, staff, contractors, volunteers, and students (herein referred to as “**Required Individuals**”) who attend campus to provide:
 - a) proof of full vaccination^[1] against COVID-19; or
 - b) written proof of a medical reason, provided by a physician or registered nurse in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason; or
 - c) proof of completing an educational session approved by the Covered Organization about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason. The approved session must, at minimum address:

^[1] For the purposes of this document, “fully vaccinated” means having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines approved by WHO (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); and having received the final dose of the COVID-19 vaccine at least 14 days ago.

- i. how COVID-19 vaccines work;
 - ii. vaccine safety related to the development of the COVID-19 vaccines;
 - iii. the benefits of vaccination against COVID-19;
 - iv. risks of not being vaccinated against COVID-19; and
 - v. possible side effects of COVID-19 vaccination.
2. Despite paragraph 1, a Covered Organization may decide to remove the option set out in paragraph 1(c) and require all Required Individuals to either provide the proof required in paragraph 1 (a) or (b).
3. Where a Covered Organization decides to remove the option set out in paragraph 1(c) as contemplated in paragraph 2, the Covered Organization shall make available to the Required Individuals an educational session that satisfies the requirements of paragraph 1(c).
4. Every Covered Organization's vaccination policy shall require that where a Required Individual does not provide proof of being fully vaccinated against COVID-19 in accordance with paragraph 1(a), but instead relies upon the medical reason described at paragraph 1(b) or the educational session at paragraph 1(c), the Required Individual shall:
 - a) submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result, at intervals to be determined by the Covered Organization, which must be at minimum once every seven days.
 - b) provide verification of the negative test result in a manner determined by the Covered Organization that enables the Covered Organization to confirm the result at its discretion.
5. Every Covered Organization must collect, maintain, and disclose statistical (non-identifiable) information as follows:
 - a) documentation that includes (collectively, "the Statistical Information"):
 - i. the number of Required Individuals that provided proof of being fully vaccinated against COVID-19;
 - ii. the number of Required Individuals that provided a documented medical reason for not being fully vaccinated against COVID-19;
 - iii. the number of Required Individuals that completed an educational session about the benefits of COVID-19 vaccination in accordance with paragraph 1(c), where applicable; and

- iv. the total number of the Covered Organization's Required Individuals to whom these Instructions apply.

- b) disclose the Statistical Information to the Ministry of Colleges and Universities (MCU) in the manner and within the timelines specified by MCU. MCU may seek additional detail within the requested Statistical Information outlined above which will also be specified in the request. MCU may further disclose this Statistical Information and may make it publicly available.

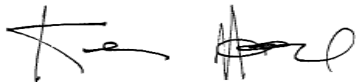
Questions

Covered Organizations may contact the following with questions or concerns about these Instructions:

Private Career Colleges, Language Schools, and other Designated Learning Institutions – Laura Adams, Director & Superintendent, Private Career Colleges Branch, at pcc@ontario.ca

Publicly-assisted Colleges and Universities, Consent Holders and Other Private Institutions – Ivonne Mellozzi, Director, Postsecondary Accountability Branch, at Ivonne.Mellozzi@ontario.ca.

Covered Organizations are also required to comply with applicable provisions of the [Occupational Health and Safety Act](#) and its Regulations.



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Chief Medical Officer of Health