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## AP 5211 Student COVID-19 Vaccination Requirement

### References:

California Code of Regulations, Title 8 Section 3203  
California Constitution, Article IX, Section 14  
Education Code, Section 70902  
Education Code, Section 76020  
Education Code, Section 76403  
Education Code, Section 87408  
United States Code Title 29 Section 654 (a) (1)  
United States Equal Employment Opportunity Commission guidance  
California Community Colleges Chancellor's Office 2021-01 Advisory

The Chabot-Las Positas Community College District is committed to providing a safe and healthy environment for its District community. This includes students, employees, visitors, and contractors. A student is defined as any person admitted or enrolled in Chabot-Las Positas Community College District instructional activities and services. Visitors include prospective students.

### *Request for COVID-19 Vaccine Certification*

Effective Spring 2022 semester, the District requires all students and visitors who wish to be physically present on District premises, participate in District activities, or be inside a District building or office to either be fully vaccinated against COVID-19 or subject to the approval of a medical or religious exemption. Any student or visitor who does not provide fully vaccinated certification will be considered unvaccinated and may be denied access to District in person programs and services. If a student or visitor's vaccination status changes, the student or visitor can submit an updated certification.

If it is determined by the CDC or other federal, state or local public health authorities that a vaccine booster is required to assure the ongoing effectiveness of the COVID-19 vaccine, proof of having received the booster in addition to the initial dose(s) may be required.

The District prohibits discrimination, harassment, or retaliation based on vaccination status or the use of face coverings.

Any student falsifying information or in non-compliance with the procedure outlined will be referred to the college Vice President of Student Services or designee for the student conduct process which can lead to disciplinary action, up to and including removal from programs.

Students and visitors who do not follow these procedures will be unable to register for on campus courses or utilize District in person services until proof of vaccination is provided or exemption is granted.

### *Enrolling for Classes*

Prior to attending any in person classes or accessing on campus or District services, students must provide proof of vaccination via a digital secure upload to the District's designated service provider, CLEARED4. Unvaccinated students have the option to enroll in online distance education courses and access online student support services.

### *Visitors*

In order to access the District's campus and facilities, all persons must be fully vaccinated against COVID-19 and submit proof of vaccination.

Event and Performance Visitors: For reservation-based events at District facilities, including performance theatres, visitors will be subject to the vaccination requirement and verified prior to entrance. Additionally, event and performance visitors will be required to wear a mask while indoors at any district facility, and all large events will follow CDPH and local county health officer guidance.

### *Personal Protective Equipment (PPE)*

Cal-OSHA masking requirements will be followed for all indoor locations except as specified in federal, state, and local public health agency guidelines. In the event that the directives of federal, state, and local governing public health agencies differ, the District will comply with the most stringent or restrictive mandate.

When mandated, proper use of face coverings is required for all students and visitors while indoors or in shared district vehicles. Individuals may source their own face covering if it consists of a surgical mask, a medical procedure mask or a mask constructed of tightly woven fabric or non-woven material of at least two layers. Face coverings must be free of visible holes and cover the nose and mouth at all times, when required. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

### *How to Apply for an Exemption*

Students may request a COVID-19 Vaccination Exemption as defined in federal or state laws and regulations based on the following: 1) a sincerely held religious belief, practice, or observance that conflicts with the District's requirement that such students receive a COVID-19 vaccination. 2) a medical reason due to a condition for which receiving an approved vaccine presents a significant risk of a serious adverse reaction.

Students can find exemption forms on the Colleges' Vaccination Information webpage as well as information on where forms will be accessible on campus.

The District will consider requests for exemptions on an individual basis. Exemptions will not be approved based on a purely personal preference to not take the COVID-19

vaccine. Opposition to the COVID-19 vaccine due to medical beliefs does not constitute a conflict with the vaccination requirement based on a sincerely held religious belief.

Students must complete the Exemption Form in full and submit according to directions on the Colleges' Vaccination Information webpage. Exemptions will be considered on an individual basis and responses will be provided by the Chancellor/President or designee. The District will rely on the information submitted to manage the health and safety of the District's students and community.

The District is not required to provide an exemption accommodation if doing so would pose a direct threat to the student or others in the District community or would create an undue hardship for the District.

A person who is approved for an exemption from vaccination will be required to adhere to other safety measures while on site at any college campus or district facility for the health and safety of the District community.

### *Protected Information*

All related student records will be kept in a confidential manner according to the District's policies and the District will only disclose such information to the extent necessary and only to employees with a legitimate need for such information.

The District is authorized to use student vaccination status information for the following purposes: For legitimate, non-discriminatory business and academic purposes where information regarding student vaccination status is necessary for the District to make decisions authorized by or in order to comply with District protocols, federal, state, or local law, or regulation that takes a person's vaccination status into account.

This procedure supplements and does not replace District policies and procedures governing other safety measures.

### **Definitions**

**Approved Vaccine:** A COVID-19 vaccine that has received full approval from the U.S. Food & Drug Administration (FDA) and is recommended for use by the U.S. Centers for Disease Control and Prevention (CDC). The following COVID-19 vaccines shall also be deemed to be approved vaccines for the purpose of satisfying the vaccination requirement in this policy: (a) a COVID-19 vaccine administered under an FDA Emergency Use Authorization; or (b) a COVID-19 vaccine administered outside of the United States that has been approved by the World Health Organization.

**Certification:** Submission of information establishing that a student has received an approved vaccine or qualifies for an exemption from the vaccine requirement. The District will require from every student who seeks access to District and campus facilities the following, as applicable: (1) proof of receiving an approved COVID-19 vaccine; or (2) declaration of medical exemption; or (3) declaration of religious exemption. Each certification shall include an attestation by the student that the

information provided is accurate and truthful. The District may request other information including, but not limited to, date of full vaccination, vaccine type, and lot number.

Contractor: A person or entity, including an auxiliary organization, that agrees to conduct work for the District as specified under the terms of a contract or agreement.

District community: The entirety of the public that interacts with the District, the Colleges of the District, and District operations. This includes students, employees, visitors, and contractors.

Exemptions: A student may be approved for an exemption from the vaccination requirement due to verified Medical Exemption and Religious Exemption as defined in federal or state laws and regulations. A person who is granted an exemption will be required to adhere to other safety measures for the health and safety of the District community.

Medical Exemption: The Exemption due to Medical Reasons Form can be filed if a student has a legitimate medical reason due to a medical (including mental health) condition for which receiving an approved vaccine presents a significant risk of a serious adverse reaction. The request must include verification from the student's medical provider as specified in the form. A person who is granted medical exemption will be required to adhere to other safety measures.

Religious Exemption: The Exemption due to Religion Form can be filed if a student is requesting religious accommodation for a sincerely held religious belief, practice, or observance that conflicts with the District's requirement that such students receive a COVID-19 vaccination.

Any person submitting a declaration of religious exemption shall verify they will promptly provide a statement that describes the applicable religious or other comparable belief that is the basis for their exemption upon request by the District. A person who is granted religious exemption will be required to adhere to other safety measures.

Fully Vaccinated: Two weeks after receiving the second dose in a two-dose series or following a single-dose vaccine.

On Campus Programs: Any campus, property or facility owned or operated by the District in connection with its teaching, public service, or other programs and services. Any in-person program or activity (on- or off-campus) operated or controlled by the District. Instruction and services provided by request at a non-District site are not considered operated or controlled by the District.

Other Safety Measures: Any action, as determined by the District, other than getting an approved vaccine that decreases the likelihood of COVID-19 transmission or illness and allows the core mission and activities of the campus to continue. Other safety measures may include asymptomatic (public health surveillance) testing and symptomatic testing;

physical/social distancing; avoiding large gatherings; wearing face coverings and personal protective equipment; frequent handwashing and cleaning; practicing respiratory etiquette; and staying home and/or quarantining when warranted.

Student: Any person admitted or enrolled in Chabot-Las Positas Community College District instructional activities and services.

Visitor: Any person not affiliated with District employment or admitted or enrolled in Chabot-Las Positas Community College District instructional activities and services.

## **General Provisions**

Access and Availability of Vaccinations and Testing. COVID-19 testing required by the District shall be provided to students at no charge. Information about the availability of approved vaccines and COVID-19 testing, including those offered free-of-charge, shall be widely disseminated through any combination of written information statements, verbal communications, or online or in-person training programs.

Accessibility. This procedure shall be governed by applicable District policies regarding accessibility, as well as applicable state and federal law.

Accommodations. The District will attempt to reasonably accommodate students for individuals claiming an exemption. Accommodations may involve offering online learning and services to the extent possible, adjustments to student activities and/or job duties, and other safety measures.

Apprenticeship, Contract Education, and Off-Site Programs. Apprenticeship, Contract Education, and any form of program or activity occurring at a non-District site are not subject to this administrative procedure, but are required to abide by applicable federal, state and local health regulations for the safety of their students.

Broad Dissemination of Policy Information. Information about the COVID-19 vaccination requirement shall be widely disseminated through any combination of written information statements, verbal communications, or online or in-person training programs. Such information shall provide appropriate point(s) of contact, including email and telephone numbers.

Confidentiality of Information. This procedure (including in connection with data collection) shall be governed by applicable District policies regarding confidentiality, privacy, student records security, as well as state and federal law. Information shall be used only for the specific purpose intended and only be accessible to District personnel who have a business need-to-know.

Contractors. As visitors to District facilities, contractors shall ensure that their agents and employees undertake appropriate safety measures as required by the California Department of Public Health. In consideration of the nature of the contractor's services

(including proximity to members of the District community), duration, and extent of District's campus and facility presence, the District may require that a contractor's agents and employees receive an approved vaccine. The District, at its discretion, may also require additional safety measures. If a contractor, vendor or visitor discriminates, harasses or retaliates against a student, faculty, staff or other member of the campus community for wearing or not wearing a face covering, or fails to comply with any District policy, they may be barred from District property and have their business relationship with the District suspended or terminated.

Dual Enrollment Students. Dual Enrollment instruction is considered an off-site program and not subject to this administrative procedure. The District shall coordinate with local K-12 school districts and their respective county offices of education regarding abiding by applicable federal, state and local health regulations for the safety of students.

Provided Information All students shall receive information as part of their enrollment and education, concerning:

- a. The potential benefits for COVID-19 vaccination;
- b. The potential health consequences of COVID-19 illness for themselves, family members and other contacts, coworkers, patients, and the community;
- c. Safe practices related to reducing the spread of the virus.
- d. Requirements for compliance with the COVID-19 vaccination policy.

Superseding Public Health Directives In the event that a federal, state, or local governing public health agency imposes a requirement that restrictively conflicts with this policy or implementation of this policy, the applicable public health mandate shall govern and be implemented.

### **Withdrawal of Consent to Remain on Campus**

Withdrawal of consent to remain on campus may be imposed by the campus safety administrator/supervisor or designee on any person in accordance with California Penal Code Section 626.4 where the campus safety administrator/supervisor or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

### **Effective Dates**

This procedure shall be effective immediately and shall remain in effect until the District determines that this procedure is no longer necessary.

Also see BP 5210 Communicable Disease Protocols for Students  
AP 5520 Student Discipline Procedures  
BP/AP 5500 Standards of Student Conduct  
BP/AP 5040 Student Records, Directory Information, and Privacy

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**Approved:**