



UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG

MANDATORY VACCINATION POLICY¹

¹ Acknowledgements:

The University of California ' - Policy: SARS-CoV-2 (Covid-19) Vaccination Program document
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Mandatory Vaccination Policy

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Policy Title	Mandatory Vaccination Policy
Policy Custodian	The Senior Executive Team
Date Approved	
Date Effective From	1 January 2022
Last updated	
Review schedule	Every 3 months
Related Documents	<ul style="list-style-type: none"> - Return to Campus Plans (2021 and 2022) - Campus-Wide Risk Assessment (2021 and 2022) - Blended Teaching and Learning Plan (2022) - Practise Notes and Operating Procedures to be developed and attached to this Policy
Applicable Legislation	<ul style="list-style-type: none"> - The Constitution of the Republic of South Africa Act 108 of 1996 - Disaster Management Act 57 of 2002 and the Regulations issued in terms of the Disaster Management Act - Occupational Health and Safety Act 85 of 1993 - Higher Education Act 101 of 1997, as amended - Wits University Statute - Labour Relations Act 66 of 1995, as amended - Protection of Personal Information Act, 2013

1. CONTEXT/ BACKGROUND

1.1. The role of universities as centres of teaching, learning, research, and social engagement has been severely affected by the COVID-19 pandemic. Wits is largely a contact teaching university and the vaccination of Employees and Students will accordingly enable optimal access and the holistic delivery of teaching and learning, and the conducting of research at the University. This is particularly pertinent in respect of those students who, due to their socio-economic circumstances, would benefit more readily from learning on campus and for those students whose learning programs require in-person engagement with the University for pedagogic and professional reasons. This imperative is in line with the Blended Teaching and Learning Plan for 2022². This Plan requires that all courses have an Ulwazi site, and that presentations be made available on this site for asynchronous access by students but that where pedagogically desirable and logistically safe and feasible, experiential learning should be conducted in person

² See 2022 Teaching and Learning Plan

keeping in mind the relevant COVID-19 protocols. This means that the University must prepare for the return of more students on the University's Precincts in 2022.

- 1.2. The University, also plans to re-invigorate the student experience in 2022 by enabling more social engagement on its Precincts, through clubs, societies, and residence life, and by opening up more spaces for students to learn and socialise safely on site.
- 1.3. To enable the objectives identified above, and in line with the provisions of the Higher Education Act and the authority and responsibility of the Vice-Chancellor for the management and administration of the University in terms of Section 7(2) of the Wits University Statute, s8(1), s9(1), s12(1)(b), and s14(a) and (c) of the Occupational Health and Safety Act, and s24 of the Constitution, the University is required to ensure that members of the University are safe while on the University's Precincts. To this end, and as provided for in Section 9(1) of the Occupational Health and Safety Act in particular: "*Every employer shall conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.*" The persons referred to in this Section includes, all members of the University Community as more fully defined below.
- 1.4. As the University starts to facilitate more teaching, learning and interaction on Campus as set out above and returns more students to residences, a mandatory vaccination policy will accordingly aid in protecting the health and safety of the University community and by extension, members of the public that come into contact with the University's Employees and Students or otherwise participate in any University Activity.
- 1.5. Moreover, as an institution whose mandate it is to be of benefit to the public, to act in the public interest, and in the interest of broader society and the common good, the University must mitigate against any harm to its community and to the community outside of the institution, particularly in a context where the pandemic has had a devastating effect on the country both socially and economically and has and may continue to place a significant amount of pressure on the healthcare sector.

- 1.6. With the above in mind, the University has launched and continues to run advocacy and awareness programs around the effectiveness and safety of COVID-19 vaccines to encourage vaccination. The University has also made provision for the vaccination of Employees and Students on campus and at dedicated sites in partnership with public and private healthcare service providers.
- 1.7. COVID-19 vaccines have been proven to be safe and highly effective in reducing the risk of becoming infected with SARS-CoV-2 (the coronavirus that causes COVID-19), in preventing serious illness and death from COVID-19, and in limiting the spread of the virus³.
- 1.8. Scientific evidence has shown that vaccines are the most critical and effective intervention for COVID-19 prevention. When a large proportion of people are vaccinated, there is greater community protection against transmission of the virus, which allows the University community to safely return to on-site teaching, learning, research, operations, and other in-person activities.
- 1.9. In the context of the 2022 Blended Teaching and Learning Plan which requires that experiential teaching and learning takes place in groups and in a context where more and more Students and Employees will return to the University's Precincts and live in communal housing as the University transitions to normality, a risk of infection and outbreaks will increase. This can be significantly reduced by ensuring that all members of the University community are vaccinated. To this end, and in balancing the collective right of the broader University and surrounding community to health and safety, against individual rights to bodily integrity, freedom of religion, belief and opinion which may be limited in terms of Section 36 of the Constitution, the prevailing view is that the collective right takes precedence. This is in the broader public interest and is reasonable, justifiable and rational.

2. POLICY STATEMENT

With the above in mind, and save for those who have been granted Reasonable Accommodation as provided for in this Policy, all members of the University

³ <https://www.who.int/news-room/feature-stories/detail/vaccine-efficacy-effectiveness-and-protection#:~:text=All%20COVID%2D19%20vaccines%20approved,for%20ongoing%20safety%20and%20effectiveness.>

Community will be required to be vaccinated against COVID-19 in order to access the University's Precincts.

3. DEFINITIONS

3.1.	COVID-19	SARS-CoV-2, the coronavirus that causes COVID-19 and which has resulted in a pandemic.
3.2.	Employee	An individual appointed by the University on a full-time or part-time basis as more fully described in HRG-13.
3.3.	EVDS Certificate	Electronic Vaccination Data System Certificate issued by the Department of Health. This includes equivalent vaccination certificates issued by health departments or organisations in other countries.
3.4.	Entity Risk Assessments	The Risk Assessments prepared by Schools and/or Departments and/or Centres and the like, which assesses and records the specific risks pertinent to such entities. These Risk Assessments together with the Campus Wide Risk Assessment are relevant in the determining if and to what extent the University may extend Reasonable Accommodation measures to Students and Employees.
3.5.	MVac Appeals Committee	The Committee established in terms of Section 9 of this Policy to consider appeals, in instances where Faculties and/or Line Managers have refused applications for Reasonable Accommodation.
3.6.	MVac Operations Committee	The Committee established in terms of Section 10 of this Policy to manage the implementation, enforcement and compliance of the principles set out in this Policy.
3.7.	Reasonable Accommodation	<u><i>Reasonable Accommodation for students:</i></u> Appropriate modification and/or adjustments, where practical and possible to a Student's participation in University Activities as directed by the Faculty and/or the MVac Appeals Committee to enable such Student to participate in such Activities, notwithstanding the fact they have not been vaccinated. <u><i>Reasonable Accommodation for Employees:</i></u> A reasonable change to an Employee's job, to the way the job is done, or the work environment, where practical and possible and as directed by the Line Manager of the Employee and/or the MVac Appeals Committee in order to allow such Employee to perform the essential functions of that job despite not having been vaccinated.
3.8.	Return to Campus Plans	The plans developed by Faculties which stipulate which programmes will be delivered in an online mode and which will be delivered in person on campus. These plans are relevant in the determining if and to what extent the University may extend Reasonable Accommodation measures to Students and Employees.
3.9.	Student	Includes all full-time, part-time and occasional students registered with the University and those applicants who have been provisionally accepted for enrolment with the University.
3.10.	University Activities	Includes, teaching, learning, working and socialising

		on the University's Precincts or under the auspices of the University.
3.11.	University Community	Employees, students (as defined above), contractors, consultants ,service providers and the personnel of consultants, contractors and service providers, visitors, guests and invitees of the University and all others who work, live, visit and/or learn in any of the University's locations or otherwise participate in person in any of the University Activities.
3.12.	University Precincts	Premises owned by or which fall under the management or control of the University.

4. PURPOSE

- 4.1. The purpose of this Policy is to enable the return of Employees and Students to the University's Precincts whilst protecting the health and safety of the University Community and all others who work, live, and/or learn on the University's Precincts or otherwise participate in University Activities.
- 4.2. This Policy also serves to create a framework through which practice notes and operating procedures will be developed on an ongoing basis to deal with the practical and operational considerations which need to be addressed in order to implement, enforce, and monitor compliance of the provisions contained in this Policy. Once finalised, these practise notes and operating procedure documents will be annexed to this Policy and will form an integral part hereof.

5. SCOPE

This policy applies to the University Community.

6. PRINCIPLES

- 6.1. All members of the University must be vaccinated regardless of whether they have been diagnosed with COVID-19 in the past.
- 6.2. All members of the University Community, regardless of their vaccination status, will still be required to comply with the relevant Covid-19 safety protocols for as long as these are required in terms of the law, including the wearing of masks. For the avoidance of doubt, only those who are not vaccinated will be required to comply with the additional protocols listed in Section 8.9 below.

- 6.3. Employees will be given paid time-off to attend vaccination sessions and sick leave (in line with the leave policy of the University) should they experience any side-effects associated with the vaccine.
- 6.4. The University reserves the right to refuse access to its Precincts to any person that has not been vaccinated and/or has not been Reasonably Accommodated in terms of this Policy.

7. ACCESS TO CAMPUS

- 7.1. Members of the University Community that are vaccinated should provide their digital vaccine passport or vaccination cards to authorized University officials in order to confirm their vaccination status.
- 7.2. Once members of the University Community have provided evidence of having been vaccinated, this information will be linked to their ICAM profile. This will enable seamless access to the University's precincts through the ICAM system.
- 7.3. Visitors to the University will be required to physically produce their EVDS Certificate confirming their vaccination status before being permitted access to the University's precincts.

8. REASONABLE ACCOMMODATION

- 8.1. In line with the processes stipulated in Section 10 below, Employees and Students who cannot be vaccinated on medical grounds or choose not to be vaccinated on Constitutional grounds must approach the relevant Faculty Registrar (in the case of Students) or the Line Manager (in the case of Employees) for Reasonable Accommodation in the first instance and where requests for Reasonable Accommodation have been refused by the relevant Faculty Registrar or Line Manager such Students and Employees may apply to the MVac Appeals Committee to appeal such decision.
- 8.2. Notwithstanding, the Effective Date of this Policy which is 1 January 2022, Employees and Students who elect not to vaccinate on medical or Constitutional grounds must apply for Reasonable Accommodation between the period of 1 January 2022 and 1 March 2022. Should they not do so, or should their application

for Reasonable Accommodation be denied, the University reserves the right to either decline to register Students or to deregister Students or in the case of Employees to deal with the matter in line with the policies and procedures of the University and the relevant Labour Laws.

- 8.3. Employees and Students will be entitled to receive advice from a University Health and Safety Representative, a medical professional, or a Students' Representative Council member responsible for health and wellness to seek advice and/or counselling regarding their inability to be vaccinated or decision not to be vaccinated.
- 8.4. Employees will not be entitled to refuse to return to work on the basis of not having been vaccinated.
- 8.5. Contractors, consultants, service providers and their personnel, and visitors who cannot be vaccinated on medical grounds, who elect not to be vaccinated on Constitutional grounds or who are unable to provide the University with proof of vaccination will not be permitted access to the University's Precincts.
- 8.6. Reasonable Accommodation may be granted to Employees and Students on medical grounds and/or on constitutional grounds as more fully described below.

8.7. Medical Grounds

- 8.7.1. Employees and Students may request Reasonable Accommodation on medical grounds.
- 8.7.2. Employees and Students will accordingly be required in the first instance, to furnish the relevant Faculty Registrar (in the case of Students) or Line Manager (in the case of Employees) and in the case of an appeal, the MVac Appeals Committee with confirmation by a registered medical professional that vaccination poses a significant health risk to them. In the case of an appeal, the MVac Appeals Committee has the authority to refer the Employee or Student for a further medical assessment should this be necessary.

8.8. Constitutional Grounds

8.8.1. Employees and Students may elect not to be vaccinated on Constitutional grounds through the exercise of their rights to privacy, bodily integrity, freedom of religion, freedom of belief and/or freedom of opinion. For the avoidance of doubt, it is noted that these rights are not absolute and may be limited to give effect to this Policy.

8.9. Observance of additional Covid-19 Safety Protocols and associated limitations for those who have been granted Reasonable Accommodation

8.9.1. In the interests of protecting the health and safety of the broader University community and keeping in mind the broader public health imperatives, Employees and Students who have been granted Reasonable Accommodation will be required to adhere to the protocols listed below, **in addition** to the Covid-19 safety protocols required by the law and the University and will be limited from engaging in the activities listed below:

8.9.2. Additional Covid-19 Safety Protocols and limitations are:

8.9.2.1. daily health screening via the Patient App or SSD number prior to being allowed entry to the University's Precincts;

8.9.2.2. Undertaking weekly antigen testing for SARS-CoV-2 infection irrespective of whether Employees and Students are symptomatic for COVID-19 or not. In instances where the Faculty Registrar or the Line Manager or the MVac Appeals Committee find, based on compelling grounds, that particular Employees or Students are unable to pay for weekly testing, then such testing will be at the University's cost. For the avoidance of doubt, all Employees and Students will be required to undertake antigen testing at their own cost, unless the Faculty Registrar or Line Manager or the MVac Appeals Committee stipulate otherwise by way of Annexure B1;

8.9.2.3. Employees and Students will not be allowed to participate in activities in common spaces where social engagements occur;

8.9.2.4. In the case of Students, and depending on the Return to Campus Plans of Faculties, and Risk Assessments of Schools and where relevant, attendance at lectures, tutorials, practical and experiential training on campus and graduations may be limited or disallowed; and

8.9.2.5. In the case of Students, they will not be provided with accommodation in any University-owned residences.

9. ESTABLISHMENT OF THE MVAC COMMITTEE

9.1. The MVac Committee will be comprised of the following members of the University Community:

9.1.1. A member of staff from the Faculty of Health Sciences nominated by the SET;

9.1.2. A Head of School and/ or member of the Senior Management Group nominated by the SET;

9.1.3. The Dean of Students or their nominee;

9.1.4. The Senior Director: Human Resources or their nominee;

9.1.5. The Head of Campus Health or their nominee;

9.1.6. A Legal Advisor nominated by the Head of Legal Services;

9.1.7. A Professor or Associate Professor of Ethics; and

9.1.8. The Director: Occupational Health, Safety and Environment Management or their nominee.

9.2. The remit of the MVac Committee is to:

9.2.1. Consider appeals relating to requests for Reasonable Accommodation by Employees and Students on Medical and Constitutional grounds. The MVac Committee will be required to consider, deliberate and make decisions on these requests and provide feedback to the affected Employees and Students and other relevant stakeholders as to whether these Students and Employees can and/or have been accommodated;

9.2.2. Record the number of Employees and Students who have been granted Reasonable Accommodation in terms of this Policy; and

9.2.3. Monitor the implementation of and compliance with this Policy.

9.3. Process

- 9.3.1. Employees and Students requesting Reasonable Accommodation in terms of this Policy must do so in the prescribed form (**Annexure A**) providing sufficient detail for the Faculty Registrar (in the case of Students) or the Line Manager (in the case of Staff) in the first instance or the MVac Appeals Committee in the case of an appeal to enable the relevant officials to apply their minds to the request.
- 9.3.2. A copy of this Form and any supporting documents must be submitted in electronic format to the Faculty Registrar or Line Manager or to the MVac Appeals Committee, as appropriate.
- 9.3.3. Once the Faculty Registrar or the Line Manager or the MVac Appeals Committee have made a determination as to whether to grant Reasonable Accommodation to the Employee or Student, the outcome will be communicated to the Employee or Student by the Faculty Registrar (in the case of Students) or Line Manager (in case of Employees) or the MVac Appeals Committee, where appropriate, in terms of **Annexure B1 or Annexure B2**.

9.4. Deliberations by the Faculty/Line Manager/ MVac Appeals Committee

- 9.4.1. The extent to which Reasonable Accommodation can be extended to Students and/or Employees will be determined by the Faculty Registrar or Line Manager respectively or the MVac Appeals Committee on a case-by-case basis and after consideration of all relevant documents provided.
- 9.4.2. In considering whether Reasonable Accommodation measures can be extended to Employees and Students, consideration must be given to:-
 - 9.4.2.1. the University's Return to Campus Plans;
 - 9.4.2.2. the Campus Wide Risk Assessment and Entities Risk Assessments;
 - 9.4.2.3. the operational needs and requirements of the University;
 - 9.4.2.4. the spatial configuration, capacity and capability of the University to enable the Reasonable Accommodation of the relevant Employee or Student;

9.4.2.5. The potential risk to the University Community should Reasonable Accommodation be granted; and

9.4.2.6. any other relevant or related factors.

9.4.3. In instances where Reasonable Accommodation cannot be provided:-

9.4.3.1. In the case of Employees: the University may, exercise its rights to terminate the Employee's services in line with the relevant processes and procedures and labour laws;

9.4.3.2. In the case of Students: The University may, terminate the registration of a Student or suspend the registration of a Student until such time as Reasonable Accommodation measures can be implemented or such measures becomes unnecessary.

10. ESTABLISHMENT OF THE MVAC OPERATIONS COMMITTEE

The University's Senior Management Team will establish a committee comprised of individuals with the relevant expertise to develop practice notes and implement operating procedures to deal with the practical and operational considerations which need to be addressed in order to implement, enforce, and monitor compliance of the provisions contained in this Policy.

11. PROTECTION OF PERSONAL INFORMATION

Personal information under this Policy will be collected in terms of the Protection of Personal Information Act, 2013 (POPIA). All Proof of Vaccination, requests for Reasonable Accommodation, supporting documents, and proof of negative COVID-19 test results will be collected, used, and stored in accordance with the University's obligations in terms of this Policy and POPIA.

12. VERSION HISTORY

Version	Date	Summary of changes	Changed by	Date of next review
1	2/11/2021	New Policy		

SEE FORMS BELOW.

ANNEXURE A

REASONABLE ACCOMMODATION REQUEST FORM

EMPLOYEE OR STUDENT NAME	EMPLOYEE OR STUDENT NUMBER
JOB TITLE (IF APPLICABLE)	LOCATION
DEPARTMENT/ SCHOOL	SUPERVISOR (IF APPLICABLE)
PHONE NUMBER	EMAIL

This form must be used by University employees and students to request Reasonable Accommodation as stated in the University's Mandatory Vaccination Policy based on (a) Medical grounds or (b) Constitutional grounds.

Part A: Request for Reasonable Accommodation on medical grounds

<input checked="" type="checkbox"/>	I am requesting Reasonable Accommodation based on Medical grounds. My request is supported by the attached documents from my registered health care provider.
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Part B: Request for Reasonable Accommodation on Constitutional grounds

<input checked="" type="checkbox"/>	I am requesting Reasonable Accommodation based on one or more of the following grounds:
<input checked="" type="checkbox"/>	Right to privacy
<input checked="" type="checkbox"/>	Right to bodily Integrity
<input checked="" type="checkbox"/>	Right to freedom of religion
<input checked="" type="checkbox"/>	Right to freedom of belief

✓	Right to freedom of opinion
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My request is supported by the attached motivation and documents.

Please identify the constitutional ground that forms the basis for your request for Reasonable Accommodation.

Please briefly explain how this constitutional ground conflicts with the University's COVID-19 vaccination requirement.

Please provide any additional information that you think may be helpful in processing your Reasonable Accommodation request.

Should you not be in a position to pay for weekly antigen testing, please provide proof that you are unable to afford this.

I hereby consent to the University processing my personal information as it relates to this request and that the information provided by me will be used by the Faculty Registrar/Line Manager/ MVac Appeals Committee for the purposes of considering my request for Reasonable Accommodation.	Sign
I hereby consent to undertaking a further medical assessment to as determined by the MVac Committee should this be required.	Sign
I verify the truth and accuracy of the statements in this request form.	Sign

Employee/Student Signature:

Date:

ANNEXURE B1

APPROVAL OF REQUEST FOR REASONABLE ACCOMMODATION

TO:	EMPLOYEE/STUDENT NAME	EMPLOYEE/STUDENT ID
FROM:	The Faculty/ Line Manager/ Mandatory Appeals Vaccination Committee	
CC:		

On **[DATE]**, we received your request for the following in connection with the University's Mandatory Vaccination Policy

- Accommodation based on Medical Grounds
- Accommodation based on Constitutional Grounds
- Payment of antigen tests by the University

Based on the information you have provided, your request has been **APPROVED**
This approval is valid until [DATE] [OR INDEFINITELY].

The following Reasonable Accommodation measures have been considered and approved by the Faculty Registrar/ Line Manager/ MVac Appeals Committee, where appropriate:

	Reasonable Accommodation Measure	Duration
1.		
2.		
3.		

Please note that you must continue to observe all Covid-19 Safety Protocols at all times whilst within the University Precincts including the wearing of a mask. You must also comply with the following additional safety protocols:

- (1) daily health screening via the Patient App or SSD number prior to being allowed entry to Campus;**
- (2) Weekly antigen testing for SARS-CoV-2 infection irrespective of whether you are symptomatic for COVID-19 or not.; and**
- (3) You will not be allowed to participate in activities in common spaces where social engagements occur**
- (4) You are limited from attending the following lectures; tutorials or experiential training, graduations.....;**

If you are a student, you acknowledge that you will not be provided with accommodation in any University-owned residences.

If you have any questions or concerns regarding the above, please contact: _____ .

Approved by: _____ Date: _____
(Signature of Issuer)

Accepted: _____ Date: _____
(Signature of Employee/Student)

ANNEXURE B2

REQUEST FOR REASONABLE ACCOMMODATION-NOT APPROVED

TO:	EMPLOYEE/STUDENT NAME	EMPLOYEE/STUDENT ID
FROM:	Faculty/ Line Manager/ Mandatory Vaccination Committee	
CC:		

On **[DATE]**, we received your request for the following in connection with the University's Mandatory Vaccination Policy, Reasonable Accommodation

- On Medical Grounds
- On Constitutional Grounds

Based on the information you have provided, your request for Reasonable Accommodation has not been approved for the following reasons:

.....

In the circumstances, the following procedures will now apply:

In the case of Employees	The University will, embark on a process with a view to terminate your service in line with the relevant law and procedures and Labour Laws.
In the case of Students	The University will, engage with you to discuss deregistration or placing of your studies into abeyance until such time as Reasonable Accommodation can be made available or such measures are no longer required.

Please note that you must still continue to observe all Covid-19 Safety Protocols at all times whilst within the University Precincts including the wearing of a mask. You must also comply with the following additional safety protocols:

- (1) daily health screening via the Patient App or SSD number prior to being allowed entry to Campus;**
- (2) Weekly antigen testing for SARS-CoV-2 infection irrespective of whether you are symptomatic for COVID-19 or not.; andⁱ**
- (3) You will not be allowed to participate in activities in common spaces where social engagements occur;**
- (4) You are limited from attending the following lectures; tutorials or experiential training, graduations.....;**
- (5) If you are a student, you acknowledge that you will not be provided with accommodation in any University-owned residences.**

If you have any questions regarding the above, please contact _____

Signed:

Date:
