

DATE: February 1, 2022

TO: Board of Trustees

FROM: Trustee Marsha Nelson, Policy Review Committee
Trustee Jan Sawyer, Chair, Policy Review Committee
Trustee Saadiq Sumar, Policy Review Committee

SUBJECT: First, second, third and final reading of Board Policy CI.BP COVID-19 Vaccination Policy for Trustees and additions to the Trustees' Handbook

ORIGINATOR: Karen Mills, Director, Board and Superintendent Relations

RESOURCE STAFF: Angela Anderson, Grace Cooke, Kelsey Duebel, Rachel Foley, Julie Marko, Nancy Petersen

REFERENCE: [Board Policy CH.BP – Framework for Policy Development and Review](#)

ISSUE

The Policy Review Committee is presenting Board Policy CI.BP COVID-19 Vaccination Policy for Trustees to the Board of Trustees at public Board for first, second, third and final reading, along with the corresponding additions to the Trustees' Handbook.

BACKGROUND

On October 4, 2021, the Division issued an Administrative Regulation (CIA.AR COVID-19 Vaccinations), which requires employees, contractors, on-site partners and volunteers in Division buildings to either be fully vaccinated unless they have an exemption on the basis of a protected legal ground or participate in regular rapid testing to verify that they are COVID-19 negative. The administrative regulation does not apply to Trustees, as they are elected officials and not Division employees, contractors, on-site partners or volunteers.

At the November 30, 2021, public Board meeting, the Board passed a [motion](#) to adopt a COVID-19 vaccination policy for Trustees based on the Division's Administrative Regulation CIA.AR COVID-19 Vaccinations. On December 14, 2021, a first draft of Board Policy CI.BP COVID-19 Vaccination Policy for Trustees was presented to Caucus for feedback. Following recent changes to provincial testing availability and requirements the draft Board Policy CI.BP COVID-19 Vaccination Policy for Trustees went to Caucus on January 18, 2022, for further discussion.

The decision to introduce this policy is based on current health advice from public health authorities and medical experts. Medical professionals and public health authorities continue to remind Albertans that being fully vaccinated is the best way to protect our families, communities, ourselves and the health care system. Scientific evidence clearly supports the efficacy and safety of COVID-19 vaccinations. Data from the World Health Organization, Health Canada and Alberta Health Services supports the need for high levels of immunization as a key factor in mitigating the risk of COVID-19.

RELATED FACTS

- Board Policy CI.BP COVID-19 Vaccination Policy for Trustees was developed with input from the Director, Board and Superintendent Relations, Strategic Division Supports, General Counsel and Human Resources.
- The policy is based on provincial health direction and Administrative Regulation CIA.AR COVID-19 Vaccinations and outlines the Board's intent, direction and values.
 - The purpose of the policy is to support safe learning and working environments by outlining expectations to ensure Trustees are vaccinated or participating in rapid testing. The policy aims to appropriately balance individual and collective rights and responsibilities of the Board. In addition, the policy supports and aligns with the Board's ongoing direction to ensure safety in the context of COVID-19.
- More detailed guidance on protocols and processes to implement the policy are provided through additions to the Trustees' Handbook.
 - Additions to the Trustees' Handbook include details on declaration of vaccination status, exemption requests, testing and documentation requirements and monitoring and oversight.
- Public engagement is not needed to help inform the development of this policy, as it pertains to the operation and governance of the Board.
- Given the uncertain and evolving nature of COVID-19, the policy and Trustees' Handbook additions are anticipated to be temporary and will be updated and reviewed as determined by the Board.

RECOMMENDATION

1. That Board Policy CI.BP COVID-19 Vaccination Policy for Trustees be read for the first time.
2. That Board Policy CI.BP COVID-19 Vaccination Policy for Trustees be read for the second time.
3. That Board Policy CI.BP COVID-19 Vaccination Policy for Trustees be read for the third and final time and be approved.

OPTIONS

Based on the information provided in this report, the following options are considered most appropriate:

1. Support the recommendation to approve Board Policy CI.BP COVID-19 Vaccination Policy for Trustees.
2. Complete the first reading of the policy and direct the Policy Review Committee to adopt revisions to the policy prior to second reading.

CONSIDERATIONS and ANALYSIS

Safety is a shared responsibility and it is a Board priority to ensure their actions support safe and healthy working and learning environments. Board Policy CI.BP COVID-19 Vaccination Policy for Trustees is an action that demonstrates the Board's commitment to safety and well-being.

NEXT STEPS

Upon approval of the recommendation, the policy will be posted to the Division website.

The Trustees' Handbook additions will be approved through Caucus once the policy is approved.

ATTACHMENTS and APPENDICES

- ATTACHMENT I Board Policy CI.BP COVID-19 Vaccination Policy for Trustees
ATTACHMENT II Trustees' Handbook Updates

JS:kd

CODE: CI.BP

EFFECTIVE DATE: (dd-mm-yyy)

TOPIC: COVID-19 Vaccination Policy for Trustees

ISSUE DATE: (dd-mm-yyy)

REVIEW YEAR: (2022)

PURPOSE

The purpose of this policy is to support safe learning and working environments by ensuring Trustees are fully vaccinated against COVID-19 or compliant with additional Division COVID-19 testing requirements.

This policy aims to establish and maintain an appropriate balance between individual and collective rights, freedoms and responsibilities of the Board of Trustees (the Board).

This policy aligns with the Board's responsibility for providing a welcoming, caring, respectful and safe learning and working environment. This policy supports and enhances the Board's ongoing direction and commitment to ensuring all schools and workplaces remain as safe as possible in the context of COVID-19.

DEFINITIONS

COVID-19 is the disease caused by the SARS-CoV-2 coronavirus (including any variant).

COVID-19 vaccine is a vaccine authorized by Health Canada (e.g., Pfizer-BioNTech/comirnaty; Moderna/Spikevax; Janssen (Johnson & Johnson); AstraZeneca/COVISHIELD/Vaxzevria).

Fully vaccinated, as defined by Alberta Health Services and as may be amended from time to time, means having obtained all required doses of a COVID-19 vaccine, including any required wait period to achieve full vaccine status (e.g., two (2) week period).

POLICY

The Board has a commitment and statutory responsibility to take all reasonable steps to provide safe and healthy working and learning environments. The Board acknowledges that health authorities state vaccination is one of the most effective ways of reducing COVID-19 transmission and protecting against severe outcomes relating to COVID-19.

Trustees are required to be fully vaccinated against COVID-19 or comply with additional Division COVID-19 testing requirements as defined in the *Trustees' Handbook*.

Trustees unable to be fully vaccinated for protected grounds as defined by the *Alberta Human Rights Act*, RSA 2000, c.A-25.5, as amended from time to time, are exempt from the requirement to be fully vaccinated and will be accommodated to the point of undue hardship.

EXPECTATIONS

Specific responsibilities and procedures for declaration of vaccine status, exemption requests, testing and documentation requirements and monitoring and oversight are defined in the *Trustees' Handbook*.

ACCOUNTABILITY

The Board, in partnership with Administration, will be responsible for implementing this policy in alignment with any requirements under the *Freedom of Information and Protection of Privacy Act*.

Given the evolving nature of COVID-19, the Board will review this policy annually or as required for alignment with any changes to provincial regulations, legislation or applicable direction.

REFERENCES

[AE.BP Welcoming, Inclusive, Safe and Healthy Learning and Working Environments](#)
[CIA.AR COVID-19 Vaccinations](#)
[CIFB.AR COVID-19](#)
[FA.BP Human Resources Framework](#)
[FBCA.AR Respectful Working Environments](#)
[FBE.AR Health and Wellness of Staff and Students](#)
[College of Physicians & Surgeons of Alberta Guidance on COVID-19 Vaccination Exemption Requests](#)
[Back to School Plan 2021-2022](#)
[Alberta Human Rights Act](#)
[Freedom of Information and Privacy Act](#)
[Alberta Occupational Health and Safety Act](#)
[Section 33\(1\)\(d\) of the Education Act](#)
[Trustees Handbook](#)

19. ADDITIONAL HEALTH AND SAFETY MEASURES

19.1 COVID-19 Vaccinations

The Board has a commitment and statutory responsibility to take all reasonable steps to provide safe and healthy working and learning environments. To align with Board Policy CI.BP COVID-19 Vaccination Policy for Trustees, Trustees are required to be fully vaccinated or compliant with additional Division testing requirements.

1. Disclosure and proof of vaccination status

- a. Effective (*insert date of CI.BP policy approval*), all Trustees are required to disclose their current vaccination status to the Director, Board and Superintendent Relations using a declaration form provided by the Division and, if fully vaccinated, provide proof of vaccination.
 - i. Trustees whose vaccination status changes after (*insert date of CI.BP policy approval*) are required to submit an updated declaration form and proof of vaccination, if fully vaccinated.
 - ii. Proof of vaccination means a valid QR code provided by the Government of Alberta.
- b. Trustees who are requesting an exemption are still required to disclose their vaccination status. If an exemption is approved in alignment with Section 4, the Trustee will be exempt from the requirement to be fully vaccinated.
- c. Subject to approved exemptions, any new Trustee who joins the Board must be fully vaccinated and provide proof of vaccination in accordance with Section 1(a) or be compliant with ongoing additional testing requirements.
- d. The Director, Board and Superintendent Relations will inform the Board Chair of any Trustee who is not fully vaccinated or has not disclosed their vaccination status.
 - i. If the Board Chair is not fully vaccinated or has not disclosed their vaccination status, the Director, Board and Superintendent Relations will inform the Board Vice-Chair.

1. Trustees who are not fully vaccinated

- a. Trustees who are not fully vaccinated are required to provide proof of a negative COVID-19 test result to the Director, Board and Superintendent Relations prior to entering any Division building or attending a Division event.
- b. To be considered valid, COVID-19 test results must be obtained through a:

- rapid antigen test;
- rapid molecular polymerase chain reaction (PCR) test; or
- lab-based PCR test

authorized by Health Canada or a lab accreditation body of Alberta and administered by a trained healthcare professional at an AHS site or private AHS approved site.

- c. COVID-19 testing must be completed within 72 hours prior to entering a Division building or attending a Division event. Trustees are required to have a valid test result for the duration of the time they will be in a Division Building or attending a Division event. COVID-19 test results are only valid for 72 hours from the time of COVID-19 testing.
- d. COVID-19 testing is at the Trustee's sole cost and cannot be expensed to the Trustee's expense account.
- e. Proof of a negative test result must be provided through documentation from a pharmacy or AHS approved vendor. Documentation must include the individual's name, date of birth, pharmacy or AHS approved vendor name and contact information, type of COVID-19 test, date of COVID-19 test, result of COVID-19 test and signature of the pharmacist or healthcare professional.

2. Positive COVID-19 test results for Trustees who are not fully vaccinated

- a. Trustees who receive a positive result through any approved COVID-19 test, including a rapid PCR, rapid antigen or lab-based PCR test must follow AHS requirements which include immediate isolation.
- b. Trustees who have received a positive COVID-19 result through a rapid COVID-19 test are encouraged to confirm this result through a privately paid or AHD administered lab-based PCR test, as available.
 - i. If a Trustee has received a positive result from a lab-based PCR test, COVID-19 testing is not required for 90 days as long as the individual does not exhibit COVID-19 symptoms.
 1. AHS has indicated that some individuals may continue to test positive for up to 90 days after their infection.
 - ii. If a Trustee does not obtain a lab-based PCR test, or obtains a negative result from a lab-based PCR test, COVID-19 testing is required to continue as per Section 2.

3. Exemption for protected grounds under human rights legislation

- a. Trustees who believe they are not able to be fully vaccinated based on protected grounds must submit a request for exemption to the Reviewer
 - i. The Reviewer is the Board Chair

- ii. If the Board Chair requests an exemption, the Reviewer is the Board Vice-Chair
- b. The Reviewer is responsible for reviewing the exemption request and making decisions as to whether an approval and accommodation will be provided as outlined below.
- c. Trustee requests for exemption from the requirement to be fully vaccinated will be reviewed based on protected grounds as defined by the *Alberta Human Rights Act RSA 2000, c.A-25.5* which may include, but is not limited to:
 - i. A medical condition which prevents a Trustee from safely receiving a COVID-19 vaccine. Requests for accommodations or exemptions based on medical grounds must be accompanied by medical documentation from a licensed physician confirming that the Trustee cannot safely receive the COVID-19 vaccine, the nature of the condition (not diagnosis) that prevents the Trustee from safely receiving the vaccine and the anticipated duration of the required exemption.
- d. Requests for exemption will be reviewed on an individualized basis and a decision regarding approval or rejection of the exemption request will be provided to the Trustee.
 - i. The review must include a request for additional information from the Trustee, and/or their licensed physician, where applicable, which the Trustee must facilitate. The Reviewer must request legal, medical or human resources information or advice relevant to the request.
- e. Trustees who receive an approved exemption will be reasonably accommodated, up to the point of undue hardship.
- f. If there was a defined time period for the exemption provided by a licensed physician, and that time period has expired, the Trustee must immediately begin the process of becoming fully vaccinated and must provide proof of full vaccination status once obtained or continue with rapid testing in accordance with Section 2.

4. Entering non-Division buildings

- a. Trustees who attend functions on behalf of the Division which are located in buildings operated by organizations external to the Division are required to follow Board Policy CI.BP Vaccination Policy for Trustees and requirements of the external organization. Other organizations may choose to impose additional, more stringent vaccination requirements. Trustees must comply with the more stringent requirements.

5. Non-compliance

- a. Failure to comply with Division policy, including, but not limited to refusal to disclose vaccination status, refusal to comply with applicable testing requirements or the provision of false or misleading information, may result in the Trustee being subject to action in alignment with *Trustees' Handbook Section 3.3 Addressing Divergence from the Protocols*.
- b. Non-compliance will be monitored by the Director, Board and Superintendent Relations and reported to the Board Chair or Vice-Chair as applicable.

6. Safeguarding Personal Information

- a. The Director, Board and Superintendent Relations; Board Chair; and, where applicable, Vice Board Chair and Division staff who are consulted to support required administration of the CI.BP Vaccination Policy, will only collect, use and disclose any personal information in accordance with the *Freedom of Information and Protection of Privacy Act (FOIP)*.
- b. Information required to manage and implement Board Policy CI.BP Vaccination Policy for Trustees will be kept confidential, stored in a secure location, and access and disclosure limited to that permissible by FOIP.