

**To:**

*Dr. Kevin Hall, President & Vice-Chancellor, University of Victoria*  
*Dr. Valerie Kuehne, Vice-President Academic & Provost, University of Victoria*  
*Dr. David Zussman, Chair, Board of Governors, University of Victoria*

**August 25, 2021**

Dear President Hall, Vice-President Kuehne & Chair Zussman,

In her August 24 press release, Minister of Advanced Education and Skills Training, Anne Kang stated: “Post-secondary institutions may implement their own proof of vaccine requirement as a part of these [return to physical post-secondary education] plans” (<https://news.gov.bc.ca/releases/2021AEST0053-001664>). However, the Provincial Health Officer subsequently suggested that universities would not be allowed to create a vaccine mandate for students.

In our view, the University of Victoria has the authority to go beyond the minimum safety standards set by the Provincial Health Officer to address the risks posed by Covid-19 on campus. The government has identified no legal basis for assuming jurisdiction over on-campus health and safety matters, and no legal basis for prohibiting the University from adopting a vaccine mandate. In the absence of a prohibition that has an identified source in law, the legal obligation of the University is to act in the best interests of the University by adopting a set of health measures that will advance the purposes of the University for the fall 2021 term and beyond.

In our view, it is in the best interests of the University that the University quickly implement a vaccine mandate that applies to all students, faculty, staff, and visitors to campus. There are many reasons to impose such a mandate for the fall 2021 term. These include (1) protecting the physical health and safety of the University community’s members (and its members’ children), (2) protecting members of the community from further challenges to their mental health, (3) preventing potential discrimination against disabled, pregnant, and immuno-compromised community members, and (4) minimizing the risk of disruption to in-person learning. We urge the University to implement such a vaccine mandate as soon as possible, with appropriate exceptions for individuals who cannot be vaccinated for medical and human rights grounds.

Sincerely,  
Faculty members in the Faculty of Law, University of Victoria

*Susan Breau*  
*Bradley Bryan*  
*Gillian Calder*  
*Kathryn Chan*  
*Patricia Cochran*  
*Maneesha Deckha*  
*Gerry Ferguson*  
*Alan Hanna*  
*Rebecca Johnson*  
*Asad Kiyani*  
*Freya Kodar*  
*Tracey Lindberg*

*Geoffrey Loomer*  
*Colin Macleod*  
*David Milward*  
*Val Napoleon*  
*Andrew Newcombe*  
*Pooja Parmar*  
*Victor V. Ramraj*  
*Sara Ramshaw*  
*Tim Richards*  
*Supriya Routh*  
*Calvin Sandborn*