

BP 5210 Communicable Disease

Reference:

California Constitution, Article IX, Section 14

Education Code, Sections 70902, 76020, and 76403

California Community College Chancellor's Office 2021-01 Advisory

The Gavilan Joint Community College District is committed to providing a safe and healthy learning environment. The Superintendent/President or designee shall establish procedures necessary to assure cooperation with state and local public health officials in measures necessary for the prevention and control of communicable diseases in students. Administrative procedures will include that all students on District premises have been vaccinated against COVID-19.

See Administrative Procedure #5210

Reviewed and Amended by the Board of Trustees: September 14, 2021

Reviewed and Amended by the Board of Trustees: April 10, 2018

Approved by the Board of Trustees August 13, 2002

AP 5210 Communicable Diseases

Reference:

Education Code Section 76403

Gavilan Joint Community College District will cooperate with state and local health officers in any measures necessary for the prevention and control of communicable diseases in students. Gavilan Joint Community College District will comply with any immunization program required or recommended by the State Department of Health Services, including recommendations related to the SARS-CoV-2 and vaccines for COVID-19, the disease it causes, to mitigate risks related to exposure to COVID-19.

Scope

Pursuant to BP 5210, the Gavilan Joint Community College District therefore requires that all students who are on District premises for any face-to-face instructional and student support activities (e.g., office hours, classes, library, tutoring, etc.) be fully vaccinated against COVID-19 as follows:

- Students are required to be fully vaccinated against COVID-19 unless approved as exempt due to verified medical or religious reasons. Those who do not receive a COVID-19 vaccination may be subject to other safety protocols. The vaccine requirement is effective district-wide at the beginning of the Spring 2022 Semester (January 5, 2022).
- Individuals are considered to be fully vaccinated against COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine.

Students who do not follow these procedures may be dropped from their on-campus courses and/or will be unable to register for on campus courses until proof of vaccination is submitted. Students who falsify information will be referred to the Office of Student Services for the student conduct process.

Proof of Vaccination

Students must provide proof of vaccination to the District and a signed Confidentiality of Medical Information Act release (to be developed).

The District will accept either: 1) a Vaccination Card, or 2) another form of documentation from the vaccine provider.

Fully vaccinated students are required to continue to follow all District policies, procedures, and protocols regarding COVID-19 until the District directs otherwise. The District's Emergency Operations Plan can be accessed at www.gavilan.edu.

Health or Medical Records

Any proof of vaccination a student provides to the District will be stored in a manner consistent with applicable law and the District's practice for storing confidential information for students.

Unless consent is given, the District will not receive any medical information from students or give any medical information to any vaccine provider.

Exemptions from Vaccination Requirement

- Medical Exemption – Students requesting an exemption for medical reasons will be required to submit a statement from a licensed medical provider explaining the medical contraindication and the time period for which the exemption is being requested. This exemption must be submitted on the medical provider's letterhead with the provider's printed name, license number, signature, and date the statement was issued.
- Religious Exemption: if a student objects to vaccination on the basis of a sincerely held religious belief, the student must complete and submit a request to the Student Services Department.
- If a student provides proof of a medical exemption or has submitted a request for religious exemption, the student will be required to weekly testing and provide the test result information to the District.

BP 7330 Communicable Disease

References:

California Code of Regulations, Title 8, Section 3203

California Constitution, Article IX, Section 14

Education Code Sections 70902, 87408; 87408.6; 88021

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 Gavilan Joint Community College District is committed to providing a safe and healthy working environment. The Superintendent/President or designee shall establish procedures necessary to assure cooperation with state and local public health officials in measures necessary for the prevention and control of communicable diseases.

These administrative procedures will require that all employees provide documentation that they are free of communicable diseases and tuberculosis, and all employees working on any campus or performing off-campus person-to-person services for the District have received the full COVID-19 vaccine.

All employees shall have on file a medical certificate indicating freedom from communicable diseases, the COVID-19 vaccination, and tuberculosis. No employee shall commence service until such medical certificate has been provided to the District.

All newly hired employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis by providing the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo an examination within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

See Administrative Procedure #7330

Approved by the Board of Trustees: September 14, 2021

Approved by the Board of Trustees: June 11, 2019

Approved by the Board of Trustees: November 11, 2003

AP 7330 Communicable Disease

Reference:

Education Code Section 87408; 87408.6; 88021

Gavilan Joint Community College District is committed to providing a safe and healthy environment.

The District will cooperate with state and local public health officials by taking any measures necessary for the prevention and control of diseases in employees.

Gavilan Joint Community College District will comply with any immunization program recommended or required by the California Department of Public Health (CDPH). This includes a required vaccine to mitigate risks associated with COVID-19.

COVID-19

The California Department of Public Health (CDPH) recommends COVID-19 vaccinations. The Gavilan Joint Community College District Board of Trustees therefore requires all employees working on any campus or performing off-campus person-to-person services for the District to be vaccinated for COVID-19. The vaccine requirement is effective 60 days after board approval to allow for the collection of vaccination documentation from employees.

Individuals are considered fully vaccinated against COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after that they have received a single-dose vaccine. Employees who do not comply with these procedures or falsify information may face discipline up to and including termination.

OBTAINING A COVID-19 VACCINE

Individuals may obtain a COVID-19 vaccine from any health care provider authorized to administer the vaccine. The District will provide employees with reasonable release time to travel and become vaccinated, as required by law. Compensation shall be at the employee's regular rate of pay. Employees will arrange vaccination time with their supervisors if scheduled during work hours. The District will provide employees who become vaccinated with sick leave that may be used in order to recover from any side effects of the COVID-19 vaccinations, as required by law.

PROOF OF VACCINATION

Employees must provide proof of vaccination to the District and a signed Confidentiality of Medical Information Act (CMIA) release.

The District will accept the following as proof of vaccination: 1) a Vaccination Card, or 2) another form of documentation from the vaccine provider.

Fully vaccinated employees are required to continue to follow all District policies, procedures, and protocols regarding COVID-19 until the District directs otherwise. The District's Emergency Operations Plan can be accessed at www.gavilan.edu .

Health or Medical Records

The District will not request any health or medical information for the purpose of enforcement of this Protocol other than those described in this AP. Any medical information an employee provides to the District will be stored in a manner consistent with applicable law and the District's practice for storing confidential medical information for employees.

EXEMPTIONS FROM VACCINATION REQUIREMENT

District employees may be exempt from the mandatory COVID-19 vaccine requirements in this administrative procedure only under the following circumstances:

- A. **New Employees/Applicants:** If an applicant for District employment meets all other requirements for employment as applicable but needs additional time to obtain and provide their vaccination records or to obtain an exemption, the person's assignment will be conditional for a maximum of 30 days upon signing and submitting a written statement attesting that they have been vaccinated as required or upon seeking an exemption pursuant to this Protocol.
- B. **Medical Exemption:** The employee submits a written statement from a licensed medical provider (such as a physician, physician assistant or nurse practitioner) exempting them due to the person's disability or serious medical condition. This statement must be submitted on the medical provider's office letterhead with the provider's printed name, license number, signature, and date the statement is issued. Employees should submit the statement to the Human Resources department.
- C. **Religious Exemption:** The employee objects based on a sincerely held religious belief. If an employee objects on this basis, they must complete and submit the corresponding Religious Accommodation Request Form for COVID-19 Vaccination. Employees should submit the completed form to the Human Resources department. Requests may be subject to legal review.

ACCOMMODATIONS PROCESS

If the District determines that an employee has not received the COVID-19 vaccination due to disability or medical condition, or a sincerely held religious belief the District will engage in an interactive accommodations process to determine whether a reasonable accommodation can be provided. The accommodations process will determine whether a reasonable accommodation exists to enable an employee to perform the "essential functions" of their job. Essential functions vary by job class and therefore the process shall be case by case and may result in different outcomes in different cases. The District will follow its normal accommodations policy in determining a reasonable accommodation.

Accommodations may not be possible where it would result in an undue burden to the District or result in a fundamental alteration of a course.

REQUIRED TESTING

Individuals granted an exemption will be able to participate in in-person activities after submitting proof of negative results of a COVID-19 test taken within 72 hours (3 days) of the first in-person activity. Continued participation in in-person activities is contingent on the submission of weekly negative COVID test results. Employees granted an exemption that fail to submit a weekly negative COVID-19 test result may be subject to appropriate disciplinary action.

As to any changes in this Protocol regarding testing of employees, the District will be guided by ongoing information from the California Department of Public Health and the Santa Clara County Public Health Department.

PROHIBITION OF HARASSMENT

The District will not discriminate against any employee who receives an exemption from receiving the COVID-19 vaccine, although the District will take any legitimate business action to maintain the safety of the campus(es) and community. The District will not tolerate any discrimination or harassment against employees based on vaccination status or individuals taking mitigation measures, such as wearing a face mask. Employees found to be engaging in such discrimination or harassment may face discipline up to and including termination. If you believe you have experienced harassment, discrimination, or retaliation due to an exemption from receiving the COVID-19 vaccine, please contact The Human Resources department.

Tuberculosis

For all Gavilan Joint Community College District applicants and positions:

- A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.
- The medical certificate shall be submitted by a physician as authorized by code.
- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.
- No employee shall commence service until such medical certification has been provided to the District.
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his or her designee. The term “communicable disease” also includes (but is not limited) to hepatitis.

- All employees shall be required to undergo an examination within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

Also see AP #7336

Approved by Board of Trustees: September 14, 2021
Approved by Board of Trustees: May 14, 2019
Approved by the Board of Trustees: November 11, 2003