

August 16, 2021

**RE: Demand for Accommodation from Mandatory COVID Vaccination**

I write as litigation counsel with Liberty Coalition Canada (“Liberty Coalition”). Liberty Coalition advocates for the liberty of Canadians, such as freedom of conscience and religion, the right to bodily autonomy, and the right to make personal health choices free of coercion. We represent the interests of students who have expressed to Liberty Coalition their deep concern regarding the recent move by universities and colleges to demand all or some of those on campus receive COVID vaccinations under the threat of penalization should they exercise their right to decline.

**Duty to Accommodate Students who Decline COVID Vaccination due to Religious Beliefs**

Pursuant to section 1 of the Ontario *Human Rights Code*, Ontario universities and colleges must not discriminate against students by denying accommodation, including accommodation for students unable to receive COVID vaccines due to their “creed”.

Any exclusion or penalization of students who decline to receive COVID vaccines due to their Christian or pro-life beliefs will be unlawful discrimination, including any testing requirements not imposed on all other students. Universities and colleges must accommodate students to the point of undue hardship. Refraining from excluding or imposing restrictions on unvaccinated students does not impose undue hardship on universities and colleges, as detailed below.

**The Scientific Reality of COVID Vaccinations**

The COVID vaccines available in Canada are “experimental” insofar as they have not been properly tested, are the result of accelerated development, use novel technology, and have only received “interim authorization” by various governments, not “approval”. This necessarily implies a degree of long-term risk associated with receiving a COVID vaccine, and, indeed, the long-term risks of the available COVID vaccines are entirely unknown.

Further, it has recently come to light that the COVID vaccines carry an alarming degree of short-term risks, up to and including serious cardiovascular harm, neurological harm, and even death. Unfortunately, like so many things regarding COVID, the COVID vaccines have become politicized and information regarding their potentially dangerous side effects is being suppressed.

However inconvenient, the fact is the COVID vaccines are *not* “safe”. As just one example of how the effects of some of the COVID vaccines (Pfizer and Moderna’s mRNA vaccines) are not what was initially promulgated, it is now known the spike protein does not stay within the area of the vaccine injection site, but rather travels to every part of the body, and that the spike protein may act as a toxin and collect in certain areas of the body (such as the ovaries), potentially causing permanent damage. The recent report by viral immunologist and Guelph University Professor, Dr. Byram Bridle explains how the COVID vaccines work, their experimental nature, and why they can be dangerous, among other things.

## **COVID-19 is Not Serious Enough to Outweigh the Risks of the COVID Vaccinations**

COVID-19 is not an extremely severe or uncommonly deadly respiratory illness. Despite media fear-mongering and government propaganda, COVID-19, including any of its so-called variants, is not of “pandemic proportions”. The reality is COVID poses no credible threat to anybody under the age of retirement, except the very few who are significantly immunocompromised or have serious health conditions such as obesity. Further, asymptomatic people, otherwise known as “healthy” individuals, do not meaningfully contribute to the transmission of COVID-19, regardless of their vaccination status.

Further still, it is now known (if not widely, due to the suppression of inconvenient information) that natural immunity is both widespread and provides even more effective protection than the vaccines against both the original strain of COVID and its subsequent variants.

In short, COVID vaccinations are not required to protect the “health and safety” of students, faculty, staff, or visitors to the reasonable degree required by law. Any reasonable accommodation or duty of care obligation on universities and colleges to the few individuals with physical disabilities or medical conditions that actually put them at any measurable degree of risk from COVID-19 can be discharged without incurring the incredibly undue hardship of mandating all students receive COVID vaccinations, even the ones who do not consent.

## **Students’ Charter Rights to Decline COVID Vaccinations**

Any requirement that students unwillingly receive a COVID vaccination in order to attend classes, live on campus, or participate in athletics is unreasonable in light of the above. Any attempt to penalize a student for the reasonable decision to not receive a COVID vaccine will be unlawful.

As recently noted by the Court of Appeal of Alberta, public universities and colleges are bound by the *Canadian Charter of Rights and Freedoms* regarding certain aspects of the institution’s relationship with its students. In addition to being unlawful due to its unreasonableness, excluding students from full participation in all academic or extracurricular activities due to their unvaccinated status will infringe their rights to liberty and security of the person as guaranteed by section 7 of the *Charter* in a manner not in accordance with the principles of fundamental justice. For students who object to receiving COVID vaccines for religious or conscientious reasons, their section 2(a) *Charter* rights will also be infringed. These rights limitations are incapable of being demonstrably justified in a free and democratic society.

Security of the person protects the right of students to be free from action by their institution that threatens physical harm to their bodies. As already detailed, the available COVID vaccinations are potentially dangerous and unnecessary. Any coercion to accept a high risk and low benefit medical intervention such as the COVID vaccines implicates security of the person.

Liberty under section 7 of the *Charter* protects students’ right to bodily autonomy. Ownership and autonomy over the body and the ability to freely choose what does or does not enter one’s body is a critical aspect of individual liberty. Universities and colleges do not own or control students’ bodies and must never be permitted to act as if they do by coercing students to take COVID vaccines without their consent by penalizing them if they don’t. Liberty is egregiously interfered

with by the threat of being excluded from classes, varsity athletics, or other programs and services if students decline to be unnecessarily injected with foreign, experimental substances that carry serious risks and limited benefits.

Freedom of conscience and religion guarantees the rights of students to manifest in their daily lives their sincerely held religious and conscientious beliefs. Students who are precluded from receiving COVID vaccines due to their pro-life and/or Christian beliefs have the *Charter*-protected right to decline COVID vaccination without being penalized by their university or college through the loss of access to classes, dormitories or athletics.

Requiring the indefinite twice weekly testing of students who decline COVID vaccines and/or refuse to disclose their vaccination status does nothing to justify the above rights violations. COVID testing is notoriously inaccurate and entirely useless in the face of the scientific reality that natural immunity is effective and widespread. Such an approach will only result in further rights violations when students are inevitably excluded following a “positive” test result. Further still, any exclusion or extra hurdles imposed, such as invasive testing every few days, as a result of a student’s refusal to receive, or disclose whether they have received, COVID vaccines is also an unjustified infringement of section 8 of the *Charter*, which protects students’ right to privacy regarding personal health decisions.

## Conclusion

The decision to receive a vaccine, particularly the potentially dangerous, unnecessary, and experimental COVID vaccines, is a deeply personal health decision and, for some, a matter of deep personal conviction. Any student’s decision to decline the COVID vaccines that is rooted in a protected ground such as creed must not result in discriminatory treatment by the student’s university or college.

Liberty Coalition is prepared to take whatever steps necessary to defend the rights of students to not be excluded from any aspect of campus life because they decline COVID vaccines for religious or conscientious reasons.



Regards,

James S. M. Kitchen  
Chief Litigator  
Liberty Coalition Canada