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August 23, 2022

**VIA EMAIL**

John Doerksen  
Vice-Provost, Students  
Western University  
Office of the President  
Stevenson Hall, Suite 2107  
London, Ontario, Canada, N6A 5B8  
Phone: 519-661-3554  
Email: doerksen@uwo.ca

Dear Mr. Doerksen,

**RE: Request for Accommodation (COVID Vaccine Requirement)** [REDACTED]

I write as counsel for [REDACTED]  
[REDACTED]

The purpose of this letter is to formally request Creed-based accommodation for [REDACTED] regarding Western's COVID vaccine requirement (Policy 3.1.1, effective August 22, 2022). As you know, [REDACTED] must have in-person access to campus, yet section 1.0 of the Policy excludes students who do not prove receipt of the COVID vaccines. Unless, that is, they have been granted a human rights accommodation.

[REDACTED] is unable to receive the COVID vaccines due to [REDACTED] Christian religious beliefs. So as to confirm that [REDACTED] holds sincere religious beliefs that have a nexus with religion (Christianity), and that would be interfered with in a manner that is more than trivial or insubstantial,<sup>1</sup> [REDACTED] herein appends a statement of [REDACTED] relevant religious beliefs. These are the beliefs [REDACTED] will attest to should accommodation be denied and a human rights complaint necessitated.

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<sup>1</sup> See *Syndicat Northcrest v Amselem*, 2004 SCC 47, at paragraphs 39-59 (appended). The *Amselem* test for demonstrating a protected religion belief has been adopted by the Ontario Human Rights Tribunal.

█████ requested accommodation on the basis of Creed just last week. █████ explained █████ Christian beliefs regarding the COVID vaccines. Predictably, however disgracefully, █████ received an anonymous email denying █████ request shortly after submitting it (enclosed). No reasons were provided for the denial, only the conclusion that Western's "position" was that █████ did not establish grounds for a Creed-based accommodation. It ought to go without saying that such a flippant, unexplained denial of a *bona fide* request for accommodation pursuant to the *Ontario Human Rights Code* is beneath Western. █████ is dismayed that █████ deeply-held religious beliefs were discounted with such apparent callousness and that █████ has been compelled to retain legal counsel in order to obtain the accommodation █████ is lawfully entitled to.

Any assertions on the part of Western that █████ religious beliefs are not sincerely held or do not have a nexus with Christianity are disingenuous. █████ submits the fact █████ has continued to decline receiving any COVID vaccines over the last year and half, despite intense social shaming and institutional coercion, further demonstrates █████ sincerity and depth of conviction. The specificity of █████ appended beliefs plainly establishes the required nexus with a religion (Christianity). Further, any reasonable person, upon reviewing the highly-detailed beliefs █████ herein provides, would conclude that receiving the COVID vaccines would interfere with █████ religious beliefs in a manner that is far more than trivial or insubstantial.

In any event, █████ issues the herein request for Creed accommodation in place of the request █████ submitted last week. █████ trusts this request will be properly considered and granted in due course, consistent with Western's obligations pursuant to the *Human Rights Code*. I need not remind you that no educational institution may discriminate against Christians by denying reasonable accommodation.

COVID vaccine mandates may assist Western in establishing its *bona fides* as a "woke" institution, but the law cares about whether such discriminatory policies are scientific. Notwithstanding the ideological and optical motivation for Western's COVID vaccine mandates, █████ reminds Western that, scientifically, both the COVID vaccines themselves and vaccine mandates are unnecessary and ineffective, like so many other undesirable control measures that only serve to abrogate rights and undermine human dignity. If indeed the vaccines are effective, unvaccinated persons pose no concern whatsoever. If the COVID vaccines are ineffective, which real-world data repeatedly demonstrates, then discriminating against, stigmatising, and excluding those who are unable to receive the vaccines due to protected characteristics is not only unlawful, it is nothing short of asinine and cruel. Providing reasonable accommodation to █████ jeopardizes the "health and safety" of no one on campus.

For all these reasons and more, there is no undue hardship imposed on Western by accommodating students unable to receive the COVID vaccinations due to their sincere religious beliefs. Nor is there any rationale to support a *bona fide* requirement that would see unvaccinated students excluded and discriminated to the extent that they are "dis-enrolled"

█████ submits █████ is entitled at law to be accommodated such that █████ is able to effectively complete all █████ in-person degree requirements, notwithstanding █████ inability to receive the COVID vaccines.

Given the start of classes is only a couple weeks away, [REDACTED] requests a substantive response to [REDACTED] herein request for accommodation no later than August 30, 2022.

Regards,



James S.M. Kitchen  
Barrister & Solicitor  
Counsel for [REDACTED]

cc

[REDACTED]  
vaxinfo@uwo.ca

Enclosures





Hello [REDACTED]

Western is in receipt of your request for an exemption from the requirement to be vaccinated, which has been reviewed carefully. The University is mindful and protective of the rights of individuals in the University community to seek exemption from the COVID-19 vaccination requirement on the basis of religious beliefs or creed. We recognize the University's obligation to accommodate persons who, for reasons of religion or creed, do not consider themselves able to be vaccinated.

That exemption depends, however, upon establishing a clear connection between the objection to vaccination and the individual's religious beliefs or practices or an overarching system of belief which can be said to amount to a creed governing the individual's conduct and practices. Western's position is that the documentation submitted does not establish the existence of grounds for an exemption from the requirement to be vaccinated based on creed or religion. Therefore, in order to safeguard the health and safety of Western campus community members and visitors, your request for an exemption from the Policy to permit on-campus attendance is denied.

Should you wish to submit additional information supporting your request and its linkage to your own personal beliefs as aligned with requirements of your religious community, the University will consider that further information carefully.

Thank you,

**Vaccination and Testing Centre**

Western University

Thames Hall

Room 3189

London, ON Canada

[519-661-2111](tel:519-661-2111) ext 82379

[vaxinfo@uwo.ca](mailto:vaxinfo@uwo.ca)

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Hello [REDACTED]

Thank you for your further communication regarding the University's vaccination policy.

The University is mindful and protective of the rights of individuals in the University community to seek exemption from the COVID-19 vaccination requirement on the basis of religious beliefs or creed. We recognize the University's obligation to accommodate persons who, for reasons of religion or creed, do not consider themselves able to be vaccinated.

The University has granted your request based on your religious beliefs. While the University has granted your request to be exempt from the vaccination policy, you are required to comply with a twice weekly rapid antigen testing program. For more information on Western's testing program, please visit, <https://www.uwo.ca/coronavirus/vaccine.html#rapid-testing>. Please note that should you not comply with the testing program, you will not be permitted to attend on campus.

The testing program and/or other required precautions may change from time to time to ensure that it is consistent with the latest science. The University reserves the right to revisit this grant of accommodation due to change in law or circumstances.

Thank you,

**Vaccination and Testing Centre**

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