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October 12, 2022

**VIA EMAIL**

Amanda E. Lawrence-Patel  
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Toronto, ON M5K 1K8  
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Dear Ms. Lawrence-Patel,

**RE: Request for Accommodation (COVID Vaccine Requirement) – Josh Jacob**

I write as counsel for Josh Jacob, a first-year student at Western. The purpose of this letter is to formally request Creed-based accommodation for Mr. Jacob regarding Western's COVID vaccine requirement pursuant to section 1.0(i)(b) of Policy 3.1.1, effective September 6, 2022. Mr. Jacob requires in-person access to campus, yet section 1.0(i)(a) of the Policy excludes students who do not prove receipt of the first two doses of the COVID vaccines. Unless, that is, they have been granted a human rights accommodation.

Mr. Jacob requested accommodation on the basis of his religious beliefs at the start of the school year, but received the same brief, unexplained, anonymous denial of his request as many other Christian Western students.

Mr. Jacob is unable to receive any COVID vaccines due to his Christian religious beliefs. So as to confirm that he 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> enclosed is a statement of Mr. Jacob's relevant religious beliefs. These are the beliefs he will attest to

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

should accommodation be denied and he is compelled to submit an application to the Ontario Human Rights Tribunal.

Any assertions on the part of Western that Mr. Jacob's religious beliefs are not sincerely held or do not have a nexus with Christianity are disingenuous, including suggestions that Mr. Jacob's beliefs are somehow not "personal" enough because they are shared by other Christian students. As you know, Ms. Lawrence-Patel, I am in receipt of your letters of September 28 in which you communicated Western's refusal to reverse its denial of accommodation to other Christian Western students who cannot receive the COVID vaccines due to their sincere Christian religious beliefs. Contrary to your bizarre conclusion in said letters that a Christian student's beliefs are not protected by law if they are similar to those of other students, such shared, similar beliefs *reinforces* the nexus to religion, it does not sever it. So much is obvious to those not determined to find any excuse to defend their discriminatory actions.

The specificity of Mr. Jacob's appended beliefs plainly establishes the required nexus with a religion (Christianity). Further, any *reasonable* person, upon reviewing the highly-detailed beliefs he herein provides, would conclude that receiving the COVID vaccines would interfere with Mr. Jacob's religious beliefs in a manner that is far more than trivial or insubstantial.

I need not remind you your client may not 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—and dare I say ethics—cares about whether such discriminatory policies are scientific. Notwithstanding the ideological and optical motivation for Western's COVID vaccine mandates, Mr. Jacob reminds your client 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, stigmatizing, 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 Mr. Jacob jeopardizes the "health and safety" of no one on campus.

It would seem Western concedes the foregoing, as neither you nor Western have suggested otherwise, preferring instead to arbitrarily claim the duty to accommodate has not been triggered because the beliefs of Christians who cannot receive the COVID vaccines are somehow not good enough. The contempt your client has shown for the Christian students it has discriminated against by disingenuously claiming their beliefs are not protected at law is disgraceful.

Mr. Jacob submits he is entitled at law to be accommodated such that he is able to effectively complete all his in-person academic requirements, notwithstanding his inability to receive the COVID vaccines due to his religious beliefs.

He requests a substantive response to his request herein no later than October 26, 2022. Should your client persist in rebelling against its legal obligation to accommodate Mr. Jacob, he will be compelled to take all legal action necessary to enforce his rights and receive compensation for any resulting delay or loss to his education.

Regards,

A handwritten signature in black ink, appearing to be 'JS' or 'JK' with a stylized flourish.

James S.M. Kitchen  
Barrister & Solicitor  
Counsel for Josh Jacob

cc      John Doerksen, Vice-Provost, Students (doerksen@uwo.ca)  
vaxinfo@uwo.ca

Enclosures