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## COVID-19 VACCINATION POLICY

<b>Date of Approval</b>	18/11/2021 [Exco] 01/12/2021 [Board]	<b>Policy Status</b>	Approved by the Board
<b>Custodian</b>	Health and Safety Committee	<b>Stakeholders</b>	1. Academic Staff [permanent & part-time] 2. Support Staff 3. Service Staff 4. Students
<b>Updated</b>	14/01/2022	<b>Visibility</b>	Staff Classroom Parent Classroom Student Classroom

## CREATIVE ACADEMY COVID-19 VACCINATION POLICY

After careful consideration, consultation and a risk assessment the Executive Management Committee of the Creative Academy adopted this policy to safeguard the health of our employees and their families; our students and their families, visitors to our campus; and the community at large from Covid-19, that may be reduced by vaccination. We support scientific experts' views that the most effective way to prevent deadly Covid-19 outbreaks to enable us to return to pre-pandemic levels of productivity, is through vaccination.

We have made official vaccination information available on Classroom portals to ensure our staff and students are informed about the government's vaccination rollout and Higher Health answers on frequently asked questions about the vaccines, and have been encouraging staff and students to get vaccinated.

## **1. RISK ASSESSMENT**

The Department of Employment and Labour published a Consolidated Direction on Occupational Health & Safety [No R499](#) in June 2021, which makes provision for employers to implement a mandatory vaccination policy in its workplace. In accordance with this directive an employer must include in its risk assessment:

- take into consideration the employer's operational requirements;
- indicate whether it intends to implement a mandatory vaccination policy;
- identify which employees it will require to be vaccinated based on the risk of acquiring Covid-19 at work, or the risk of severe Covid-19 symptoms due to the employee's age or comorbidities; and
- be conducted in accordance with section 8 and 9 of the Occupational Health and Safety Act, which places a duty on the employer to maintain a working environment for its employees and other persons that is safe and, as far as reasonably practicable, free from health risks.

### **1.1 Persons at risk**

We have identified all our teaching, support, administration and cleaning staff to be at risk as all are in direct contact with students, or share offices with co-workers.

During the pandemic, the Creative Academy has presented a hybrid form of learning and teaching, allowing students with comorbidities or who lived with people with comorbidities, to attend classes online. In order to limit numbers at campus, we presented suitable courses online only and a limited number of courses in-person. This is not the ideal situation for presenting practical courses, such as those offered by the Creative Academy.

Our responsibility under the Occupational Health Safety Act, 85 of 1993 is to provide a working environment that is as far as reasonably practicable safe and without risk to the health of our employees and students who are directly affected by our activities.

Our activities consist of learning and teaching, which in a contact situation involves close person-to-person interaction. In light of the extremely contagious nature of the virus, and the possibility of other variants in future, it puts both lecturer and student directly at risk and poses a threat of infection to the people they in turn have contact with, spreading the virus(es) further.

### **1.2 Protective measures for full return of students and staff**

We plan to return to campus for full in-person classes in February 2022 [unless the government imposes lockdown restrictions at that stage]. We therefore have to take protective measures to ensure the safety of our staff and students and limit their risk of infection as much as possible. These include:

- To encourage vaccination of staff and students.
- To follow health and safety protocols at campus monitored by the appointed Health and Safety Officer.
- To ensure good ventilation in studios.

- To adhere to government regulations.
- To follow guidelines provided by Higher Health.

We plan a cautious resumption of student activities at campus as we believe that social contact between students and personal contact with lecturers will allow students to have a proper university experience and improve their mental wellbeing. These include exhibitions at campus, film club gatherings, social events, in-person graduation ceremonies, and so forth.

## 2. VACCINATION OF STAFF

The Creative Academy management accepts, based on scientific data and evidence [see list of reliable sources below], that the [Covid-19 vaccines](#) are safe and effective in preventing serious illness and death, and that the vaccines significantly reduce the risk of Covid-19 infection.

More information on Covid-19 vaccines, their safety and possible adverse effects is available on the National Institute of Communicable Diseases [NICD] website at <https://www.nicd.ac.za/what-you-need-to-know-about-vaccines-in-general/>

A survey was conducted in early September 2021 among current permanent and part-time staff members to determine their vaccination status and also to gauge their opinion on the mandatory vaccination of staff. See the results below. [The ones who said they planned to, have confirmed that they have been vaccinated since the survey was conducted.]

### 2021 Aug-Oct Staff Survey:

<b>I have been fully vaccinated</b>	<b>12</b>	<b>44,4%</b>	<b>77,7%</b>
<b>I have received my 1st jab, still to go for 2nd</b>	<b>9</b>	<b>33,3%</b>	
I plan to get vaccinated	6	22,2%	
I do not plan to get vaccinated	0	0%	
<b>TOTAL RESPONSES</b>	<b>27</b>		

Protecting our staff and students is our utmost priority. After careful consideration, the Executive Management Committee voted in principle in favour of developing a policy to make **vaccination a mandatory requirement for employment** [Exco meeting 7/09/2021], which is supported by the majority [83,3%] of our permanent lecturing staff [See survey results].

'Vaccinated' currently (end of 2021) refers to an individual who has completed the full vaccination process. In other words, students/staff must have received both Pfizer doses or a single-dose Johnson & Johnson vaccine. Persons who have received only

one of the required double-dose vaccines are not fully vaccinated. Should booster vaccines be required in future, an updated vaccination certificate will be required.

Although we encourage staff to get vaccinated voluntarily, and our current staff are clearly in support of being vaccinated, we are formulating a mandatory staff vaccination policy to enhance our staff and students' health and safety going forward.

As from 2022, the requirement for employment will be as follows:

All employees who, due to the nature of their work pose a risk of transmission or infection, will be subject to mandatory vaccination:

- Permanent and part-time lecturing staff,
- Support staff,
- Cleaning staff.

Current staff members will be notified of the mandatory vaccination policy. New employees will be informed that they are obliged to be vaccinated (and provide proof) before accepting a position as teaching, support or service staff.

Employment contracts will be amended to include this requirement. Current staff members need to sign this by [10/12/2021]. New appointments or part-time staff appointed for 2022 need to sign this updated contract on acceptance of a position, and before they commence employment.

## **2.1 Disclosure of vaccination status**

Disclosure is the only way the policy can be effective in achieving its aim of maintaining as safe a work environment as possible when returning to full in-person classes. Vaccination certificates of staff must be submitted via email to the CEO and Chair of the Health & Safety Committee to [f.gebert@ctca.co.za](mailto:f.gebert@ctca.co.za) **before 1 February 2022**. These records will be kept confidential, in line with the POPI Act.

## **2.2 Refusal to be vaccinated**

We respect any individual's right to choose not to be vaccinated on constitutional, religious or medical grounds, however, as an employer, the Creative Academy has a duty to do what is reasonably practical to ensure that the working environment is safe for all employees and those who access the workplace.

If an employee refuses to be vaccinated on any constitutional, religious or medical grounds, or refuses to disclose his/her vaccination status, the Creative Academy will take the following steps. Employees must provide proof and substantiate their requests for exemption with evidence.

- Counsel the employee and, if requested, allow the employee to seek guidance from a health and safety representative, worker representative or trade union official of their choosing.

- Refer the employee for further medical evaluation if there is a medical contraindication for vaccination.
- If necessary, take steps to reasonably accommodate the employee:
  - in a position that does not require the employee to be vaccinated;
  - change their work environment to allow the employee to work from home where possible;
  - Require the employee to self-isolate in the workplace;
  - Require the employee to wear an N95 mask while in the workplace,
  - Require the employee to submit weekly negative rapid antigen test results. This expense will be for the account of the employee as the employee has elected not to be vaccinated. Only if these results are negative, will the employee be granted access to campus.
- Non-compliance may be regarded as posing a risk to the health and safety of other staff and students, insubordination and/or non-compliance with a lawful instruction or condition of service.
- Should it not be possible to reasonably accommodate the employee through any of the above and the employee continues to refuse to be vaccinated, as a last resort an incapacity procedure will be followed by the HR Consultant before the employee's contract is terminated.

### **2.3 Request for Exemption**

Objections to abiding by this policy and application for exemption should be submitted via the online **Vaccination: Application for Exemption Form** [<https://www.cognitofrms.com/CreativeAcademy1/VaccinationApplicationForExemptionForm>] to the CEO who will assess and, where needed, enlist the assistance of an HR Consultant to review each objection on a case by case basis and ensure that the process is dignified and duly respects the rights of all parties.

The Creative Academy Health and Safety Committee will consider all possible practical means to reasonably accommodate those who have a justifiable reason not to be vaccinated. It will be at the sole discretion of the Committee to decide whether to grant the exemption and to accommodate the applicant, as far as is reasonably possible.

Employees who request exemption on medical grounds must provide confirmation by a registered medical professional that vaccination poses a significant health risk to them.

The Creative Academy's primary mode of instruction is in-person and therefore requires its teaching staff to conduct classes in-person at campus. **Please note that this policy does not make provision for exemption from in-person [contact] teaching. No classes will be presented online (except in lockdown situations).**

### 3. VACCINATION OF STUDENTS

Student social activities that are part and parcel of a normal student life were put on hold from March 2020 due to the risk of infection and government restrictions on social gatherings. We have a responsibility to return our students to a safe campus environment and resume normal operations, in-person classes and student activities. We believe that being vaccinated will enable us to do that.

In a survey conducted among our students in October (with a 66% response rate) 79% said that they have been vaccinated and a further 14% said they planned to get vaccinated.

#### 2021 October Student Survey:

<b>I have been vaccinated</b>	<b>88</b>	<b>79,2%</b>	<b>93,6%</b>
<b>I plan to get vaccinated</b>	<b>16</b>	<b>14,4%</b>	
I have not been vaccinated	2	1,8%	
I do not plan to get vaccinated	5	4,5%	
<b>TOTAL RESPONSES</b>	<b>111</b>		

A number of tertiary institutions, including the University of Cape Town, Wits, the University of Johannesburg, Rhodes University, Stellenbosch University, Free State University and the University of the Western Cape, have indicated their support for vaccine mandates for both staff and students as of 2022. Some of these institutions have already adopted mandatory vaccination policies.

The Creative Academy Executive Management Committee has decided [18/11/21] to follow this path and make vaccination a **mandatory requirement for student enrolment** as from 2022.

The Student Representative Council was informed on 19 November 2021 of the Creative Academy's vaccination mandate for both staff and students. No objections were raised.

#### 3.1 Disclosure of vaccination status

We respect any individual's right to choose not to be vaccinated on constitutional, religious or medical grounds, however, as an educational institution, the Creative Academy has a duty to do what is reasonably practical to ensure that the study environment is safe for all students.

While recognising the protection of individual rights in the Constitution, the Creative Academy believes that the wellbeing of our staff and students, and the right to safety and security within the workplace and study environment, should outweigh an individual's right to choose not to be vaccinated, subject, of course, to the exemptions allowed for in this policy. This is based on Section 24 of the Constitution of South Africa that states that everyone has the right to be in an environment that is not harmful to their health and wellbeing. In addition, Section 9(1) of the Occupational Health and Safety Act states that “Every employer shall conduct his undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety.”

Disclosure is the only way the policy can be effective in achieving its aim of maintaining as safe a study environment as possible. Vaccination certificates will be required at registration and must be submitted to the Registrar at [ryssel@ctca.co.za](mailto:ryssel@ctca.co.za) before the start of the academic year. These records will be kept confidential, in line with the POPI Act.

### **3.2 Request for Exemption**

Students who choose not to be vaccinated on constitutional, religious or medical grounds, or refuse to disclose their vaccination status, must submit the online

#### **Vaccination: Application for Exemption Form**

[\[https://www.cognitofrms.com/CreativeAcademy1/VaccinationApplicationForExemptionForm\]](https://www.cognitofrms.com/CreativeAcademy1/VaccinationApplicationForExemptionForm) to apply for exemption to the CEO **before 24 January 2022**. Students must provide proof and substantiate their requests for exemption with evidence. Students who request exemption on medical grounds must provide confirmation by a registered medical professional that vaccination poses a significant health risk to them.

The Creative Academy Health and Safety Committee will review each application with respect to the individual and consider all possible practical means to reasonably accommodate those who have a justifiable reason not to be vaccinated. It will be at the sole discretion of the Committee to decide whether to grant the exemption and to accommodate the applicant, as far as is reasonably possible.

### **3.3 Deferral Exemption**

All staff and students must be vaccinated regardless of whether they have been diagnosed with Covid-19 in the past. The current guidelines from the National Department of Health recommends that individuals who had Covid-19 should wait for a period of 30 days after recuperation from the illness before they should vaccinate.

Any employee, ad-hoc contract worker, student or visitor who can prove that they have recently tested positive for Covid-19, may apply for a deferral exemption based on their natural immunity. If they intend to rely on this exemption they will have to provide a copy of their positive SARS Covid-19 SAHPRA approved antibody blood test report. Any such exemption will only defer or delay such an applicants' required vaccination

deadline date. This objection will not be regarded as a permanent exemption to nullify the required vaccination obligation.

The Creative Academy is a contact learning and teaching institution and students are therefore required to attend face-to-face classes at campus. **Please note that this policy does not make provision for exemption from in-person [contact] teaching. No classes will be presented online (except in lockdown situations).**

#### **4. CAMPUS SAFETY PROTOCOLS**

While vaccinated people can be infected with COVID-19, their risk of infection is [much lower](#) than in unvaccinated people. Infections in fully vaccinated persons are called “breakthrough” infections. These are very rare and when they happen they are mainly mild in severity. Unvaccinated individuals remain at higher risk of severe illness and death, and also of spreading the disease to others.

Since no vaccine is 100% safe, these breakthrough infections can still occur. Therefore, in line with current government guidelines while the Disaster Management Act is still in force, the protocol of wearing masks, sanitising, physical distancing and proper ventilation must still be complied with.

The general Covid-19 Campus Protocol must be followed, including reporting of Covid-19 infection, isolating at home for the required period, and providing a negative test result before returning to campus.

Unvaccinated students who have **been granted permission to attend classes**, will be required to follow this protocol when attending campus:

- Will be required to undertake weekly rapid antigen testing at their own cost.
- Must show their approval of the exemption letter to the Point Person.
- Complete the Covid-19 Screening Questionnaire before entering the premises.
- Wear an N95 mask on campus at all times.

Students who refuse to disclose their vaccination status will be regarded as unvaccinated and have to follow the protocol set for unvaccinated students.

**Employees, ad-hoc contract workers, students and visitors who are not vaccinated, who do not have an approved exemption document, and who do not have a Covid-19 negative test result that is not older than a week, will not be allowed access to the campus.**

HIGHER HEALTH has provided institutions with guidelines to access the online South African vaccination certificate verification through the Vaccine Certificate System (VCS) to verify the vaccination certificates of students, staff and visitors to the campus. The QR code of the digital vaccination certificate issued by the government will be scanned to allow only vaccinated people access to the campus.

## **5. ADVERSE EFFECTS**

The Creative Academy will not be held liable for individuals who experience any adverse effects to the vaccination as provision is made in this Policy for individuals to apply for an exemption. On 15 April 2021, the Government amended the regulations under the Disaster Management Act to provide for the [COVID-19 Vaccine Injury No-Fault Compensation Scheme](#). Employees and students who have suffered harm, loss or damage caused by an adverse event following a Covid-19 vaccination (which constitutes a “vaccine injury” for purposes of the regulations) may submit a claim to this compensation scheme and may be eligible for compensation. This Government Compensation Scheme will only cover rare and severe adverse effects (severe allergic reaction, blood clots etc.), which are highly uncommon.

## **6. CONFIDENTIALITY**

All personal information and documents submitted as part of compliance with this policy will be dealt with in accordance with the Protection of Personal Information Act.

## **7. CONCLUSION**

The Creative Academy has implemented strict protocols since the outbreak of the pandemic. The availability of safe vaccines has the added benefit of protecting our staff and students in a safer campus environment.

The decision to mandate the vaccination of both staff and students as a requirement for employment and enrolment was taken at senior management level. This policy will apply for the duration of the Covid-19 pandemic and will be amended as the situation changes.

The procedures for implementation of the policy have been refined with the input of staff members and with the advice of the Creative Academy’s Human Resources consultant, and have been informed by guidelines set by other tertiary institutions.

Our courses, curriculum, pedagogical approaches and the entire student-experience model is rigorously grounded in contact learning, which we do enhance with asynchronous online enrichment content where it serves to improve the student experience. We therefore do not offer exemption from contact learning and teaching, because the notion of merely exchanging contact for distance mode cannot be done without negatively impacting on the learning and teaching and quality of student work to arise from the learning experience.

The Creative Academy does not force any person to be vaccinated against their will. Our policy is aimed at restricting access to our campus to persons who have been fully vaccinated.

## 8. TIMELINE IN THE DEVELOPMENT AND IMPLEMENTATION OF THE POLICY

- Executive Management Committee voted in principle in favour of developing a policy for the mandatory vaccination of staff [Exco meeting 7/09/2021].
- Survey conducted among permanent and part-time staff to ascertain their vaccination status and gauge their opinion on the mandatory vaccination of staff [25/8-14/9 2021]. [[Survey results](#)]
- Survey conducted among students that included a question on their vaccination status [19/10-8/11 2021] [[Survey results](#)].
- Executive Management Committee voted in favour of extending the policy to include the mandatory vaccination of students [Exco meeting 18/11/2021],
- Policy made available to the Academic Committee for input and comment [19/11/2021].
- Student Representative Council informed of Creative Academy's intention to implement vaccination mandates for both staff and students [19/11/2021].
- Policy made available to all staff for input and comment [26/11/2021.]
- Policy approved by the Board [01/12/2021].
- Policy to be made available to staff, parents and students [03/12/2021].
- Planned implementation of the policy [04/01 2022].

## 9. IMPORTANT NOTICE:

We encourage our students to get vaccinated as soon as possible. We intend to implement this policy at the start of the 2022 academic year.

**The Creative Academy Executive Committee will review this policy as and when new information, guidelines and regulations on Covid-19 become available and amend it accordingly as the situation develops.**

## 10. UPDATE

[25/11/2021]

- A new SARS-CoV-2 variant of concern [B.1.1.529], named [Omicron](#) by the WHO, has been detected in South Africa and [announced by the NICD](#) on 25 November 2021. It appears that this variant is more transmissible than previous variants. Should new guidelines be followed for this variant specifically, as more is known, these will be included in the policy when they become available and communicated to staff and students.

[03/12/2021]

- **Graduation Ceremony 2022:** Only vaccinated students and guests will be allowed to attend the in-person ceremony planned for April 2022. They will be required to show their vaccination certificates before being allowed to enter the venue. Unvaccinated students and guests will be able to attend the ceremony online.

## **RELIABLE SOURCES ON COVID-19 INCLUDE:**

### ***South African organisations:***

- The South African National Department of Health's dedicated [COVID-19 portal](#).
- The National Institute for Communicable Diseases' ([NICD](#))
- The South African Health Products Regulatory Authority ([SAPRHA](#))
- The South African Medical Research Council ([SAMRC](#)).
- The South African Medical Journal ([SAMJ](#)).
- Africa Centres for Diseases and Control ([Africa CDC](#))
- Higher Education and Training Health, Wellness and Development Centre [[Higher Health](#)].

### ***International organisations:***

- The World Health Organization ([WHO](#)).
- The US Centers for Disease Control and Prevention ([US CDC](#)).
- The US Food and Drug Administration ([US FDA](#)).
- [Johns Hopkins University](#)
- Harvard Health, and the Harvard University [COVID-19 resource center](#).
- The Mayo Clinic [COVID-19 resource center](#).
- The New England Journal of Medicine ([NEMJ](#)).

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### **Acknowledgements:**

University of the Witwatersrand Mandatory Vaccination Policy

University of the Free State COVID-19 Regulations and Required Vaccination Policy

University of Johannesburg Mandatory vaccination Policy

Discovery Health Mandatory Vaccination of Employees Policy