



THE UNIVERSITY OF NORTH CAROLINA SYSTEM

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Memorandum

Date: May 20, 2021

To: UNC System Chancellors

From: Peter Hans

Re: COVID-19 Vaccine Incentive Strategies

On April 29, I issued [guidance](#) advising you that the UNC System will not mandate the COVID-19 vaccine for the faculty, staff, and students of its constituent institutions. Instead, the UNC System's approach to achieving the goal of returning to as normal a Fall 2021 semester as possible requires striking a balance between solid public health measures and the legal requirements and restrictions under which our state's public universities operate. Effective COVID mitigation measures do not necessarily require a vaccine mandate. Strategies which have proven effective during the 2020-21 academic year can be continued in the coming fall semester to protect our campus communities while our state, UNC campuses, and community partners continue efforts to vaccinate as many North Carolinians as possible.

Proactive strategies and operational incentives to encourage students, faculty, and staff to receive the COVID-19 vaccine generally involve combining voluntary disclosure of vaccination status with public health measures designed to protect the safety of all members of the campus community. Examples of such strategies and operational incentives which fall within the legal authority of UNC constituent institutions include:

- Allowing students who voluntarily provide proof of vaccination to:
 - Opt-out of reentry testing.
 - Opt-out of on-going surveillance testing.
 - Not be required isolate or quarantine after exposure to a positive case if the exposed individual is asymptomatic consistent with CDC guidelines.
- Establishing a confidential, voluntary on-campus housing assignment systems under which vaccinated students who request to do so can be paired with other vaccinated students.
- Offering opportunities for vaccination at student health centers and campus clinics for summer school students, during orientation and return to campus events, and throughout the semester.
- Continuing to offer creative incentives to students to encourage vaccination.

- Continuing public outreach and messaging to students, faculty, and staff to encourage vaccination.
- Survey incoming students anonymously to determine levels of vaccination status.
- Traveling for university-related purposes under relaxed travel restrictions consistent with CDC guidance. (Currently, [CDC domestic travel guidance for fully vaccinated individuals](#) includes no requirement to get tested with a viral test before and after travel and no self-quarantine after travel if asymptomatic. [Restrictions on international travel](#) must continue to be monitored and followed).

Measures which exceed the legal authority of UNC and its constituent institutions, or which pose potential violations of other legal requirements are generally those which result in a *de facto* mandate by prohibiting unvaccinated students from accessing university programs, services, and facilities, result in public disclosure of protected health information or other personal information protected under state and federal law, or potentially constitute discrimination under the ADA and Title VII. Examples of measures which, in our opinion, are not legally permissible for UNC institutions include:

- Prohibiting unvaccinated students from attending in-person classes and instead requiring unvaccinated students to take classes online.
- Prohibiting unvaccinated students from attending or participating in in-person campus activities and events.
- Prohibiting unvaccinated students from living in on-campus housing or mandatorily assigning on-campus housing based on vaccination status (as stated above, voluntary disclosure of vaccine status for the purpose of voluntary housing assignments is, in our opinion, consistent with the university's legal authority).

For the fall semester, UNC institutions should continue to follow CDC and NC DHHS guidance on public health measures intended to reduce the spread of COVID-19 and should continue to consult with county health directors. While public health guidance likely will continue to evolve, examples of COVID-19 mitigation measures include:

- Requiring reentry testing (or proof of vaccination).
- Conducting on-going surveillance testing and contact tracing.
- Following isolation and quarantine protocols.
- Maintaining modified social distancing requirements where appropriate, such as at large gatherings and events.
- Upgrading air flow and ventilation systems in facilities.

- Requiring face coverings in certain indoor spaces where close contact is likely to occur.

Note that the specific measures listed throughout this memorandum are not to be considered requirements imposed by the UNC System Office, but instead are offered as examples of potential strategies which are or are not consistent with my previous guidance regarding the COVID-19 vaccine. Within the parameters of that guidance, Chancellors retain the authority and discretion to adopt COVID-19 mitigation measures that best meet the needs of each campus taking into consideration community conditions and the unique circumstances of each campus. I encourage you to stay in touch with Norma Houston and Andrew Tripp at the System Office to discuss your plans, and to share your strategies with each other.

Together we will keep our campus communities as safe as possible while providing the on-campus educational opportunities our students expect and need to succeed. Thank you for your ongoing leadership.

cc: Chiefs of Staff
Andrew Tripp
Norma Houston
Kim van Noort
Bart Goodson