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PANDEMIC

Colleges Weigh Whether to Require Covid-19 Vaccines, or Just Urge Them

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An employee at Ohio State University gets the Pfizer vaccine.

The end of the pandemic may be in sight. But thorny legal and logistical questions about vaccinations are just starting for colleges. Chief among them: Can colleges require their employees and students to receive Covid-19 vaccinations? And how should they encourage skeptics to get them?

As institutions that employ and educate tens of millions of Americans, colleges can play a key role in helping vaccinate enough people to reach herd immunity and tame a virus that has killed more than 350,000 people in the United States. Immunizing their employees and students would also grease their return to in-person learning after a year of financial turmoil.

But mandatory vaccinations could be a potential minefield and pit colleges against civil libertarians and antivaccine activists at a time when colleges don't feel they have the support of the federal government, said Peter F. Lake, a professor of law at Stetson University. So, for now, most are holding off on deciding whether to require vaccines, until there is clearer federal guidance.

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“It would be a simple fix if Congress says, Hey, we think colleges and businesses should vaccinate everybody and have the right to do it,” Lake says. “Congress can easily tack something on a bill. Bang. Sign it. Done. But we don't have a new Congress or a new administration yet. A lot of it is just waiting for the Biden administration.”

The Equal Employment Opportunity Commission issued guidance in December that opens a path for colleges and other employers who want to require vaccinations. It states that employers have that right and can bar employees from the workplace if they refuse. But it also says that the right does not apply as long as the Covid-19

vaccines are authorized only for emergency use, which is [their current status](#). That's also the case for students: Colleges can require them to be vaccinated for meningitis and other infectious diseases, but not if the vaccines are designated as emergency use only.

Experts expect the Food and Drug Administration to approve the Covid-19 vaccines for regular use once it has more data over the next few months. Even then, the guidance allows for exemptions, including for religious or medical reasons. Does that mean that once enough vaccine becomes available and the legal authority to require the shots is clear, colleges that do so will face a morass of exemption requests?

Probably not. "Colleges haven't had any problem in enforcing the exemptions for other mandated vaccines," said Peter H. Meyers, an emeritus professor at the George Washington University law school. They may ask that proof be shown of a medical condition or if a student belongs to, say, an Amish or other religious community that frowns on vaccinations. "My assumption is that 95 or 99 percent of students will not fit into these narrow categories of exemptions," said Meyers, who for many years served as director of the law school's [Vaccine Injury Litigation Clinic](#).

It could be well into 2021 before enough vaccine is available for healthy students to start getting shots, but experts say colleges should start planning their distribution strategies now.

History Lessons

That's what the University of Oregon's chief resilience officer, André Le Duc is doing. With brand-new vaccines on the market to stop a deadly disease, and subject to lots of media attention, he's navigating a complicated space.

He's been here before. In 2015, a student on the Oregon campus died of meningitis B, just a year after the FDA had approved a vaccine for the deadly bacterial disease that can quickly kill young people. The lessons Le Duc learned from the mass-vaccination

campaign that followed, and its missteps, are on his mind as Oregon and campuses everywhere plan for the Covid-19 vaccines.

Combating misinformation was crucial, he said, and in the case of the meningitis vaccine, the university initially fell short. Word spread through media and internet sites that the vaccine would cost \$300, posing a big barrier for college students worried about cost. In fact, the college had negotiated the price down to about \$50, and put in place measures to help cover the expense if a student's insurance did not.

“The majority of students who said they weren't going to get the vaccine said they weren't going to get it because of cost,” said Le Duc. “Three hundred bucks to a student is a lot of money. The challenge of little bits of misinformation can go a long way in hurting a campaign.”

Le Duc said the university — which, at this time, doesn't plan to make Covid-19 vaccinations mandatory for students or employees — also plans to involve student leaders in marketing efforts when the vaccine is available, as it did with journalism students during the meningitis-vaccine campaign. It used photos of football players holding up their vaccinated arms, with an adhesive bandage featuring the University of Oregon's “O.” The bandages were a hit.

“You have to go well beyond what would be a normal slate of messaging,” Le Duc said. “Don't assume you know how to message to this audience. Bring elements of the audience in, and engage them almost like a consulting firm. If they're engaged and committed, they're going to carry the message for you. If they're not, you're always going to be swimming upstream.”

Patti Wukovits, a provaccine activist, says the difference between mandating vaccinations and encouraging them can be measured in lives. Wukovits helped start the [Meningitis B Action Project](#) after her daughter died of meningitis B in 2012, three months before she was set to start college on the path to becoming a pediatric nurse.

Reluctance to receive a vaccine isn't always ideological, Wukovits said. Her group conducted a study this year that involved more than 500 health-care providers and showed that many parents aren't vaccinating children against meningitis B because their colleges simply don't require it. Only 42 colleges require such a vaccine, she said.

"It's the mandate that will really make the difference," she said, referring both to the meningitis B and Covid-19 vaccines. "As a nurse, as a mom, and as a vaccine advocate, I can't stress enough the importance of people understanding that their choice to get vaccinated doesn't just affect themselves. It affects the community."

Young people have indicated in [some polls](#) that they are less likely than the general public to receive a Covid vaccine. Black Americans have [also expressed](#) reservations. That puts leaders of historically Black colleges in a particularly tough spot.

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Quinton T. Ross Jr., president of Alabama State University, said his institution hasn't decided yet whether to mandate the vaccine when it's available, but he suggested that he would like to see such a requirement. He credits mask mandates and a robust testing protocol with keeping test-positivity rates on his campus under 2 percent in the fall. And he views vaccines as an additional tool in his arsenal.

"We will do whatever is necessary to protect the greater good, and protect our institution and community," he said. "And as the president of the institution, whenever my time comes, I'll be vaccinated in public because we want to model good behavior."

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