

Benjamin Gabbay

From: President <president@utoronto.ca>
Sent: Tuesday, June 28, 2022 4:29 PM
To: Benjamin Gabbay
Subject: Re: Follow-up re: U of T medical mandates

Follow Up Flag: Follow up
Flag Status: Flagged

Good day Benjamin,

Thank you for your follow-up. However, you received a fulsome response previously therefore we will not be commenting further.

Best wishes,



RHEEMA FARRELL
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Correspondence Unit

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From: Benjamin Gabbay [REDACTED]
Sent: June 22, 2022 12:48 PM
To: President <president@utoronto.ca>
Subject: RE: Follow-up re: U of T medical mandates

Dear Rheema,

It has been two weeks since my follow-up of June 8 below, and I have not heard back, so I'm once again writing to request an answer to the questions in my April 26 email.

If there is anyone else to whom this matter should be addressed so that I can get a response, please let me know.

Thank you,

Benjamin Gabbay

Faculty of Music, MMus in Composition, second year

Student # [REDACTED]

From: Benjamin Gabbay

Sent: Wednesday, June 8, 2022 4:54 PM

To: president@utoronto.ca

Subject: RE: Follow-up re: U of T medical mandates

Dear Rheema,

As it has been a little over a month since my email of April 26 below, I'm following up to ensure that this matter has not been forgotten. I would still appreciate answers to the questions in my April 26 email at the university's earliest convenience.

Thank you,

Benjamin Gabbay

Faculty of Music, MMus in Composition, second year (currently on leave)

Student # [REDACTED]

From: Benjamin Gabbay [REDACTED]

Sent: Tuesday, April 26, 2022 1:20 PM

To: President <president@utoronto.ca>

Cc: bardosh kevin@hotmail.com; Trudo Lemmens <trudo.lemmens@utoronto.ca>

Subject: Re: Follow-up re: U of T medical mandates

Dear Rheema,

Thank you for your email of April 5.

Unfortunately, the University of Toronto's decision to "pause" their COVID vaccine requirement provides no assurance to those students who have been locked out of U of T's campus this past year that they will be able to continue their studies in future semesters. Several students have already told me that they are hesitant to re-enroll in their studies for fear that they will be simply be de-enrolled without recourse in the middle of the 2022-2023 year, should U of T decide to "un-pause" the COVID vaccine requirement. These are students who have already lost tuition, OSAP funding, and work-study opportunities due to the university's actions last year and absolutely cannot afford to subject themselves to the university's whims in introducing future requirements. This is why, as I trust you'll understand, we continue to seek answers to our concerns about the pretext under which the mandates were originally introduced.

I'm aware that Ontario universities' mandates were introduced under separate legislation, which is why, in my previous email, I made no mention of the provincial vaccine passport requirement and referred specifically to Dr. Kieran Moore's revocation of his August 30 letter of instruction for post-secondary institutions. As I also mentioned previously, Dr. Moore's letter of instruction (<https://ontariosuniversities.ca/wp-content/uploads/2021/09/CMOH-Instructions-EN.pdf>) allows students and employees, under section 1(c), to complete "an educational session approved by the Covered

Organization about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason” as an alternative to providing proof of vaccination. Although it is set out in section 2 that institutions may choose to exclude this option 1(c) in their policy, its exclusion is solely at the institution’s discretion. Therefore, U of T remains responsible for its decision to de-enroll and punish students who have not disclosed their vaccination status. I'm aware that U of T has also argued (<https://studentsforcovidethics.org/files/Response-from-UofT-Jan-2022.pdf>) that it was compelled to exclude Dr. Moore's option 1(c) from its policy due to the recommendations set out in the Council of Ontario Medical Officers of Health (COMOH) letter of August 24, 2021 (https://cdn.ymaws.com/www.alphaweb.org/resource/collection/D927A028-023E-4413-B438-86101BEFB7B7/COMOH_Vaccine_Policies_at_Ontario_Universities_and_Colleges_260821.pdf). However, the Council of Ontario Universities (COU), of which U of T is a part, stated in November 2021 that it "played a key role in working with the Council of Medical Officers of Health (COMOH) to achieve a mandatory vaccination recommendation" in universities (see https://uwaterloo.ca/secretariat/sites/ca.secretariat/files/uploads/files/20211115oagsen_package_2_0.pdf, pg. 29). Therefore, the onus falls back on U of T and other universities for having advocated for the COMOH’s more stringent recommendation in the first place.

This brings me back to the same question we have been asking for months: What was the scientific rationale behind the push for, and implementation of, these mandates? Assuming that U of T was involved in the COU's collaboration with the COMOH to recommend the most stringent mandate possible—even more stringent than the one recommended by Dr. Kieran Moore, as explained above—what were the data and scientific literature used by U of T and the COU to inform this recommendation?

Repeatedly, in response to the above question, we have been told that unnamed experts have been consulted, but no further details were provided. I understand, as you say, that the recommendation of public health officials would play a role in this decision-making—but the recommendations of the COU exceeded those of Dr. Moore, and, even two weeks after Dr. Moore's February 4, 2022 statement that "the vaccine isn't providing significant benefit at two doses against the risk of transmission, as compared to someone unvaccinated" (<https://toronto.ctvnews.ca/ontario-needs-to-reassess-the-value-of-covid-19-vaccine-passport-system-top-doctor-says-1.5765973>), Vice-Provost Sandy Welsh, in response to being asked if and when U of T would amend its mandate, stated that "There are no immediate plans to change the vaccine requirement at this time" (<https://studentsforcovidethics.org/files/Response-from-Sandy-Welsh-Feb-17-2022.pdf>). Considering that the Office of the Chief Scientific Advisor of Canada has stated that "The utility of COVID-19 vaccination certificates beyond healthcare settings is predicated on the effectiveness of the vaccines at eliminating or reducing viral transmission and the duration of the protection they confer" (https://science.gc.ca/eic/site/063.nsf/eng/h_98229.html), the lack of responsive action from the university at a time when public health was directly indicating against the effectiveness of proof-of-vaccination requirements is not confidence-inspiring.

With this in mind, could you please clarify who were the experts at U of T who informed the university's decisions surrounding the enactment and enforcement of its COVID vaccine mandate? Could you also please clarify what role U of T played in the COU's advocacy of a COVID vaccine mandate that exceeded the recommendations of the Chief Public Officer of Health? I'm led to assume that U of T played a significant role in this effort, since most of the text of Vice-Provost Sandy Welsh's August 20 response to our group letter (<https://studentsforcovidethics.org/#aug20>) appeared four days later in the COMOH’s letter (https://cdn.ymaws.com/www.alphaweb.org/resource/collection/D927A028-023E-4413-B438-86101BEFB7B7/COMOH_Vaccine_Policies_at_Ontario_Universities_and_Colleges_260821.pdf), which came about as a result of the COU collaboration referenced above.

In addition, could you please clarify the context in which Dr. Kieran Moore allegedly indicated his support for the continuation of vaccine policies by post-secondary institutions. Was this a statement that Dr. Moore issued, and if so, when was it issued, and is there a place where it can be read?

I look forward to receiving the university's response to these important questions.

While it has been frustratingly difficult to obtain responses from U of T's administration on these issues, I would like to give credit to the U of T Faculty of Law and its Prof. Trudo Lemmens for hosting a recent workshop (<https://www.law.utoronto.ca/events/unintended-consequences-covid-19-vaccine-mandates-why-they-may-cause-more-harm-good>) on the unintended consequences of COVID vaccine mandates—centered around on a paper (<http://dx.doi.org/10.2139/ssrn.4022798>) authored by Prof. Kevin Bardosh of the University of Washington, Prof. Lemmens (both CC'd on this letter), and other health policy experts from across North America and the UK—which took a significant step towards acknowledging the unwarranted harm caused by mandates such as U of T's and the lack of justification for their continued enforcement. I sincerely hope that that U of T administration will follow the example set by Prof. Lemmens and his coauthors and begin to engage in respectful conversation on these concerns with its students.

Thank you,

Benjamin Gabbay

Faculty of Music, MMus in Composition, second year (currently on leave)

Student # [REDACTED]

From: President <president@utoronto.ca>

Sent: Tuesday, April 5, 2022 10:46 AM

To: Benjamin Gabbay [REDACTED]

Subject: Re: Follow-up re: U of T medical mandates

Dear Benjamin,

I am writing in response to your email of March 22, 2022 and on behalf of staff and faculty of the University to whom you have corresponded.

As indicated in the community message sent on March 29, 2022, the vaccine requirement will be paused beginning on May 1, 2022, prior to the start of the summer term.

While the vaccine passport was lifted by the Province of Ontario in March, it is important to note that the University's vaccine requirements pre-dated the Province's passport system, and was created under separate legislation. We are aware of the comments made by the Chief Officer of Health; however, as you note, the Universities in Ontario concluded that in order to minimize uncertainty and disruption to our students, staff, faculty and university communities, U of T would maintain the COVID-19 vaccination and masking policies until the end of the winter term, April 30, 2022. Ontario's Chief Medical Officer of Health has indicated his support for the continuation of vaccine policies by post-secondary institutions.

As the University and public health experts, including UofT faculty, have consistently indicated, vaccination is the most important way that individuals can protect themselves against COVID-19. This in turn protects the community and our health care system. At a local level, vaccination protects our community members from serious illness so that they may continue with their academic pursuits.

Sincerely,



RHEEMA FARRELL
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From: Benjamin Gabbay [REDACTED]
Sent: March 22, 2022 4:36 PM
To: President <president@utoronto.ca>
Subject: Re: Follow-up re: U of T medical mandates

Thank you, Ms. Farrell,

I appreciate the courtesy. I look forward to the Office's response.

Best wishes,
Benjamin

From: President <president@utoronto.ca>
Sent: Tuesday, March 22, 2022 4:20 PM
To: Benjamin Gabbay [REDACTED]
Subject: Re: Follow-up re: U of T medical mandates

Good day Benjamin Gabbay,

Thank you for your email to the Office of the President. I do apologize for this delayed reply. This response is meant to acknowledge receipt. Your message will be brought forward for attention.

Best wishes,



RHEEMA FARRELL
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From: Benjamin Gabbay [REDACTED]
Sent: March 22, 2022 10:42 AM
To: President <president@utoronto.ca>
Subject: Re: Follow-up re: U of T medical mandates

Dear President Gertler,

It's been more than two months since I contacted you with my letter of January 11 (below), and I have yet to receive a response. I am again asking for a response that addresses the concerns I have laid out repeatedly in all my letters since August 6, 2021 (published on <https://studentsforcovidethics.org>), not only for my sake, but for the sake of all the students who have been disastrously impacted by U of T's COVID policies since the beginning of the 2021-2022 academic year, as I already described in my January 11 letter.

I am aware that many students who wrote to your office in recent months received the following standardized reply: <https://studentsforcovidethics.org/files/Response-from-UofT-Jan-2022.pdf>. In it, the university states that it is "legally required to adhere to the recommendations made by the Council of Ontario Medical Officers of Health in its letter (https://cdn.ymaws.com/www.alphaweb.org/resource/collection/D927A028-023E-4413-B438-86101BEFB7B7/COMOH_Vaccine_Policies_at_Ontario_Universities_and_Colleges_260821.pdf) by virtue of Amending O. Reg. 364/20." Nevertheless, on March 9, 2022, Ontario's Chief Medical Officer of Health Dr. Kieren Moore stated that he had, on March 1, "revoked the instructions for mandatory COVID-19 vaccination policies for the Ontario public service and for post-secondary institutions" (https://youtu.be/fxlrlxex_lw?t=170). The university had stated in its response to our group of August 20 (<https://studentsforcovidethics.org/#aug20>) that "the University's policies and guidelines will align with the most recent provincial directives."

It's also worth noting that, on February 16, 2022, one of British Columbia's largest public health authorities, Vancouver Coastal Health, issued a letter to the University of British Columbia to "strongly advise against" the de-enrolling of students who have refused to disclose their COVID-19 vaccination status, as there is "no evidence" that such people "pose any public health risk to their fellow students, faculty or staff" (<https://studentsforcovidethics.org/files/2022-02-16-Letter-from-VCH.pdf>). This is precisely what we have been asking U of T to recognize since August 2021.

In light of all these recent developments, I now ask: When will the University of Toronto's COVID-19 vaccination policy be removed? I am aware that the Council of Ontario Universities (COU) stated on Feb. 22 that Ontario universities would "maintain their COVID-19 vaccination policies until at least the end of the current term," but this is no assurance to the hundreds of disenfranchised students who are still left wondering whether they will be able to come to campus in the summer or fall semesters. All Ontario universities, including U of T, are currently upholding a mandate in the absence of a) up-to-date scientific evidence (as discussed in my letter of Jan. 11) and b) support from the province's Chief Medical Officer of Health. On what basis is your policy justified in existing even one day longer?

Once again, I am asking for the courtesy of a response that addresses these questions and concerns. I have now spent almost the entirety of what would have been my 2021-2022 academic year (and the graduating year of my MA) corresponding with and trying to be a voice for students who feel like the university has failed to even give them the time of day after irreparably disrupting their lives. We are not trying to be rabble-rousers; we are concerned, as we have been since August 2021, that the university is upholding discriminatory policies without scientific basis. The very least we are asking for is an honest, transparent conversation.

I am also aware that, in a February 16 letter, the law firm of lawyer Courtney Betty cautioned U of T regarding multiple breaches of the Ontario Human Rights Code as a result of the school's conduct in upholding their COVID-19 vaccine mandate (<https://studentsforcovidethics.org/files/Letter-to-President-U-of-T-2022-02-16.pdf>). With this matter pending submission to the Human Rights Tribunal of Ontario and with Dr. Kieran Moore's revocation of his letter of instruction, our questions become more pertinent than ever: Under what scientific basis is U of T's COVID-19 vaccine mandate currently in place, and when will it be removed?

Your expedient response would be appreciated.

Sincerely,

Benjamin Gabbay

Faculty of Music, MMus in Composition, second year (currently on leave)

Student # [REDACTED]

From: Benjamin Gabbay

Sent: Tuesday, January 11, 2022 1:39 PM

To: President <president@utoronto.ca>

Subject: Follow-up re: U of T medical mandates

Dear President Gertler,

On August 6, 2021, twenty-five of my colleagues and I wrote you an extensive letter expressing many concerns regarding U of T's implementation of a mandatory COVID-19 vaccination policy at the start of the Fall 2021 semester. After sending a follow-up letter on August 19 and publishing our letter on <https://studentsforcovidethics.org>, we received a response on your behalf from Vice-Provost Sandy Welsh on August 20, in which she stated that the university "takes a different view" regarding the points we raised. We responded August 22, expressing concern with the idea that policies of this nature should be based on a "view" and that no scientific literature had yet been brought forward by the university in rebuttal of our scientifically referenced concerns. We never received another response.

Since that time, hundreds of U of T students, staff, and faculty have had their lives, futures, and finances upended by the university's decisions; many of them wrote to me after finding my original letter and our correspondence published on the website above. I've heard from students who had travelled from across the country and across continents to study at U of T, only to end up stranded in Toronto and forbidden to set foot on campus; students who were forcibly de-enrolled from classes without refund of their tuition, even though those classes were online; staff members with decades of service who were forced into unpaid leave, even if their work never required them to attend campus; prospective students who had to forgo their hard-earned university acceptance and tens of thousands of dollars in entrance scholarships; and the list goes on.

Dr. Gertler, are you at least willing to give these former students and employees the dignity of a transparent, scientific discussion, instead of only offering your institution's "view?" If so, I will ask again, as I did in August, for you to please provide the university's scientific data on whose basis it continues to uphold its COVID-19 vaccine mandate, considering that the current scientific literature demonstrates the following:

- a. **Both vaccinated and unvaccinated individuals are equally capable of transmission of the now-prevalent strains of SARS-CoV-2.** A study of household viral transmission published in *The Lancet, Infectious Diseases* found that "fully vaccinated individuals with breakthrough infections have peak viral load similar to unvaccinated cases and can efficiently transmit infection" ([https://doi.org/10.1016/S1473-3099\(21\)00648-4](https://doi.org/10.1016/S1473-3099(21)00648-4)), and has been corroborated by a CDC-funded preprint that found "no difference in infectious virus titer" between infected vaccinated and infected unvaccinated individuals (<https://doi.org/10.1101/2021.07.31.21261387>).
- b. **Vaccine prevalence does not correlate with lower COVID-19 prevalence.** An analysis of 68 countries and 2947 U.S. counties published in the *European Journal of Epidemiology* found that "at the country-level, there appears to be no discernable relationship between percentage of population fully vaccinated and new COVID-19 cases," and that, among U.S. counties, "there also appears to be no significant signaling of COVID-19 cases decreasing with higher percentages of population fully vaccinated" (<https://doi.org/10.1007/s10654-021-00808-7>).
- c. **With the emergence of omicron, vaccine mandates become even more baseless.** Preliminary research indicates that vaccine protection against the rapidly dominating omicron variant is negligible, even with a third (booster) dose (<https://doi.org/10.1101/2021.12.30.21268565>), and, since the start of 2022, COVID-19 cases in fully vaccinated individuals have consistently outnumbered those in unvaccinated individuals by at least five fold (<https://data.ontario.ca/dataset/covid-19-vaccine-data-in-ontario/resource/eed63cf2-83dd-4598-b337-b288c0a89a16>).
- d. **Urgent concerns regarding COVID-19 vaccine safety and manufacturer's integrity continue to be raised.** A detailed study published in *Toxicology Reports* identified several serious concerns regarding mid- and long-term safety of COVID-19 mRNA vaccines (<https://doi.org/10.1016/j.toxrep.2021.08.010>, see in particular section 3.1.3.1.) and the Pfizer mRNA COVID-19 vaccine, the only vaccine still promoted for use in young adults and adolescents in Canada, is the subject of controversy on account of a serious lack of integrity in its vaccine clinical trial data, as reported in the *British Medical Journal* by two whistleblowers (<https://doi.org/10.1136/bmj.n2635>). Additionally, an independent review of Pfizer's 6-month trial data by a consortium of over 500 Canadian doctors, scientists, and health care practitioners brings to light serious concerns with data quality and exposes several clear warning signs regarding product safety (<https://studentsforcovidethics.org/files/The-COVID-19-Inoculations-More-Harm-Than-Good-REV-Dec-16-2021.pdf>).

The scientific considerations above stand alongside those already raised in my original letters of August 6 and August 19, all of which have yet to be addressed in any response from the university. On behalf of all students, staff, and faculty whose futures have been irreparably disrupted by the university's decisions, I am asking for the courtesy of a response that discloses the science on which the University of Toronto has based its COVID-19 vaccine policy and addresses the concerns raised above and in my group's previous letters (viewable on <https://studentsforcovidethics.org>).

Finally, in Vice-Provost Welsh's letter of August 20, she states that "the University's policies and guidelines will align with the most recent provincial directives." I would like to make it clear that the most recent directive publicly issued on this

matter by Ontario's Chief Medical Health Officer, Dr. Kieran Moore, on August 30, 2021 (<https://studentsforcovidethics.org/files/CMOH-Instructions-EN.pdf>) clearly allows students and employees, under section 1(c) to complete "an educational session approved by the Covered Organization about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason" as an alternative to providing proof of vaccination. Although it is set out in section 2 that institutions may choose to exclude this option 1(c) in their policy, its exclusion is done solely at the institution's discretion. Therefore, although the university has frequently stated in its communication with students that it is merely abiding by provincial directives, the onus of instating a hard COVID-19 vaccination mandate (with only rare, arbitrarily granted exemptions) rests entirely on the university.

I would appreciate a response at your earliest convenience.

Sincerely,

Benjamin Gabbay

Faculty of Music, MMus in Composition, second year (currently on leave)

Student # [REDACTED]