

July 23, 2021

**VIA E-MAIL (jhoffman@ogc.rutgers.edu)**

Jay Hoffman, Esq.  
Senior Vice President & General Counsel  
Winants Hall  
7 College Avenue, Room 402  
New Brunswick, NJ 08901

***Re: University Policy 10.3.14  
Interim COVID-19 Immunization Record Requirements for Students  
Misleading Communications to Students***

Dear Senior Vice President and General Counsel Hoffman:

I am a graduate of Rutgers College (Class of 1995) and Rutgers Law School (Class of 1998). On behalf of my two nieces and about a dozen other students who are enrolled at Rutgers and subject to the above-referenced policy whom I represent, I write to notify you that various communications sent to students electronically concerning this policy are false and misleading. I request that you investigate and direct officials to retract and cure these misleading communications at once.

As you are well aware, Rutgers University Policy 10.3.14, *Interim COVID-19 Immunization Record Requirement for Students* (the "Policy") clearly states that students are required to present evidence of COVID-19 immunization "at least 2 weeks prior to coming onto campus for any reason, including but not limited to moving into a residence hall, attending campus classes, and/or entering any campus building."

However, students are being told in electronic and verbal communications that they must submit such evidence by the arbitrary deadline of August 1, 2021. *See e.g.* Email from Honors College Advising APA (C. Moehling, Vice Probst for Undergraduate Education) to Honors College Advising dated July 7, 2021 at 10:31 am, Subject COVID-19 Mandate. Since students are not scheduled to move into residence halls until August 25<sup>th</sup> and classes do not resume until September 1<sup>st</sup>, according to your Policy, students have between August 11<sup>th</sup> and August 18<sup>th</sup> to submit their evidence (or exemption requests) to Rutgers, unless they must report to campus earlier.

Therefore, any communications to students expressing a university wide August 1<sup>st</sup> deadline is inconsistent with the Policy, misleading, and intended to annoy and harass students by shortening their time to comply. Rutgers is estopped from arbitrarily deviating from its own Policy in its communications with students.

Furthermore, this past week students received message blasts threatening sanctions which are not expressed in the Policy and further contradicting the deadlines, requirements and exemptions in the Policy. *See e.g.* July 20, 2021 Message Blast entitled “Reminder for Students Regarding COVID-19 Vaccination Requirement” to All Incoming and Returning Students from Francine Conway, Chancellor-Provost; *see also e.g.* July 21, 2021 Message Blast entitled “Action Required: You are receiving this message because you are not compliant with the COVID-19 Vaccine Mandate. The mandate will take effect on August 1.”

The July 20th message blast (enclosed) threatens students with sanctions that are not expressed in the Policy, including but not limited to having NetID access to my.rutgers.edu accounts blocked (essentially cutting off a student’s only online portal to communicate with university officials) and suspension of academic work, if they do not upload “completed immunization documents.” This message is misleading because the Policy does not authorize the sanctions threatened, and this message deliberately omits any reference to a student’s right to submit medical and religious exemption requests, thereby giving the false impression that such requests are no longer valid or able to be considered. This message also misstates the compliance deadline. Lastly, this message misrepresents a student’s right to an exemption under the Policy if their “entire course of study is . . . fully-remote.” It suggests that such an exemption “only applies to fully on-line degree granting programs” when the Policy clearly does not say that. This message was received by students who have already been granted exemptions or selected a fully remote learning schedule, leading them to the mistaken belief that such exemptions or remote work is no longer valid to be exempt, and causing serious concern and alarm.

The July 21st message blast (also enclosed) compounded the confusion by telling students that they were already not compliant with the Policy even though the deadline for compliance is still, at least, more than one week away. This communication threatens immediate sanctions, *before* any deadline in the Policy or in prior communications has elapsed (“students who remain not compliant. . . will lose access to Rutgers computer applications...”), and further commands students to select from certain limited options that do not track the Policy (including the arbitrary August 1<sup>st</sup> deadline), and again fails to make any reference to any of the exemptions permissible under the Policy. Students (some of whom are taking summer classes and need access to Rutgers computer applications now) were further confused and alarmed by this communication which appears to have been purposely intended to coerce, harass and intimidate.

These misleading and contradictory communications must cease. They are evidence that Rutgers is engaged in a callous campaign to arbitrarily and capriciously deviate from its own Policy in its communications with the student body in order to coerce and intimidate students to vaccinate against their will without regard for their rights under the Policy or under the law. Having graduated from Rutgers, which I have held in high regard since, until this Policy was announced, I find this conduct outrageous.

My clients certainly, and likely most students, are wrestling with a potentially life-altering decision to take vaccines that are emergency-use authorized only and capable of inducing anaphylaxis, blood clot disorders, myocarditis and pericarditis (heart inflammation), Bell’s Palsy, Guillain-Barré Syndrome, and any number of other adverse reactions, in the face of over 10,000 reported deaths to the federal Vaccine Adverse Event Reporting System (VAERS). Rutgers should not be cavalier

about the weight of this decision on its students, my clients, who are facing the dilemma of taking these vaccines or abandoning, in some cases forfeiting, their academic work and aspirations. At the very least Rutgers should be consistent and clear in its communications.

On behalf of my nieces and the other students I represent, I urge you to investigate this matter forthwith, and to contact me no later than end of business Monday, July 26, 2021, to confirm that August 11th and August 18th are in fact the deadlines established by express terms of your Policy and applicable to my clients and other students returning to campus on August 25th or September 1st, respectively, and to explain how these miscommunications will be rectified.

I look forward to conferring with you. Thank you.

Very truly yours,



Julio C. Gomez

Enclosures

cc: Jonathan Holloway, President (via email [c/o meagher@oq.rutgers.edu](mailto:c/o_meagher@oq.rutgers.edu) w/encl.)  
Prabhas V. Moghe, Exec. V.P. Acad. Affairs (via email [moghe@soe.rutgers.edu](mailto:moghe@soe.rutgers.edu) w/encl.)  
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