



Justice Centre for Constitutional Freedoms

November 19, 2021

“WITH PREJUDICE”

University of Saskatchewan
105 Administration Place
Saskatoon, SK S7N 5A2

By Email: [REDACTED]

Attention: President and Vice Chancellor Peter Stoicheff

Dear Sir:

RE: University of Saskatchewan October 28th Covid Policy

Please be advised that we have been consulted by countless University of Saskatchewan (the "University") students, staff, faculty members and various concerned alumni professionals in the community regarding the University's most recent mandatory vaccination policy of October 28, 2021 (the "Policy"). Some of the aforementioned persons are partially and fully vaccinated, some are convalescent, and others remain unvaccinated without prior Covid-19 infection. We are in the process of being retained by a number of students from various colleges who intend to commence legal proceedings against the University, should the University not rescind its Policy based on terms as provided below.

The Policy presents the most severe consequences on those who are unable or unwilling to be vaccinated with Covid-19 vaccination products for a variety of reasons. While the Policy at first glance identifies possible exemptions on the basis of religious and medical grounds pursuant to the *Saskatchewan Human Rights Code*, in practice they are practically inoperative. The process for considering religious exemptions is unlawfully intrusive and the University is acting out of scope as the arbiter of faith considerations. Additionally, some students have identified they have either been denied, or the processing of their exemptions have taken several weeks with no response to date. It has also become apparent throughout Saskatchewan and other provinces that medical exemptions have become increasingly difficult to obtain, as a result of regulatory body pressure on physicians to refrain from executing such medical opinions, despite their professional assessment. Moreover, no exemptions exist for those who conscientiously object to receiving such products for a variety of personal reasons but desire to continue with their education.

Unlike various other countries including academic institutions therein, the University has cornered itself to the use of Covid-19 vaccination products as essentially the only path forward and has seemingly settled the safety and efficacy of such products, while reputable scientific sources have put to question the source data presented to support this position.¹ Moreover, scientific opinions from prestigious and

¹ See for example: <https://www.bmj.com/content/375/bmj.n2635>

internationally recognized experts with opposing views to that of the University have become widely recognized throughout the world.²

Moreover, the University punished Dr. Francis Christian, a prominent and longstanding surgeon in our community, by terminating him for simply speaking to the importance of the hallmark principle of informed consent, as it related to Covid-19 vaccination products being rolled out to children at schools. Unfortunately, the actions taken by the University towards Dr. Christian represents a low water mark of ethical conduct towards a faculty member, especially as the content of the audio recording between Dr. Christian and administrators was revealed, made public, and shared internationally. A number of faculty members have just discovered this incident and the concerns surrounding academic freedom and the treatment towards Dr. Christian is only beginning to surface.

The University has circulated a number of messages to alumni, faculty, staff, and students while taking an unwavering position on Covid-19 vaccination products. Some examples of the messages are as follows:

August 13, 2021

"The science is clear and overwhelming: vaccinations are the clearest path towards beating COVID-19 and its dangerous variants. Without these measures unvaccinated individuals on campus jeopardize their own health and the health of others, and will disrupt in-person classes and campus activities for everyone." - Peter Stoicheff

August 31, 2021

"We will continue to lead through sound decisions and implementation of strong protocols, guided by the science behind vaccination—the clearest path towards beating COVID-19. Only widespread vaccination and testing throughout our campuses can help ensure our safety for the fall term." - Dr. Darcy Marciniuk

September 16, 2021

"The paramount need for safety has led us to introduce consequences of non-compliance for individuals who have yet to declare vaccination status, including loss of access to course tools, unpaid leave and no longer being permitted on campus." - Peter Stoicheff

October 28, 2021

"...we have made the decision to require anyone on our campuses or in our workplaces to be fully vaccinated, beginning at the start of the Winter Term.

...

The expert guidance has confirmed for us that vaccination is the single most effective public health measure to reduce spread and prevent harms of COVID-19 in our community, and that testing protocols are not preventive, but reactive, and should only be used in situations where vaccination is not an option.

...

² See for example, the Great Barrington Declaration: <https://gbdeclaration.org/>; and see Physicians' Declaration at the Rome Global Covid Summit: <https://doctorsandscientistsdeclaration.org/>; and see video recording of the Florida Covid Summit here: <https://www.youtube.com/watch?v=6OhRNGBmBZw>

However, when you are eligible for your third COVID-19 booster shot, proof of that will be required for you to continue to be considered fully vaccinated.

...

We remain firmly committed to the published science that vaccinations are the clearest path towards defeating COVID-19 and its dangerous variants," - Peter Stoicheff

November 16, 2021

"The university is consulting with Public Health on requirements for possible vaccine booster shots, and more information will be shared with the USask community when it is available." - Dr. Darcy Marciniuk

Irrespective of the high vaccination rates displayed by the University's tracking tool, the science surrounding safety and efficacy of Covid-19 vaccination products is not clear and far from being conclusively settled. The number of faculty, staff, and students who were inoculated in good faith does not amount to the determination that such products are in fact, scientifically safe or effective. Nor does it speak to the willingness of such persons to continue rounds of inoculation indefinitely.

A significant and growing body of empirical evidence has emerged which legitimately puts the safety and efficacy of such products to question by professionals from various medical and scientific fields. It has also become evident that countries such as Israel, Gibraltar and others, which adopted the most robust Covid-19 vaccination product rollouts, have the greatest infection and hospitalization rates.³ Moreover, serious and even life-threatening side effects associated with these products are routinely updated on the Health Canada website. Some warnings include Bell's Palsy, Myocarditis, Pericarditis, Blood Clots, Infertility, Stroke, and even death amongst other serious side effects. Suffice it to say, the number of young professional athletes and others experiencing suspicious deaths is on the rise and so widespread that at least one Canadian MPP from Ontario is calling for immediate criminal investigations.⁴

Please note the following:

1. Young adults, who make up the large part of the student demographic are at an extraordinarily low risk for Covid-19 mortality. They have a 99.95% chance of recovery if infected⁵;
2. In the United States, the Covid-19 vaccination products on the market (Moderna, Pfizer, and Johnson and Johnson) have already caused notable side effects, pathology and even death. As of November 5, 2021, Vaccine Adverse Event Reporting System ("VAERS") data released by the Center for Disease Control ("CDC") reveals a total of 875,653 adverse events following Covid-19 vaccine product inoculation, including 18,461 deaths and 20,643 life threatening injuries.⁶ While some have purported that such figures

³ *Ibid* at Florida Covid Summit

⁴ https://www.randyhilliermpp.com/20211020_pr_suddendeaths

⁵ John P.A. Ioannidis , The Infection Fatality Rate of COVID- 19 Inferred from Seroprevalence Data, Bulletin of the World Health Organization BLT 20.265892

⁶<https://www.medalerts.org/vaersdb/findfield.php?TABLE=ON&GROUP1=CAT&EVENTS=ON&VAX=COVID19>

represent 10% of actual adverse event figures having regard to the volume of unreported cases, one study found that it represents less than 1% of actual figures.⁷

3. **There is no evidence that Covid-19 vaccine products prevent transmission of Covid-19.⁸ They are *marketed* as being useful to reduce the severity of Covid-19 symptoms and it has been specifically stated in the emergency use authorization in the United States that, “...nor is there evidence that the vaccine prevents transmission of SARS-CoV-2 from person to person.”⁹ Therefore, the vaccinated and unvaccinated can equally contract and spread Covid-19 to others. This fact is now being widely recognized around the world;**
4. Natural immunity to Covid-19 infection is robust and likely lifelong.¹⁰ Further, such durable immunity would contribute to herd immunity.¹¹ While there exists minimal and questionable studies regarding re-infection, there is no definitive evidence that an individual previously infected with SARS-CoV-2 is at risk of becoming re-infected and transmitting it to others. In animal studies, previous SARS-CoV-2 infection in monkeys prevented subsequent re-infection.¹²
5. Dr. Byram Bridle, a prominent pro-vaccine Canadian immunologist with a specialty in vaccinology from the University of Guelph Ontario demonstrates a possibility that the mRNA Covid-19 vaccination products (Pfizer and Moderna) could cause infertility in women of child-bearing years.¹³ There is evidence that Pfizer’s COVID-19 vaccine does not remain at the injection site. Once injected, the vaccine contents appear to travel extensively throughout the body, to the brain and other sensitive tissues, such as bone marrow, spleen, liver, adrenal glands, ovaries etc.¹⁴ His research indicates that the Moderna vaccine operates in a similar fashion. Damage to the ovaries or testicles might result in infertility that would not become apparent until attempting to have children.¹⁵
6. The spike protein present on the SARS-CoV-2 virus and the induced primary mechanism of action of Covid-19 vaccines, could be the primary cause of disease, infirmity,

⁷ <https://digital.ahrq.gov/sites/default/files/docs/publication/r18hs017045-lazarus-final-report-2011.pdf>

⁸ <https://www.fda.gov/media/144416/download>; <https://www.fda.gov/media/144673/download>; and <https://www.fda.gov/media/146338/download>

⁹ <https://www.fda.gov/news-events/press-announcements/fda-takes-additional-action-fight-against-covid-19-issuing-emergency-use-authorization-second-covid>

¹⁰ For example see: <https://www.wsj.com/articles/herd-immunity-is-near-despite-faucis-denial-11616624554>; <https://www.uk-cic.org/news/cellular-immunity-sars-cov-2-found-six-months-non-hospitalised-individuals>; <https://pubmed.ncbi.nlm.nih.gov/32743600/>;

<https://www.medrxiv.org/content/10.1101/2020.07.21.20159178v1>; <https://www.nih.gov/news-events/nih-research-matters/sars-cov-2-antibodies-protect-reinfection>; and <https://pubmed.ncbi.nlm.nih.gov/32979941/>.

¹¹ <https://www.nature.com/articles/s41577-020-00436-4>; and <https://www.nih.gov/news-events/nih-research-matters/lasting-immunity-found-after-recovery-covid-19>

¹² <https://pubmed.ncbi.nlm.nih.gov/32616673/>

¹³ <https://www.canadiancovidcarealliance.org/wp-content/uploads/2021/06/2021-06-15-children-and-covid-19-vaccines-full-guide.pdf>

¹⁴ *Ibid.* at p.2

¹⁵ *Ibid.* at p.28

hospitalization, and death.¹⁶ It can also potentially have serious consequences for fetal and neonatal development.¹⁷

Despite the above, which only represents a needle in the haystack of available scientific literature questioning the need, safety and efficacy of these Covid-19 vaccination products as a response measure to Covid-19, the University persists with its Policy, as though such information does not exist, creating greater hesitancy towards such products and public discontent towards the University's approach.

The *Nuremberg Code*, which represents one of the hallmarks of medical ethics, includes that subjects are "to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion..."¹⁸ The Policy is effectively, "force and/or coercion" by withholding education from those who refuse to be inoculated.

The *Universal Declaration of Bioethics and Human Rights*, provides that, "Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice."¹⁹ The Policy presents significant disadvantage and prejudice for those who wish not to consent to receiving Covid-19 vaccination products.

The *Universal Declaration of Human Rights* (UDHR) Article 26 provides, "Everyone has the right to education... Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit." The Policy contravenes such Human Rights as it makes education unavailable to some based on circumstances beyond merit. While the UDHR has no domestic legal force, it would be unfortunate for a first class University to deprive its students of a basic internationally recognized human right.

Please be advised that if the Policy is not immediately rescinded and any student(s) obtains a Covid-19 vaccination product for the purpose of being able to continue with their education and such student(s) suffers an adverse event causing damages, the University's senior leadership along with the Board of Governors are exposed to liability given the nature of the Policy.

Moreover, there is no contractual agreement between students and the University that the former receive any medical procedure in order to receive an education, let alone a novel, never before used mRNA technology with no long-term studies. Rather the University has an obligation to abide by its contractual obligations to provide education in return for the tuition it has collected.

It is our view that the Policy and the management of the Covid crisis by the University is subject to the *Canadian Charter of Rights and Freedoms* (the "Charter"). Consequently, the Policy violates Sections 2(a), 7, and 15 of the *Charter*.

It is recognized that the University's senior leadership, members of its Pandemic Response and Recovery Team, along with its Board of Governors have been tasked with very difficult decisions during the Covid crisis to indeed, 'Protect the Pack'. Undoubtedly, this has been no easy task. However, we highly encourage you as a reputable institution of science and a fixture in Saskatchewan, to accept a lawful and reasonable balance of interests, in fulfillment of your principles and values. Punishing those who do not

¹⁶ <https://www.qeios.com/read/26GTOD.2/pdf>

¹⁷ <https://www.mdpi.com/2076-393X/9/11/1351/htm>

¹⁸ <http://www.cirp.org/library/ethics/nuremberg/>

¹⁹ https://unesdoc.unesco.org/ark:/48223/pf0000146180_eng

professionally share your perspective, or persecuting those who choose to remain unvaccinated in exercise of their bodily integrity, achieves none of these principles and values but only tarnishes the reputation of the University which Saskatchewan cherishes.

To that end, it is hereby demanded that the University rescind the Policy no later than **November 26, 2021** and that any policy in replacement thereof provide for the same rights and privileges for all students, so long as students can confirm one of the following:

1. Proof of infection and recovery to Covid-19 or proof of antibodies as against Covid-19;
2. Proof of vaccination with a Covid-19 recognized product; or
3. Proof of negative test as provided by the University in its previous policy.

I look forward to a response from you or your legal representative.

Yours truly,

[REDACTED]

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[REDACTED]

cc: University of Saskatchewan Board of Governors per Manager Board Services
[REDACTED]; and Dr. Darcy Marciniuk (Pandemic Response and Recovery Team
Chair) [REDACTED]