



FOR INFORMATION

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OPEN SESSION

TO: Business Board

SPONSOR: Cheryl Regehr, Vice-President & Provost, Vice-President

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PRESENTER: See Sponsor

CONTACT INFO:

DATE: September 2, 2020 for October 6, 2020

AGENDA ITEM: 2(b)

ITEM IDENTIFICATION:

Policy on Non-Medical Masks or Face Coverings

JURISDICTIONAL INFORMATION:

On April 2, 2020, the Governing Council approved a motion for the establishment of the COVID-19 Special Committee of Governing Council. Under the motion approved “*this Special Committee [will] have the power to make decisions and take actions on matters the urgency of which does not permit their deferral until the next regular meeting of Governing Council or its appropriate standing committee, campus council or board.*”

GOVERNANCE PATH:

1. COVID-19 Special Committee [for approval] (August 10, 2020)
2. Governing Council [for information] (September 9, 2020)
3. **Business Board [for information] (October 6, 2020)**

PREVIOUS ACTION TAKEN:

N/A

HIGHLIGHTS:

The University of Toronto is committed to providing a safe and healthy environment for its faculty, librarians, staff, students, post-doctoral fellows, volunteers, visitors, and other community members. As part of this commitment, the University is implementing this

temporary Policy requiring non-medical masks or face coverings to be worn indoors in common-use spaces on University property, including at its three campuses.

This *Policy* is consistent with the approach outlined in City of Toronto By-Law 541-2020 and City of Mississauga By-Law 0169-2020, although neither By-Law applies to post-secondary institutions. This Policy will remain in effect as long as Ontario public health authorities recommend that mask-wearing is necessary in indoor public spaces. It is subject to change and extension at the discretion of the Governing Council of the University of Toronto as public health guidance and understanding about COVID-19 evolve.

This *Policy* builds on a temporary administrative measure adopted July 7, 2020 to further help limit the spread of COVID-19. Under that measure, the University of Toronto required non-medical masks or face coverings to be worn inside buildings that are normally publicly accessible when measures such as physical barriers are not available. This included hallways, lobbies, elevators and other common use facilities. The proposed *Policy* expands the requirement to include classrooms, shared offices, and other indoor common-use spaces.

Consultation via email and/or video meetings has taken place with the University of Toronto Faculty Association, unions representing a majority of U of T employees, the executives of the five representative student committees, the heads of the federated universities, Principals & Deans, and the Chairs of Business Board, University Affairs Board, and the UTSC Campus Council. The Chairs of the Academic Board and UTM Campus Council were unavailable to attend the meeting.

The University, through the offices of the Vice-President & Provost, the Vice-President, Operations and Real Estate Partnerships, and the Vice-President, Human Resources & Equity, may issue further guidance regarding expectations under this Policy. The administration will provide periodic reports to the relevant boards and committees of Governing Council regarding the implementation and ongoing application of this Policy.

An accompanying draft Guideline has been prepared by the Vice-President, Human Resources & Equity and the Vice-President & Provost, and is still in development. The draft Guideline contains additional information and details about the application of the Policy, exceptions and accommodations, and the University's primarily educational approach to enforcement.

FINANCIAL IMPLICATIONS:

Costs of implementing the Policy will include signage and educational materials, which are included in the overall costs related to the University's response to COVID-19.

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DOCUMENTATION PROVIDED:

- Proposed *Policy on Non-Medical Masks or Face Coverings*
- Joint Provostial and Human Resources Guideline on Non-Medical Masks at the University of Toronto (Draft)

UNIVERSITY OF TORONTO *POLICY ON NON-MEDICAL MASKS OR FACE COVERINGS* **August 10, 2020**

The University of Toronto is committed to providing a safe and healthy environment for its faculty, librarians, staff, students, post-doctoral fellows, volunteers, visitors, and other community members. As part of this commitment, the University is implementing this temporary *Policy* requiring non-medical masks or face coverings to be worn indoors in common-use spaces on University property.

This *Policy* is consistent with the approach taken in City of Toronto By-Law 541-2020 and City of Mississauga By-Law 0169-2020, although neither By-Law applies to post-secondary institutions. This *Policy* will remain in effect as long as Ontario public health authorities recommend that mask-wearing is necessary in indoor public spaces. It is subject to change and extension at the discretion of the Governing Council of the University of Toronto as public health guidance and understanding about COVID-19 evolve.

Guiding Principles

- I. The health and safety of the U of T community is the University's primary consideration as faculty, librarians, staff, and students return to in-person on-site activities.
- II. The University will continue to align its approach with applicable public health directives and guidelines.
- III. The University is committed to accessibility and equity, and is cognizant of the unique needs of different stakeholders to advance academic participation and community engagement.
- IV. Through its policies and guidelines, the University promotes a supportive and respectful environment, including accommodating individual health needs.
- V. The University will apply a consistent approach where practicable.

Masks Requirement

1. **Wearing of masks:** Wearing non-medical masks or face coverings is required in all common-use indoor University spaces, including classrooms and common areas in residences.
2. **Application:** This *Policy* applies to all who are present on University of Toronto property at any time and for any purposes, including employees, students, contractors, volunteers, and visitors. The University may provide for exceptions to the application of this *Policy* in an accompanying administrative guideline and/or further guidance.
3. **Definitions:**
 1. **Non-medical mask or face covering** means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping.
 2. **Common-use indoor University spaces** include lobbies, elevators, hallways and corridors, stairwells, washrooms, service desks, cafeterias and lunchrooms, common areas in residences, study lounges, meeting rooms, classrooms, research and teaching labs, shared or open-space

offices, and other locations used in common where practicing physical distancing may be difficult or unpredictable.

4. **Enforcement:** Enforcement will depend on the individual's relationship with the University, the nature of an incident, the place in which it occurred, and the impact on others in that place.
5. **Accommodation:** This *Policy* is subject to the duty to accommodate persons in accordance with the *Human Rights Code* of Ontario.
6. **Signage:** Signs will be posted at University buildings, and other appropriate locations.
7. **Education:** The University will provide education to inform members of its community about the benefits of non-medical masks or face coverings with regard to limiting community transmission of COVID-19, and with regard to personal privacy pertaining to accommodations for medical and other reasons.
8. **Occupational Health and Safety and other statutes:** This *Policy* should not be interpreted in a way that conflicts with or replaces existing requirements or obligations under the *Occupational Health and Safety Act* or other applicable statutes and regulations.

The University, through the offices of the Vice-President & Provost, the Vice-President, Operations and Real Estate Partnerships, and the Vice-President, Human Resources & Equity, may issue further guidance regarding expectations under and application of this *Policy*.

The administration will provide periodic reports to the relevant boards and committees of Governing Council regarding the implementation and ongoing application of this *Policy*.

Joint Provostial and Human Resources Guideline on Non-Medical Masks at the University of Toronto

August 10, 2020

The University of Toronto is committed to providing a safe and healthy environment for its faculty, librarians, staff, students, volunteers, visitors, and other community members. As part of this commitment, the Governing Council approved the University of Toronto *Policy on Non-Medical Masks or Face Coverings*, requiring non-medical masks or face coverings to be worn indoors in University common-use spaces on its property, including, for example, in classrooms or common areas in residences.

This joint Guideline is being issued under the Policy to offer further guidance and information to the University community regarding the masks requirement. This Guideline remains in effect as long as the Policy is in effect, and is subject to change and to extension at the discretion of the University administration as public health guidance and understanding about COVID-19 evolve.

Masks Requirement

Wearing non-medical masks or face coverings is required in all common-use indoor University spaces (including University-owned and leased spaces), including classrooms and residences, whether restricted-access or open to the public. Examples of common-use spaces include lobbies, elevators, hallways and corridors, stairwells, washrooms, service desks, cafeterias and lunchrooms, common areas in residences or study lounges, meeting rooms, classrooms, research and teaching labs, shared or open-space offices, and other locations used in common where practicing physical distancing may be difficult or unpredictable, such as libraries. In leased spaces, occupants may also be subject to the policies and guidelines of the building owner or manager.

Exceptions

Non-medical masks or face coverings are not required:

- When an individual is required to wear personal protective equipment in lieu of a non-medical mask or face covering, as determined by the U of T Environmental Health & Safety office
- When wearing a non-medical mask or face covering would create a risk to the individual related to their work, as determined by the University's workplace safety guidelines
- While taking part in organized University community activities that interfere with mask-wearing (e.g., athletic or fitness activities, playing a musical instrument) in accordance with public health guidelines
- When eating or drinking
- Where protective barriers are in place
- In learning and teaching environments, if and when the instructor(s) recommends that non-medical masks or face coverings are not required on the basis that wearing them would materially impair the effectiveness of the learning activity, and where the learning activity can be carried out safely.

- If instructors recommend that masks are not required, they must ensure that the learning activities are carried out safely and in accordance with public health and University guidance, following the procedures outlined in the Teaching Re-Entry Planning section of the University's COVID-19 Leadership Toolkit.
- In research environments, if the approved departmental/divisional research re-entry plans allow individuals to maintain a consistent two-meter physical distance
- In administrative, office and industrial environments (e.g. server rooms, control rooms, mechanical rooms), when the physical layout allows individuals to maintain a consistent two-meter physical distance, for example, in private offices
- Inside meeting rooms, lunchrooms, and lounges when the physical layout allows individuals to maintain a consistent two-meter physical distance

Accommodation

Individuals may be exempt from this Guideline in the following situations:

- If they require accommodation (e.g., for reasons of disability, religion, or other) under Ontario's *Human Rights Code*
- Children under the age of two
- If they have a medical condition including a physical condition, mental health condition, or other health concern that makes it difficult to wear a mask or face covering, including a medical condition that makes it difficult to breathe, or to put on and remove a mask or face covering without assistance, or someone who is unconscious or incapacitated
- Where the ability to see the mouth is beneficial for communication, if they are persons with hearing loss and/or deafness or if they are the person communicating with a person with hearing loss and/or deafness

Members of the community should not ask colleagues, students, or others at the University for supporting documentation or other proof regarding exemptions or accommodations under the Policy or this Guideline. In specific circumstances where individual health and safety is at risk, an individual who is unable to wear a non-medical mask or face covering due to one of the reasons above, or some other similar reason, may be asked by a manager or academic administrator to provide supporting documentation to the University through the appropriate office on a confidential basis. For example, employees, including faculty members, may be asked to provide documentation to Health & Well-being Services & Programs in some circumstances, or students in some situations may be asked to register with Accessibility Services. In all cases, such inquiries should be for the purpose of maintaining health and safety for the community, or for assisting with tailoring accommodation to their specific needs in a manner that maintains health and safety.

Education and Enforcement

The University will focus on educating members of the community about the Policy and this Guideline, including the benefits of non-medical masks or face coverings with regard to community transmission of COVID-19, as well as the importance of accommodation and personal privacy regarding medical or other conditions.

Enforcement measures will focus primarily on an educational approach and will depend on the individual's relationship with the University, the nature of an incident, the place in which it occurred, and the impact on others in that place. Additional training will be provided to Campus Police on all three campuses on expectations with regard to enforcement and engaging with community members not wearing a mask while at the University of Toronto.