



# Justice Centre

for Constitutional Freedoms

July 30, 2021

VIA EMAIL

President of Seneca College  
1750 Finch Avenue East  
Toronto, Ontario Canada M2J 2X5

Dear Mr. David Agnew,

**RE: Seneca College Mandatory Vaccination Policy for Returning Students on Campus**

We are writing to you on behalf of Ms. Mariana Costa, who is about to enter her third and final year of her Fashion Arts program commencing in September 2021 at Seneca College. She was recently in contact with your office about the College's Covid-19 vaccination policy, wherein she was advised that the vaccination would be required for students who wish to return to campus. She also recently received an email from her Academic Adviser, Ms. Nicola Fillier, that informed her that she would not be able to complete her program online.

We understand that Seneca College recently instituted a policy mandating Covid-19 vaccination for all students on campus,<sup>1</sup> ("the Requirement"). While the Requirement includes a possibility for exemptions, the procedure is unclear and it is possible that Ms. Costa may not qualify for any of the exemptions. We are hereby putting you on notice that this policy is both unscientific and unethical, and should be reversed immediately, for the following reasons:<sup>2</sup>

1. Young adults are at an extraordinarily low risk for Covid-19 mortality. They have a 99.95% chance of recovery if they get infected with it.<sup>3</sup>

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<sup>1</sup> <https://inside.senecacollege.ca/health/vaccinations.html#FAQs>

<sup>2</sup> The source for some of this data can be found at: <https://aapsonline.org/open-letter-from-physicians-to-universities-reverse-covid-vaccine-mandates/>

<sup>3</sup> John P.A. Ioannidis, *The Infection Fatality Rate of COVID-19 Inferred from Seroprevalence Data*, Bulletin of the World Health Organization BLT 20.265892

2. The Covid-19 vaccines have not been fully authorized by Health Canada or the Food and Drug Administration. They are under “Emergency Use Authorization” in the US and “Interim Authorization” in Canada.<sup>4</sup> Clinical trials will continue for at least two years.
3. In the US, the Covid-19 vaccines on the market (Moderna, Pfizer, and Johnson and Johnson) have caused notable side effects, pathology and even death (Vaccine Adverse Event Reporting System (“VAERS”) data released by the Center for Disease Control (“CDC”) on June 22, 2021 showed a total of 358,379 reports of adverse events from all age groups following Covid vaccines, including 5,993 deaths and 29,871 injuries between December 14, 2020 and June 11, 2021 <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/adverse-events.html>) These adverse reactions can result in missed school and work, hospital visits, and even death.
4. The Covid-19 vaccines do not prevent people from getting Covid-19, nor do they prevent people from spreading Covid-19. They are marketed as being useful to reduce the severity of Covid-19 symptoms. Therefore, the vaccinated and unvaccinated can both get and spread Covid-19 to others.
5. College-age women may be at unique risk for adverse events following administration of the experimental Covid-19 vaccinations currently available. According to the CDC, all cases of life-threatening blood clots subsequent to receiving the J&J vaccine reported so far in the United States, occurred in younger women.<sup>5</sup> The vast majority of cases of anaphylaxis have also occurred in women.<sup>6</sup> In addition, “women are reporting having irregular menstrual cycles after getting the coronavirus vaccine,”<sup>7</sup> and 95 miscarriages have been reported to VAERS following Covid-19 vaccination as of April 24, 2021.<sup>8</sup>
6. Recent research from a prominent pro-vaccine Canadian immunologist with a specialty in vaccinology demonstrates a possibility that the MRNA vaccines (Pfizer and Moderna) could cause infertility in women of child-bearing years.<sup>9</sup> 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

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<sup>4</sup> <https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/authorization/applications.html#wb-auto-4>

<sup>5</sup> <https://www.cdc.gov/media/releases/2021/fda-cdc-lift-vaccine-use.html>

<sup>6</sup> <https://jamanetwork.com/journals/jama/fullarticle/2776557>

<sup>7</sup> <https://www.ajc.com/life/women-reporting-irregular-menstrual-cycle-after-vaccination/XRN2P4FOWRAV7DIPYTU2MO67VA/>

<sup>8</sup> <https://wonder.cdc.gov/vaers.html>

<sup>9</sup> [https://www.canadiancovidcarealliance.org/wp-content/uploads/2021/06/2021-06-15-children\\_and\\_covid-19\\_vaccines\\_full\\_guide.pdf](https://www.canadiancovidcarealliance.org/wp-content/uploads/2021/06/2021-06-15-children_and_covid-19_vaccines_full_guide.pdf)

marrow, spleen, liver, adrenal glands, ovaries *etc.*<sup>10</sup> 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.<sup>11</sup>

7. Recent research suggests that the spike protein, present on the SARS-CoV-2 virus and the induced primary mechanism of action of Covid-19 vaccines, is the primary cause of disease, infirmity, hospitalization, and death.<sup>12</sup>
8. On June 23, 2021, it was announced that the Food and Drug Administration (FDA) will place a heart inflammation warning label on fact sheets for Covid-19 made by Pfizer/BioNTech and Moderna.<sup>13</sup> According to the CDC as of June 23, 2021, the cases of heart inflammation appear to be notably higher in the week after the second vaccine dose and in males. The CDC identified 309 hospitalizations from the heart inflammation in persons under the age of 30.<sup>14</sup>
9. On April 26, 2021, **Health Canada announced that it was placing a warning label** on the Johnson and Johnson vaccine due to reports of blood clotting following vaccination.<sup>15</sup>
10. On June 30, 2021, **Health Canada announced that it was placing a warning label** on the Pfizer and Moderna vaccines due to reports of myocarditis and pericarditis following vaccination.<sup>16</sup>
11. Students who have already had Covid-19 and recovered already possess natural immunity against Covid-19 and variants which is verifiable by lab testing. Such durable immunity would contribute to herd immunity.<sup>17 18</sup>
12. This policy discriminates against individuals who (i) aren't candidates for this vaccine, (ii) have pre-existing conditions, (iii) have had Covid-19 already and who have natural immunity, (iv) cite religious objections, or (v) are otherwise exercising their free will in choosing not to participate in this optional vaccine experiment. The Nuremberg Code, resulting from medical experiments on and abuses of citizens during WWII, requires individuals, "to be able to exercise free

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<sup>10</sup> *Ibid.* at p. 2

<sup>11</sup> *Ibid.* at p. 28

<sup>12</sup> <https://www.qeios.com/read/26GTOD.2/pdf>

<sup>13</sup> <https://www.reuters.com/business/healthcare-pharmaceuticals/us-panel-review-heart-inflammation-cases-after-pfizer-moderna-vaccines-2021-06-23/>

<sup>14</sup> *Ibid.*

<sup>15</sup> <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75479a-eng.php>

<sup>16</sup> <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75959a-eng.php>

<sup>17</sup> <https://www.nature.com/articles/s41577-020-00436-4>

<sup>18</sup> <https://www.nih.gov/news-events/nih-research-matters/lasting-immunity-found-after-recovery-covid-19>

power of choice, without the intervention of any element of force....”<sup>19</sup> It is effectively “force” to mandate compliance on pain of losing the opportunity to participate in normal activities.

13. Informed consent is the standard for all medical interventions. The FDA factsheet for the healthcare provider reads, “The recipient or their caregiver has the option to accept or refuse (Pfizer-BioNTech) vaccine.”

When Ms. Costa accepted her offer to study at Seneca College there was no condition of acceptance that she agree to be injected with two doses of an experimental drug, not yet fully approved, which is still undergoing safety trials, and which comes with a Health Canada warning. Nor was it made clear to her that she would have to agree to take a drug that could cause her to have an increased risk of myocarditis (heart inflammation), pericarditis, blood clots, infertility, or other adverse health effects including death.

Furthermore, this vaccine requirement is unconstitutional as it violates sections 2, 7, 8 and 15 of the *Canadian Charter of Rights*, which protects Canadians’ rights of conscience, to life and security of the person, privacy, and the equality right to be free from discrimination. Bodily integrity, privacy, and personal freedom are under attack. Your policy is totalitarian and has no place in a free and democratic society.

It is also potentially dangerous for the reasons explained above. Imposing the Requirement upon students who are at virtually zero risk of a serious outcome from Covid-19 is unethical. We reiterate a very important point: **The Covid-19 vaccines are not fully authorized in Canada, are experimental, are still subject to ongoing clinical trials, and have a Health Canada warning label.** Unlike with other vaccines that have been on the market for years, the Covid-19 vaccines are too new to have any long-term safety data.

You are in effect telling this young woman that she cannot complete her education unless and until she agrees to become part of this clinical trial – despite Health Canada’s safety warnings and her own infinitesimally small risk of a serious outcome from Covid-19.

You are hereby on notice that you may be held liable for any injuries or death caused to students as a result of the Requirement and that we are considering bringing legal action against you for violating Ms. Costa’s *Charter* rights.

We trust you will reverse your decision to mandate Covid-19 vaccines which are not fully approved before students are harmed and make the vaccines rightfully optional.

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<sup>19</sup> <http://www.cirp.org/library/ethics/nuremberg/>

Both unvaccinated and vaccinated students should be permitted to participate fully in all activities on campus and in connection with the university.

We look forward to your expeditious confirmation that this policy has been reversed and trust you will govern yourself accordingly.

Sincerely,



Allison Kindle Pejovic, B.A., L.L.B., L.L.M.  
Staff Lawyer  
Justice Centre for Constitutional Freedoms

Email: [REDACTED]  
*"Defending the constitutional freedoms of Canadians"*

cc. Board of Governors

cc. Nicola Fillier