



An applicant may reply to any **new** matters raised in the Response (Form 2) by completing this Reply (Form 3). You should only file a Reply if **new** matters were raised in a Response and your Reply should only deal with the **new** matters that were raised by the respondent in the Response.

Note that an applicant who intends to prove a version of the facts different from those set out in a Response must set out the different version by completing this Reply (Form 3), **unless that different version is already contained in the Application.**

Follow these steps to reply:

1. Fill out this Form 3.
2. Deliver a copy of this Form 3 to the other parties and any trade union or occupational or professional organization and other person or organization identified as an affected party in the Application and Response.
3. Complete a Statement of Delivery (Form 23).
4. File this Form 3 and Form 23 with the Tribunal.

You have **twenty one (21)** days after the Response was delivered to you by the Tribunal to deliver and file a Reply.

Download forms from the Tribunal's web site tribunalsontario.ca/hrto. If you need a paper copy or accessible format, contact us:

Human Rights Tribunal of Ontario
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

Phone: 416-326-1312 Toll-free: 1-866-598-0322

Fax: 416-326-2199 Toll-free: 1-866-355-6099

TTY: 416-326-2027 Toll-free: 1-866-607-1240

Email: hrto.registrar@ontario.ca

**Application Information**

Tribunal File Number:	2021-48071-I
Name of Applicant:	Philip Anisimov
Name of Each Respondent:	University of Ontario Institute of Technology

Identify the page or paragraph number of the Response where the new matter is raised and then explain your reply to this new matter. If you need more space please attach another sheet of paper. Number each additional page.

1A. What is the new matter raised in the Response? (page or paragraph number)

See Schedule A attached.

1B. What is your reply to this new matter? If you will submit a version of the facts different from that set out in the Response *and which was not included in your Application*, describe these facts here.

See Schedule A attached.

2. Signature

By signing my name, I declare that, to the best of my knowledge, the information that is found in this form is complete and accurate.

Name: Hatim Kheir	
Signature:	Date: (dd/mm/yyyy) 06/10/2022

☒ Please check this box if you are filing your response electronically. This represents your signature. You must fill in the date, above.

Collection of Information:

Under the Ontario *Human Rights Code*, the Human Rights Tribunal of Ontario (HRTTO) has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the HRTTO uses your personal information, contact the HRTTO at 416-326-1312 or 1-866-598-0322 (toll-free.)

SCHEDULE A

In furtherance of sections 1A and B of the Form 3, the Applicant provides the following corrections and clarifications:

A. The COVID-19 Vaccines

1. Paragraph 43 of the Respondent's Form 2 (the "Response") repeats the claim made by Student Accessibility Services ("SAS") that "HEK-293 cells were not used to the develop the mRNA vaccines [*sic*]." This is not true. The Pfizer and Moderna mRNA vaccines used HEK-293 cells in their proof-of-concept tests, which was specified by the Applicant in his response to SAS's denial dated October 5, 2021.

2. Paragraph 43 of the Response also claims that the HEK-293 cell line was developed in the Netherlands in 1973 when abortion was illegal except in therapeutic cases. However, this claim must be qualified:

- a. First, while elective abortions were technically illegal in the Netherlands, there was legal uncertainty regarding what constituted a medical abortion. In the context of this legal uncertainty, there was a liberalization of of the approach to abortions in the Netherlands prior to 1973. It resulted in a situation where, in practice, applications for medical abortions were approved so commonly as to amount to abortion on demand.
- b. Second, as included in paragraph 43, the developer of the cell line, Frank Graham, has stated that he is unclear of the origin of the cells. He has stated that he cannot confirm that HEK-293 cells have not come from an elective abortion.

B. The Accommodation Process

3. Paragraph 24 of the Response states that the Chief Medical Officer of Health issued instructions requiring post-secondary education institutions to implement a policy mandating

students who attend campus to provide full proof of vaccination. This is not true. The instructions gave the universities the option of allowing students to attend an educational session. The Respondent excluded this option in its policy.

4. Paragraph 33 of the Response states that the application form students were required to complete to request an accommodation required applicants to identify the “Creed/Religion (including denomination)”. Not so. The form read: “identify the creed/religion that you belong to” without specifying that students were expected to include their denomination. Nevertheless, the Respondent cited the failure to specify the denomination as a reason for rejecting the Applicant’s request for accommodation in their rejection dated October 5, 2021.

5. Also at paragraph 33, the Response states that “if the student was opposed to COVID-19 vaccines in particular, the form required them to indicate the specific reasons they were opposed to COVID-19 vaccines in particular.” On the contrary, the form merely stated:

- a. “Identify the creed/religion that you belong to”;
- b. “How long you have been a member of this community of faith”;
- c. “how long you have refrained from receiving vaccinations”;
- d. “what is the sincerely-held creed/religious belief(s) that prevents you from receiving vaccinations?”; and
- e. “How is the above-noted belief(s) integrally linked to your identity, self-definition and fulfilment and part of a particular and comprehensive, overarching system of belief that governs your conduct and practices?”

6. Paragraph 37 of the Response states that “All students who requested a creed-based exemption because of the alleged connection between fetal cells and the vaccines were granted an interim accommodation until the end of the Fall 2021 semester.” However this statement is

misleading. With respect to the Applicant, he was denied his request for accommodation three times. As stated at paragraph 46 of the Response, the Applicant was threatened with deregistration. As discussed in paragraph 49 of the Response, the Applicant's was only granted accommodation for the Fall 2021 term because the University failed to respond to his initial request for accommodation for 6 weeks. This lies in contrast to the claim in paragraph 37 as well as the claim in paragraph 50 that the Respondent treated the Applicant exactly as it treated other students who requested accommodations on the basis of religious objections to the COVID vaccines.

C. The Applicant's Request for Accommodation

7. Paragraph 40 of the Response describes the Applicant's application for an accommodation as being "composed of...three short sentences." The application form provided three lines for the Applicant to explain the basis for his request. The Applicant was unaware that the form would modify the font fit more text and truncated his explanation accordingly.

8. Paragraph 41 of the Response states that SAS "informed Mr. Anisimov that the COVID-19 vaccines did not contain any human tissue." The Applicant did not state in his application for accommodation that the vaccines contain human tissue. Rather, he stated "the COVID vaccines use aborted fetal tissue directly or indirectly in their development. According to my faith, taking the vaccine would be" cannibalism.

9. Paragraph 42 of the Response claims that the Applicant's second request for an exemption included no evidence to support the claim that he had not received any vaccines since the age of six. However, this claim requires context. The Applicant was responding to the Respondent's rejection dated October 5, 2021 which asked "can you please send us proof/verification of your vaccine exemption?" The Applicant informed the Respondent that he was homeschooled for most of his life. Therefore, he was never required to be vaccinated and never had to obtain an exemption.