

SCHEDULE "A"

Background facts

1. The Applicant, Philip Anisimov, is a fourth-year student at Ontario Tech University ("OTU"), registered in the Mechanical Engineering Bachelor program

The Applicant's Religious Beliefs and the Covid Vaccine

2. The Applicant is also a devout Christian. The very purpose of his life is to live for God and not for himself.
3. As a Christian, the Applicant believes that human life is sacred, and that life begins at the moment of conception. It is against his deeply held religious beliefs to participate in or condone abortion in any way.
4. The Applicant has refused to take the Covid-19 vaccines as doing so would be contrary to his religious beliefs.
5. The currently approved Covid-19 vaccines used HEK 293 cells during the research and development stages, which are immortalized cell lines that were derived from a female aborted human fetus.
6. Taking such a vaccine would make him a beneficiary of abortion, something he is unable to do due to his religious belief that abortion is fundamentally immoral.
7. Further, as a Christian, the Applicant believes that his body is a temple of God. This means that God dwells in him, and so he must respect and protect his body from unnecessary risks and harm and to make medical decisions based on his own best judgment and not due to pressure. Ultimately, the Applicant believes that he is held responsible by God for the decisions he makes affecting his body and health, including what he injects.
8. The Applicant cannot consent to taking the Covid-19 vaccines on religious grounds, not only because of the use of HEK 293 cells, but also because the Covid-19 vaccines have not been subjected to long term testing and due to the known risks and side-effects, such as myocarditis.

Accommodation Requests to Ontario Tech University

9. The Applicants first semester at OTU began September 2017.
10. From September 2017 and until September 2021, all but four of his courses were in-person. In addition to his courses, he had internships between 2nd and 3rd year as well as between 3rd and 4th year.

11. As of March of 2020, however, OTU converted all of its courses to exclusively online as part of its reaction to the outbreak of the Covid-19 virus.
12. The Applicant completed his six 2020 winter semester courses online in April 2020, which included six online exams.
13. From June 1st, 2020, to August 31st, 2021, the Applicant completed a 15-month internship as a Global Commodity Engineering Intern with a company called Celestica.
14. On or about June 28, 2021, the Applicant registered for four fall semester courses and one year-long course, commencing September 2021.
15. In the summer of 2021, the Applicant was notified that in order to attend on-campus for the 2021 fall semester he would have to take two shots of approved Covid-19 vaccines as part of a new mandatory policy. OTU claimed that students could be exempted from this new mandatory policy, but they would first have to apply to OTU's Student Accessibility Services ("SAS").
16. On or about August 23, 2021, the Applicant submitted a completed Vaccination Accommodation Application form to SAS requesting accommodation based on religious reasons for his final year at OTU so that he could continue his studies online, as he had been doing since March 2020, or attend campus with COVID testing.
17. SAS did not respond prior to the deadline for students to make payments to OTU for the fall semester courses on September 20th, and so he made those payments.
18. As of October 4th, 2021, the Applicant still did not have a response from OTU to his accommodation request despite numerous follow up attempts by the Applicant. After one of his many phone calls, SAS replied by asking the Applicant to submit another copy of the accommodation request, which he did that same day.
19. The very next day, on October 5th, 2021, Ms. Monica Jain, a Director at OTU, sent the Applicant notice that SAS had rejected his exemption request. Ms. Jain advised, in part, that the Applicant's request lacked detail and demonstrated "insufficient connection between a creed-related need and the accommodation being sought". SAS specifically requested to know the Applicant's religious denomination and whether he had previously objected to vaccinations in the past.
20. Despite the impropriety and unfairness of these questions, the Applicant submitted a second exemption request on the same day providing further information about his religious requirements and views.
21. The Applicant's request for accommodation related to his 12 in-person tutorials which happened once a week, two in-person midterm exams for Finite Elements Methods MECE4290U and 3 in-person final exams. The Applicant simply wanted to be able to complete his exams and course requirement online, as he had been allowed to do since the 2020 winter term or do them on campus after a negative COVID test, as well as following other measures such as wearing a mask, social distancing and self-screening.
22. On October 12th, 2021, OTU rejected the Applicant's second exemption request despite the fact that he provided further detail about his religious based objection to taking the Covid-19 vaccine. OTU had the ability to accommodate him with little hardship, given that all of the Applicant's course requirements could already be completed online.

23. On this occasion, Ms. Jain told the Applicant that his religious convictions were “too remote” to justify an accommodation. Adding further insult, Ms. Jain opined that the Applicants pro-life stance on abortion was “inconsistent” with his objection to taking the vaccine. She further claimed that some major faith leaders support the vaccines, implying that the Applicant’s religious convictions were of less value than the unnamed faith leaders or that he was not in sufficient conformity with unnamed faith leaders when it came to the Covid vaccine.
24. On October 13th, 2021, despite having already told OTU that he could not take the Covid-19 vaccine and despite the fact that OTU had already refused to accommodate him, the Applicant received an email threatening de-registration from in-person classes unless he could show proof of vaccination or if OTU decided to grant him an accommodation.
25. On October 15th, 2021, the Applicant made a further request for accommodation, as required by OTU. OTU rejected his accommodation request on October 18th, 2021. They advised, in part, that “the connection to abortion is too remote to warrant accommodation in the face of a global pandemic...”
26. On November 9th, 2021, the Applicant registered for three Winter semester courses and the second semester of the one-year course.
27. On November 12th, 2021, the Applicant made a further request to SAS that he be accommodated for the three fall semester final exams, but was told that since he had retained a lawyer, SAS would not consider his accommodation request.
28. On or about November 17th, 2021, the Applicant was finally told that he would be provided a “temporary accommodation” for the fall semester exams and would be permitted to write online.
29. No explanation was provided to the Applicant with respect to why concerns over Covid-19 no longer nullified his right to be accommodated.
30. On or about November 19th, 2021, the Applicant was nonetheless deregistered from all of his courses. This caused considerable distress, particularly since he already been assured, he would be accommodated and that he was in the midst of doing various course work. After further correspondence with OTU, the Applicant was once again registered to his courses on 20th or 21st of November.
31. Despite OTU’s ability to accommodate the Applicant for the fall semester 2021 with little to no hardship, OTU continues to wrongfully refuse to accommodate him for winter semester 2022.

Damages

32. The rejection of the Applicants various accommodation requests has resulted in significant amount of stress, anxiety, loss of sleep and emotional distress.
33. Failure to accommodate the Applicant for the Winter semester 2022, will result in the Applicants inability to complete studies in 2022, which he had planned to do since registering for his program at OTU in 2017. This will delay the Applicants ability to begin his career by at least one year. Due to OTU’s failure and refusal to

accommodate, he will have to wait at least until January 2023 to enroll in the courses he needs in order to complete his program since the school extended the vaccine directive at least until Fall 2022.

34. The decision to exclude the Applicant from campus and threaten disenrollment from his last two semesters of his undergraduate program has been distressing.
35. OTU's decision has left the Applicant feeling marginalized, excluded and of lesser value than others due to his faith and medical status.
36. The stress of dealing with OTU, the time spent on negotiating, and the OTU disconnecting him from his educational resources for 3 days, immediately prior to his 2021 fall exams, also seriously affected his educational performance, likely lowering his GPA and reducing his chances of graduate studies in the future.

Remedy Requested

37. An order requiring OTU to accommodate the Applicants inability to take the Covid-19 vaccine due to his religious requirements and convictions and requiring OTU to permit him to complete his final semester either online or in-person.
38. An order that OTU compensate the Applicant for all losses and damage resulting from the breach of his rights under the *Human Rights Code*, including the delay caused to the completion of his studies amounting to \$85,000, as well as the impact on his educational performance, and all out of pocket and monetary losses.
39. An order that OTU pay the Applicant \$35,000 in general damages and for the breach of his human rights.