

My name is Gregory Brown, a professor of History at UNLV since 1998. I am writing to urge the Legislative Commission to approve the proposed regulation, which is based upon the actions of the state Board of Health last August and has been adopted as well by the Board of Regents.

As members of the Commission are certainly aware, state law has long required students of the System of Higher Education to demonstrate vaccination against certain infectious diseases as a matter of public health, to protect the student body, staff and community against outbreaks of such infectious diseases. State law as you know authorizes the state board of health to determine if new infectious diseases shall be added to that list of requirement.

Last May, the Chancellor announced the System's intent to add covid to the list of infectious diseases once the full FDA authorization of the Covid vaccines was granted. That authorization was granted in August and shortly thereafter the state board of health met in a special meeting and approved the new regulation which is before you today. In that period, public statements by the Chancellor, the Governor, the legal counsel for NSHE and the LCB repeatedly emphasized that this was a matter for the state board of health to determine, based on public health data -- not a matter of partisan politics. And the NSHE Covid Task Force (made up of the state's leading epidemiologists, virologists and public health scientists) as well as the state board of health (made up of the state's leading clinical practitioners) agreed that covid is an infectious disease against which students should document vaccination.

Based on those actions, the elected Board of Regents approved this protection for students as well as a regulation requiring faculty and staff vaccination as well.

Since May, on our campuses, and among our student bodies, there has been significant discussion of this policy. As you know, the presidents of the campuses, the elected leadership of students, faculty and staff, have all endorsed these protections. And since the actions of the state board of health and Board of Regents last fall, compliance has been widespread - over 90%.

Moreover, and this is **what I suspect the members of the Commission do not know, the campuses have acted to ensure not only the implementation of the vaccine requirement but also continuation of educational opportunities for students who are not vaccinated, through hybrid and online course options parallel to the in-class options. I myself spent a good part of today preparing a "Rebel-Flex" option to one of my in-class sections to accommodate such students. Considerable time, effort and expense has been invested by NSHE faculty to implementing the policy approved by the state board of health and the Regents. The consensus was clear, the policy was made, and the actions taken to implement have been completed successfully.**

It was therefore shocking for me to learn on Monday that members of the the Legislative Commission, which is neither seated based on its health expertise, not composed as a reflection of the will of the people expressed through election, have stated they will vote not to adopt the administrative regulation, which would have the effect of repealing the policies already implemented by the state board of health and the Board of Regents.

This action, at this time, would undermine a fragile consensus reached last summer, and would render extraneous the work, time and expense invested by NSHE faculty and staff on our campuses, to implement these protections in ways that, as the Governor put it, are "reasonable and fair" to all students.

Since then, there has been no change to the medical and public health information; indeed, it has become clear that not only is vaccination safe and effective, but with a new Omicron variant, it is essential and should be enhanced by a third dose, to keep our campuses safe.

Moreover, **there has been no change in the will of the people expressed in an election to warrant the legislative minority using the tradition of equal representation on the Legislative Commission to repeal this protection. It is certainly to be expected that the minority might turn to the people and ask in the next election for a mandate to change this policy, and nothing about the proposed regulation would prevent that. Should that minority win such a mandate, it would be appropriate to use the legislative process to change the law.**

Should the minority feel it cannot support the recommendations of the state board of health because it questions their medical judgement, or the recommendations of the covid task force because it questions their scientific expertise, or the authority of the board of regents because it questions their constitutional legitimacy, those are all appropriate reasons to abstain from voting for the proposed regulation today, and seeking to change the laws and procedures which underly this policy in an election and ensuing legislative session.

But at present, with a consensus of medical expertise, a clear procedure having been followed, votes by appointed and elected bodies taken, and policies implemented, there is nothing but confusion, expense and the risk of higher disease that would follow from a failure to ratify the existing protection.

If you cannot act out of respect for the opinion of medical practitioners, public health researchers, elected leaders of the effected populatioⁿs of students and faculty; our appointed presidents or our elected Regents; if you cannot vote for the sake of the safety of the students and staff on our campuses; and if you do not care that those who are not vaccinated are already being accommodated; then for the

sake of your own credibility as a democratic opposition, use the appropriate instance of elections and a regular legislative session to act.

I appeal to your conscience, your knowledge, and your democratic responsibility as elected officials, and urge the minority not to vote against the implementation of the proposed regulation.