

The City University of New York

Office of the General Counsel and Vice Chancellor for Legal Affairs

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STUDENT ADVISORY MEMORANDUM NO. 14

June 17, 1993

TO: College Presidents

FROM: Vice Chancellor Robert E. Diaz 

RE: Student Immunization Requirements

As you know, Public Health Law 2165, passed by the state legislature in 1989, requires that college and graduate students be immunized against measles, mumps and rubella. Except in limited cases, students who cannot submit proof of immunization within a statutory grace period cannot attend the institution. Because it is extremely important that the colleges comply with this law and the law is now fully effective, the Office for Legal Affairs is issuing this revised memorandum describing the immunization requirements and the procedures which must be followed when students have not complied with those requirements. This memorandum supersedes Student Advisory Memoranda Nos. 1, 3 and 4 previously generated by this office.

1. Students Required to Comply with Immunization Requirements.

All students born on or after January 1, 1957, who are registered to attend or are attending classes full-time or part-time, must submit proof of immunization. This includes graduate and undergraduate students, foreign students, summer school students and CUNY students attending off-campus programs.

Part-time student is defined as a student enrolled for at least six but less than twelve semester hours, or the equivalent, per semester or at least four but less than eight semester hours per quarter in an approved degree or registered certificate program. The law does not apply to part-time students who are not in degree or certificate programs or who are registered for fewer than the number of semester hours set forth above. It

does, however, apply to all full-time students, including those who are not in degree or certificate programs, e.g., continuing education students.

2. Required Proof of Immunization.

A student is required to submit a certificate of immunization that shows the student has:

(a) either

(i) received 2 doses of live measles virus vaccine, the first dose administered after the age of 12 months and the second does administered more than 30 days after the first does but after 15 months of age; or

(ii) been diagnosed by a physician as having had measles disease; or

(iii) demonstrated serological evidence of measles antibodies; or

(iv) if the student is unable to provide a certificate of immunization that satisfies the requirements in (i), (ii) or (iii) above, the student may submit documentation that he or she attended primary or secondary school in the United after 1980 as proof that the student received one does of live measles virus vaccine. Such documentation must consist of (a) for primary school (grades K-9), a report card indicating one full year of attendance; or (b) for secondary school (grades 9-12), a high school diploma or an official transcript. If such documentation is provided, the student must also submit a certificate of immunization that documents that a dose of measles vaccine was administered within one year prior to attendance at the post-secondary instruction; and

(b) either

(i) received a single dose of live rubella virus vaccine administered after the age of 12 months; or

(ii) demonstrated serological evidence of rubella antibodies; and

(c) either

(i) received a single dose of live mumps virus vaccine administered after the age of 12 months; or

(ii) been diagnosed by a physician as having had mumps disease; or

(iii) demonstrated serological evidence of mumps antibodies.

3. Proof of Partial Immunization.

A student is allowed to register and attend school if the student submits a certificate showing that he or she is in the process of completing the immunization requirements and (a) has received at least one dose of live measles vaccine; (b) has complied with the immunization requirements for mumps and rubella; and (c) has an appointment to return to a health practitioner for the remaining measles immunization, if this appointment is scheduled no more than 90 days after administration of the first dose of measles virus vaccine.

4. Time Requirements for Compliance.

If a student has not complied with the requirements for immunization, the college may still allow the student to register and to attend school for a **30-day grace period, which begins to run from the first scheduled day of classes.** The 30-day grace period is extended to 45 days for a student from out of state who has shown a good faith effort to comply.

5. Exemptions from Compliance.

A student may be exempt from any of the required immunizations for medical or religious reasons.

a. Medical Exemption. In order to qualify for a medical exemption, students must provide a written statement from a licensed physician or nurse practitioner indicating that such immunization may be detrimental to the student's health or is otherwise medically contraindicated and specifying which of the immunizing products should not be administered and how long the medical contraindication will last.

b. Religious Exemption. In order to qualify for a religious exemption, students 18 years old or older must submit a written and signed statement that the student holds "sincere and genuine religious beliefs" which prohibit immunization of the student. If the student is under the age of 18, he or she must submit a written statement signed by his or her parents or guardian stating that they hold religious beliefs contrary to the practice of immunization.

6. Notification to Students.

The colleges should notify each student covered by the law of the immunization requirements prior to registration for each term. The colleges should also, before the end of the applicable grace periods, notify students who have not complied with the requirements of the date after which the student will not be allowed to continue to attend school if proof of immunization has not been provided.

7. Procedures to be Followed in the Event a Student Has Not Complied with the Immunization Requirements by the End of the Grace Period.

A student who is not exempted from immunization for medical or religious reasons and has failed to submit a certificate of immunization by the end of the grace period cannot continue to attend school. A student who has submitted proof of partial immunization may attend school for 90 days after receiving his or her first dose of measles vaccine. If the student has not completed his or her immunization by that time, the student cannot continue to attend school. Under no circumstances shall a college permit a student who has failed to meet the immunization requirements in the prior semester to re-register.

8. Penalties for Non-compliance.

Under the provisions of the Public Health Law, Section 206, an institution may be fined up to \$2,000 for each violation of this law. In the event that fines are assessed against any of the colleges, the fines will be charged to the college's budget.

c: Cabinet
Dean of Students
Chief Administrators for Student Development
Director of Internal Audit
Legal Affairs Designees

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