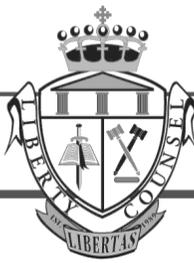


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REPLY TO FLORIDA

July 20, 2021

VIA EMAIL ONLY

Randy Schuller, JD
Vice President for Institutional Policy and Administrative Law
VCOM – Louisiana Campus
4408 Bon Aire Drive
Monroe, LA 71203
rschuller@vcom.edu

RE: Discriminatory VCOM COVID shot mandates

Dear Mr. Schuller:

Liberty Counsel is a national non-profit litigation, education and public policy organization with an emphasis on First Amendment liberties, and a particular focus on religious freedom and the sanctity of human life.

Liberty Counsel has engaged in extensive litigation in the last year regarding civil rights violations ostensibly justified by “COVID-19,” and have had great success holding both government entities and private actors accountable. *See, e.g., Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021) (permanent injunction granted and \$1,350,000 in attorney’s fees awarded in *Harvest Rock Church, Inc. v. Newsom*, No. 2:20-cv-06414, C.D. Cal., May 17, 2021); *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 889 (2020); *Elim Romanian Pentecostal Church v. Pritzker*, 962 F.3d 341 (7th Cir. 2020); *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610 (6th Cir. 2020).

Liberty Counsel represents R [REDACTED] S [REDACTED] and K [REDACTED] currently enrolled students of Edward Via College of Osteopathic Medicine (“VCOM”) at the Louisiana Campus. The students have engaged Liberty Counsel to secure their constitutional and statutory rights not to be required to undergo COVID-19 vaccination and other discriminatory treatment as a condition of enrollment and participation in in-person classes and activities. Michael L. DuBose is prepared to assist Liberty Counsel with *pro hac vice* admission should suit become necessary.

On July 11, 2021, R [REDACTED] provided VCOM with a statement of her sincerely held religious beliefs as to why she cannot accept the COVID shot. The statement far exceeds the statutorily required “written dissent” under La. Rev. Stat. § 17:170(E) (providing for mandatory exemption upon receipt of a student’s “written dissent” by a college located in Louisiana, “dissenting” from any otherwise required vaccination). R [REDACTED] has more than met the requirements, and has patiently

endured significant pressure – in actuality, harassment – from VCOM.

S■■■ and K■■■'s objections to COVID shots and discriminatory treatment are also well-known to VCOM. These students anticipate providing their "written dissents" from the COVID shot mandate shortly. The dissents of all three students set forth some of the students' sincere religious beliefs behind their respective courses of action.

VCOM has engaged in a pattern and practice of discrimination against the students, and has attached unlawful, discriminatory conditions to the students' requests, while indicating that no exemption requests will be approved. VCOM has set up a "snitch" program targeting S■■■ and K■■■. Threatening emails have appeared in the students' inboxes, based on reports of the "snitches" or on administrators' own initiative.

In addition to not recognizing student statements of religious belief (which more than qualify as "written dissents" under Louisiana law), VCOM subsequently hastily generated a vague and capricious "Student Request form for Exemption from COVID-19 Vaccination" ("Form").

Upon advice of counsel, the students have completed the form, notwithstanding the Form's language purporting to require "proven religious exemptions," as judged by VCOM, including but not limited to such claimed extra-statutory requirements such as the following:

- "Religious exemption requires a note from the minister, rabbi, or chief religious officer of the church along with a copy of the doctrine that prohibits the administration of the vaccine"
- Student religious doctrine submitted using the Form "may or may not qualify for exemption, and the request will be reviewed by an independent committee that may include representatives from that religion"
- A "copy of your [minister's] credentials"
- A statement that "the College retains the right to consult with other church leaders to verify this exemption," claiming yet another ground for the College to judge religious beliefs not only of the student, but also the minister.
- Numerous other purported claims, exclusions and conditions.

Based on the circumstances of the "public-private partnership" entered into by VCOM with University of Louisiana – Monroe ("ULM"), VCOM's discrimination is not only unlawful under Louisiana law, but also federal law, including the First Amendment. Simply put, the COVID-19 pandemic does not justify violations of fundamental individual, economic and religious liberties. These include student and staff rights of personal autonomy and bodily integrity, and the right to accept or reject the various COVID vaccines based on religious belief, or as Louisiana recognizes, a bare "written dissent."

Aside from religious objections which exempt the students from the COVID shot directive, all existing COVID vaccines are currently under a federal Emergency Use Authorization ("EUA"), and VCOM may not condition participation in degree programs, housing or continued enrollment on a demand that individuals receive an EUA-authorized COVID vaccine.

Moreover, VCOM may not attach conditions to the students' exemptions under the Louisiana statutes, in the form of additional testing, discriminatory masking requirements, or any other forms

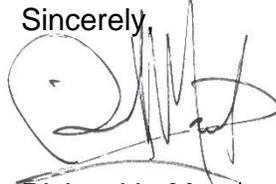
of discrimination, including singling them out in front of other students for embarrassing confrontations.

Be advised that the students are willing to self-monitor for COVID symptoms; engage in *reasonable*, non-invasive COVID testing, to the same extent required of other students; and wear masks at clinicals to the same extent the clinical institutions require all other employees and students to wear masks. They are no longer willing to suffer discrimination in silence, or have their degree programs constantly threatened with suspension or expulsion.

Liberty Counsel will not permit VCOM to continue its harassing conduct against our clients, nor to affix an embarrassing "Scarlet Letter" to them by policy, words or deeds. Prompt approval of the students' exemption requests is necessary to prevent further action by Liberty Counsel.

Please confirm to Liberty Counsel in writing that the exemption requests from R████, S████ and K████ have been unconditionally approved as set forth above, by close of business on Friday, July 23, 2021. If we do not receive this response, Liberty Counsel will proceed with additional action to prevent irreparable harm to the students' rights.

Sincerely,



Richard L. Mast[†]
Michael L. DuBose^{††}

CC

Via Email

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