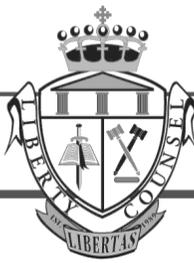


# LIBERTY COUNSEL



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**REPLY TO FLORIDA**

August 23, 2021

## **VIA EMAIL AND FACSIMILE**

Craig A. Cook  
Secretary of the Institute and General Counsel  
Rensselaer Polytechnic Institute  
Office of the General Counsel  
110 Eighth Street  
Troy, NY USA 12180  
cookc5@rpi.edu  
(518) 276-3777

**THIS IS A LEGAL DEMAND LETTER. YOUR PROMPT RESPONSE IS  
REQUIRED ON OR BEFORE TUESDAY, AUGUST 24, 2021 AT 5:00 P.M.  
TO AVOID A LAWSUIT.**

RE: Rensselaer Polytechnic Institute (RPI) COVID vaccine mandates  
[REDACTED] - Religious Exemption Removed

Dear Mr. Cook:

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).

We are writing on behalf of a student of Rensselaer Polytechnic Institute (RPI) who has engaged us to secure her constitutional and statutory rights not to be required to undergo Covid-19 vaccination as a condition of enrollment and participation in in-person classes and activities. Undoubtedly, many of her classmates have similar convictions, and we write on their behalf as well.

██████████ is enrolled in the Rensselaer Polytechnic Institute (RPI) School of Science. RPI students were notified of a Covid-19 vaccine mandate in April 2021. In early April, Mr. Kevin C. Readdean, Associate Director, Student Health was contacted whereby he advised that RPI will accept Religious Exemptions, and provided the form via e-mail.

██████████ submitted via e-mail and regular U.S. Mail the RPI "Religious Exemption Form," signed and notarized. (See "Religious Exemption Form" attached). It was accepted and granted without issue. Subsequently, she was assigned on-campus housing (receiving the requested single room out of care for others) and class schedule. Her tuition was paid, and she was considered properly enrolled at RPI.

She then received, more than two months later, the attached "Letter for Exemption Requirement" in reference to Rensselaer requirements and protocols for Covid-19 non-vaccinated students. She signed and returned the letter via e-mail to the Student Health Center. (See "Letter for Exemption Requirement" attached).

The University then sent an e-mail dated August 18, 2021, **seven days before her date of arrival for the Fall 2021 semester** on August 25, 2021, entitled "COVID-19 Vaccine Exemption - REMOVED - On behalf of the Vice President for Student Life." The Notice said the exemption was removed because RPI "will not be exempting students from the COVID-19 vaccination requirement, based on religion, who did not already have a religious exemption on file prior to Rensselaer's announcement of the COVID-19 vaccination requirement in April 2021."

RPI representative advised that the reason for the reversal and removal was that **"too many students have now requested this exemption."** It was also stated that other students granted Religious Exemptions to the RPI vaccine mandates could keep them "because they had them prior to April, 2021." RPI simply told ██████████ that her Religious Exemption was removed and claims that there is no appeal process based on "guidelines" by RPI.

On August 21, 2021, ██████████ submitted another appeal, again requesting reinstatement of her religious exemption. To date, there has been no response. ██████████ letter stated, in part:

My religious beliefs are sincere and meaningful. I am the surviving twin of a naturally conceived identical twin pregnancy. My twin sister died in utero during the pregnancy, and my parents were advised that there was excess fluid around my heart which meant probable heart failure as well as thickening in my neck which meant I would have downs syndrome. It was explained to my parents that most likely I would succumb, in utero, within the week, and if I did survive, there would be no quality of life because I would be severely disabled. My parents were advised by doctors that it would be best to terminate the pregnancy. My parents chose to continue with the pregnancy even at the possible risk to my mother's health. My faith has been shaped by knowing my own beginnings and by my own personal development with my relationship to God...I hold sincere religious and conscience-based personal beliefs against taking any vaccines, or taking those derived from aborted fetal cell lines, or taking those sold by companies that profit from the sale of vaccines and other products derived from abortion.

Having received no response from RPI, ██████████ requested that Liberty Counsel intervene. The RPI denial is improper, as an illegal act of discrimination on the basis of religion under the

New York State Human Rights Act. Furthermore, this removal based on the date of the Religious Exemption is arbitrary and capricious, and is treating similarly situated students unequally under the law.

Simply put, the Covid-19 pandemic does not justify violations of fundamental individual, economic and religious liberties. These include the rights of personal autonomy and bodily integrity, and the right to accept or reject the various Covid vaccines based on religious belief. Covid-19 vaccines that used cell lines originating from aborted fetuses are morally compromised. The J&J vaccine “is an adenoviral vector grown in the PER.C6 cell line that originated from a healthy 18-week-old aborted child.” The Pfizer and Moderna vaccines were tested using the “morally compromised HEK-293 cell line,” originating from “a child aborted in the Netherlands in 1972.”

██████████ beliefs that require her to forego the COVID shot are religious in nature and sincerely-held. She is an active member as well as a Leader in Rensselaer Christian Association (RCA), and is scheduled to be an RCA volunteer for Navigating Rensselaer and Beyond (NRB). She is also an active member in the Newman Catholic Club, and all her extra-curricular activities at RPI center on her faith.

### **New York Law Prohibits Religious Discrimination By RPI**

The Equal Protection Clause of the New York State Constitution explicitly prohibits both public and private discrimination (see N.Y. Const., art. I, § 11). Legislation implementing this provision states “[t]he opportunity to obtain education ... without discrimination ... is ... recognized as and declared to be a civil right” (Executive Law § 291[2]) in the New York State Human Rights Law. Further, Executive Law § 296(4) applies to RPI, and provides that

It shall be an unlawful discriminatory practice for an educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, gender identity or expression, military status, sex, age or marital status, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

See N. Y. Executive Law, Article 15 Human Rights Law, § 296(4)(Emphasis added). RPI has no authority to attempt to revoke a student’s religious exemption, on the basis that “too many students have now requested this exemption,” and others similarly situated could keep their religious exemptions “because they had them prior to April, 2021.” This would be akin to RPI saying that (in RPI’s view) there are “too many students” of a particular race, color, disability, national origin, sex, or other protected categories on campus, and that others of those categories would only be allowed to remain if they were admitted “prior to April, 2021.” Moreover, ██████████ now has contractual reliance damages and potential remedies available to her

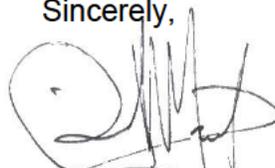
**We are therefore requesting written assurances from RPI that: (1) the vaccine mandate has been withdrawn as to ██████████ (2) her Religious Exemption has been reinstated, and (3) that RPI will not take any adverse enrollment action, or otherwise retaliate, against ██████████ (or any student who objected to RPI’s vaccination mandate and previously received an exemption). Please also provide (4) a copy of the referenced**

“guidelines by legal counsel.” While RPI is a private university, and is not obligated to provide the guidelines to Liberty Counsel (as a public university would be obligated), RPI will have to do so in discovery in our forthcoming lawsuit, if these assurances are not provided.

**If we do not receive these assurances by close of business on August 24, 2021 we will unfortunately conclude that only litigation will prevent Rensselaer Polytechnic Institute from inflicting irreparable harm on the rights of [REDACTED] students, and staff, and we will take action to prevent said irreparable harm.**

Thank you for your consideration and prompt response.

Sincerely,



Richard L. Mast†

CC

**Via Email**

[REDACTED]  
[REDACTED]

**Via Email to Counsel**

Peter Konwerski, Vice President for Student Life (konwep@rpi.edu)

Kevin C. Readdean, Associate Director - Student Health Center (readdk@rpi.edu)

Travis Apgar, Assistant Vice President and Dean of Students (apgart@rpi.edu)

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† Licensed in Virginia

†† Licensed in New York