

Date

President _____
Office of the President or
Address

Owner/CEO/Director
Address

Dear President _____,

I am overjoyed to be an incoming first-year student this Fall, 2021, at _____
University./I've greatly enjoyed my time spent at _____ University.

or

Dear _____,

I have greatly enjoyed serving as an employee to _____ as a __ (position) __ since
__ (year) __.

I have recently learned that _____ is requiring students/employees to provide a letter of support from a religious leader when requesting a religious exemption. The purpose of this letter is to inform you that requiring additional letters of support from religious leaders is in violation of the right of religious freedom within the First Amendment of the United States Constitution.

Requiring students/employees to send letters of support from their religious leaders is a violation within the First Amendment protecting the freedom of Religion. Furthermore, requiring a letter of support from a religious leader based on someone's own personal beliefs goes against the concept, meaning, and purpose of faith and individual religious beliefs.

Being religious and holding religious values does not always equate that the religion one identifies with embodies one's own truth perfectly. Personal religious beliefs are between oneself and God, not an institution or a particular place of worship.

Religion addresses questions having to do with deeply personal and imponderable experiences, understandings, and convictions. Religion, by nature, consists of a belief system as opposed to a set of isolated teachings. This belief system is the foundation to help people discover their truth and their experience with their God. Religion, while it can be acknowledged and recognized by the presence of external practices, is very much an internal practice.

Connecting with God is a personal experience and certainly not an experience that any other person could explain except the person experiencing it. Holding religious convictions, beliefs, tenets, and virtues cannot be 'authorized' by another person as they are directed by God, not a religious leader. Personal interpretations of a particular faith must never be subject to question the validity of individual sincere belief by any entity, religious or not.

To fulfill a purpose and truth within one's religious beliefs is greater than any one of us individually. No religious organization or institution of any kind can pretend to know the entirety of that specific purpose and truth. No entity including __ (university name/business) __ has the

authorization to determine the validity of a person's religious convictions, beliefs, tenets, and virtues. Only God or only one's higher power(s) has that authority.

Legal Framework

Requiring an individual to submit a letter by a religious leader in support of their personal religious beliefs is a violation of the Establishment Clause, because it prefers one faith over another. **The First Amendment's Establishment Clause** prohibits the government from making any law "respecting an establishment of religion." This clause forbids the government from establishing an official religion. It also prohibits government actions that unduly favor one religion over another. Furthermore, the Establishment Clause prohibits the government from unduly preferring religion over non-religion, or non-religion over religion. Within the U.S. Supreme Court in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), the court ruled that the government can assist religion only if (1) the primary purpose of the assistance is secular, (2) the assistance must neither promote nor inhibit religion, and (3) there is no excessive entanglement between church and state.

Private institutions, while not directly governed by the Constitution, must abide by state and federal law. The federal government regulates private universities where the Constitution cannot reach directly. These federal laws and statutes protect individuals from discrimination, segregation and tyranny. Thus, a university may not discriminate on the basis that it is a private entity. Additionally, a private business may not discriminate on the basis that it is a private entity. Furthermore, any and all private institutions that receive federal funding, federal grants, federal activities and scholarships must abide by federal laws.

Private institutions that receive federal funding must abide the following federal statutes:

- Title VI of the Civil Rights Act of 1964 - which prohibits racial discrimination
- Title VII of the Civil Rights Act of 1964 - which prohibits discrimination based on race, color, national origin, gender, and religion
- Title IX of the Education Amendments of 1972 (codified in scattered sections of 7, 12, 16, 20, and 42 U.S.C.A.) - which prohibits gender-based discrimination
- Age Discrimination in Employment Act, 29 U.S.C.A. § 621 et seq. - which prohibits age-based discrimination
- Americans with Disabilities Act of 1990, Sections 2, 29, 42, and 47 U.S.C.A. - which prohibits discrimination based on disability
- Rehabilitation Act of 1973, 29 U.S.C.A. § 701 et seq. - which prohibits discrimination based on disability
- Higher Education Act, 20 U.S.C.A. § 403 et seq. - which establishes federal financial aid programs and the terms and conditions

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religious belief (or lack of religious belief) and mandates that employers provide reasonable accommodations, such as excused absences, for the sincerely held religious beliefs and practices of their employees unless it would pose an undue hardship. The law also prohibits segregation based on religion, such as assigning an individual to a position because of actual or feared preference. This Act reflects the belief that citizens within the United

States of America should not be forced to choose between their faith and their jobs, their faith and their career, their faith and their education.

According to the *Equal Employment Opportunity Commission v. Center One, LLC, Civil Action No. 2:19-cv-01242*, in October 2016, the U.S. District Court for the Western District of Pennsylvania found the Center One to be in violation of Title VII of the Civil Rights Act of 1964. The lawsuit states that a Messianic Jewish employee of Center One faced discipline for his absences in observance of Jewish holidays, both Rosh Hashanah and Yom Kippur. Center One required the Messianic Jewish employee to provide a letter of support from a religious leader or religious organization "on letterhead" granting him time off as a reasonable accommodation for his absences in observance of those religious holidays, the EEOC said. The court ruled that Center One was in violation of Title VII of the Civil Rights Act of 1964.

In 2017 The U.S. Court of Appeals for the Third Circuit, in the case of *Fallon v. Mercy Catholic Medical Center*, clearly articulated that employers cannot require a letter from a religious leader in order to consider an employee's request for religious exemption. In addition, the Third Circuit affirmed that, consistent with Supreme Court precedent and EEOC guidance, nontheistic beliefs can satisfy the Title VII of the Civil Rights Act of 1964 requirements.

Mercy Catholic Medical Center mandated the influenza vaccination for employees. Fallon requested a religious exemption and during the process Fallon was required to explain his personal religious beliefs in a letter. Mercy Catholic Medical Center concluded that Fallon's refusal to receive the influenza vaccine was not religious. The Third Circuit held that Fallon's religious views were not externally practiced, such as he didn't attend formal services or belong to a religious organization. Still, the Third Circuit acknowledged that religion is very much internal, as it was for Fallon.

Requiring an individual to submit a letter by a religious leader in support of their personal religious beliefs is a violation of the **New York State Public Health Section 2165 (9) Immunization of certain post-secondary students**. The law states: "This section shall not apply to a person who holds genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such person being admitted or received into or attending an institution." Clearly, under New York State Law no additional paperwork is necessary when filing a religious exemption.

It is evident that _____ University's policy in requiring documentation from a religious leader to allow one to freely practice his/her own religious beliefs violates US Supreme Court rulings, New York State Law, and the United States Constitution.

Recommendation

I suggest you research the law, landmark court cases involving discrimination based on religion, and the rights protected by your students, staff, and employees before creating tyrannical policies that are in violation of civil rights and liberties protected within the United States Constitution. If you insist on carrying out this policy, I'm requesting you to formally explain in a letter what law allows __ (university name/business) __ to override New York State

Law and Federal Law under the United States Constitution. I'm requesting a formal response to be sent within 10 days of receiving this letter.

I also wanted to make you aware of a suggestion made by the **U.S. Equal Employment Opportunity Commission** in 2009 during the H1N1 virus outbreak, which has since then been updated in response to the COVID-19 pandemic in March 2021, suggested the following: "Generally, [Americans with Disabilities Act]-covered employers should consider simply encouraging employees to get the influenza vaccine rather than requiring them to take it."

I respectfully request that you refrain from requiring letters of support from religious leaders for students, employees, and staff when requesting religious exemptions.

I hope that this is just a simple misunderstanding.

Sincerely,
