

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

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COOK COUNTY, IL
2021CH04872
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Rachel Fulton Brown and Jennifer Woods

Plaintiff

v.

University of Chicago and Paul Alivisatos, in his capacity as President of the University of Chicago

Defendant

No. 2021CH04872

Hearing Date: 1/24/2022 9:30 AM - 9:30 AM
Courtroom Number: 2502
Location: District 1 Court
Cook County, IL

**CHANCERY DIVISION CIVIL COVER SHEET
GENERAL CHANCERY SECTION**

A Chancery Division Civil Cover Sheet - General Chancery Section shall be filed with the initial complaint in all actions filed in the General Chancery Section of Chancery Division. The information contained herein is for administrative purposes only. Please check the box in front of the appropriate category which best characterizes your action being filed.

0005 ☐ Administrative Review
0001 ☐ Class Action
0002 ☒ Declaratory Judgment
0004 ☒ Injunction

0007 ☐ General Chancery
0010 ☐ Accounting
0011 ☐ Arbitration
0012 ☐ Certiorari
0013 ☐ Dissolution of Corporation
0014 ☐ Dissolution of Partnership
0015 ☐ Equitable Lien
0016 ☐ Interpleader
0017 ☐ Mandamus
0018 ☐ Ne Exeat

0019 ☐ Partition
0020 ☐ Quiet Title
0021 ☐ Quo Warranto
0022 ☐ Redemption Rights
0023 ☐ Reformation of a Contract
0024 ☐ Rescission of a Contract
0025 ☐ Specific Performance
0026 ☐ Trust Construction
☐ Other (specify) _____

By: Liberty Justice Center

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Pro Se Only: ☐ I have read and agree to the terms of the *Clerk's Office Electronic Notice Policy* and choose to opt in to electronic notice from the Clerk's office for this case at this email address:

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

RACHEL FULTON BROWN and JENNIFER WOODS,

Plaintiffs,

v.

THE UNIVERSITY OF CHICAGO; an Illinois not-for-profit
corporation; and PAUL ALIVISATOS, in his capacity as
President of the University of Chicago,

Defendants.

Case No. 2021CH04872

In Chancery
Injunction/Temporary Restraining
Order

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, Rachel Fulton Brown and Jennifer Woods, by and through their undersigned attorneys, sue Defendants, the University of Chicago, and Paul Alivisatos, in his capacity as President of the University of Chicago, and state:

1. This is an action for declaratory and injunctive relief arising from Defendants' mandate that Plaintiffs be vaccinated against COVID-19, in violation of Plaintiffs' sincerely held moral convictions arising from belief in and relation to God, and thus in derogation of Illinois' Heath Care Right of Conscience Act, 745 ILCS § 70/1, *et seq.* (the "HCRCA").

Parties

2. Plaintiff Rachel Fulton Brown is a senior, tenured faculty member of the University of Chicago, and is *sui juris*.

3. Plaintiff Jennifer Woods is an employee of the University of Chicago, and is *sui juris*.

4. Defendant University of Chicago (the "University") is a not-for-profit corporation existing under the laws of the State of Illinois, with its principal place of business located at 5841 South Maryland Avenue, Chicago, Illinois 60637.

5. Defendant Paul Alivisatos is the President of the University of Chicago, and as such is responsible for day-to-day management of the University, including enforcement of policies such as the vaccination mandate addressed herein.

Jurisdiction

6. This Court has subject matter jurisdiction over this matter under 735 ILCS 5/2-701 because Plaintiffs seek a declaratory judgment that Defendants violated HCRCA.

7. This Court has personal jurisdiction over the Defendants because this lawsuit arises from Defendants' actions in the State of Illinois.

8. Venue is proper in Cook County because Defendants are located in Cook County, Illinois, Plaintiffs are employed by Defendants in Cook County, and the relevant facts took place in Cook County.

Factual Allegations

9. The HCRCA declares that:

[i]t is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept . . . the delivery of . . . health care services and medical care . . . ; and to prohibit all forms of discrimination, disqualification, coercion, [or] disability . . . upon such persons . . . by reason of their refusing to act contrary to their conscience or conscientious convictions in . . . or refusing to obtain, receive, [or] accept . . . health care services and medical care.

745 ILCS § 70/2 (Findings and Policy of the General Assembly).

10. The HCRCA expressly prohibits discrimination against any individual based on that person's refusal to accept administration of health care services. Specifically, section 70/5 of the HCRCA provides:

It shall be unlawful for any . . . private institution . . . to discriminate against any person in any manner, including but not limited to, licensing, hiring, promotion, transfer, staff appointment, hospital, managed care entity, or any other privileges, because of such person's conscientious refusal to receive, obtain, [or] accept . . . any particular form of health care services contrary to his or her conscience.

745 ILCS § 70/5 (emphasis added).

11. The HCRCA defines “conscience” as “a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths[.]” 745 ILCS § 70/3.

12. The University of Chicago is a “private institution” within the meaning of § 70/5 of the HCRCA.

13. By its terms, the HCRCA “shall supersede all other Acts or parts of Acts to the extent that any Acts or parts of Acts are inconsistent with the terms or operation of [the HCRCA].” 74 ILCS 70/14.

Plaintiffs’ Concerns and Standing to Seek Declaratory and Injunctive Relief

14. Defendants have mandated that all University employees be fully vaccinated against COVID-19 as of August 13, 2021 (the “Employee Mandate”). Those who are not so vaccinated, absent an exemption, “may be subject to disciplinary action, up to and including dismissal.” *See* Updated Employee Vaccination Requirement, dated September 22, 2021, attached hereto as **Exhibit A**.

15. On September 1, 2021, Plaintiffs’ counsel sent letters to the University’s Senior Associate General Counsel, Elizabeth L. Shanin, Esq., requesting religious exemptions on behalf of Plaintiffs. *See* Request Letters, attached hereto as **Exhibit B**. The Request Letters provided

substantial detail regarding Plaintiffs' religious convictions, and their reasons for objecting to being vaccinated against COVID-19. However, neither Ms. Shanin nor anyone else acting on behalf of the University has responded to those Request Letters.

16. At the time that Plaintiffs' counsel sent the above Request Letters, Defendants had not even provided University employees with an administrative option for requesting a religious exemption.

17. On September 22, 2021, Plaintiffs each received a religious exemption request form via email. *See* Request Form, attached hereto as **Exhibit C**. The Request Form has a number of features that are inconsistent with the mandate of the HCRCA. For example, the Request Form demands at the outset that an applicant "acknowledge" that she has "read and understand the following facts before applying:

- COVID-19 is a serious respiratory infection that has caused over 650,000 deaths in the United States and hospitalized over 2.9 million people in the U.S. since March 2020.
- The University strongly recommends that all University employees become vaccinated against COVID-19 to protect against COVID-19 infection, its complications, and death.
- COVID-19 vaccines are safe and effective at preventing COVID-19 disease, especially severe illness and death.
- If I contract COVID-19, I will shed the virus for 24-48 hours before COVID-19 symptoms appear.
- When I shed the virus I can spread COVID-19 infection to those around me. COVID-19 vaccines reduce the risk of people spreading the virus that causes COVID-19.
- If I become infected with COVID-19, even when my symptoms are mild or non-existent, I can spread severe illness to others.
- I understand that I cannot get COVID-19 from the COVID-19 vaccine.
- The consequences of not being vaccinated could have life-threatening consequences to my health and the health of those with whom I have contact, including my students, my coworkers, my family, and my community.

Exhibit C.

18. This preamble effectively demands that, as a condition of applying for a religious exemption, Plaintiffs must agree to statements with which they do not agree. For example:

- a. Plaintiffs do not agree that COVID-19 “has caused over 650,000 deaths in the United States and hospitalized over 2.9 million people in the U.S. . . .” Plaintiffs believe that these statistics have been overstated, due to the way that cases are recorded when persons are admitted to hospitals and COVID-19 is detected, even when persons have been admitted for some other ailment. This remains a matter of debate in the scientific community.
- b. Plaintiffs do not agree that the “COVID-19 vaccines are safe. . . .” Plaintiffs believe that the currently-available vaccines against COVID-19 remain experimental and that not enough is known about their short-term and long-term side effects.
- c. Plaintiffs do not know whether, if they contract COVID-19, “they will shed the virus for 24-48 hours before” symptoms appear. Plaintiffs believe that this contention remains a matter of dispute in the scientific community.
- d. Plaintiffs are skeptical that the vaccines “reduce the risk of people spreading the virus that causes COVID-19.” Israel’s experiment in high vaccination rates casts doubt on this contention, and it remains a subject of debate in the scientific community. Studies have shown that vaccinated individuals still carry high viral loads in their nasal passages.
- e. Plaintiffs disagree that they could asymptotically “spread severe illness to others.”
- f. Requiring Plaintiffs to agree with the statement that “not being vaccinated could have life-threatening consequences to . . . the health of those with whom” Plaintiffs have contact is problematic for two reasons. First, it seems like a tacit acknowledgement that vaccination against COVID-19 is ineffective, and thus undermines the very purpose of vaccination. Second, it seems that Defendants are demanding that, even when requesting a religious exemption to vaccination, Plaintiffs must acknowledge the possibility that they may be culpable for serious disease and death in others. Plaintiffs do not agree with such a proposition and, on advice of counsel, will not consent to being set up for any claim of future liability against them.

19. Plaintiffs’ concerns respecting the language of the preamble are based in part on a recent decision by the federal Centers for Disease Control (“CDC”) to change its own definitions of “vaccine” and “vaccinated” in materially significant ways. Before September 1, 2021, the CDC defined a “Vaccine” as “[a] product that stimulates a person’s immune system to produce

immunity to a specific disease, protecting the person from that disease.”¹ Before September 1, 2021, the CDC defined “Vaccination” as “[t]he act of introducing a vaccine into the body to produce immunity to a specific disease.”²

20. Both definitions fit the common understanding of those terms. To be *vaccinated* meant that you should have lasting, robust immunity to the disease targeted by the *vaccine*.

21. But on September 1, 2021, the CDC quietly rewrote these definitions. It changed the definition of a “Vaccine” from:

“A product that stimulates a person’s immune system to produce immunity to a specific disease, protecting the person from that disease.”

to:

“A preparation that is used to stimulate the body’s immune response against diseases.”³

22. The CDC similarly changed the definition of “Vaccination” from:

“The act of introducing a vaccine into the body to produce immunity to a specific disease.”

to:

“The act of introducing a vaccine into the body to produce protection from a specific disease.”⁴

23. This changes the fundamental understanding of “vaccine” and “vaccination” from producing “immunity to” a disease to protecting the individual recipient from disease. In other words, the CDC now regards vaccination as a therapeutic for the individual recipient, which in

¹ <https://web.archive.org/web/20210826113846/https://www.cdc.gov/vaccines/vac-gen/imz-basics.htm>

² *Id.*

³ <https://www.cdc.gov/vaccines/vac-gen/imz-basics.htm>

⁴ *Id.*

turn undermines the public health justifications in the preamble of the University's religious exemption Request Form.

24. While this dispute is not necessarily material to their underlying HCRCA claim, Plaintiffs should not be required to agree to statements with which they fundamentally disagree as a condition of receiving a religious exemption. Nothing in the HCRCA recognizes such a condition. The requirement is also suspect under the First Amendment to the United States Constitution.

25. The Request Form contains additional conditions that are repugnant to the HCRCA, such as requiring the signature of a "Religious Advisor and/or representative of [their] religious institution[s]." **Exhibit C.** The meaning of this intrusive requirement is, at best, vague. Are Defendants insisting that Plaintiffs' "Religious Advisors" share their objections to being vaccinated against COVID-19, or must they affirm the religious principles underlying Plaintiffs' objections? This is not a rhetorical question. As explained below, regardless of individual opinion, the bottom-line principle is that all Catholics must search their own consciences, free from compulsion or external pressure, and that informed consent cannot be freely given under duress. In any event, nothing in the HCRCA requires Plaintiffs to provide witnesses to their religious beliefs.

26. The Request Form also recites that:

The University is an equal opportunity employer and provides reasonable accommodations to those with sincerely held religious beliefs except where doing so would impose an undue hardship on the operation of the University.

Exhibit C. This language suggests that Defendants are applying a Title VII standard to requests for religious exemptions. But Illinois' courts have rejected imposing "Title VII's analytical framework or its explicit statutory defense of a reasonable accommodation on an employee's

[HCRCA] claim.” *Rojas v. Martell*, 2020 IL App (2d) 190215. Plaintiffs should not be required to explicitly or even tacitly acquiesce to such a standard.

27. As a result of the foregoing, Plaintiffs have been deprived of an effective and meaningful administrative remedy to seek a religious exemption from being vaccinated against COVID-19. To the extent that they have sought an administrative remedy, via the Request Letters sent to the University’s Senior Associate General Counsel, those requests have been ignored and thus effectively denied.

Professor Rachel Fulton Brown

28. Plaintiff Rachel Fulton Brown is an Associate Professor of History and teaches Medieval European Religious, Cultural, and Intellectual History; History of Christianity; Liturgy and Prayer; Devotion to the Virgin Mary; and Scriptural Exegesis and Hermeneutics. She began her employment at the University in 1994 and was tenured in 2001. Prof. Brown was received into the Catholic Church in 2017, at St. Thomas the Apostle Parish, in Hyde Park. She is a devout Catholic who openly touts her religious views on her University academic homepage, which includes the quote: “I worship Jesus Christ as Lord and honor Mary as Mother of God.”⁵

29. As a scholar and professor, Prof. Brown believes in teaching the history of Christianity not simply as an historical artifact, but as a lived experience. Her published work is thus not only scholarly, but devotional. It includes the scholarly works, *From Judgment to Passion: Devotion to Christ and the Virgin Mary, 800-1200*, Columbia University Press (December 18, 2002); and *Mary and the Art of Prayer: The Hours of the Virgin in Medieval Christian Life and Thought*, Columbia University Press (November 21, 2017). The latter work was well-received by Catholic scholars, and should have earned her a promotion to full professor. However, her

⁵ <http://home.uchicago.edu/~rfulton/>

colleagues did not regard Prof. Brown as an historian, but as someone who advocates for religion. Thus, Prof. Brown essentially forsook promotion by standing firm on her religious beliefs.

30. In accordance with Catholic teaching, Prof. Brown is Pro-Life and refuses to knowingly be administered any medical product that is produced from aborted fetal tissue. Because all of the currently-available vaccines against COVID19 (the “COVID Vaccines”) use aborted fetal tissue in their development, Prof. Brown strongly objects to being administered any of the COVID Vaccines against her will.

31. Prof. Brown is aware of the statement from the Congregation for the Doctrine of the Faith, which states that it is *permissible* to receive vaccination against COVID19. However, as emphasized by the National Catholic Bioethics Center (“NCBC”), acceptance of vaccination must be based on the consent of the individual, especially “when there are other means of mitigating risk.”⁶ As explained by the NCBC:

The best ethical decision-making occurs when individuals have sufficient information for discernment and are able to reflect without undue external pressures placed on them. Mandates, by their very nature, exert pressure that can be severe if employment or the ability to further one’s education are threatened.

32. In this same document, the NCBC also notes that fully free and informed consent cannot be given when several medical questions remain unanswered about the benefits and adverse effects of the novel vaccine technologies. Prof. Brown believes that Christian teaching is infused and informed by the obligation of each person to search his or her conscience and make informed decisions about his or her actions. These values are so deeply embedded in Western culture today that we tend to take them for granted.

⁶<https://static1.squarespace.com/static/5e3ada1a6a2e8d6a131d1dcd/t/612e50442c277031360c6f6c/1630425156505/StatementOnVaccineMandates.pdf>

33. Prof. Brown thus not only objects to being administered any of the currently-available COVID-Vaccines, she further objects to the coercion placed on her by the University's Vaccine Mandate, as it threatens to interfere with her ability to properly reflect on her obligations as a Christian who objects to the use of aborted fetal tissue in medical products.

34. Prof. Brown's objections to the COVID vaccines are thus based upon a sincerely held set of moral convictions arising from belief in and relation to God, and she is therefore protected under the HCRCA.

Jennifer Woods

35. Plaintiff Jennifer Woods has been employed by the University for fifteen years, and currently works in the Division of Physical Sciences Dean's Office. Ms. Woods was received into the Roman Catholic Church in 1997, and has been a practicing member of the Byzantine Catholic Church since 2001. She attends St. Mary's Byzantine Catholic Church in Whiting, Indiana, where her husband is a deacon. Ms. Woods and her husband have been active in Pro-Life causes for several years, and practice natural family planning in accordance with Church doctrine.

36. In accordance with her devout, Pro-Life, religious beliefs, Ms. Woods has a sincere, religious objection to being administered vaccines that have been developed using aborted fetal tissue. Ms. Woods did not become aware of the use of aborted fetal tissue in vaccines until after her older children had been vaccinated. As her awareness of the issue grew, she began to refuse vaccination for her three younger children. Because all of the currently-available vaccines against the COVID Vaccines use aborted fetal tissue in their development, Ms. Woods strongly objects to being administered any of the COVID Vaccines against her will.

37. Ms. Woods has read the statement from the Congregation for the Doctrine of the Faith, which states that it is permissible to receive vaccination against COVID19. However, as

emphasized by the National Catholic Bioethics Center, acceptance of vaccination must be based on the consent of the individual, especially “when there are other means of mitigating risk.”⁷ Like Prof. Brown, Ms. Woods agrees with the statement from the NCBC that “[t]he best ethical decision-making occurs when individuals have sufficient information for discernment and are able to reflect without undue external pressures placed on them.”

38. Ms. Woods thus not only objects to being administered any of the currently-available COVID Vaccines, she further objects to the coercion placed on her by the University’s Vaccine Mandate, as it threatens to interfere with her ability to properly reflect on her obligations as a Christian who objects to the use of aborted fetal tissue in medical products.

39. Based on the foregoing, Plaintiffs believe and therefore allege that they are imminently faced with being discriminated against as a result of their refusal to accept administration of the COVID-19 vaccines, whether in the form of disciplinary action, or other differential treatment that is prohibited by the HCRCA.

40. Absent the entry of an injunction barring Defendants from discriminating against them in violation of the HCRCA, Plaintiffs will be irreparably harmed.

41. All conditions precedent to bringing this action have been performed, excused, and/or waived.

COUNT I

Violation of the Illinois Health Care Right of Conscience Act, 745 ILCS 70/1

42. Plaintiffs reallege the foregoing paragraphs of this Complaint as though fully set forth herein.

⁷<https://static1.squarespace.com/static/5e3ada1a6a2e8d6a131d1dcd/t/612e50442c277031360c6f6c/1630425156505/StatementOnVaccineMandates.pdf>

43. Defendants' Employee Mandate violates the HCRCA's prohibition against discrimination, in that they single out Plaintiffs for disparate treatment based on their conscientious refusal to accept administration of a vaccine against COVID-19.

44. Plaintiffs do not seek an advisory opinion. Rather, Defendants have threatened to take adverse employment action against them if they fail to comply with the mandate by October 15, 2021. *See Exhibit A.*

45. Due to Defendants' failure to provide them with a meaningful, non-discriminatory administrative remedy for seeking a religious exemption while, at the same time, threatening discriminatory, adverse treatment of Plaintiffs, leaves Plaintiffs in a position in which they are uncertain of their rights and require a ruling from the Court as to those rights.

46. Moreover, Plaintiffs are suffering and will continue to suffer irreparable harm as a result of Defendants' discriminatory policies.

WHEREFORE, the Plaintiffs respectfully pray that the Court grant the following relief:

A. Enter a declaratory judgment finding that Defendants' Employee Mandate, as defined hereinabove, violates 745 ILCS § 70/5;

B. Enter a TRO, preliminary and permanent injunctions preventing Defendants from enforcing the Employee Mandate against Plaintiffs, in any form;

C. Award Plaintiffs actual damages of at least \$2,500 for each plaintiff, pursuant to 745 ILCS 70/12;

D. Award Plaintiffs their reasonable costs, expenses, and attorneys' fees, pursuant to 745 ILCS 70/12; and

E. Award Plaintiffs any additional relief the Court deems just and proper.

Dated: September 23, 2021

Respectfully Submitted,

**RACHEL FULTON BROWN and JENNIFER
WOODS**

By: /s/ Jeffrey M. Schwab
One of their attorneys

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Attorneys for Plaintiffs

**pro hac vice motion to be filed*

Exhibit A



September 22, 2021
Updated Employee Vaccination Requirement

To: Faculty, Other Academic Appointees, Postdoctoral Researchers, and Staff

From: Ka Yee C. Lee, Provost, and Katie Callow-Wright, Executive Vice President of the University and Chief of Staff in the Office of the President

To help ensure the highest possible vaccination rate at the University, today we are announcing that all University employees must be fully vaccinated against COVID-19 unless they have applied for and have been granted a medical or religious exemption. There will no longer be an option for employees who do not receive an exemption to participate in weekly testing in lieu of vaccination.

This new requirement strengthens our existing employee vaccination policy, which was [announced this summer](#). Employees who do not comply with the requirement by October 15 may be subject to disciplinary action, up to and including dismissal.

We are taking these steps to reinforce precautions against COVID-19 in light of risks such as the Delta variant, and to support plans for a full resumption of in-person activities. We are also monitoring and learning from the experiences with COVID-19 on other university campuses this fall and taking appropriate steps to limit the spread of the virus here, while upholding UChicago's distinctive approach to education, research, and intellectual life.

To meet this requirement, University employees who have not yet uploaded proof of their vaccination status must, by October 15, take one of the following steps:

- Upload proof of full vaccination by following [these steps](#), OR
- Apply for a [medical](#) or [religious](#) exemption by completing and submitting the corresponding form, OR
- Employees who are still in the process of being vaccinated must upload a copy of their vaccine appointment confirmation using the [same steps](#) as would be used to upload COVID vaccine documentation and enter the anticipated dates for each dose. Once fully vaccinated, employees must use the same steps to upload final vaccination documentation.

Employees who are in the process of being vaccinated must receive their second dose by October 29.

Unvaccinated employees who access University facilities in the Chicago area for any reason and at any frequency, and who have received an exemption or are in the process of being vaccinated, will still be subject to masking and mandatory weekly testing requirements.

For questions on today's announcement, please refer to the [Vaccination FAQ](#).

The University has determined based on expert guidance that widespread COVID-19 vaccination is the best way to contribute to greater immunity, reduce the likelihood of sudden clusters of COVID-19 on campus, minimize the risk imposed by new variants, and help protect members of our community who are at the highest risk of developing serious illness from the virus.

To date, more than 87% of employees and 94% of students have been vaccinated, and we are deeply grateful for the efforts thus far across the University. Thank you for your commitment to uphold the health and safety of our community.

University of Chicago
Edward H. Levi Hall
5801 S. Ellis Ave.
Chicago, IL 60637
goforward.uchicago.edu

This email was sent to: rfulton@uchicago.edu

Exhibit B



DAVILLIER LAW GROUP, LLC

935 Gravier Street • Suite 1702 • New Orleans • LA • 70112 • Phone: 504-582-6998 • Fax: 504-582-6985

September 1, 2021

Via Email:

eshanin@uchicago.edu

Elizabeth L. Shanin, Esq.
Sr. Associate General Counsel
The University of Chicago
Office of Legal Counsel
5801 S. Ellis Avenue
Chicago, IL 60637

**Re: Assoc. Prof. Rachel Fulton Brown – Request for Religious Exemption from
COVID19 Vaccination**

Dear Elizabeth:

As you are aware, the undersigned has been engaged to represent University of Chicago (“UC”) employee Rachel Fulton Brown, Ph.D. in relation to her request for a religious exemption from UC’s mandatory requirement for all employees to be vaccinated against COVID19 (the “Vaccine Mandate”).

Prof. Brown is a tenured Associate Professor of History who began her employment with UC in 1994, becoming fully tenured in 2001. She specializes in Medieval European Religious, Cultural, and Intellectual History; History of Christianity; Liturgy and Prayer; Devotion to the Virgin Mary; and Scriptural Exegesis and Hermeneutics.

Prof. Brown was received into the Catholic Church in 2017, at St. Thomas the Apostle Parish, in Hyde Park. She is a devout Catholic who openly touts her religious views on her UC academic homepage, which includes the quote: “I worship Jesus Christ as Lord and honor Mary as Mother of God.”¹

As a scholar and professor, Prof. Brown believes in teaching the history of Christianity not simply as an historical artifact, but as a lived experience. Her published work is thus not only scholarly, but devotional. It includes the scholarly works, *From Judgment to Passion: Devotion to Christ and the Virgin Mary, 800-1200*, Columbia University Press (December 18, 2002); and *Mary and the Art of Prayer: The Hours of the Virgin in Medieval Christian Life and Thought*, Columbia University Press (November 21, 2017).

¹ <http://home.uchicago.edu/~rfulton/>

The latter work was well-received by Catholic scholars, and should have earned her a promotion to full professor. However, her colleagues did not regard Prof. Brown as an historian, but as someone who advocates for religion. Thus, Prof. Brown essentially forsook promotion by standing firm on her religious beliefs. In summary, one would be hard-pressed to find a more devout and dedicated Catholic among the faculty of UC.

In accordance with Catholic teaching, Prof. Brown is Pro-Life and refuses to knowingly be administered any medical product that is produced from aborted fetal tissue. Because all of the currently-available vaccines against COVID19 (the “COVID Vaccines”) use aborted fetal tissue in their development, Prof. Brown strongly objects to being administered any of the COVID Vaccines against her will.

Prof. Brown is aware of the statement from the Congregation for the Doctrine of the Faith, which states that it is permissible to receive vaccination against COVID19. However, as emphasized by the National Catholic Bioethics Center, acceptance of vaccination must be based on the consent of the individual, especially “when there are other means of mitigating risk.”² As explained by the NCBC:

The best ethical decision-making occurs when individuals have sufficient information for discernment and are able to reflect without undue external pressures placed on them. Mandates, by their very nature, exert pressure that can be severe if employment or the ability to further one’s education are threatened.

In this same document, the NCBC also notes that fully free and informed consent cannot be given when several medical questions remain unanswered about the benefits and adverse effects of the novel vaccine technologies. Prof. Brown notes that, according to the vaccine manufacturers and public health officials, the currently-available COVID Vaccines are designed to prevent disease in the individual recipient, not to prevent the spread of COVID19. Prof. Brown thus has sincere doubts regarding the public health justification for mandatory vaccination.

Christian teaching is infused and informed by the obligation of each person to search his or her conscience and make informed decisions about his or her actions. These values are so deeply embedded in Western culture today that we tend to take them for granted.

Indeed, a large part of Prof. Brown’s attraction to the University of Chicago has been and continues to be its commitment to freedom of thought and academic expression, however imperfectly those values have been applied in practice. Prof. Brown sincerely believes that freedom of thought and expression are meaningless without freedom of choice.

Prof. Brown thus not only objects to being administered any of the currently-available COVID-Vaccines, she further objects to the coercion placed on her by UC’s Vaccine Mandate, as

²<https://static1.squarespace.com/static/5e3ada1a6a2e8d6a131d1dcd/t/612e50442c277031360c6f6c/1630425156505/StatementOnVaccineMandates.pdf>

it threatens to interfere with her ability to properly reflect on her obligations as a Christian who objects to the use of aborted fetal tissue in medical products.

Even though UC's FAQ page regarding its Vaccine Mandate for employees indicates that UC "is in the process of developing additional information" on its Vaccine Mandate, "including guidance on exemptions," UC has yet to provide employees with a means of submitting a request for a religious exemption. Indeed, the FAQ page specifically instructs employees that they "should not use the University's vaccine registry to notify the University of an exemption."³

But even if they wanted to do so, employees are yet unable to submit any kind of request for an exemption via UC's Employee Vaccination Requirement Questionnaire.⁴ This is despite the fact that the deadline for submitting proof of vaccination has already passed.

Perhaps it is UC's intent to treat any unvaccinated employee as "exempt," at least for the time being. The FAQ indicates that unvaccinated employees will be required to undergo a regiment of testing and masking until they are fully vaccinated. But whether this option will be ultimately withdrawn, except for those employees who have been granted an exemption, remains unclear. This informational void places Prof. Brown and similarly-situated employees in a difficult position, at best.

UC's failure to provide Prof. Brown with any means for seeking a reasonable accommodation for her sincerely-held religious beliefs patently violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of religion. As well, any disparate treatment of Prof. Brown based on her religious beliefs would violate Illinois' Health Care Right of Conscience Act, 745 ILCS 70/1, *et seq.* (the "HCRCA"). The HCRCA prohibits even private universities such as UC from taking adverse action against anyone who declines a COVID19 injection on the basis of religious belief:

Findings and policy. The General Assembly finds and declares that people and organizations hold different beliefs about whether certain health care services are morally acceptable. It is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept...health care services and medical care whether acting individually, corporately, or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in...refusing to obtain ... health care services and medical care.

745 ILCS 70/2.

³ <https://goforward.uchicago.edu/faqs/#vaccination-policies>

⁴ <https://redcap.uchicago.edu/surveys/index.php?s=YARHTMYTK8JHW374>

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The HCRCA thus expressly prohibits discrimination against any individual based on that person's refusal to accept administration of health care services. Specifically, section 70/5 of the HCRCA provides:

It shall be unlawful for any . . . private institution . . . to discriminate against any person in any manner, including but not limited to, licensing, hiring, promotion, transfer, staff appointment, hospital, managed care entity, or any other privileges, because of such person's conscientious refusal to receive, obtain, [or] accept . . . any particular form of health care services contrary to his or her conscience.

745 ILCS 70/5 (emphasis added).

The HCRCA defines "conscience" as "a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths[.]" 745 ILCS 70/3. UC is a "private institution" within the meaning of § 70/5 of the HCRCA. *See* 745 ILCS 70/7.

The provisions of the HCRCA do not solely apply to healthcare workers, but prohibit discrimination against any person because of such person's conscientious refusal to receive or obtain . . . any particular form of health care services contrary to his or her conscience. *See Cohen v. Smith*, 269 Ill. App. 3d 1087, 1096, 648 N.E.2d 329, 207 Ill. Dec. 873 (1995) (holding that a patient and her husband stated a claim under the HCRCA based on the defendants' failure to honor the plaintiffs' religious belief that prohibited being seen unclothed by a member of the opposite sex). *See also Vandersand v. Wal-Mart Stores, Inc.*, 525 F. Supp. 2d 1052, 1057 (C.D. Ill. 2007).

Based on the foregoing, Prof. Brown respectfully asks that the University of Chicago grant her request for a religious exemption from being vaccinated against COVID19, and that the University prohibit any adverse employment action against her as a result of her religious beliefs.

Sincerely,



GEORGE R. WENTZ, JR., ESQ.
THE DAVILLIER LAW GROUP, LLC

cc: Rachel Fulton Brown



DAVILLIER LAW GROUP, LLC

935 Gravier Street • Suite 1702 • New Orleans • LA • 70112 • Phone: 504-582-6998 • Fax: 504-582-6985

September 1, 2021

Via Email Only:

eshanin@uchicago.edu

Elizabeth L. Shanin, Esq.
Sr. Associate General Counsel
The University of Chicago
Office of Legal Counsel
5801 S. Ellis Avenue
Chicago, IL 60637

***Re: Jennifer Woods – Request for Religious Exemption from COVID19
Vaccination***

Dear Elizabeth:

The undersigned has been engaged to represent University of Chicago (“UC”) employee Jennifer Woods in relation to her request for a religious exemption from UC’s mandatory requirement for all employees to be vaccinated against COVID19 (the “Vaccine Mandate”).

Ms. Woods has been employed by UC for 15 years, and currently works in the Division of Physical Sciences graduate program. She reports to Senior Associate Dean Michael Grosse, who has granted her permission to work remotely for a trial period of six months.

Ms. Woods has been a practicing member of the Byzantine Catholic Church since 1997. She attends St. Mary’s Byzantine Catholic Church in Whiting, Indiana, where her husband is a deacon. Ms. Woods and her husband have been active in pro-life causes for several years, and practice natural family planning in accordance with Church doctrine.

In accordance with her devout, pro-life, religious beliefs, Ms. Woods has a sincere, religious objection to being administered vaccines that have been developed using aborted fetal tissue. Ms. Woods did not become aware of the use of aborted fetal tissue in vaccines until after her older children had been vaccinated. As her awareness of the issue grew, she began to refuse vaccination for her three younger children.

Because all of the currently-available vaccines against COVID19 (the “COVID Vaccines”) use aborted fetal tissue in their development, Ms. Woods strongly objects to being administered any of the COVID Vaccines against her will.

Ms. Woods has read the statement from the Congregation for the Doctrine of the Faith, which states that it is permissible to receive vaccination against COVID19. However, as emphasized by the National Catholic Bioethics Center, acceptance of vaccination must be based on the consent of the individual, especially “when there are other means of mitigating risk.”¹ As explained by the NCBC:

The best ethical decision-making occurs when individuals have sufficient information for discernment and are able to reflect without undue external pressures placed on them. Mandates, by their very nature, exert pressure that can be severe if employment or the ability to further one’s education are threatened.

Ms. Woods thus not only objects to being administered any of the currently-available COVID-Vaccines, she further objects to the coercion placed on her by UC’s Vaccine Mandate, as it threatens to interfere with her ability to properly reflect on her obligations as a Christian who objects to the use of aborted fetal tissue in medical products.

Furthermore, the NCBC also notes that fully free and informed consent cannot be given when several medical questions remain unanswered about the benefits and adverse effects of the novel vaccine technologies.

Ms. Woods is prepared to continue working remotely, as she has thus far been allowed to do by Associate Dean Grosse. To the extent that she needs to work on campus, she is willing to adhere to reasonable mitigation protocols.²

Even though UC’s FAQ page regarding its Vaccine Mandate for employees indicates that UC “is in the process of developing additional information” on its Vaccine Mandate, “including guidance on exemptions,” UC has yet to provide employees with a means of submitting a request for a religious exemption. Indeed, the FAQ page specifically instructs employees that they “should not use the University’s vaccine registry to notify the University of an exemption.”³

But even if they wanted to do so, employees are yet unable to submit any kind of request for an exemption via UC’s Employee Vaccination Requirement Questionnaire.⁴ This is despite the fact that the deadline for submitting proof of vaccination has already passed, and despite the fact that her division’s department of human resources has issued Ms. Woods a warning that she risks discipline up to and including discharge if she fails to submit her vaccination status via the University employee registry by September 3, 2021.

¹<https://static1.squarespace.com/static/5e3ada1a6a2e8d6a131d1ded/t/612e50442e277031360c6f6e/1630425156505/StatementOnVaccineMandates.pdf>

² Ms. Woods notes that, according to the vaccine manufacturers and public health officials, the currently-available COVID Vaccines are designed to prevent disease in the individual recipient, not to prevent the spread of COVID19. Ms. Woods thus has sincere doubts regarding the public health justification for mandatory vaccination.

³ <https://goforward.uchicago.edu/faqs/#vaccination-policies>

⁴ <https://redcap.uchicago.edu/surveys/index.php?s=YARHTMYTK8JHW374>

Perhaps it is UC's intent to treat any unvaccinated employee as "exempt," at least for the time being. The FAQ indicates that unvaccinated employees will be required to undergo a regiment of testing and masking until they are fully vaccinated. But whether this option will be ultimately withdrawn, except for those employees who have been granted an exemption, remains unclear. The deadline from HR has placed Ms. Woods in an untenable position in which UC has failed or refused to inform her of a process for seeking a reasonable accommodation of her religious beliefs while, at the same time, threatening her with termination if she fails to provide her vaccination status to the University. This threat alone, as noted above, impedes on her ability to freely exercise her religious beliefs.

UC's failure to provide Ms. Woods with any means for seeking a reasonable accommodation for her sincerely-held religious beliefs patently violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of religion. As well, any disparate treatment of Ms. Woods based on her religious beliefs would violate Illinois' Health Care Right of Conscience Act, 745 ILCS 70/1, *et seq.* (the "HCRCA"). The HCRCA prohibits even private universities such as UC from taking adverse action against anyone who declines a COVID19 injection on the basis of religious belief:

Findings and policy. The General Assembly finds and declares that people and organizations hold different beliefs about whether certain health care services are morally acceptable. It is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept...health care services and medical care whether acting individually, corporately, or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion, disability or imposition of liability upon such persons or entities by reason of their refusing to act contrary to their conscience or conscientious convictions in...refusing to obtain ... health care services and medical care.

745 ILCS 70/2.

The HCRCA thus expressly prohibits discrimination against any individual based on that person's refusal to accept administration of health care services. Specifically, section 70/5 of the HCRCA provides:

It shall be unlawful for any . . . private institution . . . to discriminate against any person in any manner, including but not limited to, licensing, hiring, promotion, transfer, staff appointment, hospital, managed care entity, or any other privileges, because of such person's conscientious refusal to receive, obtain, [or] accept . . . any particular form of health care services contrary to his or her conscience.

745 ILCS 70/5 (emphasis added).

The HCRCA defines “conscience” as “a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths[.]” 745 ILCS 70/3. UC is a “private institution” within the meaning of § 70/5 of the HCRCA. *See* 745 ILCS 70/7.

The provisions of the HCRCA do not solely apply to healthcare workers, but prohibit discrimination against any person because of such person’s conscientious refusal to receive or obtain . . . any particular form of health care services contrary to his or her conscience. *See Cohen v. Smith*, 269 Ill. App. 3d 1087, 1096, 648 N.E.2d 329, 207 Ill. Dec. 873 (1995) (holding that a patient and her husband stated a claim under the HCRCA based on the defendants’ failure to honor the plaintiffs’ religious belief that prohibited being seen unclothed by a member of the opposite sex). *See also Vandersand v. Wal-Mart Stores, Inc.*, 525 F. Supp. 2d 1052, 1057 (C.D. Ill. 2007).

Based on the foregoing, Ms. Woods respectfully asks that the University of Chicago grant her request for a religious exemption from being vaccinated against COVID19, and that the University prohibit any adverse employment action against her as a result of her religious beliefs.

Sincerely,

A handwritten signature in blue ink, appearing to read "George R. Wentz, Jr.", with a stylized flourish at the end.

GEORGE R. WENTZ, JR., ESQ.
THE DAVILLIER LAW GROUP, LLC

cc: Jennifer Woods

Exhibit C



2021 Application for Religious Exemption from COVID-19 Vaccine

For the University to consider a request for exemption, this Application for Religious Exemption Form AND the required documentation must be submitted to c19exemptionrequest@uchicago.edu no later than October 15, 2021.

I acknowledge that I have read and understand the following facts before applying:

- COVID-19 is a serious respiratory infection that has caused over 650,000 deaths in the United States and hospitalized over 2.9 million people in the U.S. since March 2020.
- The University strongly recommends that all University employees become vaccinated against COVID-19 to protect against COVID-19 infection, its complications, and death.
- COVID-19 vaccines are safe and effective at preventing COVID-19 disease, especially severe illness and death.
- If I contract COVID-19, I will shed the virus for 24-48 hours before COVID-19 symptoms appear.
- When I shed the virus I can spread COVID-19 infection to those around me. COVID-19 vaccines reduce the risk of people spreading the virus that causes COVID-19.
- If I become infected with COVID-19, even when my symptoms are mild or non-existent, I can spread severe illness to others.
- I understand that I cannot get COVID-19 from the COVID-19 vaccine.
- The consequences of not being vaccinated could have life-threatening consequences to my health and the health of those with whom I have contact, including my students, my coworkers, my family, and my community.

Employee Information

Name (last,first): _____

Job Title: _____

Department: _____

UChicago ID#: _____

Phone Number: _____

UChicago Email Address: _____

Important: Please complete page 2 of document

Section A

Please describe your religious affiliation, if any, and how your religious beliefs or practices prevent you from receiving the COVID-19 vaccine (attach additional pages if needed).

Section B

Name of Religious Organization: _____

Name of Religious Advisor and Address of Religious Institution: _____

Signature of Religious Advisor and/or representative of religious institution:

IF YOU DO NOT HAVE OR ARE UNABLE TO OBTAIN A SIGNATURE FROM YOUR RELIGIOUS ADVISOR OR INSTITUTION, PLEASE EXPLAIN:

The University will review your explanation and, if deemed necessary, will contact you to set up a time to discuss why your religious beliefs prevent you from receiving the vaccination. The University is an equal opportunity employer and provides reasonable accommodations to those with sincerely held religious beliefs except where doing so would impose an undue hardship on the operation of the University.

I certify that I have read and understand all of the facts outlined above. Although I understand them, I certify that I believe I am entitled to a religious exemption for the reasons stated and have answered all the questions on this form fully and completely and provided the required statement from my religious advisor if I have one.

Signature

Date

PLEASE RETURN THIS ENTIRE FORM (2 pages) TO: c19exemptionrequest@uchicago.edu