

College Athletes Win COVID Victory in Court

The 6th Circuit Court of Appeals ruled unanimously in favor of 16 athletes who filed a federal civil rights lawsuit challenging Western Michigan University's unlawful denial of their request for religious accommodation from the college's shot mandate. This decision is now binding precedent in Michigan, Ohio, Kentucky and Tennessee.

The students represent numerous teams at WMU including the football, baseball, women's basketball, women's soccer, dance team and cross-country programs. WMU recently instituted a requirement for all its athletes in all sports to take the COVID-19 injection or forfeit their right to play intercollegiate sports. However, no similar "vaccine" requirement exists for any other students at WMU and other universities, including Michigan State University and University of Michigan, which are granting religious accommodations to athletes.

U.S. District Judge Paul Maloney initially ordered a 14-day temporary restraining order on the university's shot mandate for athletes. WMU would have forced the athletes to be vaccinated by Aug. 31 or be kicked off the team. The university then appealed the ruling to the 6th Circuit.

Then in a 3-0 opinion, the three-judge appeals court panel upheld Judge Maloney's preliminary injunction that stated WMU violated the athletes' First Amendment rights by denying their requests for a religious exemption from the mandate. The court wrote, "We do not doubt (WMU's) good faith, nor do we fail to appreciate the burdens COVID-19 has placed on this nation's universities ... but having announced a system under which student-athletes can seek individualized exemptions, the university must explain why it chose not to grant any to

plaintiffs. And it did not fairly do so here.”

The appeals court also wrote, “The University put plaintiffs to the choice: get vaccinated or stop fully participating in intercollegiate sports. The University did not dispute that taking the vaccine would violate plaintiffs’ ‘sincerely held Christian beliefs.’ Yet refusing the vaccine prevents plaintiffs from participating in college sports, as they are otherwise qualified (and likely were recruited) to do. By conditioning the privilege of playing sports on plaintiffs’ willingness to abandon their sincere religious beliefs, the University burdened their free exercise rights.”

Liberty Counsel founder and Chairman Mat Staver said, “This is a great victory for these athletes against these unlawful COVID shot mandates. Western Michigan University violates federal law when these school officials deny these students’ religious exemptions. No school may force or coerce anyone to take these injections, and certainly not when doing so violates sincerely held religious beliefs.” {eo}

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