

Supreme Court Denies Review of Indiana University's COVID-19 Vaccine Mandate

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August 17, 2021

The U.S. Supreme Court has denied review of Indiana University's COVID-19 vaccine mandate for employees and students, leaving in place the rulings of lower courts in favor of the university's requirements. We've gathered articles on the news from *SHRM Online* and other media outlets.

SHRM RESOURCE HUB PAGE

COVID-19 Vaccination Resources (www.shrm.org/hr-today/news/hr-news/Pages/COVID-19-Vaccination-Resources.aspx)

Vaccination Policy Left in Place

Indiana University's vaccination policy requires all students, faculty and staff be fully vaccinated or have an approved religious, medical or ethical exemption before returning to campus. Students who opposed the mandate said they are adults who are "entitled to make their own medical treatment decisions and have a constitutional right to bodily integrity, autonomy and of medical treatment choice in the context of a vaccination mandate." However, the 7th U.S. Circuit Court of Appeals rejected this argument, noting the mandate's limited scope and numerous exemptions.

(Jurist (<https://www.jurist.org/news/2021/08/supreme-court-upholds-indiana-universitys-vaccine-mandate/>))

Rationales for Lower Court's Rulings

A trial judge had declined to block the university's vaccine requirement, writing that the U.S. Constitution "permits Indiana University to pursue a reasonable and due process of vaccination in the legitimate interest of public health for its students, faculty and staff." In refusing to block the mandate, a 7th Circuit judge wrote, "Vaccination protects not only the vaccinated persons but also those who come in contact with them, and at a university close contact is inevitable."

(*The New York Times* (<https://www.nytimes.com/2021/08/12/us/supreme-court-indiana-university-covid-vaccine-mandate.html>))

Previous Supreme Court Decision Noted

The 7th Circuit noted that the Supreme Court ruled in 1905 that a state can require all members of the public to be vaccinated against smallpox. The appeals court said Indiana University's requirement is less demanding. The university students' challenge was directed to Justice Amy Coney Barrett, the justice in charge of their region of the country, and she denied it.

(NBC News (<https://www.nbcnews.com/politics/supreme-court/supreme-court-rejects-challenge-indiana-university-s-vaccination-requirement-n1276714>))

First Petition Before High Court over COVID-19 Vaccinations

Barrett chose not to refer the matter to the other justices and provided no rationale for declining review of the petition, which was the first over mandatory vaccinations to reach the Supreme Court. The university announced its goal of returning to normal campus operations in the fall 2021 semester, and the vaccination requirement was a part of that goal.

(The Hill (<https://thehill.com/regulation/court-battles/567676-supreme-court-leaves-intact-indiana-universitys-vaccination>))

Unvaccinated Workers at Houston Methodist Resigned or Were Fired

On June 12, a district court judge dismissed a lawsuit some workers had filed against Houston Methodist regarding its vaccine mandate. More than 150 Houston Methodist employees have resigned or were fired, following the hospital system's requirement they get a COVID-19 vaccine to remain employed. The employees had two weeks to get the vaccine after they were suspended for not following the mandate.

(*SHRM Online* (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/unvaccinated-workers-resignations-terminations.aspx?_ga=2.150362878.977836131.1629119800-1102745045.1615925853))

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