



Written by [Veronika Kyrylenko](#) on July 20, 2021

## Federal Judge: Indiana University Students Must Comply With Vaccine Mandate

Students at Indiana University will have to comply with the school's COVID-19 vaccine mandate for the fall semester, as a federal judge refused on Monday to block the school's inoculation requirement, one of the first rulings of its kind regarding vaccine mandates.

The decision came in a [lawsuit](#) filed in June by eight students who claimed that the university's [new vaccine policy](#) "violates the liberty protected by the Fourteenth Amendment," which "includes rights of personal autonomy and bodily integrity, and the right to reject medical treatment."



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The suit also claimed that the mandate "violates Indiana's new Vaccine Passport Law which prohibits state and local units (including Indiana University ('IU')) from requiring or issuing vaccine 'passports' that indicate an individual's COVID immunization status."

The suit noted that the three COVID-19 vaccines used in the United States only received emergency use authorization (EUA), and that the "known and unknown risks associated with COVID vaccines, particularly in those under 30, outweigh the risks to that population from the disease itself, by any rational measure."

The students also contend that the mandate runs contrary to established medical ethics, comparing it to the [1932 Tuskegee study](#).

U.S. District Court Judge Damon Leichty of South Bend, Indiana, rejected the students' arguments.

"Recognizing the students' significant liberty to refuse unwanted medical treatment, the Fourteenth Amendment 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," Leichty wrote in [an opinion](#).

"Today, on this preliminary record, the university has done so for its campus communities. The students haven't established a likelihood of success on the merits of their Fourteenth Amendment claim or the many requirements that must precede the extraordinary remedy of a preliminary injunction."

Leichty further wrote that the lawsuit posed new and urgent questions.

"No case to date has decided the constitutionality of whether a public university, such as Indiana University, may mandate that its students receive a COVID-19 vaccine," Leichty observed.

He noted that the most widely used coronavirus vaccines are being administered through EUA and still do not yet have full approval from the Food and Drug Administration. But the pandemic posed a "rare public health threat," the judge wrote, citing the COVID-19 death toll in America of more than 600,000, 13,000 of which occurred in Indiana. He said that even though "the darker days" of 2020 are behind, the nation is now witnessing an uptick in infections, and "virulent and highly transmissible variants of



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this coronavirus present new challenges.”

Leichty also noted that the Centers for Disease Control and Prevention (CDC) recommends that institutions of higher learning (IHEs) “can return to full capacity in-person learning, without requiring or recommending masking or physical distancing” only when “all students, faculty, and staff are fully vaccinated prior to the start of the semester.” Therefore, the Indiana State Department of Health aligns with the CDC guidelines.

The ruling cites [Dr. Peter McCullough](#), M.D., MPH, who testified on behalf of students, and argued the risks of COVID-19 to college students in 2021 is significantly lower than in 2020. Dr. McCullough called the mandate “unwise” and a “violation of the medical ethics principle of autonomy translated to the university setting.” It was also underlined that the risks associated with the COVID-19 vaccines are “unpredictable” and “are not minor or unserious and can include hospitalization and death.”

Dr. Cole Beeler, M.D., who represented the University, however, called the vaccines “known science” applied to a “novel pathogen” that poses “uncertain and threatening immediate and long-term consequences to [the university’s] students, faculty, staff, and communities at large.” He argued that asymptomatic hosts put others at risk of being infected.

A separate section of the judge’s opinion is dedicated to the EUA granted to the vaccines. “Despite creating an expedited pathway to distribute new medical products during emergencies, products that receive EUA approval still must adhere to specified safety, efficacy, and manufacturing criteria,” Leichty wrote.

He described mRNA technology as something that has been studied “for decades,” even though the first trials in humans started in March 2020. He stated that the vaccines underwent all three medical trials necessary to estimate their safety, immunogenicity, and efficacy, and claimed that 70,000 participants were involved in testing of both Pfizer and Moderna vaccines, and 40,000 in Johnson and Johnson trials, and demonstrated that they meet “the FDA’s expectations for safety and effectiveness appropriate for authorization of a vaccine for emergency use.”

“With these vaccines, an emerging light appeared at the end of the tunnel,” Leichty stated. He acknowledged the recently reported adverse reactions that may occur in vaccine recipients, particularly heart inflammation in young males, but concluded that “the ongoing safety of these vaccines are rigorously monitored by agency professionals.”

The judge found the university’s requirements “reasonable,” and even praised them for going “beyond and above” the Constitution when providing the students an option to file for a religious exemption.

James Bopp Jr., attorney for the plaintiffs, [said](#) in a statement that the students would appeal.

“Continuing our fight against this unconstitutional mandate is necessary to guarantee that IU students receive the fair due process they’re owed by a public university,” Bopp said. “An admitted IU student’s right to attend IU cannot be conditioned on the student waiving their rights to bodily integrity, bodily autonomy, and consent to medical treatment like IU has done here.”

The number of schools that will require students to be fully vaccinated against COVID-19 is growing. *University Business* magazine posts a regularly updated [list](#) of colleges and universities that require COVID-19 vaccinations in some form for the start of the 2021-22 academic year. Some are mandating that faculty and students be vaccinated, while others are only requiring that students living on campus receive vaccines.



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