



# Bennett Hartman

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## MEMORANDUM

TO: Adrienne Mitchell  
FROM: Aruna Masih  
DATE: September 10, 2021  
RE: Vaccination Exemptions

The Association requested information regarding whether the Lane Community College (“LCC”) can legally deny a COVID-19 vaccine exemption based on “philosophical belief.” The answer to that question is yes. Lane Community College is free to allow or deny such an exemption because neither state nor federal statutory or constitutional law require the LCC to offer a “philosophical belief” exemption.

Currently, less than half the states in the United States even offer a “philosophical belief” exemption to students.<sup>1</sup> In Oregon, the “philosophical belief” exemption is a matter of statutory law and applies only to K-12 schools and certain universities. *See* ORS 433.267 and 433.282. Even for the entities subject to this statutory requirement, the OHA mandatory vaccination rule (OAR 333-019-1030) adopted pursuant to the Governor’s Executive Order emergency authority allows only a medical and religious exemption and supersedes the existing law. ORS 401.192. The reason it allows the medical and religious exemption is to comply with federal laws.<sup>2</sup>

The same federal laws would require LCC to also recognize medical and religious exemptions if it adopted a COVID-19 vaccination requirement. However, no law or constitutional provision limits LCC’s policy-making authority regarding disallowance of a “philosophical belief” exemption.

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<sup>1</sup> <https://www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx>

<sup>2</sup> <https://www.eeoc.gov/newsroom/eeoc-issues-updated-covid-19-technical-assistance>