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George Mason Univ. Ends Student Vaccine Booster Mandate Following Demand Letter from NCLA

GMU's Booster Mandate for Spring 2022

Washington, DC (January 31, 2022) - George Mason University (GMU) has revised its COVID-19 policy regarding vaccines and boosters for the student body after the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, sent a [letter](#) Friday demanding GMU rescind its student vaccine booster mandate. The school updated its [policy](#) just a few hours later to reflect that COVID-19 vaccines and boosters are now only “strongly encouraged” rather than [required](#). GMU, located in Fairfax, Virginia, had previously ordered all students who were not granted a religious or medical exemption, and who are eligible according to the CDC, to receive a booster by February 15. Otherwise, they would face disciplinary action up to and including expulsion from GMU.

The letter—which NCLA sent on behalf of Robert Fellner, a student at the Antonin Scalia Law School, and Megan Darling, a student at the School of Business—argues that GMU’s booster mandate violates the students’ constitutional rights to Due Process and Equal Protection by coercing them into receiving an unwanted vaccine and threatening them with inability to continue the education in which they have invested time, money, and other resources, if they do not comply.

As a result of Governor Glenn Youngkin’s [Executive Directive](#), issued January 15, prohibiting state employers from mandating vaccines for their employees, GMU withdrew—via email on January 17—the booster requirement for employees. GMU did not, however, eliminate its vaccine and booster mandate for students. So, NCLA sent a demand letter to GMU. Also on Friday, Virginia’s Attorney General observed in an [advisory opinion](#) to Governor Youngkin that GMU, a public institution, did not have the authority to force students to get a COVID-19 vaccine or a booster to remain enrolled. The Attorney General explained that a vaccine mandate necessitates explicit authorization from the General Assembly, which has not been given.

NCLA released the following statement:

“GMU knew its booster mandate would not stand up to judicial scrutiny, since it violates students’ civil liberties and is not substantiated by scientific research to date. The threat of litigation, and knowledge that the Virginia Attorney General would not side with the University, evidently caused GMU to cave within hours of receiving both our demand letter and a copy of the AG’s advisory letter to Gov. Youngkin. NCLA hopes other universities will follow suit and recognize that booster mandates, especially for young people and those who have just recovered from COVID-19, are unconstitutional, unethical, and unsupported by the science.”

— **Jenin Younes, Litigation Counsel, NCLA**

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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