

JUN 06 2022

*Heure & Jacob*  
CLERK OF COURTS

COMMONWEALTH OF MASSACHUSETTS  
HAMPDEN SUPERIOR COURT

Hampden, SS.

<u>SHERYL FULLEN,</u>	)
	)
Plaintiff	)
	)
v.	)
	)
SPRINGFIELD TECHNICAL	)
COMMUNITY COLLEGE and	)
VANNOCH SIN,	)
	)
<u>Defendants</u>	)

No.: 2279CV 22 0339

VERIFIED COMPLAINT AND JURY DEMAND

PARTIES

1. Sheryl Fullen is an individual who resides in Wales, Hampden County, Massachusetts.
2. Defendant, Springfield Technical Community College ("STCC") is a "public, not-for-profit institution and the Commonwealth's only technical community college<sup>1</sup>," with a principal address listed as One Armory Square in Springfield, Massachusetts.
3. Defendant Vannoch Sin is an individual employed by Springfield Technical Community College acting as College's Director of Human Resources and Title IX Coordinator at all times relevant to the facts alleged in this Complaint. On information and belief, she resides in Amherst, Massachusetts.

<sup>1</sup> <https://www.stcc.edu/about-stcc/>

No. 2279CV gnc  
 Fee Paid - \$ 240.00 Cash gnc  
 Surcharge Paid - \$ 15.00 Cash gnc  
 Security Fee - Paid - \$ 20.00 Cash gnc  
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## JURISDICTION AND VENUE

4. This is an action by Sheryl Fullen against the Defendants for religious discrimination under Title VII of the Civil Rights Act and G.L. c. 151B, for free exercise and establishment clause violations under the Massachusetts United States Constitutions.
5. This Court has jurisdiction over this case under G.L. c. 212 § 3 based on the aforementioned claims and that there is no reasonable likelihood that recovery by Plaintiff would be less than \$50,000.
6. Plaintiff resides in Hampden County, as Defendant STCC's principal address is a Hampden County address which renders venue proper in accordance with G.L. c. 223 § 1.
7. Plaintiff has obtained a "Notice of Right to Sue" issued from the U.S. Equal Employment Opportunity Commission and from the Massachusetts Commission Against Discrimination, which allows this Court jurisdiction over the Religious Discrimination claims.

## STATEMENT OF FACTS

### **Sheryl Fullen's Employment with STCC**

8. Plaintiff Sheryl Fullen began her employment with Defendant STCC on or about January of 2014.
9. Plaintiff's roles were that of Associate Professor in the School of Health & Patient Simulation, as well as the Program Chairwoman for Medical Imaging and Radiological Technologies.

10. As part of her normal duties as the school's Medical Imaging and Radiological Technologies Program, Plaintiff assured effective program operations, oversaw ongoing program accreditation and assessment processes, participated in budget planning, provided didactic and clinical instruction, maintained current knowledge of professional discipline and educational methodologies through continuing professional development and assumed the leadership role in continued development of the program.
11. At the time of her termination, Plaintiff had worked at Defendant STCC for eight years.
12. Plaintiff was terminated on January 25, 2022.

**STCC's Mandatory COVID-19  
Vaccination Policy for its  
Employees**

13. On September 20, 2021, Defendant STCC published a policy stating that its students, faculty and staff "must be fully vaccinated against COVID-19 and submit verification of their fully vaccinated status to the College absent an approved reasonable accommodation."<sup>2</sup>
14. Employees were required to provide proof of vaccination by January 3, 2022.
15. Any employee who did not provide proof of vaccination by January 3, 2022 would face fourteen (14) days of leave without pay, with exceptions for those whose accommodations were pending, who could use other time, such as vacation or personal days.

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<sup>2</sup> <https://www.stcc.edu/media/departments/covid-19/Employee-Vaccine-Policy.pdf>

16. Failure to “submit verification” could subject an employee to termination.
17. Employees who sought a reasonable accommodation were directed to submit their requests on a form provided by the Defendant.
18. Defendant stated that it would provide an “individualized interactive process” to those seeking a reasonable accommodation.

**Sheryl Fullen’s Sincerely Held Religious Beliefs and Request for a Reasonable Accommodation**

19. Plaintiff has a sincerely held religious belief that precludes her from complying with the mandatory COVID-19 Vaccination Policy because of the connection between all three COVID-19 vaccines (in their origination, production, development, or testing), and the cell lines of aborted fetuses.
20. A fundamental component of Fullen’s sincerely held religious beliefs is that all life is sacred, from the moment of conception to natural death, and that abortion is a grave sin against God and the murder of an innocent life.
21. Plaintiff’s sincerely held religious beliefs are rooted in the Bible’s teachings that “all Scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, [and] for instruction in righteousness.” 2 *Timothy* 3:16 (KJV).
22. Plaintiff therefore believes that she must conform her life to the commands and teachings of Scripture, including decisions regarding medical care.
23. Plaintiff further seeks God’s will in her life through prayer.

24. It is through prayer and reading the Bible that Plaintiff receives revelation from the Holy Spirit as she attempts to live out God's will for her life, a sincerely held religious belief also rooted in the Bible's teachings: "[f]or all who are being led by the Spirit of God, these are sons of God." *Romans* 8:14 (KJV), and "[i]f you love me, you will keep my commandments." *John* 14:15.

25. Her sincerely held religious beliefs on abortion are rooted in Biblical teachings<sup>3</sup>, in that God forms children from the womb, personally knows them prior to their birth, and that therefore all life is sacred from the moment of conception:

- a. "Thou shalt not kill<sup>4</sup>." *Exodus* 20:13 (KJV);
- b. "Ye have heard that it was said of them of old time, Thou shalt not kill; and whosoever shall kill shall be in danger of the judgment..."  
*Matthew* 5:21 (KJV);
- c. "Before I formed thee in the belly I knew thee; and before thou camest forth out of the womb I sanctified thee..." *Jeremiah* 1:5 (KJV);
- d. "I was cast upon thee from the womb: thou art my God from my mother's belly." *Psalms* 22:10 (KJV);
- e. "For thou has possessed my reins: thou has covered me in my mother's womb. I will praise thee; for I am fearfully and wonderfully made: marvelous are thy works; and that my soul knoweth right well." *Psalms* 139:13-14 (KJV);

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<sup>3</sup> See: <https://www.gotquestions.org/abortion-Bible.html>

<sup>4</sup> *Exodus* 21:22-25 explains that this includes babies inside of the womb.

- f. "Thine eyes did see my substance, yet being unperfect; and in thy book all my members were written, which in continuance were fashioned, when as yet there was none of them." *Psalms* 139:16 (KJV);
- g. "The Lord that made thee, and formed thee from the womb..." *Isaiah* 44:2 (KJV);
- h. "Thus saith the Lord, thy redeemer, and he that formed thee from the womb, I am the Lord that maketh all things." *Isaiah* 44:24 (KJV);
- i. "The Lord hath called me from the womb; from the bowels of my mother hath he made mention of my name." *Isaiah* 49:1 (KJV);
- j. "The Lord that formed me from the womb to be his servant." *Isaiah* 49:5 (KJV);
- k. "Let us make man in our image, after our likeness... So God created man in His own image; in the image of God created He him; male and female created he them." *Genesis* 1:26-27 (KJV);

26. Plaintiff believes, therefore that taking these precious lives through the practice of abortion is akin to murder of an innocent human expressly forbidden in the Bible. See, e.g. *Exodus* 20:13; ("Though shalt not kill." (KJV)); *Exodus* 21:22-23 (setting the penalty as death for even the accidental killing of an unborn child); *Exodus* 23:7 ("the innocent and righteous slay thou not, for I will not justify the wicked." (KJV)); *Genesis* 9:6 ("Whoso sheddeth a man's blood, by man shall his blood be shed: for in the image of God made he man." (KJV)); *Deuteronomy* 27:25 ("Cursed be he that taketh

reward to slay an innocent person.” (KJV)); *Proverbs* 6:16-17 (“These six things doth the Lord hate: yea, seven are an abomination to him . . . hands that shed innocent blood.” (KJV)).

27. Plaintiff’s sincerely held religious beliefs, rooted in the Biblical Scriptures above, considers anything that supports, justifies, condones or benefits from the practice of abortion, which takes an innocent life, to be sinful and in complete opposition to the Bible, from which she must abstain and avoid completely.

28. Plaintiff’s sincerely held religious belief, rooted in the Scriptures above, is that it is an affront to the Bible’s teaching that all life is sacred for her to use a product derived from **or connected in any way to abortion.**

29. Plaintiff’s sincerely held religious belief, rooted in the Scriptures above, precludes her from accepting any one of the three currently available COVID-19 vaccines, as all three (Pfizer, Moderna, Johnson & Johnson) were derived from, produced, manufactured by, tested on, developed with, or otherwise connected to aborted fetal cell lines.

30. Johnson & Johnson used aborted fetal cell lines to produce and manufacture its vaccines<sup>5</sup>.

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<sup>5</sup> See: <https://www.nebraskamed.com/COVID/you-asked-we-answered-do-the-covid-19-vaccines-contain-aborted-fetal-cells>, “For the Johnson & Johnson vaccine, fetal cell lines were used in the production and manufacturing stage. To make the Johnson & Johnson vaccine, scientists infect PER.C6 fetal cell lines to grow the adenovirus vector.” See also: [https://www.health.nd.gov/sites/www/files/documents/COVID%20Vaccine%20Page/COVID-19\\_Vaccine\\_Fetal\\_Cell\\_Handout.pdf](https://www.health.nd.gov/sites/www/files/documents/COVID%20Vaccine%20Page/COVID-19_Vaccine_Fetal_Cell_Handout.pdf), and <https://www.science.org/doi/full/10.1126/science.368.6496.1170>

31. Moderna and Pfizer/BioNTech COVID-19 vaccines also trace their origins to research on aborted fetal cell lines.
32. Moderna and Pfizer mRNA vaccines are ultimately derived from research and testing on aborted fetal cell lines: “Early in the development of mRNA vaccine technology, fetal cells were used for ‘proof of concept’ (to demonstrate how a cell could take up mRNA and produce the SARS-CoV-2 spike protein) or to characterize the SARS-CoV-2 spike protein.” See North Dakota Health, *COVID-19 Vaccines & Fetal Cell Lines* (Apr. 20, 2021) as referenced in Footnote 5.
33. Pfizer and Moderna’s use of aborted fetal cells in the “proof of concept” phase of their COVID-19 mRNA vaccine development was also confirmed by the Louisiana Department of Public Health, *You Have Questions, We Have Answers: COVID-19 Vaccine FAQ* (Dec. 12, 2020):  
[https://ldh.la.gov/assets/oph/Center-PHCH/Center-PH/immunizations/You\\_Have\\_Qs\\_COVID-19\\_Vaccine\\_FAQ.pdf](https://ldh.la.gov/assets/oph/Center-PHCH/Center-PH/immunizations/You_Have_Qs_COVID-19_Vaccine_FAQ.pdf).
34. In that all three of the subject vaccines are developed and produced from, tested with, researched on, or otherwise connected to aborted fetal cell lines HEK-293 and PER.C6, Plaintiff’s sincerely held religious beliefs compel her to abstain from obtaining or injecting any of these products into her body, regardless of the perceived benefit or rationale.
35. While some faith leaders and other adherents whose understanding of Scripture is different, and who may be willing to accept one of the three



subject vaccines despite their connection with aborted fetal cell lines, Plaintiff's sincerely held religious beliefs compel her to adhere to the truth that the testing, development, production or other connection to aborted fetal cell lines is morally and Scripturally unacceptable and an affront to the Scripture's teachings that God values all human life, and that abortion – in all of its manifestations and with all of its so-called 'benefits' – is a grave sin in which Plaintiff cannot participate.

36. Plaintiff also has a sincerely held religious belief that "God is leading [her] not to take the vaccine [*sic*] and [she] hold[s] true to this decision."

37. Plaintiff's sincerely held belief, as stated in ¶23 and again in ¶24, is fundamental to the practice of her Christian faith.

38. Plaintiff has a sincerely held religious belief that Jesus Christ died on the cross for her sins, was resurrected three days later, and that when He ascended into Heaven, He sent the Holy Spirit to indwell His believers and to guide them in all aspects of their lives. *John* 16:7 ("Nevertheless I tell you the truth, it is expedient for you that I go away: for if I go not away, the Comforter will not come unto you; but if I depart, I will send him unto you." (KJV)); *John* 14:26 ("But the Comforter, which is the Holy Ghost, whom the Father will send in my name, he shall teach you all things, and bring all things to your remembrance, whatsoever I have said unto you." (KJV)).

39. Plaintiff has a sincerely held religious belief that the Holy Spirit was given to her by God to reprove her of righteousness and sin and to guide her into all

truth. See *John* 16:8,13 (“And when he is come, he will reprove the world of sin, and of righteousness, and of judgment . . . when he, the Spirit of truth, is come, he will guide you into all truth: for he shall not speak of himself; but whatsoever he shall hear, that shall he speak: and he will shew you things to come.” (KJV)).

40. Plaintiff also has a sincerely held religious belief that she shall receive all answers to her questions through prayer and supplication, including for decisions governing her medical health. See *James* 1:5 (“If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him.” (KJV)); *Mark* 11:24 (“Therefore I say unto you, What things soever ye desire, when ye pray, believe that ye receive them, and ye shall have them.” (KJV)); *Philippians* 4:6-7 (“but in everything by prayer and supplication with thanksgiving let your request be made known to God. And the peace of God, which passeth all understanding, shall keep your hearts and minds through Christ Jesus.” (KJV)); *1 John* 4:14-15 (“And this is the confidence we have in him, that, if we ask anything according to his will, he heareth us. And if we know that he hear us, whatsoever we ask, we know that we have the petitions that we desired of him.” (KJV)).

41. Through much prayer and reflection, Plaintiff has sought wisdom, understanding, and guidance on the proper decision to make concerning these COVID-19 vaccines, and has been convicted by the Holy Spirit in her

beliefs that accepting any of the three subject vaccines is against the teachings of Scripture and would be a sin.

42. Plaintiff has a sincerely held religious belief that compels her to follow the teachings of the Holy Spirit, who has not given her peace or comfort to accept any of the three currently available COVID-19 vaccines.

43. Plaintiff has a sincerely held religious belief that she is being guided and instructed by the Holy Spirit not to accept any of the three subject vaccines and that it would be a sin against God to do so.

44. Plaintiff shared her beliefs with Defendants, complying with their policy by providing her beliefs to the best of her ability on Defendants' prescribed form, and has asked Defendants for exemption and reasonable accommodation for these beliefs, but Defendants have unlawfully and callously refused.

45. Plaintiff can and will comply with all other reasonable alternatives to compliance with STCC's COVID-19 Vaccination Policy.

46. Plaintiff offered that she would "wear a mask and take daily temperature checks before arriving on campus," and that she was willing to discuss the accommodations with her employer.

47. Plaintiff is willing to and will comply with the same alternatives to vaccination that the Defendants have provided as accommodations to other employees and students, all of whom are allowed to be on campus and are receiving accommodations.

## Defendant's Lack of Interactive Process

48. On or about December 16, 2021, Plaintiff conducted a virtual meeting with Defendant Sin and another Human Resources specialist named Alexa Campbell.

49. During this meeting, Defendant Sin read through each of Plaintiff's answers on the Defendants' prescribed exemption form and asked Plaintiff if the answers were true.

50. Defendant Sin then asked Plaintiff whether Plaintiff was willing to take a vaccine that did not "contain" aborted fetal cells.

51. According to the Centers for Disease Control and Prevention ("CDC"), the only authorized COVID-19 vaccines in the United States are the three subject vaccines in this lawsuit: Pfizer, Moderna and Johnson & Johnson<sup>6</sup>, none of which "contain" aborted fetal cells as an ingredient (in the literal sense), but all of which are connected to aborted fetal cells, as described above.

52. Thus, the question posed by Defendant Sin was not a question aimed at understanding Plaintiff's religious beliefs, nor a question aimed at finding an accommodation for Plaintiff, but rather a question meant to "trap" Plaintiff into making a statement that would be in conflict with her expressed religious beliefs, and thus allow Defendant Sin to deny Plaintiff's request for accommodation.

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<sup>6</sup> [https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html?s\\_cid=11758:covid%20vaccine%20types:sem.ga:p:RG:GM:gen:PTN:FY22](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html?s_cid=11758:covid%20vaccine%20types:sem.ga:p:RG:GM:gen:PTN:FY22)

53. Plaintiff answered Defendant Sin that she would not take any of these vaccines, as her opposition to abortion was one aspect of her sincerely held religious beliefs, and that the other aspect was that God had led Plaintiff, via the Holy Spirit, not to take these particular vaccines.

**Defendants' Unlawful Denial of  
Sheryl Fullen's Request for  
Religious Accommodation**

54. After this virtual meeting, Defendants sent Plaintiff correspondence stating that she had established a sincerely held religious belief, but that the school could not grant Plaintiff an accommodation "due to the risk it would present to the health and safety of the campus community."

55. Plaintiff sent an email to Defendant Sin requesting to know what specific risk she posed, who was involved in making the decision to deny her accommodation, and pointed out that she has not had a single case of COVID-19 traced back to her lab.

56. Defendant Sin sent another letter dated January 18, 2022, stating that "we" examined Plaintiff's request for religious accommodation and that after such reconsideration, Plaintiff no longer had a sincerely held religious belief.

57. Defendant Sin used what can only be described as amateurish obfuscation techniques, in an attempt to reframe Plaintiff's religious beliefs, stating:

**"While you may have sincerely held religious beliefs against abortion, the ingredients in the Covid-19 vaccines are common ingredients present in most foods (sugars, salts, fat). Vaccines do NOT contain ingredients like preservatives, tissues (aborted fetal cells),**

antibiotics, food proteins, medicines, latex, or metals. Myths and Facts about COVID-19 Vaccines | CDC Additionally, **there are vaccines** that were developed without using fetal cell lines (See [lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/](https://lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/) Six of the COVID vaccine did not use fetal cell lines **in vaccine production**, among them are Moderna and Pfizer. CHART-Analysis-of-COVID-19-Vaccines-02June21.pdf (pcdn.co).” (Emphasis added).

58. While Defendant Sin’s statements may be truthful within the silo they were intended to be expressed, they had absolutely nothing to do with Plaintiff’s religious beliefs, which stated that she was opposed to *any* connection to abortion, and that she cannot sin by committing acts of which the Holy Spirit has ordered her to refrain.
59. Certainly, there exist on this planet COVID-19 vaccines that were not developed with fetal cell lines, however, if Defendant Sin had spent all of two minutes reviewing her own quick Google research, she would have realized that the vaccines listed in her cited article are either not authorized for use in the United States, or are available in countries like Cuba, France and even China.
60. Defendant Sin’s Google search turned up additional irrelevant information that led to her erroneous determination that Plaintiff’s religious beliefs were insincere: that because certain faith leaders and pro-life organization leaders have stated that it is ethical to take the abortion-derived vaccines, therefore “[t]he religious passages cited in [Plaintiff’s] application do not prevent [Plaintiff] from complying with the Employee Vaccination Policy.”

61. Defendant Sin continued: “[t]hat is a matter of choice on your part.”
62. Further in her letter, Defendant Sin stated that “even if you were eligible for an accommodation based upon religion, your proposal to wear a mask and conduct daily temperature checks **will not ensure a safe environment** for our students and employees.”
63. Defendants therefore denied Plaintiff’s request for accommodation based on individual identified faith leaders stating that the vaccines’ connection to abortion would not be unethical and that the Plaintiff had not met a supposed burden of being able to “ensure” that students and employees be safe from COVID-19.
64. None of the currently authorized vaccines can “ensure” safety from COVID-19<sup>7</sup>.
65. Defendants do not require their vaccinated employees to ensure the safety of students and other employees.
66. Plaintiff’s adherence to additional alternative safety measures would likewise not pose a direct threat nor an undue hardship on the Defendants, either financially or operationally, as she was rarely in direct contact with students and other employees.
67. Plaintiff’s contact with students came in the form of teaching “labs,” of which approximately 25% of the time was spent discussing theory of the subject

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<sup>7</sup> <https://covid.cdc.gov/covid-data-tracker/#vaccine-effectiveness>

matter and its subsequent application to the practical exercises conducted in that respective day's lab.

68. Students also finish the lab by discussing lessons learned throughout the practical application.

69. These discussions at the beginning and end of each lab are done in a classroom setting that allows for physical distancing.

70. Once the practical exercises began, they required a set of X-ray tube equipment manipulation and a series of actual X-ray exposures, of which Defendants' facilities have specialized equipment that allows for the measure of the amount of energy that comes from an actual X-ray. Depending on the particular class, changes are made to the X-ray to evaluate how it affects the outcome.

71. Massachusetts Radiation Control Program regulations<sup>8</sup> limit exposure to X-rays, so individuals cannot be in the room and exposed to the X-rays while conducting these labs.

72. Thus, for the safety of all involved, all students and faculty must leave the X-ray lab and close the door in order to begin the exposure.

73. During any lab taught by Plaintiff, the class may take between six and ten, or even more, exposures.

74. Plaintiff frequently divides the class into small groups of three or four.

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<sup>8</sup> <https://www.mass.gov/doc/105-cmr-120-the-control-of-radiation-0/download>



75. Plaintiff is almost never physically close to any student or employee for more than a few seconds while performing the functions of her job.
76. Defendants never once asked Plaintiff how she conducted her labs in order to determine whether Plaintiff's religious beliefs could, in fact, be accommodated.
77. In fact, Defendants refused to speak with Plaintiff about anything surrounding her accommodation, short of the brief zoom meeting where Defendant Sin simply verified Plaintiff's responses on Defendants' form.
78. The Defendants never specified what undue hardship they would face were they to grant Plaintiff's accommodation.
79. Plaintiff has had COVID-19, which provides robust natural immunity and significantly reduces her chance of reinfection and therefore spread<sup>9</sup>.
80. Plaintiff offered to self-screen, taking her temperature prior to working and would stay home if she were symptomatic.
81. Asymptomatic transmission of COVID-19 is highly unlikely. See Madewell, Z. J., Yang, Y., Longini, I. M., Halloran, M. E. & Dean, N. E. (2020). *Household transmission of SARS-CoV-2: A systematic review and meta-analysis*. JAMA NETWORK OPEN, 3(12), 1-17.  
<https://doi.org/10.1001/jamanetworkopen.2020.31756>; Cao, S., Gan, Y., Wang,

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<sup>9</sup> See Dan, J. M., Mateus, J., Kato, Y., Hastie, K. M., Yu, E. D., Faliti, C. E., Grifoni, A., Ramirez, S. I., Haupt, S., Frazier, A., Nakao, C., Rayaprolu, V., Rawlings, S. A., Peters, B., Krammer, F., Simon, V., Saphire, E. O., Smith, D. M., Weiskopf, D., Crotty, S. (2021). *Immunological memory to SARS-CoV-2 assessed for up to 8 months after infection*. SCIENCE, 371, 1-13.  
<https://doi.org/10.1126/science.abf4063> (finding that memory T and B cells were present up to eight months after infection, noting that “durable immunity against secondary COVID-19 disease is a possibility in most individuals”).

C., Bachmann, M., Wei, S., Gong, J., Huang, Y., Wang, T., Li, L., Lu, K., Jiang, H., Gong, Y., Xu, H., Shen, X., Tian, Q., Lv, C., Song, F., Yin, X. & Lu, Z. (2020). *Post-lockdown SARS-CoV-2 nucleic acid screening in nearly ten million residents of Wuhan, China*. NATURE COMMUNICATIONS, 11(1), 5917. <https://doi.org/10.1038/s41467-020-19802-w>; Buitrago-Garcia, D., Egli-Gany, D., Counotte, M. J., Hossmann, S., Imeri, H., Ipekci, A. M., Salanti, G. & Low, N. (2020). *Occurrence and transmission potential of asymptomatic and presymptomatic SARS-CoV-2 infections: A living systematic review and meta-analysis*. PLOS MEDICINE, 17(9), e1003346. <https://doi.org/10.1371/journal.pmed.1003346>; Cevik, M., Tate, M., Lloyd, O., Maraolo, A. E., Schafers, J. & Ho, A. (2021). *SARS-CoV-2, SARS-CoV, and MERS-CoV viral load dynamics, duration of viral shedding, and infectiousness: A systematic review and meta-analysis*. THE LANCET, MICROBE, 2(1), e13-e22. [https://doi.org/10.1016/s2666-5247\(20\)30172-5](https://doi.org/10.1016/s2666-5247(20)30172-5); Peirlinck, M., Linka, K., Costabal, F. S., Bhattacharya, J., Bendavid, E., Ioannidis, J. P. A. & Kuhl, E. (2020). *Visualizing the invisible: The effect of asymptomatic transmission on the outbreak dynamics of COVID-19*. COMPUTER METHODS IN APPLIED MECHANICS AND ENGINEERING, 372(1), 113140. <https://doi.org/10.1016/j.cma.2020.113410>.

82. Plaintiff's presence at the workplace unvaccinated while wearing a facemask, checking her temperature, monitoring for symptoms, physically distancing from students and employees would not pose a "direct threat" at her place of

work. See: Baker, M., Rhee, C., Fiumara, K., Bennett-Rizzo, C., Tucker, R., Williams, S., . . . Klompas, M. (2020). COVID-19 infections among HCWs exposed to a patient with a delayed diagnosis of COVID-19. *Infection Control & Hospital Epidemiology*, 41(9), 1075-1076. <https://doi:10.1017/ice.2020.256> (low infection rate amongst healthcare workers exposed to COVID-19 infected patients); Meghan A Baker, Karen Fiumara, Chanu Rhee, Sarah A Williams, Robert Tucker, Paige Wickner, Andrew Resnick, Michael Klompas, CDC Prevention Epicenters Program, Low Risk of Coronavirus Disease 2019 (COVID-19) Among Patients Exposed to Infected Healthcare Workers, *Clinical Infectious Diseases*, Volume 73, Issue 7, 1 October 2021, Pages e1878–e1880, <https://doi.org/10.1093/cid/ciaa1269> (low infection rate amongst healthcare workers exposed to COVID-positive patients); Cavanaugh AM, Spicer KB, Thoroughman D, Glick C, Winter K. *Reduced Risk of Reinfection with SARS-CoV-2 After COVID-19 Vaccination — Kentucky, May–June 2021*. MMWR MORB MORTAL WKLY REP 2021;70:1081-1083. <https://doi.org/10.15585/mmwr.mm7032e1> (vaccinated racetrack worker study showing that vaccinated workers were over two times **more likely** to be reinfected than unvaccinated workers); Vitale, J., Mumoli, N., Clerici, P., de Paschale, M., Evangelista, I., Cei, M. & Mazzone, A. (2021). *Assessment of SARS-CoV-2 reinfection 1 year after primary infection in a population in Lombardy, Italy*. JAMA INTERNAL MEDICINE, 181(10), 1407-1409. <https://doi.org/10.1001/jamainternmed.2021.2959> (reinfection is incredibly

rare); Elijah, S (2022) *On What Basis Did Pfizer Claim 95%*,  
<https://brownstone.org/articles/on-what-basis-did-pfizer-claim-95/> (Analysis of publicly-released Pfizer trial data shows **an actual effectiveness of 12%**, compared to Pfizer's claim of 95%).

83. As the science has progressed on the study of COVID-19, studies have shown that there is a very small statistical difference between vaccinated and unvaccinated individuals when it comes to transmission of the virus. See Gunter, Kampf, (November 19, 2021), *The Epidemiological Relevance of the COVID-19-Vaccinated population is increasing*.  
<https://doi.org/10.1016/j.lanep.2021.100272> (39% of infected are fully vaccinated); Brown CM, Vostok J, Johnson H, et al. *Outbreak of SARS-CoV-2 Infections, Including COVID-19 Vaccine Breakthrough Infections, Associated with Large Public Gatherings — Barnstable County, Massachusetts, July 2021*. MMWR Morb. Mortal Wkly. Rep 2021;70:1059-1062.  
[https://www.publichealthontario.ca/-/media/documents/ncov/research/2021/08/synopsis-brown-mmwr-breakthrough-infections-large-public-gatherings.pdf?sc\\_lang=en&hash=5F574064D4A73D8F3317281A26E6E6BE](https://www.publichealthontario.ca/-/media/documents/ncov/research/2021/08/synopsis-brown-mmwr-breakthrough-infections-large-public-gatherings.pdf?sc_lang=en&hash=5F574064D4A73D8F3317281A26E6E6BE)  
(Roughly 3/4 of all infected from outbreak of 469 cases were vaccinated)

84. Plaintiff's mask and thermometer are items that she could simply purchase herself for less than \$20, therefore her accommodation would not pose a financial hardship to the Defendant.

85. Defendants have accommodated other students and staff, and with roughly 7,000 students and another 1,000 staff, Plaintiff's accommodation would pose no greater danger to the students and staff at the school.

**COUNT I**  
**(Title VII Violation)**  
**42 U.S.C. § 2000e, et seq.**

86. Plaintiff realleges and adopts each and every allegation in paragraphs 1-85 as if fully set forth herein.

87. Title VII of the Civil Rights Act prohibits Defendants from discriminating against their employees on the basis of their sincerely held religious beliefs. *See* 42 U.S.C. §2000e-2(a).

88. Plaintiff holds a sincere religious belief that precludes her from receiving a COVID-19 vaccine.

89. Plaintiff informed Defendants of those beliefs and requested a religious exemption and reasonable accommodation from the vaccine policy.

90. Defendants failed to engage in a meaningful interactive process with Plaintiff regarding her religious accommodation request.

91. Irrespective of the interactive process, Defendants failed to provide Plaintiff with a religious exemption and reasonable accommodation, thereby discriminating against Plaintiff because of her religious beliefs.

92. Defendants' failure to provide religious exemption and accommodation to Plaintiff has caused her harm.
93. Once an employee demonstrates that their religious belief conflicts with an employment condition, "the burden then shifts to the employer to show that it offered a reasonable accommodation or, if it did not offer an accommodation, that doing so would have resulted in undue hardship. *Cloutier v. Costco Wholesale Corp.*, 390 F.3d 126, 133 (1st Cir. 2004).
94. Defendants did not demonstrate that accommodating Plaintiff's religious beliefs would have resulted in undue hardship, nor did they identify what potential hardship would have resulted at all.
95. Defendants shifted their burden to Plaintiff to "ensure" the safety of students and staff at the school.
96. By failing to engage in a meaningful interactive process, offer any reasonable accommodation, or demonstrate an undue hardship, Defendants' discriminatory actions were intentional and/or reckless and in violation of Title VII.

Wherefore, Plaintiff requests relief against Defendants as set forth in her prayer for relief.

**COUNT II**  
**(Religious Discrimination)**  
**M.G.L. c. 151B**

97. Plaintiff realleges and adopts each and every allegation in paragraphs 1-96 as if fully set forth herein.

98. G.L. c. 151B §4 prohibits Defendants from discriminating against their employees on the basis of their sincerely held religious beliefs.
99. Plaintiff holds a sincere religious belief that precludes her from receiving a COVID-19 vaccine.
100. Plaintiff informed Defendants of those beliefs and requested a religious exemption and reasonable accommodation from the vaccine policy.
101. Defendants failed to engage in a meaningful interactive process with Plaintiff regarding her religious accommodation request.
102. Irrespective of the interactive process, Defendants failed to provide Plaintiff with a religious exemption and reasonable accommodation, thereby discriminating against Plaintiff because of her religious beliefs.
103. Defendants' failure to provide religious exemption and accommodation to Plaintiff has caused Plaintiff harm.
104. By failing to engage in a meaningful interactive process, offer any reasonable accommodation, or demonstrate an undue hardship, Defendants' discriminatory actions were intentional and/or reckless and in violation of G.L. c. 151B.

Wherefore, Plaintiff requests relief against Defendants as set forth in her prayer for relief.

**COUNT III**  
**(First Amendment Violations)**  
**U.S. Constitution**

105. Plaintiff realleges and adopts each and every allegation in paragraphs 1-104 as if fully set forth herein.
106. The Free Exercise Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits the State from abridging Plaintiff's rights to free exercise of religion and from establishment of religion.
107. Plaintiff has a sincerely held religious beliefs that Scripture is the infallible, inerrant word of the Lord Jesus Christ, and that she is to follow its teachings and listen to the Holy Spirit's direction in her decision making.
108. Plaintiff realleges the discussion of her sincerely held religious beliefs, supra, as if fully set forth herein.
109. Defendants' policy targets Plaintiff's sincerely held religious beliefs by prohibiting her from seeking and receiving exemption and accommodation for her sincerely held religious beliefs against the COVID-19 vaccines.
110. Defendants' policy impermissibly burdens Plaintiff's sincerely held religious beliefs, compels her to either change those beliefs or act in contradiction to them, and forces her to choose between the teachings and requirements of her sincerely held religious beliefs in the commands of Scripture and the Defendants' imposed value system.



111. Defendants' policy placed Plaintiff in an irresolvable conflict between compliance with the vaccine policy and her sincerely held religious beliefs.
112. Defendants' policy put substantial pressure on Plaintiff to violate her sincerely held religious beliefs or face loss of her job.
113. Defendants' policy is neither neutral nor generally applicable.
114. Defendants' policy specifically targets Plaintiff's religious beliefs for disparate and discriminatory treatment.
115. Defendants' policy creates a system of individualized exemptions for preferred exemption requests while discriminating against requests for exemption and accommodation based on sincerely held religious beliefs.
116. Defendants' policy constitutes a substantial burden on Plaintiff's exercise of her sincerely held religious beliefs.
117. Defendants' policy fails to accommodate Plaintiff's sincerely held religious beliefs.
118. There is no legitimate, rational, or compelling interest in the Defendants' exclusion of exemptions and accommodations for sincerely held religious beliefs.
119. Defendants' policy is not the least restrictive means of achieving an otherwise permissible government interest.
120. Defendants' policy unlawfully favors certain religions over others by taking public statements of faith leaders and attributing those statements as official, institutional positions held by each individual who claims to practice

said religions, thus excluding employees with personal and sincerely held religious beliefs, such as the Plaintiff, from qualifying for accommodation.

121. This policy has the effect of establishing a system of approval that is not neutral in its application to some religions over others.

122. The Supreme Judicial Court forbade this practice of basing religious exemption on whether one subscribed to “tenets and practices of a recognized church or religious denomination,” finding that it was “violative of the First and Fourteenth Amendments of the United States Constitution and state constitutional provisions in extending preferred treatment to adherents and members of recognized church or religious denominations while denying exemption to others objecting to vaccination on religious grounds.” *Dalli v. Board of Education*, 358 Mass. 753 (1971).

123. By qualifying the public statements of a few religious leaders as tenets of an entire religion and subsequently denying Plaintiff’s accommodation because she did not adhere to these religious leaders’ beliefs, Defendant violated Plaintiff’s First Amendment rights.

Wherefore, Plaintiff requests relief against Defendants as set forth in her prayer for relief.

COUNT IV  
(Violations of Free Exercise Clause)  
Massachusetts Constitution

124. Plaintiff realleges and adopts each and every allegation in paragraphs 1-123 as if fully set forth herein.
125. Article 2 of the Massachusetts Declaration of Rights ensures that no person “shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the **dictates of his own conscience**, or for his religious profession or sentiments.” (Emphasis added).
126. Article 46, § 1, of the Amendments to the Massachusetts Constitution further provides that “[n]o law shall be passed prohibiting the free exercise of religion.”
127. Plaintiff incorporates the recitation of her religious beliefs, *supra*, as if fully set forth herein.
128. Plaintiff’s right to freely exercise her religious beliefs were burdened upon the denial of her religious accommodation.
129. The free exercise of religion is a fundamental right under both the United States Constitution and the Massachusetts Constitution.
130. The Defendants’ interest in curbing the spread of COVID-19, while compelling, would not be hindered by accommodating Plaintiff’s religious beliefs.

Wherefore, Plaintiff requests relief against Defendants as set forth in her prayer for relief.

**COUNT V**  
**Violations of 42 U.S.C. § 1983**

131. Plaintiff realleges and adopts each and every allegation in paragraphs 1-130 as if fully set forth herein.

132. Defendants, in enacting the vaccination policy, were and are acting under the color of law. “The traditional definition of acting under color of state law requires that the defendant in a § 1983 action have exercised power “possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.” *West v. Atkins*, 487 U.S. 42 (1988).

133. The violations of Title VII, First Amendment and United States Constitution, as incorporated into this Count, constitute violations of Plaintiff’s civil rights and are therefore violations of § 1983.

134. Defendant Sin’s actions toward Plaintiff in re-framing Plaintiff’s religious beliefs, rescinding the finding that Plaintiff’s religious beliefs were sincerely held, and denying Plaintiff an accommodation were either intentional or based on a failure by Defendant STCC to train Defendant Sin<sup>10</sup> on the requirements of Title VII.

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<sup>10</sup> Defendant Sin’s email signature stated that she was “acting” Director of Human Resources/Title IX Coordinator, so it is entirely possible that Defendant STCC failed to train her on how to properly evaluate a Title VII request for accommodation. This does not affect Plaintiff’s claims: whether

135. Defendant STCC knew or should have known that its training was inadequate or that Defendant Sin was acting intentionally (in that Defendant STCC made the decision to, and ultimately did, terminate Plaintiff's employment) but exhibited deliberate indifference to the unconstitutional effects of Sin's intentional conduct or inadequate training.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court award money damages, punitive damages, costs and attorney fees, and any other relief this Court deems proper.

**Plaintiff demands a trial by jury.**

Plaintiff, by her attorney,

/s/ Ryan P. McLane

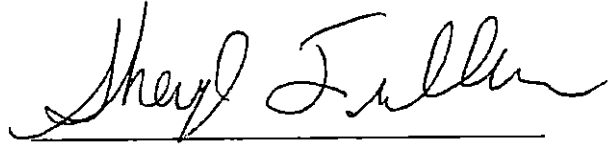
Ryan P. McLane, Esq. (BBO: 697464)  
Lauren Bradford, Esq. (BBO: 700084)  
McLane & McLane, LLC  
269 South Westfield Street  
Feeding Hills, MA 01030  
Ph. (413) 789-7771  
Fax (413) 789-7731  
E-mail: ryan@mclanelaw.com  
E-mail: lauren@mclanelaw.com

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intentional or due to incompetence, Defendant STCC was fully aware of and approved the unconstitutional conduct.

**VERIFICATION**

I hereby certify under the pains and penalties of perjury that I have read the above complaint and the facts therein are true and no material facts have been omitted from the Complaint.

A handwritten signature in cursive script, appearing to read "Sheryl Fullen", written over a horizontal line.

Sheryl Fullen

# EXHIBIT A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Boston Area Office

JFK Federal Building  
15 New Sudbury Street, Room 475  
Boston, MA 02203-0506  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Boston Direct Dial: (617) 865-3670  
FAX (617) 565-3196  
Website: [www.eeoc.gov](http://www.eeoc.gov)

March 11, 2022

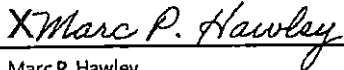
Ryan McLane  
McLane & McLane Law Firm  
269 S. Westfield St.  
Feeding Hills, MA 01030

RE: EEOC Charge No.: 523-2022-01994  
Charging Party: Sheryl A. Fullen  
Respondent: Springfield Technical Community College

Dear Attorney McLane:

The United States Equal Employment Opportunity Commission (EEOC) issued the enclosed document in the above-referenced charge on the date reflected thereon. Specifically, on that date, EEOC sent you an email notification that EEOC had made a decision regarding the above-referenced charge and advised you to download a copy of the decision document from the portal. Our records indicate you have not downloaded that document from the portal. For your convenience, a copy of that document is enclosed with this letter.

Sincerely,

A handwritten signature in cursive script that reads "X Marc P. Hawley". The signature is enclosed in a rectangular box.

Marc P. Hawley  
Office Automation Assistant



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Sheryl A. Fullen  
8 Maine Street  
Wales, MA 01081

From: Boston Area Office  
15 New Dudley St ,Room 475  
Boston ,Massachusetts ,02203

EEOC Charge No.  
523-2022-01994

EEOC Representative  
Hanh Nguyen,  
Investigator

Telephone No.  
617-865-3680

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*Feng Kwei An, Kenneth*

3/9/2022

Enclosures(s)

Feng An, Kenneth,  
Area Director

(Date Mailed)

cc:

Ryan McLane  
McLane & McLane Law Firm  
269 S Westfield Street  
Feeding Hills, MA 01030

# EXHIBIT B

THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION  
One Ashburton Place, Boston, MA 02108  
Phone: (617) 994-6000 Fax: (617) 994-6024

- DISMISSAL -

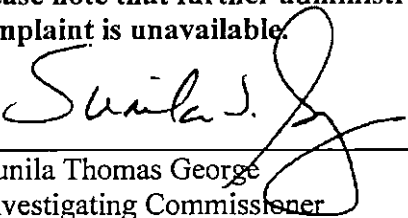
To: Sheryl Ann Fullen  
8 Main Street  
Wales, MA 01081

Case: Sheryl Ann Fullen v. Springfield Technical  
Community College  
MCAD Docket Number: 22BEM00703  
EEOC/HUD Number: 523-2022-01994  
Investigator: Ying Mo

Your complaint has been dismissed as follows:

- Pursuant to 804 CMR 1.08(1)(a) (2020), the Commission accords substantial weight to the findings or resolution of the complaint by another forum and has decided to close the investigation accordingly.
- Pursuant to 804 CMR 1.08(1)(b) (2020), the complaint is dismissed after being withdrawn pursuant to 804 CMR 1.04(12) (2020). You are required to file a copy of a complaint filed in court after withdrawal from the Commission with the Commission's Office of the General Counsel pursuant to 804 CMR 1.04(13) (2020).
- Pursuant to 804 CMR 1.08(1)(d) (2020), the complaint is administratively dismissed due to:
  - bankruptcy of a party
  - death of a party
  - inability to locate a party after providing the party 30 days in which to respond to a notice sent to the party's last known address
  - adjudication by another forum
  - unreasonable refusal by complainant to cooperate with processing the case
  - failure to participate
  - refusal to accept a reasonable settlement offer
  - other: Complainant through counsel requested to withdraw the EEOC dual filed charge, and wish to file a private right of action in civil court
- Pursuant to 804 CMR 1.08(1)(e) (2020), the parties have settled the case.
- Pursuant to 804 CMR 1.08(4)(a)(5) (2020), the Commission has entered an order reversing a probable cause determination.

**Please note that further administrative or judicial review of the dismissal of your complaint is unavailable.**

  
Sunila Thomas George  
Investigating Commissioner

4/4/22  
Date

**THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION  
One Ashburton Place, Boston, MA 02108  
Phone: (617) 994-6000 Fax: (617) 994-6024**

Cc: Springfield Technical Community College  
Attn: Director of Human Resources  
One Armory Sq.  
Springfield, MA 01105

# EXHIBIT C

**FORM FOR EMPLOYEES REQUESTING REASONABLE ACCOMMODATIONS TO THE  
COVID-19 VACCINE POLICY OF THE MASSACHUSETTS COMMUNITY COLLEGE  
SYSTEM FOR EMPLOYEES ("EMPLOYEE VACCINATION POLICY")**

Massachusetts Community College members, including students, faculty, and staff must be fully vaccinated against COVID-19 and submit verification of their fully vaccinated status to the College absent an approved reasonable accommodation consistent with the Employee Vaccination Policy.

All requests for reasonable accommodation, including any requests to be exempt from vaccine requirements for medical or religious reasons, will be considered consistent with applicable laws and legal guidance and the Board of Higher Education Policy on Affirmative Action, Equal Opportunity & Diversity for the Massachusetts Community Colleges. The College will engage in an interactive process to determine if you are eligible for a reasonable accommodation, and if so, whether the requested accommodation is reasonable and does not create an undue hardship for the College and/or does not pose a direct threat to the health or safety of others in the learning and working environment, as applicable.

If unable to submit verification of full vaccination status and seeking a reasonable accommodation to comply with the Employee Vaccination Policy, you should complete and submit this form along with the requested documentation as soon as possible and without delay in order to allow adequate time for the individualized interactive process to occur.

Employee Name:

Employee ID:

College Email:

Personal Email:

Work Phone:

Cell Phone:

Position Title:

Regular Work Schedule:

Regular Work Location Currently Assigned:

Type of Accommodation:

Describe why you are unable to be fully vaccinated against COVID-19 and/or unable to submit verification of full vaccination status in compliance with the Employee Vaccination Policy.

Describe the reasonable accommodation you are requesting (including the applicable time period, if any) and all other alternate reasonable accommodations you considered (if none considered list other alternate reasonable accommodations that may address your needs).

Is your request based on a disability (ex. health condition):

Is this based on religion?  Yes

If your request is based on religion, describe your sincerely-held religious beliefs or practices that prevent or limit you from obtaining the COVID-19 vaccine and/or submitting verification of full vaccination status in compliance with the Employee Vaccination Policy.

I object on religious grounds because each vaccine uses fetal stem cells in either their development or testing. The vaccines (BNT162b2 by PfizerBioNTech, mRNA-1273 by Moderna, and Ad26.COV2.S by Janssen) were all manufactured or tested using cell lines derived from an abortion in 1972 (HEK-293) and an abortion in 1985 (PER.C6). I believe that abortion is murder. For me to take a vaccine that utilizes fetal stem cells taken from an abortion would be me participating in the act of murder. The sixth out of the Ten Commandments given to us from God states, "You shall not kill". See Exodus 20:13. The Ten Commandments are Gods laws to be followed and disobeying them is a sin. "Ye have heard that it was said by them of old time, Thou shalt not kill; and whosoever shall kill shall be in danger of the judgment". See Mathew 5:21. I believe this to be a spiritual death. My eternal salvation is the uttermost importance in my life as a Born Again Christian. To go against God's word places my eternal soul in peril.

How long have you adhered to these religious beliefs or practices?  Two years

Are you a member of a particular church or religious organization that also holds these religious beliefs or practices?  Yes

If yes, what is the name of the church/religious organization and how long have you been a member?

Adam Square Baptist Church

If you wish you may provide additional examples of how you abide by these religious beliefs or practices in your daily life that support your request.

I was raised a Catholic. I was Baptized as an infant. Then furthered my sacraments by making my First Communion and my Confirmation. I attended CCD through my junior year in High School. I continued attending church and even put my daughter in Catholic School for grades kindergarten through grade 4. My faith has grown in Christ. The last two years I have become a Born Again Christian. Last month I was baptized in the Baptist Church. This was an important moment in my walk with Christ. Baptism is a public confession of my faith in Christ. Paul declared in Romans 6:3-4 "We were buried with Christ in baptism and we are raised to walk in a new life" as forgiven followers of Christ empowered by the Spirit of God. For we walk by faith, not by sight, 2 Corinthians 5:7. I do not live in fear but in faith through Jesus Christ. Currently, I pray and read the bible daily. I attend a weekly women's Bible study group as well as Sunday services.

Does anything other than the COVID-19 vaccine verification requirement interfere with these religious beliefs or practices?

No

Have you received other vaccinations required for attendance at the College (ex. Tdap, Hepatitis B? MMR? Varicella? Meningococcal?)  YES

NO  
SAF  
12/17/2021

If yes, explain why these religious beliefs or practices did not prevent or limit you from obtaining these vaccinations.

As a child, I received vaccinations. Health care decisions were made for me as a minor. Since becoming a Born Again Christian, I have not received any vaccinations.

Have these religious beliefs or practices prevented or limited you from receiving any other vaccination(s)?  Yes

Explain why your objection to the COVID-19 vaccination is not based on secular grounds such as personal philosophy, preference or inconvenience.

My faith should not be in the wisdom of men but in the power of God. See 1 Corinthians 2:5. Jesus looked at them and said, "With man this is impossible, but with God all things are possible." See Matthew 19:26. God is leading me not to take the vaccine and I hold true to this decision. Through my daily prayers, the Holy Spirit is guiding me to not live in fear. I believe that God in his infinite glory and wisdom built into each of us an immune system that protects us from illness.

\*\*\*\* Attach documentation supporting your request for reasonable accommodation based on religion, if any (OPTIONAL) \*\*\*\*

FileUpload2 signed letter Pastor Casey.pdf

If your request is based on a special circumstance?  No

**Employee Certification (ALL EMPLOYEES MUST REVIEW AND SIGN):**

By my signature below, I certify that the information I have provided on this form, including any attached documentation, is truthful, complete, and accurate and I acknowledge that, following the effective date of the Employee Vaccination Policy:

the individualized interactive process is estimated to take a minimum of ten (10) business days after receipt of satisfactory documentation supporting my eligibility for reasonable accommodation and clarification and/or additional documentation may be requested at any point in the interactive process;

the interactive process cannot begin until I have submitted truthful, complete and accurate information and all supporting documentation requested;

if my request for accommodation is based on a disability (ex. health condition), current documentation from my healthcare provider supporting my request is required; and

if the information I submit is deemed to be fraudulent or untruthful I may be subject to interim employment action and/or discipline consistent with applicable collective bargaining agreements and employee handbooks.

...3030383838

*Sheryl Fullen*  
Employee Signature:

12/06/2021, 12:15 PM  
Date:



# EXHIBIT D

Done Fullen.Sheryl Accom...



One Armory Square  
Suite 1 • PO Box 9000  
Springfield, MA 01102-9000  
(413) 781-7822 • www.stcc.edu

December 28, 2021

Sheryl Fullen  
8 Main Street  
Wales, MA 01081

Dear Ms. Fullen,

As you are aware, Massachusetts Community College employees must be fully vaccinated against COVID-19 and submit verification of their full vaccination status to the College absent an approved reasonable accommodation consistent with the Employee Vaccination Policy of the Massachusetts Community College System. In accordance with the policy, you requested a reasonable accommodation based on religion.

The College has determined that while you have established that you have a sincerely held religious belief, the College cannot grant you an accommodation due to the risk it would present to the health and safety of the campus community. After careful review of your request, which included an interactive dialog, and review of the essential functions of your position as Associate Professor/SHPS and Program Director for Medical Imaging and Radiological Technologies, the College has concluded that there is no effective accommodation that will enable you to safely teach your classes which require a high-degree of close interaction with the students and there are no equivalent courses available to teach online.

Please note that if you fail to comply with the terms of the Employee Vaccination Policy by January 3, 2022, you will not be permitted to work or be on campus for any purpose and will be considered in violation of the Employee Vaccination Policy which may subject you to employment action and/or discipline consistent with applicable collective bargaining agreements.

*Springfield Technical Community College supports students as they transform their lives.*



One Armory Square  
Suite 1 • PO Box 9000  
Springfield, MA 01102-9000  
(413) 781-7822 • www.stcc.edu

If you have any questions, please contact me at: [ysin@stcc.edu](mailto:ysin@stcc.edu) or (413) 755-4647.

Sincerely,



# EXHIBIT E

---

January 18, 2022

Sheryl Fullen  
8 Main Street  
Wales, MA 01081

Dear Ms. Fullen,

You have asked how the College made its decision to deny your request for a religious accommodation. We re-examined your application and, after further consideration, determined that you did not establish eligibility for a religious accommodation. Consistent with our prior decision, even had you established eligibility, we determine once again that noncompliance would pose an undue hardship on the College.

Our review of a religious based accommodation begins with whether an employee has established that they adhere to a religious belief, or practice and that belief or practice is sincerely-held. We then determine whether the religious belief or practice prevents them from obtaining the COVID-19 vaccine in compliance with the Employee Vaccination Policy.

In your application for an accommodation you stated that you object to the vaccines because fetal stem cells were used in either their development or testing and therefore, taking a vaccine would be akin to your support of abortion.

While you may have sincerely-held religious beliefs against abortion, the ingredients in the Covid-19 vaccines are common ingredients present in most foods (sugars, salts, fat). Vaccines do NOT contain ingredients like preservatives, tissues (aborted fetal cells), antibiotics, food proteins, medicines, latex, or metals. [Myths and Facts about COVID-19 Vaccines | CDC](#) Additionally, there are vaccines that were developed without using fetal cell lines (See [lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/](http://lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/) Six of the COVID vaccine did not use fetal cell lines in vaccine production, among them are Moderna and Pfizer. [CHART-Analysis-of-COVID-19-Vaccines-02June21.pdf \(pcdn.co\)](#)

Furthermore, the Pfizer and Moderna vaccines were found to be “*ethically uncontroversial*” by the pro-life policy organization, the Charlotte Lozier Institute. In addition, the Secretariat of Pro-Life Activities, a committee within the United States Conference of Catholic Bishops, has stated:

*“Neither Pfizer nor Moderna used an abortion-derived cell line in the development or production of the vaccine. However, such a cell line was used to test the efficacy of both vaccines. Thus, while neither vaccine is completely free from any use of abortion-derived cell lines, in these two cases the use is very remote from the initial evil of the abortion... one may receive any of the clinically recommended vaccines in good conscience with the assurance that reception of such vaccines does not involve immoral cooperation in abortion ”*[COVID 19 Vax and Fetal Cell Lines.pdf](#)

While you have articulated your strong belief in the Christian faith, you have not provided scripture or verse which prevents you from getting vaccinated. In contrast, the Southern Baptist bioethicist C. Ben Mitchell has stated that *“biblical arguments for taking the COVID vaccine include “the healing ministry of Jesus,” “stewardship of the body” and “neighbor love.”* Other ethicists from the Southern Baptist Church have commented:

*“We must not allow or give support to mere personal or political preferences masquerading as religious liberty claims,” wrote Jason Thacker, ERLC chair of research in technology ethics. “Indeed, doing so is not only morally disingenuous but also can do long-term damage to the credibility of pastors, churches, and Christian institutions in our communities.”* [Vaccine mandates raise religious liberty questions | Baptist Press](#)

The religious passages cited in your application do not prevent you from complying with the Employee Vaccination Policy. That is a matter of choice on your part. Since your beliefs do not prevent you from complying with the Employee Vaccination Policy, you are not eligible for a reasonable accommodation based on religion.

Furthermore, even if you were eligible for an accommodation based upon religion, your proposal to wear a mask and conduct daily temperature checks will not ensure a safe environment for our students and employees. Those safety protocols predated the rise in COVID cases and the highly transmissible Omicron variant <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>.

The essential functions of your position as Associate Professor/SHPS and Program Director for Medical Imaging and Radiological Technologies require close interaction with your students and colleagues, thereby presenting an undue hardship for the College. For these reasons, your request for a reasonable accommodation based upon religion is denied.

If you have any questions, please contact me at: [vsin@stcc.edu](mailto:vsin@stcc.edu) or (413) 755-4647.

Sincerely,



Ms. Vannoch Sin  
Acting Director/Title XI Coordinator, Human Resources  
ADA Coordinator

Cc: Employee Accommodation File