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Former Employees of University of Virginia File Class Action Lawsuit in Response to UVA's Systemic Religious Discrimination

Charlottesville, Virginia---The Founding Freedoms Law Center joined with the law firm of CrossCastle, PLLC to file a class-action lawsuit against the University of Virginia Health System in federal court on December 13. The lawsuit, which names six former employees, is filed on behalf of several hundred former employees and applicants to whom UVA Health systematically refused religious accommodations. The six Plaintiffs also filed a motion for a preliminary injunction, asking the Court to order UVA to immediately stop its discriminatory policies and practices.

This suit is similar to lawsuits brought in other jurisdictions, including a recent successful [lawsuit](#) against a health system in Illinois. The employees' Complaint outlines examples of UVA's blatant First Amendment violations, including establishing a written list of favored religions and then dismissing the religious beliefs of any employee who belonged to a disfavored religious group. The lawsuit seeks to stop UVA's ongoing violations and to remedy the University's past violations.

Lead counsel for the Plaintiffs, Sam Diehl of CrossCastle, PLLC, remarked, "Even at the peak of COVID, the United States Supreme Court emphatically held that 'even in a pandemic, the Constitution cannot be put away and forgotten.' Unfortunately for our clients, UVA ignored this and decided to favor some religious beliefs over others."

UVA Health System has carried out its arbitrary and discriminatory practices at a time when medical staff are needed the most. Today, Governor Youngkin stated in his annual state budget address to Virginia's money committees that Virginia hospitals have identified a shortage of at least 4,000 nurses.

The Founding Freedoms Law Center's Legal Counsel, Josh Hetzler, said "In a pluralistic society, no one is forced to agree with another person's religious convictions, but our laws normally require employers, and especially government employers, to accommodate their employees' sincerely-held religious beliefs. Because UVA Health Systems refused to do this, many well-qualified and conscientious health professionals lost their jobs."

In 2021, as the COVID-19 pandemic was waning, UVA Health implemented a policy requiring all its employees to receive a vaccine for COVID-19. UVA established a list of religious faiths that UVA believed were opposed to vaccination before COVID, and then automatically exempted members of

those religions. All employees who did not profess membership in a favored faith—including the lawsuit’s Plaintiffs—were denied exemptions by UVA Health and summarily fired.

“UVA established a list of religions that they favored,” said Dwayne Phillips, a former UVA Health nurse manager. “My religion wasn’t on that list, so they denied my request for religious accommodation. UVA should respect and accommodate its employees of all faiths, not just those UVA favors.”

The Plaintiffs ask the Court to allow their claims to be brought on behalf of the hundreds of employees who did not belong to UVA’s favored religions. They filed a motion for a preliminary injunction, asking the Court to immediately stop UVA’s violations of the Establishment Clause and Free Exercise Clauses of the First Amendment.

A copy of the complaint can be viewed [here](#). Updates on the case can be found in Western District of Virginia’s PACER e-filing system, under case file no. 3:22cv75.