



COVID-19

Mitchell Communication

Monday, August 9, 2021

5 p.m. (1700) EST

## Face Coverings–Religious Exception

**\*\*\*Updated August 9, 2021\*\*\***

The Centers for Disease Control, the North Carolina Governor and the North Carolina Department of Health and Human Services have encouraged school systems, including institutes of higher education, to adopt protections to minimize the spread of COVID-19, including the Delta variant and others, for the health and safety of the students, employees and the general public. It is the understanding of Mitchell Community College that within its employee and student population, there is a mix of both vaccinated and unvaccinated people on campus. As such, the College has opted to require all faculty, staff, students and visitors to wear face coverings consistently when indoors.

The Department of Education's Office of Civil Rights has stated that school districts have significant latitude and authority to take necessary action to protect the health, safety, and welfare of students and school staff. School officials have discretion to make educational decisions based on local health needs and concerns, and OCR recognizes this decision-making authority. Because of this the College is following the same guidance. The transmission rate of COVID-19 has increased exponentially in Iredell County over the past several weeks.

There is no state law requiring a religious exemption/accommodation from face coverings. While the Free Exercise Clause of the First Amendment does provide protection from religious discrimination in schools, so long as there is a rational basis for doing so, a school may require masks without exception. In *Employment Division v. Smith*, the Supreme Court held that the Free Exercise Clause of the First Amendment prohibited governments from singling out religious conduct for regulation but did not require governments to create religious exemptions from all of its laws; as long as the law is generally applicable to all religious and non-religious individuals alike, and neutral toward religion, meaning not intended to interfere with religious practice, the law meets the requirements of the Free Exercise clause. The face covering requirement implemented by the College are neutral and generally applicable to all students and is not discriminatory.

Mitchell Community College, as an agency of State government, has a compelling interest in protecting public health by not granting religious exceptions to face covering requirements, especially in campus buildings and facilities, and requiring a face covering is the least restrictive means of achieving that goal as demonstrated by the different methods employed throughout 2020 and 2021 in an effort to minimize harm from COVID-19. Religious exceptions from the wearing of face coverings will not currently be granted.

**\*\*\*Please note: This is a rapidly changing situation, and College administration is in constant contact with the North Carolina Community College System Office and other state agencies. Any strategy that the College develops is subject to change at any moment.**