

The First Circuit Dismisses Former UMass Students' Appeal Challenging Vaccine Policies as Moot

BY BENJAMIN J. HINKS • AUGUST 8, 2022

On Thursday, August 4, 2022, the First Circuit Court of Appeals dismissed as moot an appeal that was brought by two former University of Massachusetts students claiming that the schools' vaccine policies were unconstitutional and violated their due process rights.

In July 2021, UMass Lowell student Hunter Harris and UMass Boston student Cora Cluett jointly filed individual claims for relief against their respective universities (together, "UMass") in the United States District Court for the District of Massachusetts. In August 2021, the District Court granted UMass' motion to dismiss all claims under the Eleventh Amendment, which generally bars federal court actions against state agencies and "arms of the state," such as UMass. In denying the students' motion for a preliminary injunction, the District Court concluded that the students' Fourteenth Amendment procedural and substantive due process claims would likely fail because they had not identified a protected liberty interest that UMass had deprived them of, and further, the policies were rationally related to the legitimate government interest of curbing the spread of COVID-19.

On appeal, the students fared no better. In its August 4th opinion, the First Circuit Court of Appeals noted that "[t]he challenged policies were essentially the same in all relevant respects. Each was announced in April 2021 and effective for the following fall semester." That is, "UMass Boston, 'require[d] vaccinations for all UMass Boston students . . . coming to campus, or physically accessing campus resources for the fall semester, and [who] wish[ed] to live, learn and/or conduct research on campus.'" UMass Lowell "'require[d] all residential and commuter students [not qualifying for an exemption] to be fully vaccinated against COVID-19 prior to the beginning of the fall semester to live, learn or visit any UMass Lowell campus or property.'"

Importantly, at the time of appeal, neither of the students were still subject to the vaccination policies. In January 2022, Harris transferred from UMass Lowell to the University of South Carolina and Cluett completed her degree at UMass Boston through "remote learning" and received her diploma on May 31, 2022. Because of this, UMass argued that the students' claims were moot because neither student would benefit from the exclusively prospective relief sought in the

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complaint. The First Circuit agreed that the claims were moot and noted that "[t]hese changes in circumstance have extinguished any immediate and real effect that the challenged policies once had on the students during their enrollment in the UMass system." As a result, the court dismissed the appeal and the District Court's judgment of dismissal remains intact.

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