

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

(1) UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Case No.
	)	
(1) ADVANCED SCIENCE AND	)	JURY DEMAND
TECHNOLOGY EDUCATION CHARTER)	)	
SCHOOLS,	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff, the United States of America, alleges as follows:

1. This civil action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.* (“Title VII”).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. §§ 1331, 1343, and 1345.

3. Venue is proper in this judicial district under 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391(b) because it is where a substantial part of the events or omissions giving rise to this cause of action occurred.

**PARTIES**

4. Plaintiff United States is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1).

5. Defendant Advanced Science and Technology Education Charter Schools (“Defendant” or “ASTEC”) is a public school established pursuant to the laws of Oklahoma and is located within this judicial district.

6. Defendant is a “person” within the meaning of 42 U.S.C. § 2000e(a) and an “employer” within the meaning of 42 U.S.C. § 2000e(b).

### **EEOC CHARGE**

7. Marcus Rethwill (“Rethwill”) filed a timely charge with the United States Equal Employment Opportunity Commission (“EEOC”) (Charge No. 564-2022-00743) on or about May 18, 2022, alleging that Defendant discriminated against him in employment based on his religion. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe Rethwill was subjected to discrimination on the basis of his religion, attempted unsuccessfully to achieve resolution of this matter through conciliation, and subsequently referred the charge to the Department of Justice.

8. All conditions precedent to this lawsuit have been performed or have occurred.

### **FACTS**

#### ***ASTEC’s Vaccination Policy***

9. ASTEC is a pre-kindergarten through 12th grade public school that is part of the Oklahoma public school system.

10. From at least the spring of 2021 to the present, ASTEC has had a policy requiring all employees to have a current influenza and COVID vaccination on file as a condition of employment (“vaccine mandate”).

11. Based on information and belief, ASTEC’s vaccination policy as described herein remains in effect to date.

12. Under ASTEC’s policy, employees could request an exemption from the vaccine mandate for religious or medical reasons.

13. Employees requesting a religious exemption were required to provide ASTEC with a clergy letter verifying the sincerity of their religious belief that conflicted with the vaccine mandate. ASTEC’s policy permitted no alternative way to verify sincerity; failure to submit a clergy letter disqualified an employee from obtaining a religious exemption.

14. Employees granted a religious exemption were required to wear masks and receive weekly COVID testing as their accommodation from ASTEC’s vaccine mandate.

15. At least three employees have been granted this type of accommodation from the vaccine mandate.

16. ASTEC School Superintendent Shannon Grimes was responsible for granting and denying employees’ vaccine exemption requests.

17. Under the policy, an employee who failed to provide proof of the required vaccination or to obtain a religious or medical exemption from the vaccination requirement was considered to have abandoned their job and was terminated.

***Rethwill Requests a Religious Accommodation***

18. From August 2021 until February 2022, Rethwill was employed as a physical education teacher by ASTEC.

19. Rethwill worships a non-denominational, Bible-based religion that does not have a church or clergy leader.

20. In an October 27, 2021 email to ASTEC's Human Resources Director, Rethwill requested a religious exemption from the vaccine mandate. The next day, October 28, ASTEC sent an email to all employees asking them for proof of vaccination or an exemption letter.

21. In a January 26, 2022 email, the superintendent emailed all employees that, in regard to religious exemptions, "[e]mployees who practice the Dutch Reform or Christian Science faith may also be exempt if they provide written documentation from a licensed minister who is a non-family member."

22. On February 7, 2022, Rethwill sent an email to the HR Director stating, "I'm not currently able to provide documentation from a licensed minister. With this being the case [,] I would like to know what this entails for my future at ASTEC."

23. In an email to Rethwill dated February 8, 2022, the superintendent responded, "ASTEC requires that religious exemptions be from a minister where you are a member of a church and attend regularly. Otherwise, you will need a medical exemption or your vaccination." That same day, the superintendent sent Rethwill an email attaching a religious-accommodation request form to fill-out and be accompanied by a letter from clergy supporting his religious exemption request. The email stated that

Rethwill would be on unpaid administrative leave until he provided proof of vaccination or a valid exemption.

24. From mid-January 2022 until February 8, 2022, Rethwill had been on unpaid sick leave due to personal illness.

25. On February 11, 2022, Rethwill emailed ASTEC that he was prepared to return to work and that any demand requiring “additional documentation,” i.e., the clergy letter, was unreasonable under Title VII.

26. On February 14, 2022, Rethwill sent the superintendent an email that supported and explained his sincerely held religious objection to the vaccine mandate. Rethwill’s email stated in part, “My choice to not participate in receiving these elements [the vaccines] into my body [is] founded in my sincerely held religious belief that God gave me free will. I have the right to determine what vaccinations and medications are right for me.” In support, Rethwill cited and quoted from specific passages of Biblical Scripture. To show the consistency of his religious objection to vaccines, Rethwill stated, “I have never taken flu shots or any other vaccine in my adult life.” Rethwill further said his objection to the required vaccines stemmed from his right to be free from religious discrimination under Title VII.

### ***Rethwill’s Termination***

27. In February 2022, Rethwill was terminated by ASTEC for failing to provide proof of vaccination or obtain a religious or medical exemption. In a February 16, 2022 email to Rethwill, the superintendent stated:

I have repeatedly requested a valid religious exemption, medical exemption, or proof of COVID Vaccination from you. For a valid religious exemption, we need a statement from clergy. Please provide evidence of one of before mentioned documents requested by ASTEC for your return to work by the end of the day Friday [,] February 18. Failure to turn in this documentation will be considered your abandonment of your position as teacher here at ASTEC.

28. Subsequently, by letter of February 21, 2022, the superintendent notified Rethwill that his employment had been terminated as of February 18 due to “abandonment of position.”

***ASTEC Failed to Accommodate Rethwill and Has Not Established Undue Hardship***

29. If ASTEC had allowed him to do so, Rethwill could have demonstrated the sincerity of his religious belief that conflicted with the vaccine mandate in ways other than providing a supporting clergy letter. For instance, Rethwill could have told ASTEC about the religious education he had received in a series of religious schools, including two religious universities, and at least 14 witnesses could have provided ASTEC with third-party verification of his religious beliefs based on their personal knowledge.

30. Defendant did not discuss any potential accommodations with Rethwill.

31. Defendant did not offer Rethwill the same religious accommodation that it granted three other ASTEC employees around the time Rethwill’s vaccine exemption request was denied.

32. Prior to terminating Rethwill’s employment, ASTEC did not establish that accommodating Rethwill would cause undue hardship to the conduct of its business.

33. Rethwill suffered severe emotional distress including, but not limited to, anxiety, stress, and humiliation as a result of Defendant's discriminatory conduct described herein.

34. Rethwill also suffered monetary losses as a result of Defendant's discriminatory conduct described herein.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

##### **Failure to Provide Reasonable Accommodation of Religious Practice**

35. The United States repeats and incorporates by reference the factual allegations set forth in paragraphs 9-34.

36. At times relevant here, Defendant discriminated against Rethwill on the basis of his religion, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), as follows:

(a) Defendant failed to engage with Rethwill in an interactive process in efforts to reasonably accommodate his sincere religious observance, practice, and belief not to receive its mandated vaccination for employees.

(b) Defendant failed to adequately attempt to reasonably accommodate Rethwill's sincere religious observance, practice, and belief not to receive its mandated vaccination for employees.

(c) Defendant failed to reasonably accommodate Rethwill's sincere religious observance, practice, and belief not to receive its mandated vaccination for employees.

(d) Defendant failed to show that reasonably accommodating Rethwill's sincere religious observance, practice, and belief would cause undue hardship on the conduct of its school operations.

(e) Defendant terminated Rethwill's employment because of his sincere religious observance, practice, and belief not to receive its mandated vaccination for employees.

## **COUNT II**

### **ASTEC's Vaccine Policy Constitutes a Facially Discriminatory Policy Which Discriminates Based on Religion**

37. The United States repeats and incorporates by reference the factual allegations set forth in paragraphs 9-34.

38. At times relevant here, Defendant discriminated against Rethwill on the basis of his religion, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by maintaining, and enforcing against him, a policy that required employees to submit a letter from a clergy leader to obtain a religious exemption from its vaccine mandate and thus discriminated against adherents of religions which did not have clergy (and therefore could not provide a letter from a clergy leader) by disqualifying them from obtaining the exemption.

39. Defendant's requirement of a clergy leader's letter to obtain a religious exemption from its mandatory vaccinations was a facially discriminatory employment policy that discriminated on the basis of religion.



40. Defendant's vaccine requirement discriminated against Rethwill, who was an adherent of a religion or religious practice that did not have a clergy, and so Rethwill could not obtain a clergy letter or religious exemption.

**PRAYER FOR RELIEF**

WHEREFORE, the United States prays that this Court grant the following relief:

A. Enjoin Defendant from engaging in religious discrimination in violation of Title VII against any employee or applicant for employment;

B. Order Defendant to institute policies, procedures, and programs to ensure a workplace free of religious discrimination and provide adequate training to all employees and officials regarding religious accommodations and discrimination;

C. Provide make-whole relief, including backpay and all other equitable relief, to compensate Rethwill for the loss he has suffered as a result of Defendant's discriminatory conduct alleged in this Complaint;

D. Award Rethwill any prejudgment interest on the amount of lost wages and benefits determined to be due;

E. Award damages to Rethwill to fully compensate him for pain and suffering caused by Defendant's discriminatory conduct alleged in this Complaint, pursuant to and within the statutory limitations of section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

F. Award such additional relief as justice may require, together with the United States' costs and disbursements in this matter.

**JURY DEMAND**

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Dated: April 8, 2025

Respectfully submitted,

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