

April 27, 2021

BY EMAIL

Rabbi Dr. Ari Berman
President, Yeshiva University
500 West 185th Street
New York, NY 10033

Dear President Rabbi Dr. Berman:

As members of the Yeshiva University community, the fifty-one undersigned faculty members of Benjamin N. Cardozo School of Law write to express our dismay at the University's continued refusal not to allow undergraduate students to form a group devoted to building community and support for LGBTQ+ students. We appreciate your expressions of empathy and, as described in a fall 2020 memo "Fostering an Inclusive Community," the establishment of measures to address issues of diversity and inclusion. But the continued refusal to recognize the student organization is hurtful to our students and other community members and will seriously damage the reputation of the University's graduate and undergraduate programs. It is also wrong and unlawful.

Discrimination against a student organization solely because of its focus on LGBTQ+ issues has no place in a University that holds itself out as a community committed to the flourishing and equal dignity of all its members. We have a collective obligation to ensure that each student is supported and given the opportunity to thrive, and refusing to extend access to University facilities to this student group on the same terms all other student groups enjoy will prevent LGBTQ+ students, together with their allies, from creating the space to find that support. Particularly as our students grapple already with the effects of a catastrophic public health crisis and deepening racial divide, insisting that LGBTQ+ students bear this avoidable additional insult is hard to fathom. Indeed, at Cardozo, where LGBTQ+ students are a vital part of our community, with an active and engaged student group, no such discrimination is practiced or tolerated. We find it unacceptable that our parent University would adopt such a hurtful policy towards the undergraduate student body.

The University's decision also is unlawful under federal, state, and city civil rights laws, all of which prohibit discrimination on the basis of sex and sexual orientation. As a non-sectarian institution of higher education, the University must abide by these proscriptions. We understand that the University came to the same conclusion more than 25 years ago – concluding that it was required by antidiscrimination laws to afford equal treatment to LGBTQ+ students – and the legal protections for LGBTQ+ people have significantly strengthened since that time.

At bottom, this issue turns on basic principles of dignity and equal treatment. Over the past several months, some of us have met with you and members of the University's Ad Hoc

Committee formed to consider these issues. While these meetings were respectful, there is still no apparent end in sight to the University's unacceptable treatment of our LGBTQ+ students, we are compelled to call on you to make clear that discrimination has no home in this historic institution and to give full and equal recognition to LGBTQ+ student groups on the University's undergraduate campuses.

Very truly yours,

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Professor of Law

Christopher Buccafusco
Professor of Law
Assoc. Dean for Faculty Development

Michael Burstein
Professor of Law
Vice Dean

David G. Carlson
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Robert K. Collins
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