

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 forty-eight 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,

Michelle Adams
Professor of Law

Christopher Buccafusco
Professor of Law
Assoc. Dean for Faculty Development

Michael Burstein
Professor of Law
Vice Dean

David G. Carlson
Professor of Law

Robert K. Collins
Professor of Practice

Laura Cunningham
Professor of Law

Rebekah Diller
Clinical Professor of Law

Myriam Gilles
Paul R. Verkuil Research Chair and Professor of Law

Betsy Ginsberg
Clinical Professor of Law

Elizabeth Goldman
Clinical Professor of Law

Toby Golick
Clinical Professor of Law Emerita

Peter Goodrich
Professor of Law

Michelle Greenberg-Kobrin
Clinical Associate Professor of Law

Michael Herz
Arthur Kaplan Professor of Law

Rebecca Ingber
Professor of Law

Jocelyn Getgen Kestenbaum
Clinical Associate Professor of Law

Barbara Kolsun
Professor of Practice

Ramya J. Kudekallu
Clinical Teaching Fellow

Kate Levine
Associate Professor of Law

Burton N. Lipshie
Professor of Practice

Lela Love
Professor of Law

Peter Markowitz
Professor of Law

Ingrid Mattson
Associate Dean for Library Services, Professor of Legal Research, &
Director of the Law Library

Kathryn Miller
Clinical Assistant Professor of Law

Lindsay Nash
Clinical Associate Professor of Law

Leslie S. Newman
Professor of Law

Mauricio Noroña
Clinical Teaching Fellow

Jonathan H. Oberman
Clinical Professor of Law

Ngozi Okidegbe
Assistant Professor of Law

Deborah Pearlstein
Professor of Law

Michael Pollack
Associate Professor of Law

Alexander Reinert
Max Freund Professor of Litigation and Advocacy

Gabor Rona
Professor of Practice

Michel Rosenfeld
University Professor of Law and Comparative Democracy
Justice Sydney L. Robins Professor of Human Rights

David Rudenstine
Sheldon H. Solow Professor of Law

Leslie Salzman
Clinical Professor of Law

Jeanne L. Schroeder
Professor of Law

Anthony Sebok
Professor of Law

Kate Shaw
Professor of Law

Edward Stein
Professor of Law

Stewart Sterk
Mack Professor of Law

Martin Stone
Professor of Law

Matthew Wansley
Assistant Professor of Law

Samuel Weinstein
Associate Professor of Law

Richard H. Weisberg
Floersheimer Professor of Constitutional Law

Alisa Whitfield
Clinical Teaching Fellow

Felix Wu
Professor of Law

Ekow Yankah
Professor of Law