



## Yeshiva University

### Office of the President

Dear Students, Faculty, Alumni and Wider YU Community,

We hope you had an enjoyable holiday break.

As you know, Yeshiva University, since its inception, has been and remains a faith community dedicated to fostering and disseminating the principles, values, and dicta of the Torah. The essential features of our undergraduate curriculum and two single-sex campuses are reflective of the deep religious student experience that informs our faith community, including multiple prayer services throughout the day, Shabbat regulations, kashrut observance and a daily schedule requiring hours of Torah study.

In this context, we recognize that our undergraduate students, including our LGBTQ students, who choose to attend Yeshiva come with different expectations and navigate different challenges than those who choose a secular college. And as such, we have been working to formulate a Torah framework to provide our LGBTQ students with an enhanced support system that continues to facilitate their religious growth and personal life journeys.

Today, we are announcing a new initiative to support our LGBTQ undergraduates, which includes a new student club that presents an approved traditional Orthodox alternative to YU Pride Alliance and a commitment to strengthen our on-campus support services. The new club, designed to support and guide our students in living authentic Torah lives, was approved by the Administration, in partnership with lay leadership, and endorsed by senior Roshei Yeshiva. The club also reflects input and perspectives from conversations between our rabbis, educators, and current and past undergraduate LGBTQ students. Within this association, students will be able to gather, share their experiences, host events, and support one another while benefiting from the full resources of the Yeshiva community – all within the framework of Halacha – as all other student clubs.

At the same time, as we launch this initiative, our defense continues against the New York lower court's ruling that we are not a religious institution and that we lack full religious authority over our environment. Our defense of this matter is essential to our ability to operate Yeshiva consistent with Torah values.

Throughout the course of the current legal case, some of our positions have been mischaracterized. To help share our perspective, we have developed FAQs that are attached below. We hope you find them informative.

May we continue to have the privilege of partnering with our students in their religious journeys, representing our Torah and sanctifying God's name in the world.

Our Warmest Regards,

Rabbi Dr. Ari Berman  
*President and Rosh Yeshiva*  
*Yeshiva University and Rabbi Isaac Elchanan Theological Seminary (RIETS)*

Rabbi Hershel Schachter  
*Rosh Yeshiva, Yeshiva University*  
*Rosh Kollel, Rabbi Isaac Elchanan Theological Seminary (RIETS)*

Ira Mitzner  
*Chairman of the Board, Yeshiva University*

Lance Hirt  
*Chairman of the Board, Rabbi Isaac Elchanan Theological Seminary (RIETS)*

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## FAQs

**1. Q: If Yeshiva University feels an equally profound sense of responsibility for all of its undergraduates, including LGBTQ students, why did it need to create a new club rather than recognize an LGBTQ club that is found at other universities?**

A: Yeshiva is the flagship Jewish university. Rooted in core Torah values and an educational philosophy of Torah u-Madda that prioritizes Torah while simultaneously recognizing the religious value of worldly wisdom, Yeshiva has been committed to training the next generation of Jews in its Orthodox teachings for over 130 years.

The undergraduate experience at Yeshiva is intentionally designed to be an intensely religious one during the formative years of our students' lives. Its fundamental purpose is to faithfully transmit our multimillennial biblical and

halachic tradition to enable our students to integrate their faith and practice in lives of contribution, impact and personal meaning. The essential features of our campus life form the basis for a deeply religious student experience, including two single-sex campuses, multiple prayer services throughout the day, Shabbat regulations, kashrut observance and extra Torah study opportunities in the evenings. The daily schedule of our undergraduate students requires hours of Torah study—so much so, that, upon graduation, Yeshiva confers an Associate Degree in Hebrew Language, Literature, and Culture to nearly the entire undergraduate student population (over 90%) in addition to the Bachelor's Degree of their particular academic major. In our dual-curriculum program, every Yeshiva student is in effect a double major, with Jewish studies serving as the basis for everyone's education. In addition, on our men's campus, our world-renowned rabbinic and post-rabbinic ordination program—the Rabbi Isaac Elchanan Theological Seminary (RIETS)—seamlessly integrates with and influences the undergraduate experience and environment. Every undergraduate student who makes the personal choice to come to Yeshiva is choosing this religiously driven environment and curriculum, instead of other college experiences.

We love all of our students including those who identify as LGBTQ. Through our deep personal relationships and conversations with them, we have felt their struggles to fit into an Orthodox world that could appear to them as not having a place for them. We recognize the inherent challenges of our LGBTQ students who are fully committed to live uncompromising halachic lives. Their struggles are our struggles, and we remain eager to support and facilitate their religious growth and personal life journeys.

Our efforts to formulate a Torah framework to provide our LGBTQ students with profound support is driven by our deep commitment to them and recognition that those who choose to attend an Orthodox university come with a different set of expectations and navigate different challenges than those in a typical secular college setting.

Pride Alliance is a recognized movement in colleges throughout the country that not only fights anti-LGBTQ discrimination, a cause which we fully support, but also promotes activities that conflict with Torah laws and values. While an adoption of this national brand is inherently unacceptable in the context of Yeshiva, we also realize the need to find additional ways to be supportive of our students that are consistent with Halacha and inspired by our values. That is what we have done with the approval of this new student club. It is worth noting that this approach is in line with other devout faith-based universities nationwide, who similarly do not host Pride Alliances but have established clubs consistent with their own faith-based languages and traditions.

**2. Q: What enables this new club to fit within Yeshiva's principles? Will Yeshiva take any further steps to enhance the support services in place for its LGBTQ students?**

**A:** Yeshiva has approved a club that respects the unique and irreplaceable value of each individual, assists our LGBTQ students in their journey in living an authentic Torah life, and is built upon a foundation of uncompromising Halacha. This club will be infused with the value of chessed in which our students share their experiences, support each other, and benefit from the full resources of Yeshiva University. Like all clubs on campus, this club will find nourishment within our rich heritage and not advocate against the Torah's teachings. Its name and symbols emerge organically from our tradition.

See below for further details.

Statement of Guiding Principles

- Yeshiva University, since its inception, has been and remains a faith community dedicated to fostering and disseminating the principles, values, and dicta of the Torah in today's world.
- Yeshiva University's religio-educational efforts are animated by:
  1. Personalized love for all Jews
  2. A profound sense of responsibility (ערבות – *Arvus*) for their authentic spiritual and mental well-being.
- Yeshiva University recognizes and empathizes with the formidable challenges which our LGBTQ identifying students face in living a fully committed, uncompromisingly authentic halachic life within our communities. Their challenges are our challenges. Their struggles are our struggles.

In keeping with these principles, and our students' interest for an association under traditional Orthodox auspices, Yeshiva is establishing a student club for undergraduates: the Kol Yisrael Areivim Club for LGBTQ students striving to live authentic Torah lives. This club was approved by the Administration, in partnership with lay leadership, and endorsed by senior Roshei Yeshiva. It also reflects input and perspectives from conversations between Yeshiva's rabbis, educators and current and past undergraduate LGBTQ students. The club will provide our students with space to grow in their personal journeys, navigating the formidable challenges which they face in living a fully committed, uncompromisingly authentic halachic life within our communities. Within this association, students may gather, share their experiences, host events and support one another while benefiting from the full resources of the Yeshiva

University community – all within the framework of Halacha – as all other student clubs.

Yeshiva University is also committed to continuing and enhancing the support systems already in place for our students. Such measures already include:

- sensitivity training for faculty and staff;
- specialized consultations through the counseling center;
- strict anti-harassment, anti-bullying, and anti-discrimination policies;
- an ongoing LGBTQ support group; and
- educational sessions for incoming students during orientation.

We will work with our students to identify ways in which we can enhance and add to these support services. Through these efforts, we hope to further enhance our campus life for all of our students, and project the loving and caring spirit that emanates from our Torah.

**3. Q: Does this announcement affect Yeshiva’s ongoing defense and appeal of the New York lower court’s ruling requiring it to immediately establish a YU Pride Alliance on its undergraduate campus?**

**A:** No. Yeshiva must continue to defend itself in the suit that was brought against the University in April 2021. Once we were sued with the claim that we were not a religious institution and that we lacked full religious authority over our environment, the matter became broader than endorsing an LGBTQ club. If the trial court’s ruling is upheld, Yeshiva would become subject to the full scope of the New York law at issue, which also prohibits religious decision making. Yeshiva could then face challenges, like any secular school, for its religion-based decisions such as maintaining sex-segregated campuses, preserving its synagogues and houses of study exclusively for Jewish worship and its rabbinic hiring practices for those who teach its Torah courses.

In its ruling, the lower court pieced together an argument that undermines our ability to operate our institution consistent with our values. The implications of this ruling are deleterious to the very fabric of our educational institution, with potential consequences way beyond Yeshiva. We therefore must continue to defend Yeshiva against the claim that it is not a religious institution and protect our ability to make our own decisions about internal religious matters, now and in the future.

See Additional Information & Background (Appendix 1) below for editorials and excerpts from amici briefs from prominent legal scholars, rabbinic leaders across the globe, and faith leaders around the country discussing the grave

consequences of this case and essential need to support Yeshiva in these legal proceedings.

#### **4. Q: Does Yeshiva’s charter registered under the Education Law undermine the claim that it is a religious school?**

**A:** No. All educational institutions in New York are required to charter under the Education Law including seminaries and our own rabbinic and post-rabbinic ordination program, RIETS.

Central to the plaintiffs’ case is the misrepresentation that Yeshiva is not a religious school. For example, the lawsuit tries to “prove” that Yeshiva is secular by pointing out that Jewish Studies is not one of the five top majors of Yeshiva students—ignoring the fact that Jewish studies is an essential feature every day for every undergraduate student. As described above, all of Yeshiva students deeply engage in religious courses—enough for over 90% of Yeshiva’s undergraduates to receive an Associate Degree from Yeshiva University in Hebrew Language, Literature, and Culture.

The lawsuit also claims that Yeshiva needs to choose between either being an educational institution or a religious one. This reduces religion to either prayer or the study of Torah text. Indeed, our educational philosophy, like yeshiva day schools throughout the country, is that our holistic experience—including our academic studies—are essential to our religious mission. Other Orthodox and religious institutions across New York State are similarly susceptible to this same kind of re-interpretation of their charters by the courts (see Additional Information & Background (Appendix 2) below for a statement by Agudath Israel about how this ruling against Yeshiva threatens innumerable yeshivot and Jewish day schools.) It should also be noted that religious schools of all faiths in New York and throughout the United States, other than ordination seminaries, typically combine religious education with the provision of professional degrees.

In the 1960s and 1970s, Yeshiva revised its corporate charter and reincorporated as an educational corporation, as was required by changes to New York law. At no time did Yeshiva change its mission and its purpose, as reflected by its intense educational curriculum and daily religious activities. To “prove” their point, the plaintiffs take out of context the charter’s reference to our mission, citing our charter as saying that we are “organized and operated exclusively for educational purposes.” The charter’s language, however, expressly says:

*“Yeshiva University is and continues to be organized and operated exclusively for educational purposes”*

This language clearly references that the revised charter continues the purpose laid out in the former one, namely to educate Jewish students to be rooted in the Orthodox faith. The previous charter spoke about “the study of Talmud.” As Yeshiva expanded to add professional degrees, it continued to operate “exclusively for educational purposes,” which in our religious worldview is part of our religious mission.

**5. Q: As a religious institution of higher education, can Yeshiva accept government funds?**

A: Yes. In fact, almost all religious universities and colleges receive state and federal funding. The Supreme Court has ruled repeatedly—as recently as this June—that, when the government makes funding generally available, it cannot discriminate in the distribution of those funds based on religion. For example, it can’t offer Pell grants to students generally but then deny them to students who want to go to a religious school. That would be religious discrimination.

**6. Q: Did Yeshiva cancel all undergraduate student clubs?**

A: No. We never canceled undergraduate student clubs. In fact, clubs had not even started yet. There were only four days left before we began [the holiday schedule](#), which meant that students would not be on campus for a month, from before Rosh Hashanah until after the Sukkot holiday break. Yeshiva thus simply deferred the start of club activity on campus for four days.

Our public statements clearly referenced this holiday break and our intention to start clubs after the holidays, which we have done as planned. Unfortunately, our decision was deeply mischaracterized.

See Additional Information & Background (Appendix 3) below for further detail regarding this topic.

**7. Q: Do the same expectations that apply to the undergraduate schools apply to Yeshiva’s professional and academic graduate schools?**

A: No. The way Yeshiva applies Torah values in its undergraduate schools is very different than the approach in the graduate schools.

The undergraduate experience at Yeshiva is intentionally designed to be an intensely religious one during the formative years of our students’ lives. Its fundamental purpose is to faithfully transmit our multimillennial biblical and halachic tradition to enable our students to integrate their faith and practice in

lives of contribution, impact and personal meaning. The essential features of our campus life form the basis for a deeply religious student experience, including two single-sex campuses, multiple prayer services throughout the day, Shabbat regulations, kashrut observance and extra Torah study opportunities in the evenings. The daily schedule of our undergraduate students requires hours of Torah study—so much so, that, upon graduation, Yeshiva confers an Associate Degree in Hebrew Language, Literature, and Culture to nearly the entire undergraduate student population (over 90%) in addition to the Bachelor’s Degree of their particular academic major. In our dual-curriculum program, every Yeshiva student is in effect a double major, with Jewish studies serving as the basis for everyone’s education. In addition, on our men’s campus, our world-renowned rabbinic and post-rabbinic ordination program—the Rabbi Isaac Elchanan Theological Seminary (RIETS)—seamlessly integrates with and influences the undergraduate experience and environment.

We are very clear about the type of environment that exists on our undergraduate campus, and every undergraduate student who makes the personal choice to come to Yeshiva is choosing this religiously driven environment and curriculum, instead of other college experiences.

As students move from their formative years to our professional graduate schools, there is a shift in focus towards professional training and academic research. These schools, comprising a diverse student population, excel in their scholarship and education of excellent professionals in their respective fields. These schools also embody our core values to “Seek Truth, Discover your Potential, Live your Values, Act with Compassion and Bring Redemption,” in their respective learning communities. They also follow a Jewish calendar and maintain kosher standards to facilitate an accessible experience to our Orthodox Jewish students. But the focus is wholly different and so are the assumptions of student life.

### ***Additional Information and Background:***

#### **Appendix 1 – Perspectives from others on Yeshiva’s legal position and the importance of maintaining its ability to operate consistent with its religious values:**

The implications of the New York lower court’s decision have been explicated clearly in op-eds written about the case, including by [William McGurn of the Wall Street Journal](#) and [former D.C. Circuit Judge Thomas Griffith](#).

In addition, prominent legal scholars, rabbinic leaders across the globe, and faith leaders around the country have written amicus briefs in support of our



position:

“Yeshiva University is the nation’s premier center for Jewish education and is deeply religious to its core. Its very name means ‘school for the study of Jewish sacred texts.’ Yet the lower court ignored thousands of pages of evidence and focused instead on just a few documents—and a stilted view of public accommodations law— to reach its preordained conclusion.”

***Professor Richard Epstein, the Laurence A. Tisch Professor of Law at New York University School of Law, the Peter and Kirsten Bedford Senior Lecturer at the Hoover Institution, and the James Parker Hall Distinguished Service Professor Emeritus and Senior Lecturer at the University of Chicago.***

“The First Amendment protects the right of religious institutions ‘to decide for themselves, free from state interference, matters of [religious] government as well as those of faith and doctrine.’” *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2055 (2020) (quoting *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952)). This foundational principle of religious autonomy protects the ability of religious institutions like Yeshiva University to carry out their missions in accord with their faith. And it prevents the state, including the courts, from interfering with and becoming entangled in disputes about religious doctrine and belief.”

***Professor Douglas Laycock, Robert E. Scott Distinguished Professor of Law and Professor of Religious Studies at the University of Virginia and the Alice McKean Young Regents Chair in Law Emeritus at the University of Texas***

“Yeshiva University has earned a reputation as one of the jewels in the crown of world Jewry precisely because of its leading role in cultivating Torah values and beliefs for all Jews. As such, it is my view that Yeshiva University’s right to uphold religious liberty in the application of its Torah values must be protected. This is essential in maintaining its leading role as a preeminent Jewish educational institution and bastion of Jewish belief and tradition.”

***Rabbi Ephraim Mirvis, Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth***

“Yeshiva’s ability to make decisions, in consultation with its Senior Rabbis, about how best to convey Torah values is at the heart of what it means to be a Jewish educational institution.”

**Rabbi Dr. Warren Goldstein, Chief Rabbi of South Africa**

“I write this letter from Kyiv, as the Chief Rabbi of Ukraine, after 6 months of chaos, conflict, and struggle. In response to this conflict, we have evacuated 30,000 people and saved many more. Despite the ongoing efforts, it feels of the utmost importance that I take this time to write this letter to address the current situation at Yeshiva University. On behalf of the Ukrainian Jewish Community, it is my hope and prayer that Yeshiva’s right to make decisions about how best to apply Torah values within its own campus community will be upheld.”

**Rabbi Moshe Reuven Azman, Chief Rabbi of Ukraine**

“Yeshiva University is one of the world’s most preeminent Jewish institutions. The value of Yeshiva’s role in upholding Torah beliefs and traditions for all Jews is, in our view, inestimable.”

**Rabbi Eliezer Igra, Judge of the High Rabbinical Court, Israel**

“As leaders of Jewish communities and institutions across the globe, we wish to express our support of Yeshiva University’s right to uphold religious liberty in the application of its Torah values.”

**Chief Rabbi Pinchas Goldschmidt, President of the Conference of European Rabbis**

“Yeshiva’s Application for Emergency Relief and Petition for a Writ of Certiorari are critical for our community’s ability to transmit to students in Jewish religious institutions of learning the ideological messages that have been taught in our faith for over 3000 years.”

***Nathan Lewin, Counsel of Record***

***COLPA (National Jewish Commission on Law and Public Affairs)***

***Agudath Harabbanim of the United States and Canada***

***Orthodox Jewish Chamber of Commerce***

***Orthodox Union (Union of Orthodox Jewish Congregations of America)***

***Rabbinical Alliance of America***

***Torah Umesorah (National Society for Hebrew Day Schools)***

“Ultimately, Agudath Israel believes that any ruling, such as the one appealed from here, that derogates the wide range of First Amendment protections available to institutions to determine their own internal policies and structure in favor of a local law to the contrary could have dire national consequences. It can hardly be gainsaid that Yeshiva University itself has, for a century, been an

important institution of higher learning and a major center of Torah scholarship in New York. Yet the New York state courts have decreed that, notwithstanding the iconic place of Yeshiva University as central to the modern continuation of one of the world's most ancient and influential traditions, a judge's perusal of its organizing documents may render Yeshiva University just another college in the eyes of the law. This judicial act arrogates to the state a power it not only does not have, but which it is prohibited to assume under the First Amendment."

### **Agudath Israel of America**

"The decision below—and the unreasoned refusal of the New York appellate courts to grant a stay of that decision—are a grave and pressing threat to religious liberty that warrants this Court's immediate action. If not checked now, amici and many other religious institutions may soon face precisely the same impossible choice now presented to Yeshiva University: abandon your faith or risk being held in contempt. As explained below, the Constitution forbids this in the clearest and most fundamental terms; this Court should do the same, and without delay."

***The Archdiocese of New York,  
Biola University,  
Brigham Young University,  
Cedarville University,  
The Church of Jesus Christ of Latter-day Saints,  
The Ethics and Religious Liberty Commission,  
Houston Baptist University,  
Liberty University,  
the United States Conference of Catholic Bishops,  
Wheaton College***

"Because Yeshiva is almost certain to succeed on the merits, and because protecting the First Amendment rights of Yeshiva and other religious schools would substantially benefit the public interest, this Court should grant the application."

### ***Association of Classical Christian Schools***

"That is also why this case—which threatens to deprive religious schools of their ability to shape their communities according to their beliefs—is of great concern to Amicus Council for Christian Colleges & Universities ("CCCU"), which comprises some 140 faith-based institutions in the United States. Like Yeshiva, CCCU's member schools cannot achieve their religiously motivated goals unless they can choose the standards governing campus life."

**Appendix 2 – Statement by Agudath Israel of America, which filed a brief at the U.S. Supreme Court supporting Yeshiva:**

Agudath Israel represents and serves Jewish schools across New York City. A sizable number of such schools, for reasons based in legal, regulatory or other considerations likely lost in the depths of time, are incorporated as educational institutions. . . . Although the New York City Human Rights Law (“NYCHRL”) explicitly exempts religious schools incorporated under the Education Law from its scope, the court below, in concluding that Yeshiva University was not eligible to qualify for that exemption, based its decision in part on its own determination of whether its organizing documents were sufficiently religious. This scrutiny both crossed a well-recognized line in First Amendment jurisprudence and threatens the status of religious liberties of innumerable schools whose interests are included in Agudath Israel’s mission.

**Appendix 3 – Additional detail regarding the decision to delay the start of undergraduate student clubs:**

Yeshiva’s decision to defer the start of club activity on campus by four days took into consideration the upcoming holiday break, which would allow us the time to both define a path forward that is consistent with Torah values and gain relief in the courts from the original ruling.

And in fact, after the Supreme Court’s September 14 ruling, we immediately followed the Court’s instructions and requested a ruling on the stay from the New York courts by October 3—well before students would return to campus.

It is worth noting that while the Supreme Court, by majority rule, denied the stay sought by Yeshiva, it did so in an unprecedented way. [Every single Supreme Court justice saw](#) the threat that the New York trial court order posed to Yeshiva’s religious identity, and all nine Justices suggested that Yeshiva was entitled to relief. Typically, the Court resolves stay requests with one-line orders. Here, the Court issued a full opinion with two remarkable features. First, four justices let us know that we were likely to win if Yeshiva came before them. Second, in a clear message to the lower New York courts, the full Court laid out the exact route Yeshiva needed to take to get back to the Supreme Court.

Per our expectation and plan, the New York courts agreed to reconsider their denial of the stay on September 19 and promised a new ruling by October 3. This was a strong indication that the New York courts were going to grant the stay in light of the Supreme Court’s decision. Two days after the New York

Appellate Division set the court date, the plaintiffs issued a press release that they were going to accept a stay. The stay was entered shortly thereafter.

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