



My Dear Friends,

Many of you know that Yeshiva University is defending its right in the Supreme Court to make its own religious decisions. Due to the significance of the matter, I share with you below a number of the answers we have posted to the questions we have received these past few days. For further updates, please visit yu.edu/case-faqs.

A handwritten signature in black ink, appearing to be 'Ari Berman'.

Rabbi Dr. Ari Berman
President, Yeshiva University

FAQs

Why is this case in the US court system?

Yeshiva University was brought to court based on the claim that it is not religious enough to be allowed to make its own decision on religious matters. The court case is solely about YU's freedom to act according to its values without government interference.

What are the consequences if Yeshiva University loses these court rulings?

Yeshiva University will no longer be able to govern itself according to its principles of faith as it will be subject to any claims of discrimination. If, for example, a student wished to form a Jews for Jesus club, Yeshiva would be required to allow it. Sabbath observance on campus, the hiring of Orthodox rabbis and educators and maintaining our separate gender campuses would all be open to potential lawsuits.

How did this situation arise?

Yeshiva University has a long-standing policy to officially approve student clubs that are consistent with its Torah values. For this reason, it has not granted official club status to many other club applications in the past, including a gun club and a Jewish fraternity, as the names and activities associated with these clubs were deemed not fully consistent with the values of YU. A similar conclusion was reached on the application of the YU Pride Alliance.

Does Yeshiva University welcome LGBTQ students in its undergraduate schools?

Absolutely.

We welcome, love and care for all our students, including our LGBTQ students. We place a specific emphasis of importance on supporting our LGBTQ students. There are a number of ways we express this support, including hosting an LGBTQ support group, requiring LGBTQ sensitivity training to all of our rabbis and faculty and presenting public events so that all of our students better understand the experience of being LGBTQ and Orthodox. And, of course, we uphold our strong anti-bullying and anti-discrimination policies. We understand that a number of our LGBTQ students think YU should be doing more for them including establishing a student club. We had been engaged in a constructive dialogue with our students to work on building an even more inclusive campus experience.

However, when we were sued with the claim that we do not have the right to make our own decisions, the matter changed entirely from an LGBTQ discussion to defending the future of our institution.

Do the same expectations that apply to the undergraduate schools, apply to YU's professional and academic graduate schools?

No.

The way Yeshiva University applies its Torah values to the graduate schools is very different than its undergraduate schools.

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 here is choosing this environment instead of other college experiences. 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 tradition to enable our students to integrate their faith and practice in lives of enormous professional success, impact and personal meaning. The daily schedule of our undergraduate students requires hours of Torah study. The campus experience fosters a deeply religious experience including two single sex campuses, multiple prayer services throughout the day, Shabbat regulations, kashrut observance and extra Torah study opportunities in the evenings.

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, comprised of Jews and non-Jews, 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.

Is Yeshiva University accepting of LGBTQ staff and personnel as well?

Absolutely.

As a religious institution of higher education, can Yeshiva University accept government funds?

Yes, it can. 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. We do not lose our religious status just because we participate in public life on equal footing with everyone else.

Why is the university defending this right and appealing all the way to the Supreme Court?

Once we were brought to court, this no longer was about an LGBTQ club, but our ability to make decisions for ourselves about our religious environment. The plaintiffs have argued that YU is not a religious institution and, thus not empowered to decide matters pertaining to religion. In its ruling, the lower court pieced together an argument that creates a threatening precedent. The

implications of this decision are deleterious to the very fabric of our educational system and we need to defend ourselves to protect our future.

What is at stake with this case?

Historically, the Jewish people have had deeply negative experiences with government interference in religious matters. When a court can decide that Yeshiva University is not religious enough to administer its own religious environment, then it's not just our institution's future that is being threatened. In truth, this is not just a Jewish issue. Leaders of other faiths and leading legal scholars are similarly deeply concerned with this ruling. They understand that the consequences of this legal decision have severe implications for faith in America.

Hopefully we will be able to restore a just sense of religious liberty and return to a constructive dialogue with our students to work together to build an even more inclusive, loving campus environment that is a blessing to all of our students and a model of discourse and harmony to our society.

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