

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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YU PRIDE ALLIANCE, et al.,

Index No.: 154010/2021

Plaintiffs,

-against-

YESHIVA UNIVERSITY, et al.,

Defendants.

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AFFIDAVIT OF JANE DOE

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

JANE DOE, being duly sworn, states that the following is true under the penalty of perjury:

1. I am a member of the student organization Yeshiva University (“YU”) Pride Alliance, a Plaintiff in this case. I submit this affidavit in support of Plaintiff YU Pride Alliance’s request for a preliminary injunction.

2. I am a full-time student in good standing at Yeshiva University.

The Status of LGBTQ Students on YU’s Campus and the Need for a Student Club

3. I began my undergraduate career at YU’s United States campus in August 2018.

4. There has been no recognized student organization for LGBTQ students during the entirety of my enrollment at YU.

5. At YU, the climate for LGBTQ students is unwelcoming, with most students afraid to come out to their classmates, professors, and administrators. Whenever an LGBTQ topic comes up in class, both the professors and the students assume that the conversation is about “them,” people other than those of us in attendance, and not us, the students in the class. When I came to YU, I was just starting to come to terms with my own LGBTQ identity and had no available resources on campus. The Counseling Center’s website didn’t mention anything about LGBTQ identity, and there were no clubs that I could turn to for support. In my classes, teachers would talk about dating and marriage in a heteronormative way that made me feel alienated and afraid. When I started at YU and was asked questions about my future, I could not picture any future at all that fit my identity as a LGBTQ religious Jewish woman.

6. I had no way of finding a group of people on campus who were struggling with similar identity issues or finding a source of much-needed support. Up until the second semester of my sophomore year, I thought I was the only religious queer person on campus and that I was alone. It was a painful and isolating experience. I was not out to anyone when I first arrived on campus, and I was still closeted to my friends and family. I needed a support system to turn to during my process of coming out, but I couldn’t find one. I struggled immensely during my first year at YU and considered transferring to another school many times, but in the end decided to stay and try to make the school better for other students instead of leaving to find a more welcoming school for myself.

7. Because there is no official LGBTQ club, I have felt isolated and unsupported by my university. I still have not come out to most of my professors because I don’t know how my LGBTQ identity will be received. I fear that I will not be offered certain opportunities from YU if I were to come out, such as a job opportunities or acceptance to religious-based graduate

schools. It is for these reasons that I am submitting this statement to the Court using the name Jane Doe instead of my real name.

8. There is a pressing need for a student club on campus because without official, easily-accessible resources and a way to find other students in a similar situation, students at YU like me have nowhere to turn. There is an unofficial LGBTQ WhatsApp group as a stand-in for a community, but there is no easy way for a student to find out about it. If a student is lucky, they will stumble upon someone who will mention it to them and they will find a way to contact the community. But students at YU are afraid to come out to their peers, let alone their professors, and LGBTQ students often never connect with each other, even when they are in the same classes. Mental illness and distress are prevalent among LGBTQ students at YU because they feel totally alone. I have witnessed so many—too many—LGBTQ students at YU take a leave of absence because of YU's hostile climate for LGBTQ students. I have personally dealt with the mental health emergency of an LGBTQ student at YU. It was yet another heartbreaking example of the immense emotional toll that being LGBTQ at YU has on a student without a community and resources. YU students need an official club to find a space to meet others like them, feel less alone, and get the support they need to successfully continue their college careers.

9. I have felt that the University not approving the club has led to continued hurtful conversations on campus. I have heard students discuss the YU Pride Alliance not being approved and say that Alliance members should just leave YU and go to a secular institution where they can find others like them. But YU is my school, it is where my friends are and where I have built meaningful relationships with many faculty members and professors. I also came to YU because I wanted a religious education with a quality secular education that will provide a pathway for me to go on to graduate school. I came to YU excited to continue learning Jewish

law and Jewish texts. I love Torah learning and came to YU to further my religious growth just like any other student who chooses YU. I should not have to leave the school that I chose for so many reasons just to find a supportive space for an identity I didn't choose.

My Efforts to Gain Formal Recognition for the YU Pride Alliance

10. I first became involved in LGBTQ activism on campus in Spring 2019.
11. I joined the YU Pride Alliance in September 2019 when it was formed.
12. I was involved in attempts to hold meetings with YU administrators, and I participated in many meetings between LGBTQ students and administrators with the goal of advocating for recognition of an official LGBTQ club on campus. I also worked with other official clubs on campus to hold LGBTQ-themed events on campus, which was very difficult and was met with significant and frustrating opposition from some students and the administration.
13. The YU Pride Alliance is an unofficial group of LGBTQ students and allies with a President, Vice President, and a board. YU students apply for board member positions: the President and Vice President are chosen by the outgoing President, and the board is chosen by the outgoing board. The YU Pride Alliance does not maintain a membership list to maintain anonymity because of student fears of repercussions. Instead, there are three WhatsApp groups for LGBTQ students to get support from their peers: a general undergraduate student group, a group for transgender/nonbinary students, and an asexual group. Combined, these groups have over 20 participants. We also have other students who have not joined the groups but attend our events.

December 3, 2019: Senior Vice President Joseph Discourages Official LGBTQ Club

14. On December 3, 2019, I and the entire YU Pride Alliance board met with YU Senior Vice President Josh Joseph.

15. Vice President Joseph met with us in his capacity as the leader of the Inclusion Panel, a panel of rabbis and educators convened by YU President Dr. Ari Berman around Fall 2019 who had been tasked with fostering initiatives to address matters of inclusion, including LGBTQ-related issues.

16. After spending a significant time preparing for this meeting with a group of students, establishing talking points and creating a strategy, I was dismayed to find that Vice President Joseph was not interested in discussing the club, but instead tried to divert our focus to other things. It was very frustrating that our time was being wasted, the time we spent preparing to meet and the meeting time itself.

17. The meeting ended without any indication from Vice President Joseph or Yeshiva University that there existed any way for the YU Alliance to be recognized as an official club.

January 2020: YU Pride Alliance Submits a Club Application to the Yeshiva Student Union

18. On or about January 30, 2020, the YU Alliance board members completed the “Club Application Spring 2020” application form on behalf of Plaintiff YU Pride Alliance, the other board members, and myself, and submitted it to the Yeshiva Student Council, the student governing body charged with approving or denying applications in the first instance.

February 2020: Yeshiva Student Council Refuses to Vote on YU Alliance Club Application

19. On February 9, 2020, the YU Student Council Presidents emailed a statement to the YU student body stating that they had abstained from voting on whether or not to approve the

YU Pride Alliance as an official student club.¹ They sent the matter of our approval up to the YU administration to decide.

20. On or about February 11, 2020, Molly Meisels, along with the other members of the YU Alliance, drafted and sent an email on behalf of the Alliance and its board members, including me, to Vice President Joseph requesting that a decision regarding the club's status be rendered by the next day so that the club determine they would be able to participate in the Wilf club fair, which was scheduled for February 12, 2020 on the Wilf campus.

21. The YU Pride Alliance did not receive any response from Vice President Joseph or any member of the administration.

22. The YU Pride Alliance was never recognized as an official student club and did not function as a recognized student club for the Spring 2020 semester. We could not meet on campus, we did not have access to funding for student events, and we were not able to advertise our events to students using official YU channels. Our plan was to re-apply for the Fall 2020 semester and try again.

September 3, 2020: Yeshiva University Communicates Refusal to Allow LGBTQ Student Clubs

23. On September 3, 2020, the YU Pride Alliance submitted the "Club Application Fall 2020" application to the YU Student Council.

24. That same day, Yeshiva University administrators sent a statement to the university community, titled "Fostering an Inclusive Community." The statement, sent by the YU administration, was signed by Dr. Yael Muskat, Rabbi Yaakov Neuburger, Dr. Rona Novick, and Dr. David Pelcovitz.

¹ <https://yucommentator.org/2020/02/student-council-abstains-from-lgbtq-club-vote-leaving-decision-to-yu-administration/>

25. In the statement, buried beneath several promises to create a more inclusive environment for LGBTQ students, the YU administration denied the application of the YU Pride Alliance to form a club.

26. In the statement, Yeshiva University stated: “The message of Torah on this issue is nuanced, both accepting each individual with love and affirming its timeless prescriptions. While students will of course socialize in gatherings they see fit, forming a new club as requested under the auspices of YU will cloud this nuanced message.”

27. The administration was extremely vague; it did not explain which nuances of the Torah on LGBTQ issues are at odds with the existence of our student club.

28. What was clear to the YU Pride Alliance Board and the whole YU community was that YU would not recognize an official student club. As the student newspaper reported, “The statement also revealed that YU will not approve an LGBTQ club, a decision passed to administrators in February.”²

September 29, 2020: Yeshiva University Continues Its Message of Denial

29. On September 29, 2020, I and other members of the YU Pride Alliance board attended a virtual video meeting with the “YU Inclusion Panel,” including Defendant Nissel, Rosh Yeshiva Yaakov Neuburger, Dean Rona Novick, Counseling Center Director Yael Muskat, and Professor David Pelcovitz in a further attempt to receive official guidance from Defendant Yeshiva University on how the YU Alliance could be approved as a club and be allowed to hold official events.

30. At this meeting, I and other Pride Alliance board members again expressed the importance to LGBTQ students having a club, holding public events, and having public conversations about LGBTQ issues. One board member presented an academic journal article

² <https://yucommentator.org/2020/09/you-announces-new-lgbtq-inclusivity-policies-denies-lgbtq-club-formation/>

showing the elevated suicide risk among LGBTQ students and how LGBTQ student groups lower that risk because they help address prejudice and social stigma and provide a safe space for LGBTQ students to form community. A true and correct copy of the journal article is attached hereto as Exhibit 1.

31. At one point, a Pride Alliance board member directly asked the Panel members what led to YU's decision not to recognize the YU Pride Alliance as a student club. The board member also pointed out that YU made that decision without ever holding an official meeting with the YU Pride Alliance to discuss its intent to deny the club or provide YU Pride Alliance an opportunity to respond.

32. Rosh Yeshiva Neuburger reiterated that making an LGBTQ club formal would "cloud" the issues being considered. He then said that the conversation about holding LGBTQ events could be held in the future, but would not commit to having any substantial discussion about what event guidelines could look like without having actual proposed events in front of him.

33. I understood Rosh Yeshiva Neuburger's response to be another attempt to delay the establishment of formal rules, policies, or procedures that would allow the YU Pride Alliance to host events or otherwise engage in official club activities.

34. At one point, a student stated in the Zoom meeting's chat window that they would not give up on an official LGBTQ club so long as it is an imperative under pikuach nefesh, the principle in Jewish law that the preservation of human life overrides virtually all Jewish laws. Dean Novick replied that the YU Pride Alliance did not necessarily need to give up, but as a pragmatic person, she recognizes that if she is unable to move in one direction, she likes to think of other productive actions. I and the YU Pride Alliance board members understood Dean

Novick's comment as further evidence that YU does not ever intend to approve the YU Pride Alliance as an official club and will instead require YU Pride Alliance members to engage in unofficial activities only.

Effect of Yeshiva University's Continued Discouragement of the YU Pride Alliance

35. Because the YU Pride Alliance does not have official club status, we cannot participate in campus life or provide resources to students in the way that official clubs at YU can.

36. For example, during my time at YU, the Active Minds Club has hosted a yearly event titled Stomp Out the Stigma, where students share their experiences with mental health challenges and mental illness to increase mental health awareness and show other students dealing with similar challenges that they are not alone. Every year I've attended this event I wondered how powerful it would be to have a similar event where LGBTQ+ students could share their stories about being LGBTQ+ in an Orthodox Jewish school and community, and through this show other LGBTQ+ students that they are not alone.

37. Because the Alliance is not an official club, I have had to organize and attend all Alliance activities at off-campus locations since unofficial clubs are not allowed to use campus space for events. Not only did these events require me to travel off-campus, they also reinforced YU's message that I was not welcome on campus as an LGBTQ student. I have had difficulty publicizing and learning about LGBTQ events because the YU Pride Alliance is not allowed to publicize events through YU-approved channels. The Alliance and I must also work much harder than official clubs to inform interested students of our existence because we are not listed on YU's list of official student clubs and are not allowed to have a table or booth at student club fairs. The Alliance has to spend time requesting funding from and coordinating with an outside

organization, Jewish Queer Youth, which takes away time from actually working on the events themselves.

38. For example, in Fall 2020, because the YU Pride Alliance was not an approved organization, it was forced to organize two events under the name of other official clubs and use those organizations' funding for the events. Because we did not have a recognized club and could only have a YU-sponsored event through these alternative channels, we had to work with clubs whose focus is not LGBTQ support, and we were met with many challenges and difficulties along the way.

39. Through the Jewish Activism Club (focused on advocating for social change) and Active Minds Club (focused on mental health), members of the Pride Alliance organized an event with psychologist Dr. Sara Gluck titled "LGBTQ and Mental Health." In December 2020, some members of the YU Pride Alliance also worked with the Dean's office to host a faculty-sponsored virtual panel of LGBTQ students and alumni in discussion. The faculty sponsor of the event, Dr. Jenny Isaacs, had to negotiate extensively with Dean Nissel to get the event approved, and only received approval two weeks before the event was scheduled to occur.

40. After the event was approved, YU Pride Alliance members posted flyers around campus and a YU faculty member publicized the event using the email listserv. I, other YU Pride Alliance members, and other students observed YU rabbis removing the flyers advertising the panel from different places we had posted them on campus.

41. In other instances, we were forced to host YU Pride Alliance events without any support, which hampered our ability to do the best work we can do. We had to put in much more effort to advertise, had to reach out to outside organizations for support, and had to hope that

social media and word of mouth were enough to reach the vulnerable students who desperately need a supportive space.

42. One event we organized was a socially-distanced meet-and-greet in a Washington Heights park, in the same neighborhood as YU's campus. Because we could not use YU facilities, we had to host our event at a location that wasn't as close to YU as we would have wanted, meaning that students had to dedicate around 20 minutes to walk to the event instead of going somewhere convenient and nearby.

43. We have also held several remote "Coffee and Catch Up" events for students in order to create some community for LGBTQ students and give them a space to discuss pressing topics in a supportive environment, such as combining a religious and LGBTQ identity and dealing with added stress around exam season. Because we are not an official student club, we do not have access to a YU-licensed unlimited Zoom account. Instead, we use the account of a different organization unaffiliated with YU, Jewish Queer Youth, to host Zoom meetings, but there have been concerns expressed by some board members about confidentiality when using an outside organization's account.

44. None of these activities have been an adequate substitute for a recognized club.

45. Further, all of the time and energy that we have had to put in to seek for official club approval, efforts that no other student group has had to put in for a club, could have been put into programming, creating more crucial events, and resources for LGBTQ students at YU.

No Approval Forthcoming

46. Based on Defendants' September 3, 2020 denial of the YU Pride Alliance and the Inclusion Panel's September 29, 2020 meeting with YU Pride Alliance board, I am of the belief

and understanding that any further applications for the YU Pride Alliance to receive official student club status will not be approved.

Harm to Me and Other LGBTQ Students

47. My unsuccessful efforts to convince YU to recognize the YU Pride Alliance from 2019 to the present have consumed a great deal of my time at YU. I filled out applications, met with administrators, head rabbis, and psychologists, reached out and petitioned to the Student Councils, and spent many hours working to get the YU Pride Alliance approved by the administration. Because I was spending so much time on these activities, my attention and energy were diverted from other activities, such as studying for my classes and exams, participating in other clubs, preparing my applications for graduate school, applying for summer internships, and building and maintaining relationships with my friends and family.

48. I feel mentally and emotionally exhausted from having to tell and re-tell different YU administrators why having a safe and supportive space for LGBTQ students is important to me. I feel like the administration asks me to meet with rabbis and share my personal story, which is draining and difficult, and then it takes no action after I share my experience. This is beyond disappointing and has taken a toll on me.

49. I am deeply frustrated and hurt by YU administrators' ongoing public denial of an official LGBTQ student club while they provide private reassurances to me that they care about the needs of LGBTQ students and are willing to have a reasonable conversation about those needs. I feel frustrated that YU administrators have repeatedly attempted to dissuade me from continuing to seek official club status. I also feel hurt that I have told YU administrators of the importance of an official LGBTQ club for my mental health and the mental health of all LGBTQ students on campus, but they still have not approved an LGBTQ club.

Urgency of Request

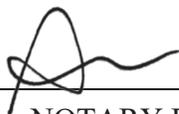
50. I and other LGBTQ students have spent years trying to negotiate and work with the YU administration in good faith to gain recognition of our student club. We are practically no closer today than we were two years ago. With YU’s most recent official denial of the Alliance in September 2020, we actually feel farther away. Each semester that passes, another group of LGBTQ students and their allies are deprived of the benefits of the Club. We ask the Court to order YU to follow the law and allow our club to exist on campus.

51. If our club is permitted to form for the 2021-2022 year, some of the events we are planning and/or would like to hold include: an official campus welcoming event; several LGBTQ-related speaker events; book club meetings to discuss books with LGBTQ relevant themes, movie nights, a personal conversation with a parent of an LGBTQ child, an event with a LGBTQ-specialized therapist about coping skills, and moderated discussions of LGBTQ issues with focus groups.


Jane Doe (Apr 26, 2021 16:18 EDT)

JANE DOE

Sworn to before me this
26th day of April, 2021



NOTARY PUBLIC

AVANIKA SHARDA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SH6365179
Qualified in Kings County
My Commission Expires 10-02-2021