



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## Letter to Inspector General Lang on Yeshiva University's Use of Public Funds

BRAD HOYLMAN-SIGAL April 3, 2023

| ISSUE: **YESHIVA UNIVERSITY, LGBTQ EQUALITY**

Dear Inspector General Lang:

I respectfully request that you investigate the discriminatory treatment of LGBTQ students by Yeshiva University (YU) while receiving funds from the Dormitory Authority of the State of New York (DASNY) to determine whether YU misled DASNY and take any appropriate corrective action.

In 2009 and 2011, as well as on multiple occasions in the preceding years, DASNY issued bonds on behalf of YU to finance the construction and renovation of its buildings and facilities. To receive these funds, YU made certain representations pursuant to its loan agreements with DASNY. As with all its agreements, DASNY issued these bonds based on the University's representations to DASNY that the university would use these funds in compliance with DASNY's requirements set forth in its loan agreements.

DASNY's loan agreements with the University state in the relevant part:

"The University agrees that with respect to the Project or portion thereof, so long as the

Project or portion thereof exists and unless and until the Project or portion thereof is sold for the fair market value thereof, the Project or any portion thereof *shall not be used for sectarian religious instruction or as a place of religious worship or in connection with any part of a program of a school or department of divinity for any religious denomination*; provided, however, that the foregoing restriction shall not prohibit the free exercise of any religion . . .” (emphasis added)

In *Yeshiva University v. YU Pride Alliance*, YU claims it is not required to recognize the YU Pride Alliance, an LGBTQ student club, because it is a “religious corporation” under New York law. This assertion conflicts with other representations by YU to the State of New York that it is an “independent, coeducational, nonsectarian, non-for-profit Inspector General Lang March 22, 2023 Page 2 institution of higher education” for purposes of obtaining certain bond offerings. On December 15, 2022, the First Department Appellate Division affirmed that YU is violating the law by refusing equal treatment to LGBTQ students, and specifically cited YU’s “proffered statements to public authorities” as evidence of its legal status as a covered public accommodation.

YU’s discriminatory behavior is wholly inconsistent with the purposes of state funding: To promote the fullest possible participation by all students in the state’s educational opportunities. The public stewardship of the State’s funds requires that all educational institutions in our State comply with their agreements with DASNY to use funds for approved purposes.

YU’s discriminatory behavior and claimed status appear to be at odds with the statements YU made to obtain state funds. If so, YU is not using those funds for approved state purposes. We cannot abide the use of state funds to support discriminatory behavior that excludes LGBTQ students from their right to an equal education. I urge you to investigate

this matter as expeditiously as possible.

Sincerely yours,

Brad Hoylman-Sigal

State Senator

47th District