

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HIGHER EDUCATION

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November 25, 2024
Start: 10:01 a.m.
Recess: 3:05 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Eric Dinowitz,
Chairperson

COUNCIL MEMBERS:

Erik D. Bottcher
Gale A. Brewer
Oswald Feliz
Christopher Marte
Julie Menin
Vickie Paladino
Inna Vernikov
Kalman Yeger

A P P E A R A N C E S (CONTINUED)

Felix Matos Rodriguez
Chancellor

Derek Davis
University's General Counsel

Sascha Owen
Senior Vice Chancellor for Legal Affairs

Keira Kepets
Hillel CUNY Student

Aidan Herzlinger
Self

Kristopher Kolos
Self

Eli Meron
Self

Maya Gavriel
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Kayla Aaron
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Avi Posnick
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Michael Cohen
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Ilya Bratman
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Gideon Askowitz
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Kristen Kiernan
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Gabrielle Tierney

Ernest Rafailov
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David Wapner
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Evette Stark
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Kayla Bellin
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A P P E A R A N C E S (CONTINUED)

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DJ Elf 7
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Jeffrey Lax
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Self

Alex Jacobs
Self

Dr. Mary O'Riordan
Self

Avraham Goldstein
Self

Jennifer Mackenzie
Self

Marah Birnbaum
Self

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2 SERGEANT AT ARMS: Testing one, two, one two.
3 Today's date is November 25, 2024, Committee on
4 Higher Education being recorded in Chambers by Keith
5 Polite. [00:00:15]- [00:01:36]

6 SERGEANT AT ARMS: Quiet down. Quiet down. Good
7 morning and welcome to today's New York City Council
8 Hearing for the Committee on Higher Education. At
9 this time we ask you to silence all electronic
10 devices and at this point forward no one, I repeat no
11 one is to approach the dais. If you would like to
12 sign up for an in person testimony or have any sort
13 of question, feel free to talk to one of the Sergeant
14 at Arms in the back at the desk over there. Chair,
15 we are ready to begin.

16 CHAIRPERSON DINOWITZ: [GAVEL] Thank you. Good
17 morning. I am Council Member Eric Dinowitz, Chair of
18 the Committee on Higher Education. Welcome to our
19 oversight hearing on CUNY's Response to the Lippman
20 Report.

21 I always start out these hearings by saying I'm a
22 proud CUNY alum and I am. In fact, I have a nice
23 poster in my office that you all sent me which has 21
24 of us, 21 Council Members including our Speaker
25 Adrienne Adams who are graduates of CUNY. We love

1
2 CUNY; I think all of us in one way or another are
3 here in the Council because of what CUNY gave us or
4 CUNY provided for us. And so, hearings like this
5 dealing with issues of antisemitism and
6 discrimination are very hard for us. Very hard to
7 grapple with the reality that the institution that we
8 love so much that gave us so much is a place where
9 too many students don't feel safe and don't feel
10 welcome. Chancellor, before I even read anything I
11 want to thank you for being here today. I think in
12 your heart you know this is an important issue. You
13 care about this issue and I think your mere presence
14 today sends a message to the Jewish students here and
15 all students here that this is an issue you care
16 about.

17 But with that, this hearing is not about what's
18 in your heart. It's about CUNY's policies and the
19 policies that have so far failed to meaningfully keep
20 our students safe and make them feel welcome on our
21 CUNY campuses. On October 31st, New York State
22 Governor Kathy Hochul selected Jonathan Lippman,
23 former Chief Judge of New York and Chief Judge of the
24 New York Court of Appeals to conduct an independent
25 third party review of CUNY's policies and procedures

1 related to antisemitism and discrimination. In
2 carrying out this review, Judge Lippman, who is Of
3 Counsel at Latham & Watkins, was assisted by a team
4 at the law firm. The team was led by Lippman's
5 colleague Lawrence Buterman.
6

7 In his Executive Summary of the resulting
8 September 2024 report, entitled *Antisemitism and*
9 *Discrimination at the City University of New York*,
10 Judge Lippman noted that "dozens of attorneys and
11 staff devoted thousands of hours to this project,"
12 including "conducting more than 200 interviews and
13 meeting with more than 300 people over almost 10
14 months."

15 Judge Lippman's team of interviewers spoke with
16 CUNY Board of Trustees members as well as presidents,
17 deans, senior administrators, faculty, chief
18 diversity officers, staff, and students at CUNY
19 campuses. Team members visited 13 CUNY campuses to
20 conduct an in-depth examination of the climates of
21 those campuses; the 13 campuses included CUNY
22 graduate and professional schools, senior colleges,
23 and community colleges across the city. On some, but
24 not all, of the campuses that were visited, there had
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1
2 been a significant number of reported incidents of
3 antisemitism.

4 Judge Lippman's team sought to hear from
5 individuals reflecting as many view points as
6 possible and undertook the interviews without any
7 preconceived notions of what could be defined as
8 antisemitism and discrimination. In addition to the
9 interviews, Judge Lippman's team did a thorough
10 review of CUNY's relevant existing policies and
11 procedures and a comprehensive analysis of legal
12 issues related to free speech in a public university.

13 Finally, Judge Lippman notes in the report that
14 this review "was triggered by and focused in
15 significant measure on issues of antisemitism," but
16 that the report's recommendations are broad and
17 sufficiently content neutral to meet the challenges
18 of other forms of hate and discrimination on CUNY's
19 campuses. The final report includes both
20 observations and recommendations. I would like to
21 read the list of each and ask that CUNY witnesses
22 respond to both in their testimony. Here are the
23 observations.

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2 CUNY is a unique institution with a structure
3 that creates complex challenges regarding issues
4 related to antisemitism and discrimination.

5 The location and demographics of CUNY schools
6 impact the extent to which a school encounters issues
7 on antisemitism and discrimination. CUNY's current
8 system of handling complaints regarding antisemitism,
9 discrimination, and retaliation is ineffective and
10 needs to be completely overhauled. CUNY's current
11 policies and procedures are in many respects outdated
12 and potential sources of confusion. CUNY leadership,
13 both at the central University level and at the
14 individual school level, are properly concerned with
15 student, faculty, and staff safety. CUNY students do
16 not all feel safe. Social media can exacerbate
17 issues of antisemitism and discrimination.

18 CUNY students, by and large, are focused
19 primarily on their education, (noting that incidents
20 of antisemitism and discrimination at CUNY are
21 carried out by a small, vocal minority of
22 individuals). Members of the CUNY faculty need to
23 take more decisive action to stop antisemitism and
24 discrimination. There is more agreement throughout
25 CUNY regarding hate speech than many would think.

1
2 And here are Judge Lippman's 13-point action
3 plan, that is a set of 13 recommendations that he
4 believes CUNY should begin implementing immediately.

5 Increase centralization of resources for dealing
6 with antisemitism and discrimination by establishing
7 a University-wide center, including an internal
8 monitor. Overhaul CUNY's current system for lodging
9 complaints regarding discrimination and harassment.

10 Third is, provide additional resources to victims of
11 antisemitism and discrimination through establishment
12 of a victims advocate program.

13 Four, coordinate at all times with law
14 enforcement to protect everyone at CUNY. Five,
15 provide more guidance to those conducting
16 investigations into antisemitism and discrimination.
17 Six, increase consideration of the relationship
18 between Israel and the Jewish people when
19 adjudicating whether conduct constitutes
20 antisemitism. Seven, ensure that all those at CUNY,
21 including chief diversity officers, follow the law
22 with reference to how antisemitism is legally
23 defined. Eight, update CUNY's existing policies and
24 procedures and remove ambiguities. Nine, hold
25 faculty and others accountable for violative conduct.

1
2 Ten, draft and adopt a comprehensive policy on
3 freedom of speech and expressive conduct. Eleven,
4 encourage leadership to speak out forcefully against
5 hate. Twelve, recruit and hire to foster
6 inclusiveness. And thirteen, encouraging more
7 dialogue aimed at bringing people together.

8 As many of you know, more than two years ago,
9 this Committee held an oversight hearing on June 30,
10 2022, entitled "Examining Antisemitism on College
11 Campuses." Since that time, CUNY schools have been
12 in the news more than once for allegations and
13 demonstrations for later to antisemitism and
14 discrimination, especially since the October 7, 2023
15 Hamas attack on Israel. The Committee looks forward
16 to learning about CUNY's plans for implementing Judge
17 Lippman's recommendations and for making CUNY
18 campuses safe and welcoming for all of our students.

19 I want to acknowledge my colleagues who are
20 present today, Council Member Marte from the
21 Committee of Higher Education, and Council Members
22 Menin, Vernikov, and Yeger. I'd also like to thank
23 Adam Staropoli, my Legislative and Budget Director,
24 Jenna Klaus, my Chief and Staff, Sahar Moazami, the
25

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2 Committee's Counsel and Regina Paul, the Committee's
3 Policy Analyst.

4 I'd like to remind everyone who wishes to testify
5 in person today, that you must fill out an appearance
6 card, which is located on the desk of the Sergeant at
7 Arms near the entrance of this room. Please fill it
8 out even if you have already registered to testify in
9 advance. To allow as many people as possible to
10 testify, public testimony will be limited to two
11 minutes per person. I am also going to ask my
12 colleagues to limit their questions and comments to
13 five minutes.

14 Please note that witnesses who are here will
15 testify before those on Zoom. I'd also like to
16 remind members in the gallery that decorum is to
17 abided by at all times. Now, in according to the
18 rules of the Council, I will administer the
19 affirmation to the witnesses from CUNY. Please raise
20 your right hand. Do you affirm to tell the truth,
21 the whole truth and nothing but the truth in your
22 testimony before this Committee and to respond
23 honestly to Council Members questions?

24 PANEL: I do.

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2 CHAIRPERSON DINOWITZ: Thank you. As a reminder
3 to all of our witnesses, please state your name prior
4 to your testimony for the record. You may begin.

5 FELIX V. MATOS: Thank you. Good morning,
6 Honorable Chair Dinowitz and to the members of the
7 Committee on Higher Ed and the other members of the
8 City Council present here today. Thank you for the
9 invitation to speak about the Lippman report and the
10 City University of New York's ongoing work to address
11 hate and antisemitism.

12 My name is Felix V. Matos Rodriguez, and I, with
13 my colleagues Derek Davis, the University's general
14 counsel and senior vice chancellor for legal affairs,
15 and Sascha Owen, senior vice chancellor for strategy
16 and policy implementation, are proud to represent the
17 CUNY system here today.

18 For five and a half years, I have had the honor
19 of serving as the chancellor of CUNY. In this
20 capacity, I oversee a diverse University system that
21 has a longstanding legacy of facilitating
22 socioeconomic mobility for New Yorkers, no matter
23 their background or means. This mission is something
24 that I have been deeply committed to throughout my
25 over two decades of involvement with CUNY as a

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2 faculty member, center director, college president
3 and now as Chancellor.

4 I want to reaffirm our deep commitment and
5 critical obligation to keep our 25 campuses, 240,000
6 students and 40,000 employees free from
7 discrimination of any kind and to ensure that our
8 students feel welcome and can learn safely and free
9 of harassment. This is core to our mission.

10 The fight against hate and intolerance is
11 particularly important as our nation, our city and
12 some of our campuses face a disturbing uptick in
13 antisemitism. While we know there is more work to be
14 done, over the last few years we have built a multi-
15 pronged approach to address this growing problem.

16 First, I want to thank the Council, as you have
17 been a great partner with CUNY in this work. Back in
18 2019, when I began my tenure as Chancellor, one of my
19 first requests to the Council was a grant for
20 \$500,000 and, a year later, \$425,000, to expand our
21 work for the Center for Ethnic, Religious and Racial
22 Understanding at Queens College to a University wide
23 level.

24 CERRU from Queens, grew from a program developed
25 by the college's Center for Jewish Studies, and in my

1
2 previous role as Queens College president, I saw
3 firsthand how successful CERRU was at educating our
4 community and addressing the issues of racial and
5 ethnic stereotyping in campuses.

6 Additionally, over the past two years, CUNY has
7 invested \$1.3 million in campus programs to combat
8 hate, including \$550,000 provided by the City
9 Council. With this support, we have built on the
10 work on the Kupferberg Holocaust Center at
11 Queensborough Community College and a range of
12 activities on campuses, including, to cite just one,
13 the "I am a Jew" exhibition at the New York City
14 College of Technology, which celebrated the diversity
15 of the Jewish population at New York City Tech.

16 Finally, last month, CUNY launched constructive
17 dialogue training and workshops for all our
18 presidents, deans and members of my cabinet. In
19 addition, 50 staff members will be trained and
20 certified as constructive dialogue facilitators, and
21 100 faculty and 50 students will attend workshops on
22 navigating difficult conversations. The Jeffrey H.
23 and Shari L. Aronson Family Foundation and the
24 Carroll and Milton Petrie Foundation, generous
25 supporters of CUNY, are funding the start of this

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2 program, which is being facilitated by the
3 Constructive Dialogue Institute. Thanks to a generous
4 \$500,000 investment from this City Council for Fiscal
5 Year 2025, we will be scaling up this effort
6 substantially to reach even more members of the CUNY
7 community.

8 Besides the great work we have been able to build
9 or expand thanks to the support of the Council, I
10 want to share some of the key efforts we have been
11 focused on for the past couple of years to battle
12 antisemitism and other forms of hate.

13 In 2022, the University announced a partnership
14 with Hillel International's Campus Climate
15 Initiative, where leaders across seven CUNY colleges
16 have been immersed in learning best practices to make
17 sure our Jewish students feel comfortable and safe in
18 expressing their identity and beliefs.

19 In 2023, I created the Advisory Council on Jewish
20 Life, bringing together Jewish leaders in our city to
21 advise me on ways to elevate Jewish life and foster
22 better communication between people of all religions
23 on our campuses. Some of those members I believe are
24 here in the audience today.

1
2 This summer, we resolved cases pending with the
3 U.S. Department of Education's Office for Civil
4 Rights through a voluntary resolution agreement that
5 includes numerous initiatives already in planning,
6 like the system-wide campus climate survey we
7 launched two weeks ago, and extensive training and
8 resources related to Title VI. I am proud to report
9 that one semester into the agreement, we have
10 completed roughly 50 percent of the Title VI
11 requirements that are part of the agreement, and, in
12 addition, have created valuable Title VI resources
13 such as a webpage, educational video, and a handbook.

14 As you might know, I welcomed the review of the
15 system's policies related to antisemitism and other
16 forms of discrimination conducted by former Chief
17 Judge Lippman and we are making progress on many of
18 the recommendations. This year, besides key areas I
19 mentioned above, we announced the following actions,
20 many of which are included in the Lippman
21 recommendations:

22 This past summer, we announced the creation of
23 the Center for Inclusive Excellence and Belonging,
24 which will centralize efforts to combat
25 discrimination systemwide. The Center will be

1 responsible for centralizing the policies, training
2 and complaint process for all 25 campuses in the CUNY
3 system. This will ensure that discrimination,
4 harassment, Title VI, Title VII and Title IX issues
5 are managed uniformly and consistently across CUNY.
6 The Center will also develop programming and events
7 to promote education and dialogue and be responsible
8 for implementing campus climate surveys and
9 additional systemwide evaluations as needed. The
10 Center addresses recommendation one, three and five
11 in the Lippman report.

12 We have strengthened safety by deploying
13 additional private officers to campuses to provide
14 increased support. CUNY leadership met with Hillel
15 and UJA-Federation of New York representatives over
16 the summer to discuss and implement additional safety
17 measures for Jewish students this fall. CUNY has had
18 a longstanding relationship and regularly works with
19 local law enforcement. That addresses Accommodation
20 Number four in the Lippman report.

21 We also provided guidance to campus leaders on
22 rules and procedures to be followed regarding
23 protests and demonstrations so we can sustain the
24 University's mandate to ensure an environment free of
25

1 harassment and hostility. Guidance and support were
2 also provided to specifically address the potential
3 of unrest during the week of October 7th and the
4 Jewish High Holidays. This address Recommendation
5 Number four in the Lippman report.
6

7 CUNY is currently purchasing a case management
8 system CMS, for the portal we created two years ago
9 to enable members of our community to report
10 incidents of discrimination or retaliation. The new
11 system will allow individuals to monitor the status
12 of their complaints, and it will also help the
13 University improve the way it tracks complaints in
14 the portal and issues reports and notifications. In
15 the meantime, the portal has been updated to confirm
16 receipt of an individual's initial report and to
17 notify them of an outcome. The portal was always
18 designed to be a first step. Until it was launched
19 in fall 2022, CUNY had no centralized way to gather
20 information about discrimination claims systemwide.
21 This addresses Recommendation Number two of the
22 Lippman report.

23 This month, we are surveying all of CUNY's
24 students to learn about their experiences with
25 discrimination and their perceptions of issues

1
2 surrounding inclusivity. This information will be
3 used to inform additional initiatives and programs to
4 help us continue to make progress, an important step
5 to capture the sentiments of our students and provide
6 a baseline for our work ahead. This addresses
7 Lippman Recommendation Number 13.

8 Last week I announced that we will be convening a
9 Freedom of Expression Working Group tasked with
10 developing a University-wide policy that reflects the
11 purpose and nature of higher education and considers
12 the appropriate balance of interests recognized by
13 the First Amendment and the principles of academic
14 freedom. This affirmation of the primacy of free
15 expression at our University is something that many
16 members of our community, including the leadership of
17 the University Faculty Senate, have wanted to see for
18 some time. And that addresses directly
19 Recommendation Number ten in the Lippman report.

20 We have launched a student-driven unity campaign,
21 "Our CUNY: Hate Divides Us, Diversity Defines Us," to
22 provide information and resources for combating all
23 forms of hate and creating campus environments that
24 embrace the full breadth of CUNY diversity. That
25

1
2 addresses Recommendation Number thirteen of the
3 Lippman report.

4 We will use the policy recommendations from both
5 the Hillel Campus Climate Initiative and the Lippman
6 report to review our discrimination and harassment
7 policies and make final recommendations to the CUNY
8 Board of Trustees. This addresses Recommendation
9 Number eight in the Lippman report.

10 We are a large system as you know and as I
11 mentioned, almost 300,000 students and employees are
12 part of our system. Tensions and challenges do arise
13 but we have the rules and regulations in place to
14 investigate and do not hesitate to enforce them. Our
15 north star is to make our campuses places of
16 respectful expression in which ideas are exchanged
17 with openness, curiosity and empathy. That is how
18 real learning happens.

19 I want to end by quoting two passages from the
20 Lippman report that reaffirm something we know to be
21 true of our great university: The first one is, "The
22 vast majority of students and members of the CUNY
23 community do not engage in antisemitism or
24 discrimination of any kind and instead want only to
25 access the quality education CUNY affords."

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2 And also, that "CUNY leadership, both at the
3 central University level and at the individual school
4 level, are properly concerned with student, faculty,
5 and staff safety and that leaders in the CUNY system
6 "uniformly take safety on their campuses very
7 seriously."

8 I am extremely optimistic about the future of our
9 great University, especially considering the
10 challenges we have overcome and the lessons we have
11 learned in the last few years. Thanks to you for
12 your continued support of CUNY, which is helping to
13 create a stronger, more vibrant New York. One that
14 is inclusive and benefits all New Yorkers regardless
15 of race, socioeconomic status or immigrant status.
16 This concludes my testimony and I'm happy to take any
17 questions from the Council Members.

18 CHAIRPERSON DINOWITZ: Thank you Chancellor. As
19 I mentioned in my opening, two years ago we held the
20 hearing on antisemitism and one of the big issues was
21 student were confused about where to report issues of
22 discrimination, confused about who they report to,
23 confused about whether they get any answer from that
24 and as a result in part from that hearing, you
25 established the portal and since the time of the

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2 establishment of that portal, as mentioned in the
3 Lippman report, there are still issues. There are
4 still issues of confusion about where to report
5 getting answers, responses. To the extent that many
6 students don't even bother reporting to the portal
7 anymore because they feel as though they'll get no
8 answer. So, I want to talk about this portal first.
9 So, I want to be clear, will this updated portal; you
10 said you had a contract for a new -

11 FELIX MATOS RODRIGUEZ: We sent the RFP for a
12 CMS, yes.

13 CHAIRPERSON DINOWITZ: And when did you send
14 that?

15 FELIX MATOS RODRIGUEZ: The - it's going out,
16 yes.

17 CHAIRPERSON DINOWITZ: Today?

18 FELIX MATOS RODRIGUEZ: Yes.

19 CHAIRPERSON DINOWITZ: It's going out today?

20 FELIX MATOS RODRIGUEZ: Yeah for procurement.

21 CHAIRPERSON DINOWITZ: Oh, so it hasn't gone out
22 yet, okay. It's going out today.

23 FELIX MATOS RODRIGUEZ: Yeah.
24
25

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2 CHAIRPERSON DINOWITZ: So a few important things
3 the portal needs to - will the portal include regular
4 updates on statuses of investigations?

5 FELIX MATOS RODRIGUEZ: Absolutely, I mean and
6 let me just do a general, when we created the portal,
7 we were - we did an in house response which was low
8 tech because as a result of the feedback that we
9 received from you all, we wanted a centralized place
10 to be able to for individuals to report and then go
11 through the process of submitting trains right? So,
12 we did that first, it was in house so it didn't have
13 really all the systemic things that we feel we need
14 now to be able to do this.

15 CHAIRPERSON DINOWITZ: Can I pause you there
16 though and excuse me, I want to pause you because
17 also during the same hearing, we had testimony from
18 CUNY that said students do receive or are supposed to
19 receive responses within 60 days and across the
20 board, that never happened. It just, it didn't
21 happen and I'm sure students here today will testify
22 to the same thing. And so, I think when we're
23 looking for our assurance is that students will
24 actually get those responses because although it was
25 testified to in the past, it never actually happened.

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2 So, what assurances do we have that those responses,
3 the back and forth will actually be provided to the
4 students who are not feeling welcome and safe in
5 their own schools?

6 FELIX MATOS RODRIGUEZ: So, there's two parts to
7 that question. First, it is built in into the
8 requirements of the procurement. That the system
9 would generate responses periodically to individuals
10 as to what is the status of their complaints if they
11 ended up filing one. Remember that someone
12 submitting something to the portal is not the same
13 thing is filing a complaint. Sometimes somebody goes
14 to the portal and begins the conversation about a
15 complaint and they might decide or not to file the
16 complaint. So, the system will respond and will give
17 you periodic notices of where your complaint is.
18 That is technology.

19 The second part of this equation is that we need
20 additional resources. If we're moving to centralize
21 more of this work, which is one of the
22 recommendations for Lippman and we believe that it's
23 a valuable one, but more centralized for the
24 centralized, we need additional resources to be able
25 to have more individuals out there investigating the

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2 complaints so that we can get back on a timely manner
3 to our students, to our faculty and staff. So,
4 technology is part of the equation but we also are
5 going to need additional personnel to do this no
6 matter how effective the technology might be.

7 CHAIRPERSON DINOWITZ: So to be clear, the 60-
8 day policy, so that is a policy and that - it sounds
9 like you're saying it's contingent on funding. That
10 you won't always be able to abide by that 60-day
11 policy.

12 FELIX MATOS RODRIGUEZ: Well, I mean do you
13 respond to that? In some cases they are delayed,
14 right? And policy delays have to do at times with
15 staffing issues of personnel or cases that have
16 larger complexity and we have individuals who might
17 not be responding in time to the investigations.

18 CHAIRPERSON DINOWITZ: Well, I understand how it
19 might work but from the perspective of a student, if
20 a policy says 60 days and then you know internally,
21 well, we don't have enough money to hire the person.
22 That meaningless to the students. It's meaningless
23 to them. First of all they won't even know it and
24 even if they do, it doesn't mean a lot to say, "we
25 didn't have enough money to ensure that you were

1 informed about the case of discrimination you
2 launched against another student faculty university.
3 And so what assurances do we have that these
4 timelines are going to be met when what I think I'm
5 hearing is that we may or may not have enough money
6 to do it?
7

8 FELIX MATOS RODRIGUEZ: Well, again, we're going
9 to have the systems to do this. We are aspiring to
10 be able to meet those deadlines. I'm also sharing
11 with you the reality that we face that in order to
12 address those things, we do need additional funding,
13 which we will be requesting to the state of the city.

14 CHAIRPERSON DINOWITZ: And has the state
15 committed any funding to this?

16 FELIX MATOS RODRIGUEZ: We are just beginning the
17 budget process, so.

18 CHAIRPERSON DINOWITZ: Okay and do you know how
19 much the contract is going to be for?

20 FELIX MATOS RODRIGUEZ: For the?

21 CHAIRPERSON DINOWITZ: For the portal.

22 FELIX MATOS RODRIGUEZ: I mean it's just going to
23 procurement, so we'll see what we get from the
24 vendors.

1
2 CHAIRPERSON DINOWITZ: Right, okay. The data was
3 something else that we've been struggling to acquire
4 from CUNY related to any cases of discrimination.
5 Will this portal include the ability to share data
6 publicly with substantiated or unsubstantiated claims
7 made in the portal?

8 FELIX MATOS RODRIGUEZ: Yes.

9 CHAIRPERSON DINOWITZ: So, 100 percent it will be
10 on the website?

11 FELIX MATOS RODRIGUEZ: Yup.

12 CHAIRPERSON DINOWITZ: Okay, will there be any
13 delays? What would the timeline look like? Is it
14 quarterly reports? Is it every time a complaint is
15 lodged, the website gets updated?

16 FELIX MATOS RODRIGUEZ: Well, I mean we'll be
17 setting that up with the vendor with the CRN. So, we
18 can craft that in any way that that is uhm but you
19 know, you're getting live information, so the
20 complaints should be able to be done on a fairly easy
21 basis. Even you know quarterly seems extremely
22 reasonable.

23 CHAIRPERSON DINOWITZ: In the past, we've gotten
24 I guess what I view it as excuses, but other people
25 may view it as just the reason why students can't get

1 updates about this and they would share with us,
2 these are presidents of universities that would say,
3 well FERPA laws prevent us from sharing information
4 with students about updates on the case. What I'm
5 hearing you say today is that's legally not the case
6 and students can receive updates about whether their
7 claim is being adjudicated and the results of their
8 claims.
9

10 FELIX MATOS RODRIGUEZ: Well, I mean the
11 information going back to the students would be
12 following all the FERPA law right? So, we will be
13 communicating with the students what we normally can
14 communicate in any of those cases.

15 CHAIRPERSON DINOWITZ: And what can you normally
16 communicate?

17 FELIX MATOS RODRIGUEZ: It depends on the case.
18 I mean I don't know if the general counsel wants to
19 take that more technical question.

20 CHAIRPERSON DINOWITZ: I would love it, please
21 and just please speak in - make sure the microphone
22 is on.

23 DEREK DAVIS: Thank you Chancellor and thank you
24 Councilman Dinowitz. A response to a Title VI
25 complaint is really not very different than a

1
2 response to IX. The university has a fiduciary
3 responsibility to protect not only the complainant
4 but the respondent. And in certain instances, there
5 are times when the actual disposition of the case
6 depending upon the individual - I assume my mic is
7 on. Now, can you hear me sir?

8 CHAIRPERSON DINOWITZ: Yeah.

9 DEREK DAVIS: Let me begin again.

10 CHAIRPERSON DINOWITZ: Thank you.

11 DEREK DAVIS: Thank you for the question
12 Councilman Dinowitz. Title VI is not very different
13 than Title IX, Title II, or Title VII in
14 investigating cases of discrimination. The
15 university has a fiduciary responsibility to not only
16 consider the privacy and the security and safety of
17 the complainant but the respondent, and in some
18 instances, when one is investigated and these
19 investigations are conducted at typically the campus
20 level. They do take time. Witnesses have to
21 cooperate. Many of these complaints that you
22 referred to, some of them. I shouldn't say many,
23 that would be hyperbolic but a substantial number of
24 them come in anonymously but that doesn't leave us of
25 our responsibility as an institution to investigate

1
2 them but it does make our responsibility difficult
3 because we have to get evidence. And once the
4 evidence is had and once a resolution can be had, a
5 disposition will be made but no way will the
6 university violate anyone's privacy rights or
7 privileges as an institution or jeopardize the safety
8 and welfare of an individual on our campus by
9 disclosing the outcome of a matter that where a
10 student has a future, as well as a faculty member or
11 staff at the university. We don't do that now. We
12 don't do that in Title IX, we don't do that in title
13 VII and I dare say we will be doing it in VI.
14 However, students will know if they identify
15 themselves, how these matters are handled and they
16 will be attended to and they'll get support and they
17 will get counseling on their campuses.

18 FELIX MATOS RODRIGUEZ: Let me just - I mean,
19 just to be clear right? As someone whose talked to
20 the students and has listened to similar complaints
21 about the portal, right? The feedback that I have
22 gotten is that you don't hear at times what the
23 status of the complaint might be, right? And the CMS
24 will do this automatically. It will give you updates
25 to be able to do that. If also there's some

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2 engagement that you're involved with right in a
3 particular case, obviously you'll be contacted by
4 student affairs or the appropriate body in the campus
5 so that you will know about the campus. I think the
6 complaint has been that they don't know whether the -
7 how the investigation is going and they don't get a
8 notice and the system will definitely do that.

9 CHAIRPERSON DINOWITZ: Well, part of the
10 complaint is they don't even get a response. So,
11 they don't even know if their complaint is heard.
12 So, I am hearing today that with this new portal -

13 FELIX MATOS RODRIGUEZ: That will be resolved,
14 yes.

15 CHAIRPERSON DINOWITZ: Should be because it
16 hasn't because you know the RFP hasn't gone out. It
17 will in a few hours, I assume. It hasn't gone out
18 but that issue will be resolved. But I have also
19 heard from students that they don't know the results
20 of the complaint and they may not feel safe knowing
21 that there are zero consequences for a student who
22 violated their civil rights. And so, can you please
23 provide clarity on if someone lodges a civil rights
24 complaint against other students or faculty member,
25 whether they will know the outcome of that case.

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2 FELIX MATOS RODRIGUEZ: They are notified of the
3 outcome, yes. I mean the conclusion of an
4 investigation provides information about the outcome.

5 CHAIRPERSON DINOWITZ: Including what steps were
6 taken to remediate or adjudicate it right? I just
7 want to be clear because we have gotten different
8 responses from presidents who have said, I assume per
9 your guidance that they're not allowed to talk about
10 the cases. They're not allowed to share with
11 students.

12 FELIX MATOS RODRIGUEZ: Well, they're not allowed
13 to talk in a forum like this right or in the media
14 but obviously to the individuals, when you file a
15 complaint and the complaint is finalized, you do get
16 a final disposition that tells you whether it was
17 substantiated or not and what action was taken, yes.

18 CHAIRPERSON DINOWITZ: So, students will find out
19 at the end, substantiated or not and what actions
20 were taken and this is all in the RFP?

21 FELIX MATOS RODRIGUEZ: Well, this is part of the
22 process.

23 CHAIRPERSON DINOWITZ: Right but well that's what
24 I'm asking. Is that going to be in the contract with
25 the vendor?

1
2 FELIX MATOS RODRIGUEZ: Well there is
3 notification that is sent to the students, yes.

4 CHAIRPERSON DINOWITZ: I'm saying the steps lined
5 up that you just testified to, I think are exactly
6 some of the steps a lot of the students are looking
7 for. I want to ensure that that's actually in the
8 contract?

9 DEREK DAVIS: Let me speak to you.

10 CHAIRPERSON DINOWITZ: Yeah, please.

11 DEREK DAVIS: Let's separate the process of a
12 portal from the responsibility of the university to
13 investigate a case. Students now who identify
14 themselves in any form of complaint or discrimination
15 are addressed by their campus. If there's a
16 complaint coterminously file with the portal, that's
17 a different process. Students are not outed or
18 should dare say the result or disposition of the case
19 isn't publicly disclosed. That's a policy of every
20 major university in this -

21 CHAIRPERSON DINOWITZ: Right but what I mean is
22 it disclosed to the students?

23 DEREK DAVIS: Let me finish Councilman.

24 CHAIRPERSON DINOWITZ: Sure.
25

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2 DEREK DAVIS: They will receive the support and
3 counseling that they need at the campus level. If a
4 student is disciplined, if a staff member is written
5 up for conduct unbecoming, that will be dealt with
6 within the protocols that already exist within the
7 City University of New York. That's not something
8 new or different. What you're asking I think, is
9 will the portal itself actually state the outcome and
10 the disposition of a matter with respect to a
11 student? There are limitations at law on that and
12 otherwise, and privacy. So, it might say and I don't
13 think it's the place for this Administration at this
14 proceeding to tell you what will or will not be
15 posted on a website but I can tell you, there will be
16 limitations as a matter of law.

17 CHAIRPERSON DINOWITZ: Will the student who
18 complains receive -

19 DEREK DAVIS: Of course, yes, yes.

20 CHAIRPERSON DINOWITZ: Okay but I just want to be
21 clear because is that written anywhere in the policy?
22 I hear you testifying to it today.

23 FELIX MATOS RODRIGUEZ: It is and that is portal
24 independent. I mean that is the final adjudication
25 of a case. You get communication from the campus.

1
2 The portal will just sort of probably signal that the
3 case has been - that the investigation has been
4 closed but the actual outcome would be revealed to
5 the individuals who are part of the claim.

6 CHAIRPERSON DINOWITZ: I think one of the
7 important observations from Judge Lippman was that
8 depending where you look, there is different
9 guidance, and it sounds to me, based on speaking to
10 students, presidents and you here today, that there
11 seems to be different guidance about what information
12 is allowed to be shared with students and what is
13 not. So, the clarity you're giving me today, that if
14 a student complains about their civil rights being
15 violated, they will get notification as to the
16 outcomes of that. Is that written in any policy?
17 Where is that written down?

18 FELIX MATOS RODRIGUEZ: That is part -I mean that
19 is part of a policy that you get notification. If
20 you are part of a former complaint, that is part of
21 the policy.

22 CHAIRPERSON DINOWITZ: Now, it seems to me based
23 on again speaking with Presidents, that they are
24 receiving different guidance from CUNY Central. How
25 can you clarify with them what the actual process is?

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2 FELIX MATOS RODRIGUEZ: So, you're talking
3 students who file complaints right?

4 CHAIRPERSON DINOWITZ: Yes.

5 FELIX MATOS RODRIGUEZ: They have a one on one
6 relationship with the Chief Diversity Officer. The
7 people in the campus were doing that. Those
8 individuals are the right individuals to be able to
9 communicate. The confusing might be if people are
10 asking publicly about the resolution of cases. There
11 is where we're limited and that might be the cause of
12 the confusion but there's no confusion as to the
13 process when somebody files a formal complaint, you
14 know what the students get at the end and throughout
15 the investigation.

16 CHAIRPERSON DINOWITZ: I think respectfully,
17 based on my conversations with presidents, there is
18 confusion because what you're saying to me today is
19 not what you're saying to me today is not what was
20 being shared with me by the Chief's at the schools,
21 at the individual campuses. And again, you know I'll
22 go back to the hearing two years ago, there were
23 testimony that students are supposed to get
24 notification and responses within a certain amount of
25 time and that wasn't done and so, what I'm asking you

1
2 today is can you clarify with the principals, with
3 the Chief Diversity Officers, the people who are
4 supposed to be working on this to clarify that
5 students should get updated notifications and the
6 results of those complaints.

7 FELIX MATOS RODRIGUEZ: Absolutely.

8 CHAIRPERSON DINOWITZ: Thank you and I do want to
9 know one other thing about the portal because as
10 we're talking about a new portal, we still have a
11 portal now. There is still confusion about whether,
12 even whether students should utilize the portal
13 because I believe it was in the report or in speaking
14 to students, some students were discouraged from even
15 using the portal. They would go to the Chief
16 Diversity Officer first or they would go to the
17 portal first. Can you also clarify those rules to
18 students and faculty that the first step is the
19 portal?

20 FELIX MATOS RODRIGUEZ: So, you can do both. You
21 can go through the portal or you can go through your
22 campus Chief Diversity Officer. I mean those are not
23 mutually exclusive.

24

25

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2 CHAIRPERSON DINOWITZ: What would you say to a
3 Chief Diversity Officer who discourages students from
4 utilizing the online portal?

5 FELIX MATOS RODRIGUEZ: Again, I haven't been in
6 a conversation like that. I think the role of the
7 officer is to be able to guide the student, right as
8 to whether they you know the process of fighting that
9 complaint and providing guidance about the process,
10 so.

11 CHAIRPERSON DINOWITZ: Well, I don't think your
12 Chief Diversity Officer would volunteer that they're
13 discouraging students from reporting, to be fair.
14 But students would be honest about it and maybe
15 they'll tell other people but there are things I
16 imagine people don't want to tell the Chancellor
17 right? You know, you could acknowledge that right?
18 No one wants to get in trouble with their boss.

19 FELIX MATOS RODRIGUEZ: If you say so.

20 CHAIRPERSON DINOWITZ: Well, I know - thank you.
21 So, you're contract, the RFP will provide that data
22 is posted publicly. Will provide students good
23 update and you're clarifying rules. You will clarify
24 rules with Chief Diversity Officers and Presidents
25 that they are to be in communication with the

1
2 students and they are to tell them the results of an
3 investigation?

4 FELIX MATOS RODRIGUEZ: Absolutely.

5 CHAIRPERSON DINOWITZ: Okay, currently the
6 current portal, can you talk a little more about the
7 processes now as it relates to reporting? Because
8 you mentioned in your testimony, there are some fixes
9 you're doing internally but ultimately you're moving
10 to vendor. Between now and when the vendor
11 implements the portal, can you talk about what steps
12 you're taking to ensure students are getting feedback
13 that they're able to report? And that you know they
14 know the status of their complaints? Can you talk a
15 little more about that?

16 FELIX MATOS RODRIGUEZ: This is part of the
17 conversations we have at times for example, what I
18 mean, with the campus presidents monthly. We also
19 have intensified our training of the Chief Diversity
20 Officers, all the campus personnel that deal with
21 investigations. I mean we use data cycle of training
22 on this and Title VI with the Office of General
23 Counsel at the beginning of the semester to reinforce
24 how all these things need to work. We also did the
25 training with the directors, so we have everybody

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2 working and making sure they're clear about how
3 things need to operate in the current system.

4 CHAIRPERSON DINOWITZ: Thank you. I'm going to
5 talk about one more recommendation and then I'm going
6 to turn it over to my colleagues for the first round
7 of questions. Recommendation four, states to
8 coordinate at all times with Law Enforcement to
9 protect everyone at CUNY. I think this is a
10 recommendation that just makes sense. I know you
11 speak about coordination between Law Enforcement and
12 CUNY. I want to talk about first boundaries,
13 physical delineations between CUNY campuses and the
14 public. And what we hear both from, I've heard both
15 from Administrators and students is this concern of
16 certain types of speech and the one of the more
17 recent ones was at CUNY Hunter. Where right outside
18 of the window of Hilel, right on the street where
19 Hunter is, what I would consider on their campus, you
20 had a number of protestors saying it is right to
21 rebel, Hilel go to hell, with images of assault
22 rifles. I think most people would find that sort of
23 language and imagery threatening.

24 One of the response we got from CUNY was that
25 well, there's really nothing we can do because it's

1
2 not really on our campus. Can you please talk about
3 what the coordination looks like related to
4 boundaries between CUNY, physical boundaries between
5 CUNY property and city property?

6 FELIX MATOS RODRIGUEZ: So, I mean first let me
7 agree with your assessment of the deeply offensive
8 nature of the language right? Let me begin by doing
9 that. In that particular scenario and I don't know
10 the exact details right but if there is something
11 occurring on New York City sidewalks and streets
12 right, NYPD has jurisdiction. They work very closely
13 with our campus. If that sidewalk or street is
14 closed to our campus, that happens with many of our
15 various campuses in the city but let me clear that
16 the jurisdiction of anything that happens there is
17 not CUNY's, alright? We're in conversations with
18 NYPD but any determinations about barriers,
19 physicality, any decision there is not our decision.
20 There's conversation but I want to make sure that you
21 understand that this and sometimes also, we have no
22 way of knowing whether the individuals out there are
23 members of the CUNY community in this case, Hunter or
24 not, right?

1
2 So, that is one. When those things happen, most
3 of our campus presidents have the recognized of
4 communication, in this case with the AL's right?
5 They meet with them. They provided additional
6 counseling and support services to be able to support
7 the students who are facing those you know that tense
8 environment that's out there. They engage in a
9 conversation about what they could do to be
10 emotionally supportive. Many of our presidents in
11 situations like that issue statements, right about
12 trains. You know this is really reprehensible
13 behavior and this does not represent the values of,
14 in this case, the Hunter community but any direct
15 action in terms of those individuals protesting
16 there, it is the responsibility of NYPD.

17 CHAIRPERSON DINOWITZ: So, is that besides the
18 statements, which you know I believe are good but I
19 think need to happen with more frequency and more
20 quickly. In some cases these statements take hours
21 and when students are already feeling scared and
22 threatened and unwelcome, I think a statement from
23 the university president and the Chancellor does go a
24 certain amount of way and it's one of the
25 recommendations in the report that says free speech

1 is afforded to you as well. And your position does
2 not preclude you from making free speech statements
3 such as you made today, such as you made after
4 October 7th and that you've made in the past. But
5 those statements should happen in my view sooner and
6 more, with more stakeholders. But what I'm also
7 hearing is that the protest that happens on the
8 street two feet away from the campus, campus safety
9 is precluded from even asking them to move a little
10 away from the doors for example. And it's just a
11 little weird because we have businesses that are on
12 the hook for sweeping in front of their stores and
13 shoveling snow in front of their stores but the CUNY
14 campuses are not responsible or it seems what you're
15 saying aren't even allowed to ask students to move
16 along or help the NYPD.

18 FELIX MATOS RODRIGUEZ: Two things. With all do
19 respect, shoveling snow and dealing with protestors
20 is a slightly different endeavor right. So, again,
21 when you have the protestors at the end of the day,
22 the decision making about that, we engage with our
23 NYPD. I mean, we work very closely with them. We
24 try to create as much distance as we can from all the
25 entrances when these things occur. We try to create

1 as much distance when you have protestors
2 encountering protestors but at the end of the day,
3 the decisions about that are decisions made based on
4 the public safety judgement of NYPD.
5

6 CHAIRPERSON DINOWITZ: Right, the comment by the
7 way about the snow wasn't the importance of snow
8 versus protest to be clear. It was about public
9 property versus CUNY property or private property and
10 I just find it strange as someone who we legislate on
11 these things. You know how many feet away from the
12 door does a business owner have to shovel that
13 somehow CUNY seems exempt or it seems that they're
14 not allowed to have the same sort of jurisdiction
15 over their own property. But it seems that the
16 jurisdiction of public property versus private
17 property is different for CUNY than it is for
18 businesses.

19 FELIX MATOS RODRIGUEZ: I think it might be a
20 safety issue. I think it's talking about safety.
21 When you have an administration, that I think was the
22 difference.

23 CHAIRPERSON DINOWITZ: Okay, we've heard outside
24 and by the way of course related to boundaries, I
25 think again that's one of the things we're hearing

1 from students. It's in the report. The boundaries
2 are not clear but I do think it would go a long way
3 to have campus safety there as well assisting in
4 whatever way is safe for campus safety.

5
6 FELIX MATOS RODRIGUEZ: Well, but they are, but
7 they are. I mean they're coordinating with NYPD but
8 what I'm saying decision making rests with NYPD.

9 CHAIRPERSON DINOWITZ: I want to talk about
10 inside campus because that's completely the purview
11 of the NYPD, I mean of campus safety you know. Has
12 CUNY established any policy regarding individuals
13 wearing identity concealing masks during on campus
14 activities or protests?

15 FELIX MATOS RODRIGUEZ: No.

16 CHAIRPERSON DINOWITZ: Can you talk more about
17 that? Have you considered it?

18 FELIX MATOS RODRIGUEZ: Well, I mean any student
19 who's engaging in any behavior on our campuses under
20 the Henderson Rules, needs to be able to show ID and
21 identify themselves if required.

22 CHAIRPERSON DINOWITZ: But you haven't considered
23 a masking policy? Because very often the complaints
24 that happen, there isn't a campus safety officer to
25 check peoples ID and you know what, honestly when you

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2 have a lot of kids, if their faces are concealed,
3 it's a little daunting to go up to each one of them
4 and get their ID and a lot of the information we have
5 is from video. But you have no plans to create a
6 mask policy at CUNY?

7 FELIX MATOS RODRIGUEZ: We, we - I mean we're a
8 public university so the threshold to be able to do
9 that might be complicated. What we have told the
10 campuses that since they can ask people to show ID
11 and tell us who you are. That that's a way to be
12 able to deal with any kind of [INAUDIBLE 00:53:20]
13 that you might have at any point.

14 CHAIRPERSON DINOWITZ: But it would require an
15 employee to go up to the student and ask for
16 identification and in the case that they don't show
17 identification, what happens then?

18 FELIX MATOS RODRIGUEZ: Well, and then they can
19 be submitted to disciplinary action because they're
20 breaking the Henderson rules.

21 CHAIRPERSON DINOWITZ: How many times have you
22 asked for ID or how many times has CUNY campuses
23 asked for ID?

24 FELIX MATOS RODRIGUEZ: I mean you have to go
25 campus by campus but they do.

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2 CHAIRPERSON DINOWITZ: Do they keep track of
3 that?

4 FELIX MATOS RODRIGUEZ: If the students - if the
5 students are engaging in disruptive behavior, you can
6 go and ask for their ID.

7 CHAIRPERSON DINOWITZ: Does that happen?

8 FELIX MATOS RODRIGUEZ: Yes.

9 CHAIRPERSON DINOWITZ: In speaking with students,
10 it does not appear to be their observations that that
11 happens. But when a Campus Safety Officer asks for
12 ID, do they log it in any way? Do they collect that
13 information and share with you how many times they've
14 actually had to do that?

15 FELIX MATOS RODRIGUEZ: I mean I guess it's
16 logged in if the individual refuses to.

17 CHAIRPERSON DINOWITZ: Well, I guess if they
18 refuse to it, they don't know who it is.

19 FELIX MATOS RODRIGUEZ: But then you get
20 arrested.

21 CHAIRPERSON DINOWITZ: Has that happened?

22 FELIX MATOS RODRIGUEZ: Well, it happened and
23 then it can be a deterrent to what they're doing to.

24

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2 CHAIRPERSON DINOWITZ: I'm going to guess no one
3 has been arrested for failure to show identification
4 on a CUNY campus. I find that very -

5 FELIX MATOS RODRIGUEZ: I fail to disagree. It's
6 one of the Henderson rules. It's one of the things
7 that is based in good of conduct that you have to do
8 that.

9 CHAIRPERSON DINOWITZ: Right, I get the question,
10 do you know how many students have been arrested for
11 failure to show ID?

12 FELIX MATOS RODRIGUEZ: I don't have that number,
13 no.

14 CHAIRPERSON DINOWITZ: Okay, I mean if you're
15 testifying that that is the process and those are
16 things that happen, I think the Committee deserves to
17 know does it happen or how often that happens per
18 campus? So, there is besides relying on existing
19 rules and interpretations of the Henderson rules,
20 there is no specific policy regarding identify
21 concealment, correct?

22 FELIX MATOS RODRIGUEZ: No.

23 CHAIRPERSON DINOWITZ: Okay. Has CUNY
24 established clear guidance and prohibitions related
25

1
2 to issues of vandalism and destruction of property on
3 CUNY campuses?

4 FELIX MATOS RODRIGUEZ: They're part of the
5 Henderson rules too.

6 CHAIRPERSON DINOWITZ: How does each campus
7 coordinate with the central office regarding reaching
8 out to the Law Enforcement? Tell me what that looks
9 like please.

10 FELIX MATOS RODRIGUEZ: Well, I mean again,
11 there's so many scenarios but normally when we get
12 intelligence about a protest that are going, there's
13 immediate coordination between the central office at
14 campus and the precinct to be able to determine what
15 kind of support is needed for those instances right?
16 Again, it depends on the scenario but that's ongoing
17 communication that happens between us.

18 CHAIRPERSON DINOWITZ: For off campus behavior,
19 we've been speaking about on campus, can students be
20 disciplined for off campus behavior?

21 FELIX MATOS RODRIGUEZ: Yes.

22 CHAIRPERSON DINOWITZ: Has that happened?

23 FELIX MATOS RODRIGUEZ: Well, I mean I, well I
24 mean -

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2 CHAIRPERSON DINOWITZ: I'm sorry, there are to be
3 no comments from the audience. You'll have time to
4 publicly testify. Make sure you fill out a slip in
5 the back and then when the Chancellor and his team is
6 done testifying, you will come and have your chance
7 to testify.

8 FELIX MATOS RODRIGUEZ: I mean, I'll have to
9 check with the campuses but it is you know, it is
10 part of the - I mean that happens with Title IX and
11 other things routinely, yes.

12 CHAIRPERSON DINOWITZ: And I - the underlying
13 issue again with students feeling safe, part of it is
14 that a number of the actions being taken by other
15 students, other people, well these will be other
16 students in this case, other students or faculty, are
17 not met with consequences and so, while victims
18 services is important and appreciated, it can't be
19 the case that students who are victims continue to
20 remain victims or the perpetrators of the acts that
21 there are no consequences and I think it's the same
22 with the portal and the same with relationship with
23 Law Enforcement. The rules seemingly are unenforced
24 and there are no consequences. And so, when we hear
25 that you know we don't really know if people are

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2 disciplined for off campus behavior, that
3 unfortunately sends a message to people committing
4 those acts that it is okay to continue doing those
5 acts and continue to create an environment that is
6 not safe for students.

7 FELIX MATOS RODRIGUEZ: But again, let me, let
8 me, students are disciplined for that. You're asking
9 me for specific examples right and I have to sort of
10 think about that and come back to you with those
11 things, right but in conversations with the
12 president, students are. The conduct off campus too
13 is a combination of - are you doing an offense
14 against a member of the CUNY community? In that
15 case, it becomes a jurisdiction. If you're doing
16 something off campus too, that is also a jurisdiction
17 of Local Law enforcement there because you're not on
18 the campus.

19 CHAIRPERSON DINOWITZ: Right but the question is,
20 what consequences does CUNY implement? Not just what
21 does the NYPD do?

22 FELIX MATOS RODRIGUEZ: If there's an
23 investigation and you broke the Henderson rules,
24 there will be the appropriate discipline in those
25 cases and there's students that are being put on

1
2 probation, there's students that have been part of
3 mediation.

4 CHAIRPERSON DINOWITZ: How many students have
5 been put on probation related to Title VI complaints
6 or complaints of discrimination or civil rights
7 complaints?

8 FELIX MATOS RODRIGUEZ: I'll have to get back to
9 you with that.

10 CHAIRPERSON DINOWITZ: I mean these are some of
11 the fundamental questions because that would answer
12 the question. I would love for you to come here and
13 say, yes, every single student that's received a
14 complaint has been investigated and we've disciplined
15 a number of students and that would send a very
16 strong message that discrimination is not tolerated.
17 But just as well based on today's testimony, the
18 answer could be zero. The answer could be, well, we
19 looked at it and we decided not to do anything about
20 it. And that sends a message that's continuing to
21 not be safe and so, without the data, it's very
22 difficult to have a meaningful productive
23 conversation about this element of the
24 recommendations. I want to turn it over to some of
25 my colleagues for the first round of questions.

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2 We'll likely have multiple rounds and the first
3 person is Council Member Marte.

4 COUNCIL MEMBER MARTE: Thank you Chair and thank
5 you Chancellor for being here today. Good morning.

6 FELIX MATOS RODRIGUEZ: Good morning.

7 COUNCIL MEMBER MARTE: How does the CUNY network
8 work with the New York City Human Rights Commission?
9 Do you share potential allegations? Do you share
10 data or do you have an autonomous program in this
11 portal system that you just keep all the information
12 internal and don't share with the Human Rights
13 Commission?

14 DEREK DAVIS: Sure, there's a State Human Rights
15 Commission and there's a City Human Rights
16 Commission. Individuals are free to file complaints
17 with either. We cooperate with those investigations
18 in the Office of the Legal Affairs. We don't share
19 data. Whatever evidence they have, they produce and
20 there's a discussion and obviously we try to bring it
21 to a resolution but there's no specific data
22 arrangement for state and city or municipal.

23 COUNCIL MEMBER MARTE: So, if someone makes an
24 allegation on discrimination, on your campuses. If
25 someone makes an allegation on discrimination on the

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2 campus, you don't share that potential allegation
3 with any commission, either city or state or let's
4 just say if the discrimination did happen, at the end
5 of the investigation process, you still don't share
6 that with the Human Rights Commission on the city or
7 state level?

8 DEREK DAVIS: Well, Commissioner Marte, thank you
9 for your question and let me try to answer your
10 question with a process. Depending upon how a
11 discrimination matter arises, someone can say they
12 were discriminated against. They can claim that they
13 were harmed in some way. They can begin by filing a
14 civil complaint with their campus or they can write
15 the central office and we might make a referral back
16 to the campus to conduct an investigation. They need
17 not go through the portal list the Chancellor
18 referred to earlier. They are free to not do that.
19 They are free to go to the commission if it's that
20 serious and they feel that their rights might not
21 otherwise be addressed by the University. They often
22 do go outside to a third party. Sometimes those
23 third parties will ask whether all administrative
24 remedy has been exhausted at your campus before you
25 engage us. And let's be clear, coming back to Title

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2 VI, it's a federal regulatory scheme. It addresses
3 impact and if you look at the voluntary resolution
4 agreement that was signed by this university on June
5 10, 2024, there was no finding of widespread
6 discrimination. There were nine cases that they
7 would like us and they have asked us to review again
8 and we have reviewed more than 50 percent of those
9 cases and they have asked us to consider whether or
10 not there should be additional programs and remedies
11 to address the concerns of individuals impacted by
12 those situations. But fundamentally, not everything
13 is addressed by an outside commission, by the DHR or
14 for that matter the city or state.

15 COUNCIL MEMBER MARTE: I do think it's important
16 to be able to share the data whether it's initial
17 allegations or at the end once a case is
18 investigated, what's the determination of that case?
19 Because the data that's given to the Human Rights
20 Commission, we create policy based off that data and
21 if there is a missed communication or not even a
22 direct communication from CUNY to the City of New
23 York, then we're not - we don't have accurate
24 information on what steps we should take next.

1
2 DEREK DAVIS: And I would be remiss Commissioner
3 - Council Marte if we didn't acknowledge that we do
4 that. I mean there is data shared annually on the
5 Clery Act under the Clery Act. So, if there's a hate
6 crime, if there's an act that violates federal or
7 state law at the City University of New York on a
8 campus, in fact Toby Stavisky passed a legislation
9 just last year on hate crime that requires us to
10 report and it's a more - a different analysis of hate
11 crime. We are obligated as a public institution to
12 report that. So, let me not mislead you to think
13 that that data is not shared publicly. It is shared
14 in a way that is required not only by state but by
15 the federal law, and every college in the nation
16 shares that data as it relates to discrimination
17 complaints and hate crimes.

18 COUNCIL MEMBER MARTE: And just to be correct,
19 that's just at the end of the investigation but you
20 don't share the data on potential allegations of
21 discrimination.

22 DEREK DAVIS: With whom?

23 COUNCIL MEMBER MARTE: With the city and state.

24 DEREK DAVIS: No, there is no requirement to do
25 so and I'm not quite sure how any institution would

1 do that without some level of - I mean, there has to
2 be an investigation and evidence to be reviewed
3 before you start speaking publicly. Otherwise, you
4 jeopardize the veracity of any kind of investigation
5 if you're disclosing data prior to an adjudication or
6 a resolution. I think that would be dangerous.

8 COUNCIL MEMBER MARTE: So, for example, when the
9 Human Rights Commission comes in front of us, they
10 say we have gotten let's say 200,000 complaints this
11 year. However, we only validated ten percent of
12 those cases and moved forward with ten percent of
13 those cases. It's important to understand what are
14 some of the allegations being made and how accurately
15 those allegations are. And so, you know I'm always
16 about transparency, so I think giving us as much data
17 is super important, especially per campus so we just
18 understand, if there's a perception of fear of
19 there's something credible out there. Either are
20 important for us to understand but thank you for your
21 time.

22 CHAIRPERSON DINOWITZ: Thank you Council Member
23 Marte. I would now like to turn it over to Council
24 Member Menin.

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2 COUNCIL MEMBER MENIN: Thank you so much Chair.
3 I really want to thank the Chair for calling this
4 important hearing. I know how hard he's worked on
5 this and it's really incredibly meaningful. So, I
6 have a number of questions and I think it's going to
7 take multiple rounds to get to them but I'm going to
8 start with procurement.

9 So, on September 23rd, Chair Dinowitz, Council
10 Member Vernikov and I met with students, Jewish
11 students and I have to tell you, I was absolutely
12 appalled by what I heard from the students. The
13 students told us that they met with Borough President
14 Wu and that Borough President Wu told them that he
15 could not guarantee their safety. That basic
16 statement goes against the fundamental tenant that
17 you all must honor, which is you've got a fiduciary
18 responsibility to keep these students safe. The
19 students also told us that there were broken security
20 cameras. There was a lack of security personnel.
21 The Jewish Caucus wrote a letter to President Wu
22 demanding that these security cameras be fixed and
23 one of the responses we received back was that the
24 president was going to be issuing an RFP. Now once
25 again with this portal that Chair Dinowitz asked you

1
2 about, you talked about the fact that just today,
3 ironically today, you're issuing an RFP for the
4 portal. My question is that I've received the
5 procurement processes of CUNY and on average it's two
6 to eight months to finish the procurement. This is a
7 crisis. I think Judge Lippman's report is crystal
8 clear. We've got a crisis around antisemitism. Why
9 are you doing the traditional procurement processes
10 for both the portal and for security cameras?

11 FELIX MATOS RODRIGUEZ: So, let me talk about the
12 portal right and the portal is because the lesson
13 learned from the portal we have now is to do it
14 quickly, led to a product that we're not happy with,
15 right? So, and even though the actual procurement
16 might have gone out today or in this day, the whole
17 process to be able to launch that has been in the
18 work for several months. To be able for us to get
19 the kind of product that we want. So, I just want to
20 make sure that that is - that that is you know sort
21 of considered, you think about that element. We want
22 to make sure that this time we get the right product
23 that has all the things that people have been saying.

24 COUNCIL MEMBER MENIN: Okay but you know when we
25 have an emergency in the city, we are able to utilize

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2 different methods, like a no bid contract when we
3 have long time procurement issues. Why on earth when
4 there is a serious crisis around antisemitism and the
5 students are telling the Jewish caucus that they do
6 not feel safe. Why wouldn't you use the
7 noncompetitive justification memo, which is in your
8 own manual to circumvent very lengthy procurement
9 processes and that would immediately allow you to
10 implement a new portal and to purchase new security
11 cameras?

12 FELIX MATOS RODRIGUEZ: We'll take that
13 suggestion under advisement. Again, we try to move
14 the process as fast as we can.

15 COUNCIL MEMBER MENIN: Okay, so I'm going to make
16 a suggestion to the Chair because one of the things
17 that I know that we all hope comes out of this
18 hearing are actionable items. So, I'm going to make
19 a request to the Chair that by the end of week you
20 have sent a letter to this Committee Chair indicating
21 that you are using the noncompetitive justification
22 memo both to purchase the new security cameras and
23 for the portal. It's very simple, it's very easy to
24 do. It's been utilized many times before and it
25 needs to be done in this case.

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2 FELIX MATOS RODRIGUEZ: Thank you.

3 COUNCIL MEMBER MENIN: Okay, a little bit more
4 time. So, next series of questions. What is the
5 number of security personnel that you have currently
6 working across all the different campuses?

7 FELIX MATOS RODRIGUEZ: I don't have the number
8 for each campus. We can give you a breakdown.

9 COUNCIL MEMBER MENIN: Yes, in addition to by the
10 end of the week, I would like to get a breakdown of
11 the number of security personnel that you have at
12 each of the campuses and how that differs from the
13 number of security personnel two to three years ago.
14 So, we can see - the question is very, very basic.
15 Have you increased the number of security personnel
16 since October 7th?

17 FELIX MATOS RODRIGUEZ: And the answer to that is
18 very easy yes. I cannot give you the exact number
19 for our campuses. We have done and I'll say two
20 things to that. Yes we have. Even before October
21 and also one of the things that we did this year is
22 to hire additional personnel. Hoping that we didn't
23 have a situation like another encampment right but to
24 be able to have additional personnel already with us
25

1
2 on the campuses that new the campus that we could
3 deploy it if we have a large emergency.

4 COUNCIL MEMBER MENIN: Very quickly, on October
5 7th, the words October 7th forever was spray painted
6 on the façade of Baruch. I sent a staff member down.
7 We took pictures of it. We sent, the Jewish caucus
8 sent another letter to President Wu. One of the
9 demands we made in the letter, was an apology was
10 sent out to the Jewish students at Baruch. Was that
11 done?

12 FELIX MATOS RODRIGUEZ: I'll have to ask. I know
13 that President Wilson relayed it to the students, so
14 I don't know exactly about the apology but we can
15 check into that. I know he wrote to the students,
16 yes.

17 COUNCIL MEMBER MENIN: I'd like - we'd like to
18 get an answer that my understanding is that was not
19 done and so, we want to get an immediate answer to
20 that as well. I do have other questions but I know
21 my time is up, so I'll go on the second round.

22 CHAIRPERSON DINOWITZ: I do want to recognize
23 we've been joined by Council Member Feliz and Council
24 Member Bottcher was here as well. Next, I'll call on
25 Council Member Vernikov.

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2 COUNCIL MEMBER VERNIKOV: Thank you very much.
3 Nice to see you Chancellor. I'll get right to it
4 since we're on the clock and if I could just ask you
5 to be brief in your answers and some questions just
6 call for a yes or no. Chancellor, what is your
7 salary for being Chancellor of CUNY?

8 FELIX MATOS RODRIGUEZ: It's \$670,000.

9 COUNCIL MEMBER VERNIKOV: \$670,000 correct? Not
10 too shabby. Chancellor, did you read the entire
11 Lippman report, 140 pages of the Lippman report, did
12 you read it?

13 FELIX MATOS RODRIGUEZ: Yes.

14 COUNCIL MEMBER VERNIKOV: Okay, do you accept the
15 judges findings that there has been an alarming
16 number of unacceptable antisemitic incidents at CUNY
17 and the entire system needs an overhaul? Yes?

18 FELIX MATOS RODRIGUEZ: So, we have been working

19 -

20 COUNCIL MEMBER VERNIKOV: Just yes or no
21 Chancellor.

22 FELIX MATOS RODRIGUEZ: But that's -

23 COUNCIL MEMBER VERNIKOV: Do you accept the
24 findings of Judge Lippman? Yes or no.

25

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2 FELIX MATOS RODRIGUEZ: Even before the report
3 came out, we've been working on this and that is an
4 important matter and we've been addressing it.

5 COUNCIL MEMBER VERNIKOV: So, yes? That's a yes?

6 FELIX MATOS RODRIUEZ: Absolutely.

7 COUNCIL MEMBER VERNIKOV: Okay, great and are you
8 accepting, I know you talked about some of the
9 recommendations. Are you accepting all of the
10 thirteen recommendations made by Judge Lippman?

11 FELIX MATOS RODRIGUEZ: We're working on all of
12 them, yes.

13 COUNCIL MEMBER VERNIKOV: Are you accepting all
14 of them and their binding recommendations?

15 FELIX MATOS RODRIGUEZ: We're working on all yes.

16 COUNCIL MEMBER VERNIKOV: You will abide by all
17 of the thirteen recommendations correct?

18 FELIX MATOS RODRIGUEZ: We're working on all
19 thirteen yes.

20 COUNCIL MEMBER VERNIKOV: So that's a yes, okay.
21 And then do you accept the judges findings that for
22 many Jewish people Zionism is a part of their Jewish
23 identity?

24 FELIX MATOS RODRIGUEZ: That's the Judges
25 opinions, so -

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2 COUNCIL MEMBER VERNIKOV: So you agree with the
3 Judges opinion yes?

4 FELIX MATOS RODRIGUEZ: I mean, my understanding
5 from talking to Jewish students is that in many cases
6 it is and in some it isn't.

7 COUNCIL MEMBER VERNIKOV: So, is that a yes? You
8 agree with the Judges opinion that Zionism is a core
9 port of Jewish identity, yes?

10 FELIX MATOS RODRIGUEZ: I think it depends on -

11 COUNCIL MEMBER VERNIKOV: It's a yes or no. It
12 doesn't depend on anything.

13 FELIX MATOS RODRIGUEZ: I cannot give you a yes
14 or no answer.

15 COUNCIL MEMBER VERNIKOV: Okay. Do you accept
16 that anti-Zionism constitutes antisemitism? The
17 Judge put that in his report as well. Is that a yes
18 or no?

19 FELIX MATOS RODRIGUEZ: If anti-Zionism lead to
20 the discrimination and the harassment and of Jewish -

21 COUNCIL MEMBER VERNIKOV: That's not my question.
22 That's not my question.

23 FELIX MATOS RODRIGUEZ: Well, that's my answer.
24
25

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2 COUNCIL MEMBER VERNIKOV: Do you accept that
3 anti-Zionism is antisemitism or can constitute
4 antisemitism?

5 FELIX MATOS RODRIGUEZ: It can, yes.

6 COUNCIL MEMBER VERNIKOV: When will the
7 antisemitism monitor be appointed?

8 FELIX MATOS RODRIGUEZ: The -

9 COUNCIL MEMBER VERNIKOV: The antisemitism
10 monitor discussed in the report by Judge Lippman.

11 FELIX MATOS RODRIGUEZ: So, we're working on all
12 the recommendations. One of the first things that we
13 are working is on the center first, so they will be
14 able to have someone that can look at the progress of
15 the report.

16 COUNCIL MEMBER VERNIKOV: My question is when
17 will the monitor be appointed? How long will it
18 take?

19 FELIX MATOS RODRIGUEZ: We don't have a date for
20 that. We're working on the other recommendations
21 first.

22 COUNCIL MEMBER VERNIKOV: When will you know when
23 you have a date for that?

24 FELIX MATOS RODRIGUEZ: I'll get back to you on
25 that.

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2 COUNCIL MEMBER VERNIKOV: Thank you. We had a
3 hearing two years ago, two and a half years ago, as
4 everyone knows you didn't attend that hearing. Since
5 then, we've had multiple meetings with you. Some
6 stuff was done. Since then, just very briefly, based
7 on the information you have and the knowledge you
8 have of everything that's been going on since that
9 hearing. Has things gotten better or worse for
10 Jewish students on campus? Just better or worse, one
11 word answer please Chancellor.

12 FELIX MATOS RODRIGUEZ: Well one thing that I
13 just notice about that, that hearing also happened
14 before the October Hamas attack, right in which the
15 world changed. So, clearly that has changed the
16 landscape here in New York. I think that members of
17 the Committee would acknowledge that we have worked
18 very hard in improving situations but we have still
19 work to do.

20 COUNCIL MEMBER VERNIKOV: So, they've gotten
21 worse since the hearing?

22 FELIX MATOS RODRIGUEZ: I don't know that I can
23 characterize it better or worse.

24 COUNCIL MEMBER VERNIKOV: It either got better or
25 worse.

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2 FELIX MATOS RODRIGUEZ: Again, it's not a better
3 or worse stand for me. We have worked very hard. I
4 think that the members of the Community have seen the
5 efforts that we have done to improve things but it's
6 also been a more complicated, worse than this
7 hearing.

8 COUNCIL MEMBER VERNIKOV: Well, I'll submit to
9 you the things that got worse. While you are the
10 Chancellor, it's gotten worse on your watch and as
11 Council Member Menin mentioned, we went to Baruch and
12 we're going to go to other schools, which you by the
13 way, I think you should be doing as well, going to
14 every school and talking to Jewish students. But the
15 students there told us that the only place on campus
16 they feel safe is the Hillel House. Is that
17 acceptable Chancellor?

18 FELIX MATOS RODRIGUEZ: No.

19 COUNCIL MEMBER VERNIKOV: But that's what's
20 happening and it's happening throughout the CUNY
21 system on many campuses.

22 FELIX MATOS RODRIGUEZ: And to your point, I
23 have visited with other Jewish students in those
24 campuses, met with them in the central office to be
25 able to gauge their feelings and their concerns.

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2 We've had part of my team members visit all the
3 Hillel campuses, talk about security issues. So,
4 we've engaged with the students in Hillel and some of
5 the other Jewish students groups on campus too.

6 COUNCIL MEMBER VERNIOKOV: And yet, they still do
7 not feel safe and are not safe. They don't feel safe
8 going to class. They don't feel safe expressing
9 their opinions in class. They don't feel safe
10 expressing their Jewish identity, wearing Yamika's.
11 That's also happening. I'll just, I'll yield and
12 I'll ask you questions in my next round. Thank you.

13 CHAIRPERSON DINOWITZ: Thank you Council Member
14 Vernikov. Council Member Yeger.

15 COUNCIL MEMBER YEGER: Thank you Mr. Chairman.
16 Good morning Chancellor.

17 FELIX MATOS RODRIGUEZ: Good morning.

18 COUNCIL MEMBER YEGER: What is the single most
19 category of discriminatory and hate attacks and hate
20 conduct on CUNY campuses?

21 FELIX MATOS RODRIGUEZ: What is the -

22 COUNCIL MEMBER YEGER: The single most category?
23 Does it fall into any particular category? In other
24 words anti-gay, anti-Black, anti-Latino, anti-semi -

1
2 do you have them categorized by any percentages, by
3 any breakdown?

4 FELIX MATOS RODRIGUEZ: I don't understand the
5 question you're asking me.

6 COUNCIL MEMBER YEGER: If there are a 100
7 incidents a year -

8 FELIX MATOS RODRIGUEZ: Of?

9 COUNCIL MEMBER YEGER: Of any kind of
10 discriminatory behavior on any campus, you have 25
11 campuses. Are you able to break down how those are
12 categorized?

13 FELIX MATOS RODRIGUEZ: I mean in some cases,
14 yes.

15 COUNCIL MEMBER YEGER: Okay and do you know what
16 the single most category is on your campuses of
17 discriminatory conduct?

18 FELIX MATOS RODRIGUEZ: It varies by campus. We
19 can get you the information.

20 COUNCIL MEMBER YEGER: You have the systemwide
21 total?

22 FELIX MATOS RODRIGUEZ: So, we submitted to the
23 Council every summer the data on that and would be
24 happy to give you the most updated data but we've
25 done that for the past two years.

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2 COUNCIL MEMBER YEGER: Do you know what the
3 largest category of discriminatory behavior falls
4 under?

5 FELIX MATOS RODRIGUEZ: Off the top of my head,
6 no.

7 COUNCIL MEMBER YEGER: Okay, no problem. The
8 Chairman described an incident that occurred at
9 Hunter College and he - he spoke the chants that were
10 done right outside the Hillel and he described it as
11 a foot or two, three maybe away from the door. Do
12 you believe that the Chancellor antisemitic?

13 FELIX MATOS RODRIGUEZ: Excuse me?

14 COUNCIL MEMBER YEGER: Do you believe that those
15 chants that were - that the Chairman read out loud -

16 FELIX MATOS RODRIGUEZ: If they were made to
17 harass and to discriminate against Jewish students,
18 yes.

19 COUNCIL MEMBER YEGER: If they were just made in
20 the air and not at any particular person but just
21 said out loud standing outside the Hilal.

22 FELIX MATOS RODRIGUEZ: They could be
23 antisemitic, yes.

24 COUNCIL MEMBER YEGER: Okay but that's equivocal,
25 it's not necessarily that they are. Either they are

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2 or they aren't. This is kind of like you can't be
3 half pregnant. Is it antisemitic or not?

4 FELIX MATOS RODRIGUEZ: If it's meant to be
5 harassing towards individuals because of the Jewish
6 ancestors, yes.

7 COUNCIL MEMBER YEGER: Okay, the Henderson rules
8 preclude an authorized occupancy of CUNY facilities
9 are blocking access, right? The Henderson rules
10 preclude blocking access to CUNY facilities. If
11 people are standing two feet outside the Hillel door,
12 which is a CUNY campus, although on a city street,
13 they're blocking access to CUNY facilities, right?
14 Can we agree that that's true?

15 FELIX MATOS RODRIGUEZ: So, if the students are
16 purposely blocking that yes.

17 COUNCIL MEMBER YEGER: Okay, I'm going to a
18 different question. You testified that you have
19 240,000 students, 40,000 employees. You've been
20 there five and a half years. How many employees have
21 been fired from CUNY? Have their employment
22 terminated for incidents related to antisemitism?

23 FELIX MATOS RODRIGUEZ: I wouldn't know.

24 COUNCIL MEMBER YEGER: Do you know if there are
25 any?

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2 FELIX MATOS RODRIGUEZ: I don't have that
3 information.

4 COUNCIL MEMBER YEGER: Okay, so we don't know yes
5 or no. It's not that we don't know the number. We
6 don't even know if that occurred. Okay, how many
7 students do you know have been expelled from CUNY
8 during your time as Chancellor for incidents related
9 to antisemitism?

10 FELIX MATOS RODRIGUEZ: Again, I wouldn't know
11 the number.

12 COUNCIL MEMBER YEGER: Do we think that there are
13 any?

14 FELIX MATOS RODRIGUEZ: I don't know.

15 COUNCIL MEMBER YEGER: Okay, if a student is
16 standing outside Hunter Colleges Hillel as described
17 by Mr. Chairman and chanting; the chants as described
18 by Mr. Chairman, and you have public safety officers
19 who see it and as you described, they can't get
20 involved because it's on a city street and they
21 really can't do anything as you described it. Let
22 me, let me take it a step further, let's say those
23 students standing outside Hillel instead of chanting,
24 they had grabbed the Jewish student and started
25 pummeling him. What would your safety officers at

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2 CUNY do in that instance? Would they get involved or
3 would they say that it's a public street and they
4 can't get involved?

5 FELIX MATOS RODRIGUEZ: Can you repeat the
6 question again because you had -?

7 COUNCIL MEMBER YEGER: Sure.

8 FELIX MATOS RODRIGUEZ: The Chairman described an
9 incident outside the Hillel, right? A bunch of
10 people were yelling some stuff. We didn't like the
11 stuff that was being yelled, speaking in different
12 ocular, okay. Assuming, it's an assumption, assuming
13 that at that instance, those students who were
14 chanting had grabbed a Jewish student and started
15 beating on him. You had said that the CUNY safety
16 officers can't get involved in telling these students
17 they can't stand there because it's on a city street.
18 Would they get involved if they saw these chanters
19 beating up on a student?

20 FELIX MATOS RODRIGUEZ: Yeah, and they will call
21 it in with NYPD.

22 COUNCIL MEMBER YEGER: They would have to do a
23 coordination of some kind. They would have to call
24 911.

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2 FELIX MATOS RODRIGUEZ: No, I'm saying if NYPD is
3 there -

4 COUNCIL MEMBER YEGER: Let's say there's no NYPD.

5 FELIX MATOS RODRIGUEZ: Then the officers would -

6 COUNCIL MEMBER YEGER: Let's say your CUNY Safety
7 Officers are there. They see it, they're not going
8 to move them away from the front of the building but
9 they see them beating up on -

10 FELIX MATOS RODRIGUEZ: Then they would
11 definitely do that yes. They will intervene.

12 COUNCIL MEMBER YEGER: Okay, what would they do?
13 What would they do?

14 FELIX MATOS RODRIGUEZ: Well, they would probably
15 you know break up the fight and try to protect the
16 students who were there and then adjudicate any kind
17 of discipline based on the actions taken there.

18 COUNCIL MEMBER YEGER: Okay. Does - you know you
19 testified earlier that CUNY doesn't have any policy
20 related to masks.

21 FELIX MATOS RODRIGUEZ: Excuse me?

22 COUNCIL MEMBER YEGER: Sorry, you testified
23 earlier that CUNY doesn't have any policy related to
24 masking on campus. The Chairman asked a question
25 about masking and then he followed up that people

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2 sometimes wear masks you know not necessarily - okay.
3 Should there be a policy related to masking?

4 FELIX MATOS RODRIGUEZ: Again, we think that with
5 the power that we have to ask the students to
6 identify themselves, any masking, those things you
7 know would be something that the officers would be
8 able to address, if the students were engaging in any
9 kind of improper conduct.

10 COUNCIL MEMBER YEGER: Chancellor, if a student
11 decided to walk on campus, take off all their clothes
12 and walk through campus that they're going to class
13 with no pants on, would that be okay?

14 FELIX MATOS RODRIGUEZ: What was the question
15 again?

16 COUNCIL MEMBER YEGER: If a student decided to
17 take off all their clothes on your campus and go to
18 class the rest of the day with no clothing, would
19 that violate any kind of rule of CUNY's dress code?

20 FELIX MATOS RODRIGUEZ: It'd be Henderson rules,
21 that is indecent behavior.

22 COUNCIL MEMBER YEGER: Okay, so you can regulate
23 what people wear and how they dress, correct?

24 FELIX MATOS RODRIGUEZ: I guess within the limits
25 of what a public university -

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2 COUNCIL MEMBER YEGER: Okay, I'm going to end
3 this because the Chairman would like to move on a
4 little bit. We're going to have a second round,
5 right?

6 CHAIRPERSON DINOWITZ: Maybe even a third.

7 COUNCIL MEMBER YEGER: Excellent because I only
8 have 35 days left, so let's make it work.

9 CHAIRPERSON DINOWITZ: I want to move on to
10 Recommendation Number Six, increased consideration of
11 the relationship between Israel and the Jewish people
12 when adjudicating whether conduct constitutes
13 antisemitism. Can you just first talk about CUNY's
14 current relationship, if any at all with Israel or
15 any of its institutions?

16 FELIX MATOS RODRIGUEZ: Relationship?

17 CHAIRPERSON DINOWITZ: If any at all.

18 FELIX MATOS RODRIGUEZ: Well, I mean we work with
19 the consulate. We have a meeting with the council in
20 general I believe. We have a vocational exchange
21 programs that our campuses have with Israel.

22 CHAIRPERSON DINOWITZ: There have been calls for
23 you to cancel those educational exchange programs.
24 Can you confirm that you will not be canceling those
25 educational exchange programs?

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2 FELIX MATOS RODRIGUEZ: Well, no and actually as
3 you know I took a delegation of half of our
4 presidents in April of 2022 that was sponsored by
5 JCRC to visit institutions in Israel University,
6 cultural institutions because it's part of what we do
7 in terms of exchange but also to signal very clearly
8 that we don't believe that sort of - that kind of
9 boycotting academically is appropriate.

10 CHAIRPERSON DINOWITZ: Right, there is an
11 important relationship between democracies, between
12 educational institutions and it is also fair to say
13 that you Chancellor recognize there is a relationship
14 between the Jewish people, the vast majority of the
15 Jewish people and Israel. Not their policies, the
16 nation of Israel. Do you recognize?

17 FELIX MATOS RODRIGUEZ: Yes.

18 CHAIRPERSON DINOWITZ: So, now I want to ask
19 about CUNY policies. There's been Title Six guidance
20 from the Biden Administration on this, from the Trump
21 Administration and Executive Orders related to
22 defining and including Zionism as part of Jewish
23 identity. Is there any discussion or is there any -
24 will you be making a decision to include Zionism in
25

1
2 any of your guidance or has any of that information
3 been shared with CUNY faculty?

4 FELIX MATOS RODRIGUEZ: Well, I mean those things
5 are I mean as part of our policies as we speak now
6 right? I mean you cannot discriminate against
7 somebody for being a Zionism and that would be a
8 violation of our existing policies.

9 CHAIRPERSON DINOWITZ: Right well, that's why
10 the Administration gives concrete examples of when
11 antizionism very clearly looks like antisemitism but
12 CUNY itself has not made any public statements on
13 that or hasn't made any rules that have been shared
14 with Chief Diversity Officers or Presidents correct?

15 FELIX MATOS RODRIGUEZ: No, that is not the case.
16 We have clearly based on OCR, right? That talks
17 about the importance in Title Six cases in
18 considering the definition of antisemitism as a tool
19 and the governor's proclamation also has been part of
20 the training that we've been giving all our CDO's and
21 people that are working with Title Six.

22 CHAIRPERSON DINOWITZ: So, I just want to kind of
23 delineate between training and discipline. Because
24 the guidelines provided by President Biden, provided
25 by President Trump, and you can also reference NYU

1
2 which this year provided guidance to the member of
3 their community about when antizionism becomes
4 straight up antisemitism.

5 And so, I first want to talk about discipline.
6 We'll get to the training in a second but does CUNY
7 or can CUNY delineate in the same way that our
8 federal government has? And in the same way as other
9 private institutions have. Can they delineate and
10 provide training as it relates to discipline about
11 when antizionism is antisemitism?

12 FELIX MATOS RODRIGUEZ: So, we have provided
13 guidance in those trainings about those particular
14 matters to all the campus persons who is dealing the
15 Title Six and that is consistent with what OCR
16 suggests, which is the federal entity that oversees
17 Title Six and also with the governor's proclamation.

18 CHAIRPERSON DINOWITZ: One of the steps NYU took
19 and I realize you're a public institution, private.
20 One of the steps NYU took was to publicly share their
21 own guidance, their own clarification about what
22 antisemitism looks like as it relates to Zionism.
23 Can CUNY make the same public statements?

24 FELIX MATOS RODRIGUEZ: We have done that
25 guidance in what we've done with all our officers in

1
2 clarifying those things. We believe that our
3 policies are inclusive of that.

4 CHAIRPERSON DINOWITZ: I think one of the main
5 concerns I think from students is, whatever work
6 you're doing, they may not know about it. So, let's
7 pretend and we'll get to what the training looks like
8 in a second but let's pretend that all the training
9 does really represent what the vast majority of the
10 Jewish community feels and does represent and is in
11 line with Title Six. You know a bunch of students
12 and faculty who don't know what's going on, if that's
13 happening. And so, that's why I'm asking today, can
14 public pronouncements be made, highlighting what the
15 distinction is or can be? Can public pronouncements
16 be made affirming to the students that when certain
17 actions cross, when certain actions of antizionism is
18 across this line, that's very clearly antisemitism.

19 FELIX MATOS RODRIGUEZ: So, we have done and we
20 produce as a result of our voluntary solution with
21 OCR -

22 CHAIRPERSON DINOWITZ: The what? I'm sorry.

23 FELIX MATOS RODRIGUEZ: Our voluntary resolution
24 with OCR, we produce a manual. We produce a video
25 for students. You know they should get additional

1 training to provide on Title Six, to provide all
2 these clarifications and have the widest amount of
3 information out there about what's included in Title
4 Six.
5

6 CHAIRPERSON DINOWITZ: That's required by the
7 students to do that training? Are students required
8 to do that training or get that information?

9 FELIX MATOS RODRIGUEZ: Students are not required
10 but it is available at the website and we're having
11 all the student affairs campuses use that. We've
12 also - some of our campuses are also for student
13 leaders are including antibias training before they
14 can become officers. Some of the campuses are doing
15 that too, so all of this is part of a campaign to
16 make sure that as many people are informed about
17 what's included on the Title Six.

18 CHAIRPERSON DINOWITZ: I'll just read NYU's. It
19 says using code words like Zionists does not
20 eliminate the possibility that your speech violates
21 the NDAH policy. For many Jewish people, Zionism is
22 part of their Jewish identity. That's just one model
23 from NYU. Is that not something CUNY can also
24 affirmatively do given the crisis that we're in? Can
25 you not affirmatively make a pronouncement like that

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2 and publish those very clearly for all campuses to
3 see?

4 FELIX MATOS RODRIGUEZ: Well again, we look at
5 the examples from other campuses. We feel that the
6 clarification that we have given you know in the
7 examples, if you keep you know reading that NYU
8 example, some of the examples are there on Zionism
9 would clearly violate our code of conduct at CUNY.
10 Not including them, not permitting to attendees,
11 which are some of the things that are being the NYU
12 one.

13 CHAIRPERSON DINOWITZ: I think what I'm asking is
14 something very simple. Is if you can confirm with
15 examples, some of which are given by models of
16 private university and models of the federal
17 government if CUNY can do the same.

18 FELIX MATOS RODRIGUEZ: We'll certainly look into
19 it as we continue to revise our policies, yes.

20 CHAIRPERSON DINOWITZ: Well can you - I mean can
21 you do it? I need you to look into it. I mean it's
22 very clearly the law. All I'm asking you is to share
23 what the law is with students to make sure they know
24 what the policies are. Not just for them but for
25 people who are thinking of violating policies.

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2 FELIX MATOS RODRIGUEZ: And we have made all our
3 policies you know available to the students.

4 CHAIRPERSON DINOWITZ: Say that again?

5 FELIX MATOS RODRIGUEZ: That all our students,
6 our policies are on the website, students when they
7 register an orientation, they're getting all the
8 information, students who participate in clubs. All
9 these things are created to Title Six. We've been
10 sharing with the students and expanding our efforts
11 to be able to communicate and make sure that people
12 know.

13 CHAIRPERSON DINOWITZ: I think one of the themes
14 throughout is, I know from your perspective, you're
15 taking a lot of steps and of course us on the
16 Committee and here today may be skeptical, it is
17 clear that whatever steps are being taken are not at
18 the bare minimum being publicized or shared. There's
19 a lot of things students don't know. Whether it's
20 the outcomes of their complaints with the portal.
21 Whether it's the rules, the Henderson rules, whether
22 it's masking regulations and saying well, Henderson
23 rules, there's no real yes or no. I won't talk about
24 wearing pants or not. But there's a lot that seems
25 to be behind closed doors. Even the process or

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2 procuring cameras seems to take a long time and be
3 secretive. So, one of the big asks we're doing and
4 whatever recommendation, is to be sharing information
5 and sharing it publicly and publicly doing more to
6 affirm that the rules in place, the rules that are
7 being put in place and the values and opinions of
8 CUNY are in line with antidiscrimination practices.
9 And what I'm hearing is resistance. I don't know if
10 it's -

11 FELIX MATOS RODRIGUEZ: There's no resistance,
12 we've been doing that. We've been publishing all
13 those rules and sharing them widely.

14 CHAIRPERSON DINOWITZ: And we've spoken on
15 numerous occasions and I know you've spoken to
16 students. Speak to more students because they will
17 have a different opinion than you. The existence of
18 something on a website does not necessarily mean that
19 it is being shared. You have a lot of things on your
20 website but they are for a lot of people, real
21 concerns about what even the rules are. And I think
22 the antizionism, antisemitism question is of course
23 legally a tricky one but morally it's not. Students
24 don't feel welcome or safe when there's anything
25 related to antizionism, to the extent that we see

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2 protesting a Jewish student group, the Hillel's from
3 many campuses, Jewish student life on campus, those
4 are being protested with pictures of assault rifles.
5 And again, under the guides of antizionism, under the
6 guides of antizionism and it is critical that CUNY
7 clarify that Zionism cannot be a code word for
8 antisemitism. It's a very simple trick if you
9 replace Zionism with Jew, would it be okay to say and
10 does it sound just like any other of the antisemitic
11 tropes the Jewish community has been hearing for
12 hundreds upon hundreds of years and it is critical
13 that CUNY very publicly clarify when antizionism is
14 and can be antisemitism.

15 I'm going to do another round of questions from
16 my colleagues. I'm going to go in the same order.
17 Council Member Menin.

18 COUNCIL MEMBER MENIN: Great, thank you so much
19 Chair. My first question is what specific changes
20 have you made to time, place and manner restrictions
21 since October 7th?

22 FELIX MATOS RODRIGUEZ: Well, we're giving that -
23 uh we've made that guidance very, very clear to the
24 campus communities. Many of the presidents send

25

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2 memos at the beginning of the academic year
3 clarifying the procedures that uh -

4 COUNCIL MEMBER MENIN: But can you be specific?
5 I'm specifically asking what changes have you made?

6 FELIX MATOS RODRIGUEZ: Well, we didn't require a
7 change. We just said that is the tenor of our
8 procedures and we're just clarifying for everybody
9 what they need to do to be able to -

10 COUNCIL MEMBER MENIN: Okay, I used to serve on a
11 University Board, universities across the country in
12 light of October 7th have made specific changes to
13 time, place, and manner, which allow of course the
14 First Amendment right to peacefully protest but allow
15 universities to enact reasonable time, place and
16 manner restrictions to assure the safety of students
17 and allow educational pursuits to continue.

18 FELIX MATOS RODRIGUEZ: And we've had those and
19 what we did as a result of that is issue
20 clarification of that as Chancellor and then every
21 campus did the same thing.

22 COUNCIL MEMBER MENIN: I'm asking what those
23 changes are. You're not answering the question with
24 all due respect.

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2 FELIX MATOS RODRIGUEZ: Well, they just clarified
3 the process to be able to do that.

4 COUNCIL MEMBER MENIN: Okay, let me be more
5 specific. For example, did you say that there cannot
6 be protests for example in front of certain
7 buildings? Did you move locations of protests? Did
8 you make reasonable time, place and manner changes in
9 light of October 7th?

10 FELIX MATOS RODRIGUEZ: It varies by campus right
11 because our campuses have different -

12 COUNCIL MEMBER MENIN: Can you give me one
13 example of a reasonable time, place and manner,
14 changes that you made.

15 FELIX MATOS RODRIGUEZ: City College for example,
16 made it clear that these is like three sites on the
17 campus where you could protest. I mean you could
18 also appeal that right but -

19 COUNCIL MEMBER MENIN: How did that differ from
20 before October 7th with regard to City College?

21 FELIX MATOS RODRIGUEZ: They were just clarifying
22 the areas.

23 COUNCIL MEMBER MENIN: Okay so again, I think my
24 question is pretty basic. I'm looking for specific
25 examples of time, place and manner changes. If you

1
2 wan to send that in the letter that we're asking you
3 to send by the end of the week, that's fine but I
4 just really want to understand because that's really
5 incredibly important. We obviously want students to
6 have the right to peacefully protest. We're not
7 saying they shouldn't but we want to make sure
8 conversely that we are not in any way endangering
9 other students at the same time.

10 FELIX MATOS RODRIGUEZ: Absolutely and what I
11 guess I could answer depending on the event how each
12 campus address that depending on what the student or
13 other group came to the campus to do that but that is
14 regularly done and in some cases, they said you know
15 you cannot do this in this space. You can only do
16 with so many, so that happens on an ongoing basis in
17 the campus what we did in the beginning of the years
18 to clarify what the process is for each campus to be
19 able to do that but that is happening all across the
20 campuses and I can in each campus talk about
21 different events in which the campus exercise that
22 judgement precisely to get to that balance that you
23 identify.

24 COUNCIL MEMBER MENIN: What is your opinion of
25 inciting violence in regards to a protest? And

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2 please give specific examples that you felt that
3 protests crossed the line into inciting violence and
4 therefore not protected First Amendment free speech.

5 FELIX MATOS RODRIGUEZ: I mean you're asking
6 about many, many cases but you know I'll give you one
7 example at you know, at City College when we asked
8 the NYPD to come in after they have taken over you
9 know buildings in the encampment right? A very clear
10 case in which public safety was in the manner.

11 COUNCIL MEMBER MENIN: And what were the
12 consequences for students involved in that?

13 FELIX MATOS RODRIGUEZ: Well, so I mean that was
14 handled by the DA and so, if there were members of
15 the CUNY community, they ended up not being many
16 members or any members of the CUNY community there.
17 They were dealt by the DA's office and I can send you
18 a list of that.

19 COUNCIL MEMBER MENIN: I'm sorry, I didn't hear
20 the last - I heard the DA's office. Can you just
21 repeat the last sentence?

22 FELIX MATOS RODRIGUEZ: That it was handled by
23 the DA's office.

24 COUNCIL MEMBER MENIN: And what was the ultimate
25 result of that?

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2 FELIX MATOS RODRIGUEZ: The different - some
3 individuals, again, they were not - there were
4 actually no CUNY members there. I can send you the
5 breakdown of the Resolution that happened in the
6 campus.

7 COUNCIL MEMBER MENIN: Okay, you mentioned
8 earlier by questioning from Chair Dinowitz that
9 students can be - students who are engaged in
10 protests that are crossing the line can be asked for
11 ID. You mentioned you weren't sure how many students
12 have been asked. I want to get a breakdown of that
13 so we can get an understanding of that. You also
14 mentioned in terms of the number of students
15 arrested. You can't answer the number of CUNY
16 students that have been arrested in protests so far
17 related to this issue of antisemitism?

18 FELIX MATOS RODRIGUEZ: I don't have that
19 information right now.

20 COUNCIL MEMBER MENIN: Okay, I will just say on a
21 hearing that is on this topic it's kind of shocking
22 that you don't have that information. Again, we want
23 that included in a letter that you're providing to
24 the Committee.

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2 CHAIRPERSON DINOWITZ: I just want to follow up
3 on one of Council Member Menin's questions to be
4 clear. In the encampment where they broke into
5 administrative buildings and according to testimony
6 at a previous hearing costs \$3 million worth of
7 damages to be very clear on what happened. That was
8 testified at a previous hearing at City College, the
9 Administrative building. The testimony is that none
10 of the students that were arrested or involved were
11 CUNY students?

12 FELIX MATOS RODRIGUEZ: He's been working with
13 the -

14 CHAIRPERSON DINOWITZ: Okay, thank you.

15 DEREK DAVIS: A couple things because there is
16 statements and I want to bring this back to the
17 report and to answer your question. The report is
18 actually 138 pages, not 400. There are no findings
19 in this report. They are observations. Moreover the
20 notion and I implore this group of the City Council
21 to read pages 80 through 82. I've read this report a
22 number of times by the Honorable John Lippman and his
23 concept of use of the definition of antisemitism as
24 it's used publicly and recommended federally by two
25 administrations, both republican and democrat and to

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2 the judges credit, he says this is a very complicated
3 issue, which it is and that we have to always remain
4 cognizant as lawyers and as public servants and
5 public officers of the rights of individuals.

6 Now, with respect to your question about the
7 hasty bill.

8 CHAIRPERSON DINOWITZ: About the what?

9 DEREK DAVIS: The Hasty Building at the city
10 gulge of New York. And I want to add one other
11 thing. There are campuses and all of our campuses
12 adhere to policies dealing with masks. In the sense
13 that we don't always arrest a student who doesn't
14 comply. Students are asked to comply and often if
15 they don't comply by public safety, they're asked to
16 leave. It is a privilege not a right to be on a
17 public campus. You don't have a right to occupy this
18 room. You have to abide by those rules. So, to be
19 clear and it's not just public safety and we're very
20 proud of our public safety department and the people
21 they work with in student affairs. Student affairs
22 collaborates with public safety on campus, when there
23 are activities on campus and to your question about
24 time, place and manner. The First Amendment is very
25 clear. There's been no changes historically to time,

1 place, and manner. What we do and what we try to do
2 every year is reeducate campus counsel, CDO's and
3 presidents and deans as to how to exercise their
4 judgement when it goes to student activities on a
5 campus. This is not nothing new. This is as old as
6 the Supreme Court and the debate over free speech and
7 yes, we are concerned about how students occupy the
8 space on our campus. There's nothing that requires.
9 We are not as a public agency charged with the
10 authority to redefine time, place and manner. Is it
11 appropriate? Are there classes?
12

13 COUNCIL MEMBER MENIN: I couldn't disagree. You
14 know what I want to interrupt you because I say this
15 as someone who has practiced law for a very long
16 time. I don't agree with what you're saying at all.
17 As a university, you have the right and Judge Lippman
18 points it out in his report, to enact and enforce
19 reasonable time, place and manner restrictions. This
20 idea -

21 DEREK DAVIS: Consistent with the law.
22 Consistent with the law.

23 COUNCIL MEMBER MENIN: Of course consistent with
24 the law. No one is suggesting that you violate the
25 First Amendment.

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2 DEREK DAVIS: Which we have. Which we have.

3 COUNCIL MEMBER MENIN: I don't think you have
4 because when I ask the Chancellor for examples, you
5 seem hard pressed to be able to provide any examples.
6 And I just find your testimony right now incredibly
7 sanctimonious and disrespectful to this Committee.

8 DEREK DAVIS: I apologize if it seems
9 sanctimonious. I'm just trying to correct the record
10 but Chairman didn't do it.

11 CHAIRPERSON DINOWITZ: Well, there's not much
12 correcting meeting off here and I would reference you
13 reference page 80 to 82 of the report and I would
14 note Judge Lippman while he does not prescribe what
15 definition to use, he does recognize multiple
16 administrations and the state of New York have
17 recognized the definition. Judge Lippman recognizes
18 that there is a deep connection between the Jewish
19 people and the state of Israel and that it is
20 important to recognize that. And so, while your
21 reading was that, well, Judge Lippman didn't tell us
22 to do -

23 DEREK DAVIS: I didn't say that.

24 CHAIRPERSON DINOWITZ: Well, it sounded from your
25 testimony like you said well, Judge Lippman didn't

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2 prescribe a specific definition. He does state
3 clearly, you should have one and it should be - and
4 it should be very clear to the students. And what
5 I'm saying is there is a lot that is not clear,
6 despite what you may or may not put on the website,
7 Judge Lippman does report that there are differences
8 between different policies about where you report to
9 things first. What different policies mean. So,
10 there are differences between your own policies. So,
11 whatever is on the website, even conflicts with
12 themselves. That's according to the report.
13 Chancellor.

14 FELIX MATOS RODRIGUEZ: Yeah but on that you say
15 that it is on the portal consistent with the
16 governor's proclamation and OCR, and it's been part
17 of the training.

18 CHAIRPERSON DINOWITZ: I would like to see the
19 training because I know you were also using a
20 different definition of antisemitism which many in
21 the community have issues with. And so, is your
22 training - is the training public?

23 FELIX MATOS RODRIGUEZ: I mean I can provide the
24 information from the trainings yes.

25

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2 CHAIRPERSON DINOWITZ: Yeah, those are sorts of
3 things that also need to be publicly posted because
4 we need to be able to see the broad base of the
5 Jewish community. Also need to be able to comment on
6 it and say, is this - is this something that's
7 actually helping? I'm going to turn it back over to
8 Council Member Vernikov.

9 COUNCIL MEMBER VERNIKOV: Chancellor, how many
10 complaints were submitted to the portal?

11 FELIX MATOS RODRIGUEZ: So, we send that
12 information in the summer to the Council, so we can
13 send you -

14 COUNCIL MEMBER VERNIKOV: But do you know? Do
15 you know how many complaints are submitted to the
16 portal? We've been talking about the portal for two
17 years now.

18 FELIX MATOS RODRIGUEZ: And so, we have I mean,
19 the last count for the month of October, there are
20 about you know 200 cases there for the system.

21 COUNCIL MEMBER VERNIKOV: 200 cases for October
22 or 200 cases since the portal -

23 FELIX MATOS RODRIGUEZ: Those are the combination
24 of things that were submitted.

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2 COUNCIL MEMBER VERNIKOV: Just how many cases
3 have been submitted to the portal since the portal
4 has launched?

5 FELIX MATOS RODRIGUEZ: Oh total since the last
6 two years, I don't know that. We can get you that
7 information.

8 COUNCIL MEMBER VERNIKOV: Approximately?

9 FELIX MATOS RODRIGUEZ: I don't know.

10 COUNCIL MEMBER VERNIKOV: Do you know how many of
11 them -

12 FELIX MATOS RODRIGUEZ: We also made it to the
13 Council the last two summers that information.

14 COUNCIL MEMBER VERNIKOV: Do you know how many of
15 them were alleged to be complaints of antisemitism?

16 FELIX MATOS RODRIGUEZ: Not off hand.

17 COUNCIL MEMBER VERNIKOV: You don't know. Do you
18 know how many complaints were responded to from the
19 portal?

20 FELIX MATOS RODRIGUEZ: So again, it varies from
21 case to case in the campus. You can put something in
22 the portal-

23 COUNCIL MEMBER VERNIKOV: Do you know how many?
24 Yes or no.

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2 FELIX MATOS RODRIGUEZ: We can get you that
3 information.

4 COUNCIL MEMBER VERNIKOV: Okay. Do you know how
5 many were substantiated?

6 FELIX MATOS RODRIGUEZ: We can get you that
7 information. I don't know it off hand.

8 COUNCIL MEMBER VERNIKOV: Okay, well just to
9 mention, Judge Lippman in report said that the portal
10 operates as a black box and you hear from students
11 that when they submit a complaint and I think Council
12 Member Dinowitz mentioned that they don't get a
13 response. So, it's not that there's no review and
14 answer as to what the - you know about the complaint.
15 There's no response period. They don't even get an
16 email acknowledging that they submitted a complaint.
17 So, that needs to be changed immediately.

18 FELIX MATOS RODRIGUEZ: Yes.

19 COUNCIL MEMBER VERNIKOV: Just to go back to the
20 time, place and manner restrictions. You mentioned
21 that it is not acceptable or in compliance with
22 school policy for students to block other students
23 from entering classrooms or school buildings,
24 correct?

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2 FELIX MATOS RODRIGUEZ: That's part of the
3 Henderson rules, yes.

4 COUNCIL MEMBER VERNIKOV: Okay, well as you
5 probably know in CCNY after October 7th, students
6 experienced protests and rallies every week in the
7 rotunda and they were blocked from getting to
8 classes. There were complaints of students in
9 Yamaka's trying to get to class that faced pro-Hamas
10 slogans being held at them. How did you stop that
11 Chancellor?

12 FELIX MATOS RODRIGUEZ: Well, I'll go back to the
13 President for CCNY about this specific case. I don't
14 know that off hand.

15 COUNCIL MEMBER VERNIKOV: It's very interesting
16 because we actually reached out to five presidents to
17 show up here today and they all gave us similar
18 responses. President Wu at Baruch College said,
19 "deeply appreciate the opportunity to engage in this
20 critical issue, however, I must respectfully decline.
21 Noting that the agenda of the meeting pertains to
22 systemwide concerns outlined in the Lippman report
23 and the CUNY Chancellor will be testifying on behalf
24 of the university. So, the presidents are giving
25 that opportunity to you Chancellor to testify as to

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2 what happens on every campus and that's why they
3 declined to be here today.

4 FELIX MATOS RODRIGUEZ: So that - the best
5 information that I have on that. First, there was
6 some confusion because the invites I think came to
7 the presidents very late. Last Thursday or Friday,
8 there was some confusion actually because it was not
9 something coming from the Committee.

10 COUNCIL MEMBER VERNIKOV: There was notice for
11 over a month about this hearing Chancellor.

12 FELIX MATOS RODRIGUEZ: And they knew that I was
13 testifying on behalf about the Lippman report.

14 COUNCIL MEMBER VERNIKOV: How will you stop in
15 the future incidents like I just described right now?

16 FELIX MATOS RODRIGUEZ: So again, you do that
17 through a combination of things. Some of the
18 investments we're doing in constructive dialogue and
19 getting -

20 COUNCIL MEMBER VERNIKOV: You will stop students
21 from blocking other students from coming into class
22 by dialogue?

23 FELIX MATOS RODRIGUEZ: Well so, part of the work
24 that we do here is education. What you hope right
25 and what I'm sure you and I share is that we have

1
2 less of the situations happening on our campuses all
3 out through New York City. Part of this work is
4 education and being proactive.

5 The other part of the equation, which I think is
6 what you're -

7 COUNCIL MEMBER VERNIKOV: So your answer is
8 dialogue.

9 FELIX MATOS RODRIGUEZ: When they break the
10 rules, right that they are sort of accounted for and
11 the campuses are doing that when they get -

12 COUNCIL MEMBER VERNIKOV: So, when they break the
13 rules, what happens to them?

14 FELIX MATOS RODRIGUEZ: There's an investigation
15 to sort of - to document that's the case and there's
16 a discipline.

17 COUNCIL MEMBER VERNIKOV: Can you give me an
18 example of when students were blocking other students
19 from coming in and there was an investigation and
20 consequences?

21 FELIX MATOS RODRIGUEZ: I can go back to the
22 campus and get you examples of that.

23 COUNCIL MEMBER VERNIKOV: Because there isn't
24 any. What happens if students damage or destroy
25 property on campuses?

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2 FELIX MATOS RODRIGUEZ: They are subject to
3 Henderson rules.

4 COUNCIL MEMBER VERNIKOV: Give me an example of a
5 situation where property was damaged and there were
6 consequences for the students.

7 FELIX MATOS RODRIGUEZ: I mean, I have to go to
8 the campus examples of that, so.

9 COUNCIL MEMBER VERNIKOV: Property was damaged at
10 CCNY, correct?

11 FELIX MATOS RODRIGUEZ: Yes.

12 COUNCIL MEMBER VERNIKOV: What happened to the
13 students that damaged the property?

14 FELIX MATOS RODRIGUEZ: They were arrested and
15 they were in the DA, sort of work with them.

16 COUNCIL MEMBER VERNIKOV: Aside from the DA, what
17 did the City University - what were the consequences
18 from the City University of New York?

19 FELIX MATOS RODRIGUEZ: They were not CUNY
20 students so the DA handled those cases.

21 COUNCIL MEMBER VERNIKOV: None of them were CUNY
22 students?

23 FELIX MATOS RODRIGUEZ: No, none were CUNY
24 students, yes.

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2 CHAIRPERSON DINOWITZ: I want to be clear, none
3 of the students who broke into the Hasty Building
4 were students?

5 FELIX MATOS RODRIGUEZ: To the best of our
6 knowledge no, yes.

7 CHAIRPERSON DINOWITZ: To the best of your
8 knowledge?

9 FELIX MATOS RODRIGUEZ: Yes.

10 CHAIRPERSON DINOWITZ: I'm going to turn it over
11 to Council Member Yeger.

12 COUNCIL MEMBER YEGER: Thank you. Just to
13 clarify. I know I'm the third member to ask this
14 question but just to clarify. \$3 million of damage
15 to a CUNY building was done, right? And the people
16 who did this, not a single one of them was a student
17 at CUNY?

18 FELIX MATOS RODRIGUEZ: So, the people that were
19 part of the - who went into the building, to the best
20 of our knowledge no.

21 COUNCIL MEMBER YEGER: You have a security
22 problem, right? Were they faculty?

23 FELIX MATOS RODRIGUEZ: Well I mean at that
24 point, they were part of a large encampment, so many
25 of them were not -

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2 COUNCIL MEMBER YEGER: Do you just let anybody
3 onto your campuses just go do whatever they want?

4 FELIX MATOS RODRIGUEZ: No we don't and that's why
5 we call in the police to clean the encampment.

6 COUNCIL MEMBER YEGER: The solution is after
7 they've done the damage, calling the cops? It's
8 private property. As the Vice Chancellor testified,
9 presence on a -

10 FELIX MATOS RODRIGUEZ: They, they, they----

11 COUNCIL MEMBER YEGER: Chancellor, one second,
12 I'm sorry excuse me. As the Vice Chancellor
13 testified, presence on a CUNY campus is a privilege,
14 not a right.

15 DEREK DAVIS: It's not private property. What I
16 meant by that -

17 COUNCIL MEMBER YEGER: But it is private
18 property. It's government property.

19 CHAIRPERSON DINOWITZ: I'm sorry, I'm sorry, I'm
20 sorry, Council Member Yeger, just make sure that your
21 microphone is on if you're testifying, if you're
22 sharing any information so that it could be heard for
23 the record. Thank you.

24 COUNCIL MEMBER YEGER: It's private property in
25 the sense that it's owned by a government entity.

1
2 It's not a street. In other words, you can't just
3 walk on it because you feel like it, otherwise
4 anybody can go anywhere, so it's not private property
5 in the sense that it's owned by an individual for
6 sure but it's college property right?

7 FELIX MATOS RODRIGUEZ: So, the property was
8 broken when they broke into the building. At that
9 point, our public safety officers pushed them out,
10 arrested some of the individuals who went in, right
11 and then they handed over to the NYPD and the DA for
12 processing. The individuals who went in upon further
13 review were not CUNY students.

14 COUNCIL MEMBER YEGER: Not a single one of them?

15 FELIX MATOS RODRIGUEZ: That's the best of my
16 recollection. I can get you the listing.

17 COUNCIL MEMBER YEGER: Unbelievable, okay well
18 you testified that there were 240,000 CUNY students
19 and 40,000 employees at CUNY. I believe any of them
20 are antisemites?

21 FELIX MATOS RODRIGUEZ: I don't know.

22 COUNCIL MEMBER YEGER: Let me help you out.

23 FELIX MATOS RODRIGUEZ: Yes.

24 COUNCIL MEMBER YEGER: I'm a member of the City
25 Council, 51 members here, I guarantee there are

1
2 antisemites on this Council. I know them. So, now
3 I'm asking you, out of 280,000 people identified as
4 being on a CUNY campus on any given moment between
5 faculty and students, you're able to say that there
6 are antisemites in your midst?

7 FELIX MATOS RODRIGUEZ: I don't know that I can
8 tell you that with any certainty.

9 COUNCIL MEMBER YEGER: That may be part of the
10 problem because I think that it's widely known I
11 believe. You don't need me, I'm not an expert on it
12 that antisemitism is a pervasive problem in society
13 today and it didn't start on October 8th and I know
14 you know that Chancellor because we have had
15 conversations. You know that. I mean I know that
16 you are allied with the Jewish community on this
17 topic. So, I'm surprised that the answer isn't just
18 - of course we have antisemitism on our campuses but
19 you know that's just the way it is in society and
20 when they do something we're going to go after them.
21 That would be a great answer.

22 FELIX MATOS RODRIGUEZ: Well, as I mentioned in
23 my testimony, you know CUNY is not immune to the
24 uptick in cases and documented many, many things that
25 we've been doing in that space, and I began by

1 showing with you that when I became Chancellor, even
2 before the uptick of the cases, I came before the
3 City Council asking for funding that the Council got
4 me to be working on these issues because I know how
5 important they are and why you need to remain
6 vigilant to be able to do all those things. So, I
7 have been part of this engagement since I became
8 Chancellor.
9

10 COUNCIL MEMBER YEGER: Chancellor, how much is
11 the budget of CUNY a year?

12 FELIX MATOS RODRIGUEZ: It's \$4.2 billion.

13 COUNCIL MEMBER YEGER: \$4.2 how much?

14 FELIX MATOS RODRIGUEZ: Billion.

15 COUNCIL MEMBER YEGER: Billion with a B?

16 FELIX MATOS RODRIGUEZ: No sorry, sorry. Yeah,
17 \$4.2.

18 COUNCIL MEMBER YEGER: Billion with a B?

19 FELIX MATOS RODRIGUEZ: Yeah.

20 COUNCIL MEMBER YEGER: Yeah, it's a big budget.

21 FELIX MATOS RODRIGUEZ: Yeah.

22 COUNCIL MEMBER YEGER: Yeah, okay. I mean I
23 don't - \$500,000 from the Council, it's nice.

24 FELIX MATOS RODRIGUEZ: Now you got me confused.
25

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2 COUNCIL MEMBER YEGER: I'm asking you a question,
3 the budget for CUNY overall, all your campuses, the
4 whole business, the whole shebang, all in.

5 FELIX MATOS RODRIGUEZ: Yes, \$4.2.

6 COUNCIL MEMBER YEGER: Billion with a B?

7 FELIX MATOS RODRIGUEZ: Yes.

8 COUNCIL MEMBER YEGER: Just want to make sure
9 okay. Sometimes people hear million and then they
10 say well, that's just a couple million, not a big
11 deal. Billion, okay. So, \$500,000 here and there
12 from the City Council is not going to solve your
13 problem with antisemites on your campuses right?

14 FELIX MATOS RODRIGUEZ: Well, it's clearly an
15 important part to do a vocational programming and to
16 do other things to create one in which we have a lot
17 less antisemitism, yes.

18 COUNCIL MEMBER YEGER: Okay, maybe if you started
19 expelling the students who were committing
20 antisemitic incidents against their fellow students,
21 you wouldn't need extra money because they would be
22 gone one by one until you've cleaned your ranks from
23 the antisemites who are attacking, harassing,
24 terrorizing Jewish students.

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2 CHAIRPERSON DINOWITZ: Thank you Council Member
3 Yeger.

4 COUNCIL MEMBER YEGER: I'm going to close now.
5 If we continue to ignore it, the problem is not going
6 to go away and \$500,000 from the City Council is not
7 going to get the antisemites off your campuses.
8 Thank you Mr. Chairman.

9 CHAIRPERSON DINOWITZ: Thank you. There is
10 apparent to be a bit of a pattern at this hearing,
11 you know we're interested in talking about the report
12 the way it's being implemented but a lot of the
13 information that we need in order to have those
14 conversations is not readily available. But you
15 testified and it sounded weird when you said that
16 none of the students, sorry, none of the individuals
17 in the encampments were CUNY students. Now, one of
18 the recommendations, Number Nine is to hold faculty
19 and others accountable for violative conduct. Now,
20 it references mostly speech but I'm looking at an
21 article and it says of nearly 200 people arrested
22 inside an administrative building and on the
23 adjoining public streets. 54 were CUNY faculty or
24 staff members and 34 were students within the CUNY
25 system with 8 directly affiliated with City College.

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2 So, that's 88 and that's 88 more than 0. So, I'm
3 trying to find where the discrepancy is between the
4 testimony that -

5 FELIX MATOS RODRIGUEZ: And we'd be more than
6 happy to provide you those earlier reports of
7 individuals that were identified and then up on
8 further review of - they were not really they have
9 been former students. They were part of the system
10 so those are some of the issues with some of that
11 information. I'd be more than happy to give you the
12 finalized version of the arrest and happy to give you
13 that information.

14 CHAIRPERSON DINOWITZ: Is those figures don't
15 appear to include CUNY alumni who are also involved
16 in demonstrations. So, it was alumni and students
17 and faculty. One of the recommendations in the
18 report Number Nine is to hold faculty and others
19 accountable for violative conduct. But it appears
20 based on this article and on your testimony that as
21 it relates to I guess the most visible instance of
22 I'll just call them problems on campus, this at the
23 height of it, destroying property. There are faculty
24 and students are not being held accountable for
25 violative conduct. Is that not accurate?

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2 FELIX MATOS RODRIGUEZ: Well, I mean again,
3 documented cases of student behavior of staff
4 behavior, that cross the line are investigated and
5 adjudicated if discipline is the outcome. We have
6 done that. We have put students on probation. There
7 have been students who have been kept from
8 participating in clubs based on the things that they
9 do. We can provide you examples from the campuses,
10 happy to do that in the case on that breakdown of we
11 fully cooperated with NYPD and the DA's in
12 prosecuting all those things. I'd be happy to give
13 you the breakdown. There was a lot of misinformation
14 in some of the early press recordings about who was
15 and who wasn't part of CUNY.

16 CHAIRPERSON DINOWITZ: But that means 100 percent
17 of the - it was 100 percent of the students
18 incorrect. So, you're saying the article is
19 completely wrong?

20 FELIX MATOS RODRIGUEZ: No, I mean again, none of
21 the people that vandalized the building, that were
22 arrested for that, were CUNY students.

23 CHAIRPERSON DINOWITZ: Even if the article says
24 88 of them were? 44 percent of them were?
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2 FELIX MATOS RODRIGUEZ: I don't know where the
3 information came for that article. I'd be happy to
4 give you the final breakdown but also to your point,
5 right to your point, which is the most important
6 point, when we have cases in which we have documented
7 that students across the line that property has
8 vandalized, all those things, we have taken the
9 action and we do that.

10 CHAIRPERSON DINOWITZ: I think one of the
11 challenges here and I think you know we're looking
12 for solutions. We're looking for updates. This
13 report has been out for roughly two months but there
14 are also things in it that you knew, we all knew
15 beforehand. A number of these things weren't
16 surprises and it is as Council Member Menin said,
17 it's a little shocking that today, there is no
18 information data related to a number of the elements
19 of this report that we need in order to have a
20 productive dialogue because we both want the same
21 thing. We want a CUNY that is safe and welcoming for
22 all students and that's what we're here to talk
23 about. Those conversations become very challenging
24 when that data doesn't exist or it exists rather but
25 it's not being shared or you didn't come prepared

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2 with it. And so, I know when I ask the question
3 well, how many students have been admonished,
4 expelled, any sort of discipline for violating the
5 Henderson rules for acts of antisemitism and the
6 answer is, we'll get back to you. That's not
7 appropriate for this hearing, for what we're trying
8 to do together.

9 I'm going to turn it over to Council Member
10 Bottcher for a question and we've also been joined by
11 Council Member Brewer.

12 COUNCIL MEMBER BOTTCHEER: Good afternoon
13 Chancellor.

14 FELIX MATOS RODRIGUEZ: Good to see you.

15 COUNCIL MEMBER BOTTCHEER: Today as we speak there
16 are young people in New York City and beyond Jewish
17 high school students who are this time of year, a lot
18 of them have decided whether they're going to go to
19 college. Some of them are still in that process.
20 Can you speak directly to the young people of New
21 York City about your commitment to them as potential
22 future students at CUNY and about how seriously you
23 take the issue of antisemitism, reiterate your
24 commitment to keep them safe. I'd like to hear that
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1
2 from you very clearly and loudly for the young people
3 of New York City.

4 FELIX MATOS RODRIGUEZ: Well, thank you for the
5 opportunity and that is my conviction. It is
6 something that I've been working on since I've been
7 Chancellor in 2019 as I mentioned. Even before the
8 uptick in all these cases, I knew that as my
9 experience of being the President in Queens College
10 with a very large Jewish population, a large Muslim
11 population to that you need to be proactive in
12 fighting antisemitism and hate, and I came to the
13 Council and the Council was supportive in getting
14 funding to be able to do the programming that we know
15 helps to build bridges.

16 I took half of my presidency in 2022 to Israel to
17 make a very, very bold statement about our commitment
18 to working with institutions in Israel, working with
19 Universities, working with cultural institutions.
20 So, we were not going to be part of any boycott. It
21 was not just a statement. It was a visit and we
22 follow up on some of the leads of that visit. I
23 created a Jewish Advisory Council to precisely be
24 able to get the best feedback on doing these things.
25 We work very closely with JCRC, UGA, on safety

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2 issues, with Hillel to show the commitment. I have
3 met with many of the students in from the Hillel's.
4 I had a meeting with them in the central office. I
5 have visited a number of them on the campuses to be
6 able to show them how important these issues are and
7 the many things that we've been doing on this
8 university. So, thank you for the opportunity to
9 allow me to reiterate that. Not just to perspective
10 students but students who are currently in the
11 system.

12 COUNCIL MEMBER BOTTCHEER: Is combating
13 antisemitism one of your top priorities as
14 Chancellor?

15 FELIX MATOS RODRIGUEZ: Absolutely.

16 COUNCIL MEMBER BOTTCHEER: Do you commit to doing
17 more as Chancellor?

18 FELIX MATOS RODRIGUEZ: It's one of the things
19 that it's right in front of the testimony. It is
20 ongoing work, absolutely.

21 COUNCIL MEMBER BOTTCHEER: Thank you.

22 CHAIRPERSON DINOWITZ: I want to go back to -
23 thank you Council Member Bottcher and it is a really
24 important conversation because we know a college is
25 and should be. It's a place where students should be

1 asking what kind of academics are they going to get?
2 What type of clubs, type of community they're going
3 to find and too often it is our Jewish students who
4 are asking simply, am I going to be safe? And we
5 want to get away from that. We want the same thing.
6 I want to ask again about Number Nine. Is holding
7 faculty and others accountable for violative conduct?
8 And I want to talk a little bit about what happens in
9 the classroom because there are reports that
10 professors are sharing at best a one-sided dialogue,
11 which is contrary to what you want, which is
12 constructive dialogue of various opposing opinions.

13 Additionally, a lot of these incidents are
14 happening in classes that wouldn't otherwise have
15 anything to do with anything in a foreign country
16 where in a fiction literature class or an economics
17 class that has a syllabus that outlines what will be
18 taught. They're bringing in speakers about what's
19 going on in the middle east. Does that violate any
20 rule or conduct or do faculty members have free rein
21 to teach whatever they want day to day?

22
23 FELIX MATOS RODRIGUEZ: I mean the faculty have
24 freedom within their specialty and the class that
25 they're teaching. They are the experts on that

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2 matter. The - all the guidance on academic freedom,
3 both from our university. If you even go to the
4 Professional Faculty Association are very clear about
5 that. We send a guidance about that at the beginning
6 of the semester centrally and the campuses that are
7 reminding faculty of that.

8 CHAIRPERSON DINOWITZ: So, what happens when a
9 professor, a full time professor, a math professor
10 engages in that sort of behavior? Begins talking
11 about Zionism, anti-Zionism and brings in speakers
12 about those topics? I would think that's clearly
13 outside of the purview of a mathematics professor and
14 what I'm hearing you say is it is not within their
15 sort of free speech guidelines? Is that -

16 FELIX MATOS RODRIGUEZ: Again, they have academic
17 freedom when they are teaching their class, with
18 their expertise based on the syllabi.

19 CHAIRPERSON DINOWITZ: So, the veers for the
20 syllabus to a degree that it's totally outside of
21 their subject area. What happens then? What
22 recourse does a student have and what steps does CUNY
23 take to either you know, remind that professor of
24 what their professional responsibilities are to our
25

1 students and what recourse do they have to discipline
2 faculty who are in repeated violation of that?
3

4 FELIX MATOS RODRIGUEZ: So again, well, clearly,
5 you know somebody in that class will have to sort of
6 file a report and you will have to go through an
7 investigation to validate whether that is accurate or
8 not right? And that is a first course of due
9 process. If it is indeed found, it will depend also
10 on the circumstances, right? It is something that
11 just happened once and you talked to the faculty
12 member and you provide them guidance and it doesn't
13 happy again. I mean that is one example. If it's
14 something that is ongoing behavior then, you're
15 allowed to discipline that faculty member in
16 accordance to the collective bargaining agreement.

17 One of the things that and this is why we again
18 also working with this constructive dialogue
19 engagement is that we heard from faculty that they
20 wanted better tools to be able to talk about
21 different things as they come up in the classroom
22 right? And they might come up in different - because
23 students might feel the need to talk about some of
24 those things. You know what is the proper way for
25 them to channel those conversations and to give them

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2 tools to be able to engage in a constructive way that
3 helps you know people have more understanding.

4 CHAIRPERSON DINOWITZ: Right and I think we did
5 ask before about what that constructive dialogue
6 training looks like and I would say as a teacher, a
7 former teacher myself, of course there were moments
8 when difficult topics come up and you want to talk
9 about them. What we're actually talking about is
10 repeated what sound like, according to you,
11 violations of faculty professional responsibilities.
12 How many professors at CUNY have been disciplined for
13 such behaviors?

14 FELIX MATOS RODRIGUEZ: I don't know.

15 CHAIRPERSON DINOWITZ: Again, Chancellor
16 respectfully, again you being here is important for
17 all the students that are watching and all the
18 students here but again it's not just your presence
19 here. It's about the policies and it is critical
20 that we have data and information to talk about this.
21 Because what I would love nothing more, I would love
22 to be able to tell the students, you know what, when
23 a professor violates policies, the student violates
24 policies, they're disciplined. The other professors
25 who aren't, they got the best training on the planet

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2 and that was all due to CUNY being responsible. I
3 cannot say that. No one here can say that. No one
4 in New York City could say that because we don't have
5 the information. And so, we're asking questions
6 about holding faculty accountable and we don't even
7 know if it's done but we know it's happening. We
8 know that it's happening because students have shared
9 with us that it's happening. When that happens, you
10 said a report needs to be filed. Is that done on the
11 portal?

12 FELIX MATOS RODRIGUEZ: It can be done on the
13 portal, yes.

14 CHAIRPERSON DINOWITZ: It can be done on the
15 portal and as part of the new portal, will that be an
16 option for the new portal?

17 FELIX MATOS RODRIGUEZ: Absolutely.

18 CHAIRPERSON DINOWITZ: And again, you don't have
19 a timeline for when the new portal is up and running?

20 FELIX MATOS RODRIGUEZ: I mean again, based on
21 the procurement, we think that by this summer, they
22 should be up and running. It depends on the
23 procurement process. Now we have the added
24 suggestion by Council Member Menin about doing
25

1 something expediated, so we'll look into that and
2 maybe it would happen faster.

3
4 CHAIRPERSON DINOWITZ: Yes and I do have very
5 smart colleagues who have great ideas and you've done
6 emergency contracts before. You've done emergency
7 contracts for security correct?

8 FELIX MATOS RODRIGUEZ: Yes.

9 CHAIRPERSON DINOWITZ: Yeah, so it's not outside
10 of the bounds when you know this is an emergency.
11 This is happening every day. It's impacting the
12 lives of the students that you and I both care about.
13 The emergency procurement for safety officers in the
14 case of another encampment, as Council Member Menin
15 suggested, we can have the same process for simple
16 security cameras. But we can also have the same
17 process to ensure that students can report this. Of
18 course there are - again I will repeat it, a number
19 of hurdles right now that we don't even know what
20 we're talking about because we don't have the data
21 and the information, which is data that we should
22 expect to have because it's the same story, the same
23 underlying issue. When there are issues, students
24 should know that they are heard and that their needs
25 are being addressed. And throughout CUNY, they don't

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2 know whether it's another student, faculty member,
3 violative of conduct, they don't know and so, you're
4 testifying today that you do have a process for
5 holding faculty accountable. If they go outside of
6 the bounds of their syllabus. What sorts of evidence
7 is required for that sort of - to hold faculty and
8 others accountable for that violative conduct?

9 FELIX MATOS RODRIGUEZ: Well again, you will have
10 to - it would be basically a conversation of what
11 happens in that classroom right. That as you
12 mentioned is a class of about subject x and we've
13 gone into a conversation that topic that there was no
14 sense of providing balance perspective on the things
15 being discussed. I mean there was some of the things
16 that would be used in that case.

17 CHAIRPERSON DINOWITZ: Okay, thank you. I'll go
18 back to Council Member Menin.

19 COUNCIL MEMBER MENIN: Okay, thank you very much
20 Chair. So, I just want to review some of questions
21 that you were not able to answer today because I do
22 think it is outrageous that when we're having this
23 hearing on such an important topic, that the most
24 rudimentary questions you've been unable to answer.
25 I'm just going to summarize a few of them. How many

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2 complaints to the portal? How many students had to
3 show ID at protests? How many students have been
4 arrested for this conduct? How many faculty have
5 been disciplined? So, these are all questions that
6 this panel has asked that you cannot provide answers
7 to.

8 FELIX MATOS RODRIGUEZ: As I said, we'll get you
9 the information, yes.

10 COUNCIL MEMBER MENIN: It's just wholly
11 unsatisfactory. It's not enough just to show up. I
12 mean, we really need - the whole point of today is to
13 get answers and to have actionable items. So, one
14 question that I do have that I'm hoping you can
15 provide an answer to is that in Judge Lippman's cover
16 letter to Governor Hochul dated September 23rd. I'm
17 just going to read part of the letter. He mentions a
18 disturbing video that surfaced and this is a direct
19 quote of "protestors harassing Jewish Baruch College
20 freshman that were attending a welcome event
21 sponsored by the Hillel organization at the local
22 kosher restaurants." And then he goes on to say that
23 "reports have surfaced that it was students at Baruch
24 who not only launched these protests but also
25 "appeared to have threatened the students with

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2 violence." What has been the conduct and
3 consequences for those students that were involved in
4 this?

5 FELIX MATOS RODRIGUEZ: So, that is close - that
6 investigation is close to being finished right? Let
7 me make a couple of things clear, right? Part of the
8 investigation was A, whether there were actually
9 students who were part of that conduct there, right?
10 That is to be something that needs to be determined
11 by the investigation. The investigation is a little
12 something in which we're relying with the support of
13 the District Attorney's Office because it didn't
14 happen on our campus, right? So, we don't have any -
15 if it happened right in front of our open house, some
16 of our personnel there that would be able to have
17 video or information that can be helpful towards the
18 investigation. So, that is - and it's closing -

19 COUNCIL MEMBER MENIN: And this is an
20 investigation that the school, the university is
21 doing?

22 FELIX MATOS RODRIGUEZ: Yes and there's an
23 additional investigation that the DA is doing of the
24 people out there because it was not on the campus
25 premise. It was outside the restaurant.

1
2 COUNCIL MEMBER MENIN: Okay, it's now been two
3 months since these incidents occurred. What is
4 taking so long?

5 FELIX MATOS RODRIGUEZ: It is a complex
6 investigation in part because we depend a lot on the
7 resources and the support from the DA and other
8 entities that are not just us.

9 COUNCIL MEMBER MENIN: And you will be
10 publicizing the results of this investigation when
11 it's concluded?

12 FELIX MATOS RODRIGUEZ: Well, I think we have to
13 let people know. We have to be careful again to
14 protect privacy and things of that nature but to the
15 extent that we can, absolutely.

16 COUNCIL MEMBER MENIN: You can obviously protect
17 student privacy but yet also let students and the
18 public at large know the results of an investigation.
19 Those two things are not in compliance at all.

20 FELIX MATOS RODRIGUEZ: We are in agreement.

21 COUNCIL MEMBER MENIN: Okay, so you will be
22 releasing?

23 FELIX MATOS RODRIGUEZ: Yes.

24 COUNCIL MEMBER MENIN: You will be releasing
25 that?

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2 FELIX MATOS RODRIGUEZ: Yup.

3 COUNCIL MEMBER MENIN: In my remaining time, I
4 also want to in addition to the long laundry list of
5 things that we are now insisting that you provide to
6 this Committee by the end of the week, I want to add
7 that you send a letter and this relates to
8 questioning that Chair Dinowitz did in the beginning
9 to diversity officers at all the campuses to require
10 them to notify students of the results of these
11 investigations. You mentioned that the diversity
12 officers at each school had responsibility for that.
13 Have you provided a letter to all of them to request
14 that they are communicating with students on the
15 results?

16 FELIX MATOS RODRIGUEZ: Yeah and I've told that
17 also in the meeting with the President. Thank you.

18 COUNCIL MEMBER MENIN: Okay and then my last
19 question is on September 23rd, Judge Lippman issued
20 his report. What was your official response to
21 Governor Hochul and to Judge Lippman and to the
22 public?

23 FELIX MATOS RODRIGUEZ: Well, we welcome the
24 recommendations from the Judge. As I mentioned in my
25 testimony, we've been working on another

1
2 recommendation even before the Judge issued the
3 report, so we've been hard at work on those
4 recommendations.

5 COUNCIL MEMBER MENIN: All I saw was a press
6 release. I saw that you all issued a press release.
7 I have not seen any official correspondence to the
8 Governor to Judge Lippman, to the City Council, to
9 any public entity other than a press release.

10 FELIX MATOS RODRIGUEZ: Well, we've been - again,
11 as opposed to doing press releases, we've been
12 working on the training. All the things that the
13 Judge - many of the things that were there, we've
14 been doing the training to the CDO's to the personnel
15 that does all the investigation.

16 COUNCIL MEMBER MENIN: I just think with all due
17 respect that a press release is a wholly inadequate
18 response to the seriousness of Judge Lippman's
19 report.

20 CHAIRPERSON DINOWITZ: Thank you. I'm going to
21 go to Council Member Brewer now for her first round
22 of questions.

23 COUNCIL MEMBER BREWER: Sorry, I just came from
24 Jessica Tish's inauguration at the Police Department.
25 It's a big deal for me and for everybody. My

1 question is when students apply for college, these
2 coming months, I know a lot of my parents and
3 students are applying now and they are concerned as
4 parents about sending students as Jewish families
5 where they're not comfortable. In fact, I've heard
6 this over and over in the last few weeks. The
7 students may want to go but the parents don't want
8 them to go because they don't want them as 17 to be
9 exposed. So, my question to you is, how are you
10 handling that issue? I know that to the credit there
11 are more students now at CUNY but I am worried that
12 students hearing about some of these issues Jewish
13 students, will not be applying to CUNY. How are you
14 handling that?

16 FELIX MATOS RODRIGUEZ: Well, thank you for that
17 question. We've been working very closely
18 particularly with the Hillel's who have been
19 traditionally universal at Queens College. It's been
20 a great way to recruit students and do that and to
21 your point and some of the points that have been made
22 by some of your Council Members here, clearly there's
23 been a lot of like antisemitic incidents and things
24 that give worry to parents and to students but when
25 you also talk to some of the students, they do share

1
2 some of their concerns. I've also been talking to
3 many of them and they say that they're having a good
4 experience that you know part of their Jewish
5 identity in life is being part of the Hillel
6 [INAUDIBLE 02:20:37] in some of the campuses. So, we
7 are sending that message to. I know some of the
8 colleges, Queens College for example, produce our
9 entire brochure that was geared towards Jewish
10 students to be helping with the recruitment. Some of
11 the campus have done that so we've been in that
12 outreach campaign.

13 COUNCIL MEMBER BREWER: Could we get a copy of
14 those brochures sent to the Committee?

15 FELIX MATOS RODRIGUEZ: I certainly would.

16 COUNCIL MEMBER BREWER: Because it would seem to
17 me that every campus should be doing that, not just
18 Queens College. Is there a city campus - I'm sorry,
19 University-wide effort along those lines.

20 FELIX MATOS RODRIGUEZ: We've been working with
21 some in our efforts to in the same college now model
22 that we have. We've been also doing some outreach to
23 the [INAUDIBLE 02:21:19] to sort of do a similar
24 model, sort of having some early college there too.

25

1
2 So, there's been some outreach efforts there to but
3 I'll get you the materials from Queens College.

4 COUNCIL MEMBER BREWER: Thank you Mr. Chair.

5 CHAIRPERSON DINOWITZ: Thank you Council Member
6 Brewer. Recommendation Number 12, I just want to
7 briefly touch on it. It says recruit and hire to
8 foster inclusiveness. So, it sounds like based on
9 Council Member Brewer's questions, you are recruiting
10 from a different population, different targets. Is
11 CUNY reevaluating its faculty recruitment and hiring
12 process in order to ensure recruits and hires those
13 who will encourage and promote inclusivity,
14 constructive dialogue, and tolerance.

15 FELIX MATOS RODRIGUEZ: So, one of the things
16 that in the constructive dialogue that we mentioned,
17 it came in part from the faculty that we're saying,
18 you bring me in as a story and you bring me in based
19 on my field expertise. I may or may not have all the
20 tools to be able to navigate some of the arising
21 situations in the classroom. Can you provide
22 additional tools for us to be able to do a better job
23 in that space? So, that constructive dialogue
24 initiative is in part a way for us to get faculty and
25 training the faculty so that we can be bring in

1
2 faculty that are more skilled in navigating some of
3 the polarized situations that we face in the
4 classroom.

5 CHAIRPERSON DINOWITZ: But you can hire - you can
6 choose hiring in part based on say passed actions.
7 If a faculty member has in the past made very
8 divisive comment or done very divisive things, that
9 can be a consideration in hiring?

10 FELIX MATOS RODRIGUEZ: Yes, we would be happy to
11 take any recommendations from the Committee on that
12 front.

13 CHAIRPERSON DINOWITZ: Well, I think it's also a
14 recommendation in the report. So it isn't just the
15 training, which I do want to talk about in a sec but
16 it is also the recruitment. In the first place,
17 recruiting people is when you are hiring on staff, I
18 mean is that part of the conversation? Is that part
19 of the interview about the inclusiveness element that
20 they were going to - they're going to bring to the
21 CUNY community?

22 FELIX MATOS RODRIGUEZ: So, I think most of the
23 hiring is based on the curricular expertise of the
24 individuals that are being hired. That's the way
25 that our sort of city service law and selection

1
2 process is the things that are the criteria for the
3 selection of the candidates.

4 CHAIRPERSON DINOWITZ: Right but I don't imagine
5 you would hire even if they have a PHD. A member of
6 the KKK for example, would you - I mean you would
7 consider that element of their background and whether
8 or not that person is appropriate to be teaching
9 student, whether someone with that really, really
10 fringe perspective, no?

11 FELIX MATOS RODRIGUEZ: Again, the hiring process
12 is based on the academic criteria on the individuals.
13 There's something that's disqualifying as someone who
14 might have been with some kind of record in the past.
15 But those are the ways in which the hiring process is
16 done.

17 CHAIRPERSON DINOWITZ: What are disqualifying
18 elements of someone's candidacy for a job?

19 FELIX MATOS RODRIGUEZ: I mean again, it's
20 basically, I think a prior record, conviction, might
21 be something I have to double check on some of those.

22 CHAIRPERSON DINOWITZ: That might be fine.

23 FELIX MATOS RODRIGUEZ: HR components but again -

24 CHAIRPERSON DINOWITZ: Yeah, we've been in the
25 box a couple few years ago. But and so what I'm

1 hearing you say and correct me if I'm wrong is that a
2 person who is a member of a White supremacist
3 organization, could actually, it's actually
4 acceptable to take them or you can't take that into
5 consideration.
6

7 FELIX MATOS RODRIGUEZ: You cannot take that into
8 consideration.

9 CHAIRPERSON DINOWITZ: You cannot take that into
10 consideration. Even violent proclivities, if they've
11 participated in rallies that have been chanting for
12 calls to harm people. If they were in let's say I
13 don't know a rally that said, Jews will not replace
14 us. Jews will not replace us, which is what we saw
15 roughly eight years ago. Is that not acceptable to
16 consider that when making hiring decisions? I'm
17 talking about Charlottesville. I'm using the example
18 of Charlottesville.

19 DEREK DAVIS: I think we have to careful and very
20 clear about tenure and promotion in Higher Education.

21 CHAIRPERSON DINOWITZ: Okay.

22 DEREK DAVIS: I don't think anyone has asked
23 their political view, what God they pray to or their
24 background. They look at their scholarship, the
25 merit and wait of that. I think that's what all

1
2 institutions of higher education pride themselves in
3 and it's a very dangerous slippery slope and rabbit
4 hole to go down to suggest that we look at ones
5 political positions to the extent that they are
6 reflected in their great weight of their scholarship.
7 Most institutions pride themselves on that.
8 Obviously, character matters and if someone is unfit,
9 I doubt they would make it to a final review of a
10 faculty selection committee.

11 CHAIRPERSON DINOWITZ: But you know a statement
12 like Jews will not replace us, so you consider it
13 political statements?

14 DEREK DAVIS: You're making a hypothetical.

15 CHAIRPERSON DINOWITZ: Well no, it's not
16 hypothetical. They said that. They said it at the
17 rally. I'm not making - I wouldn't say that. That's
18 something that they were saying at this rally but I'm
19 using it as an example. If someone were chanting
20 that, I just want to know CUNY's policies. CUNY
21 allowed to - is that viewed of by CUNY, viewed of by
22 CUNY as a political statement and is a statement like
23 that not disqualifying for the recommendation Number
24 12 to foster inclusivity? Someone who has chanted in
25

1
2 the past, they don't want to be inclusive of
3 everyone.

4 DEREK DAVIS: I think the best answer to your
5 question Chairman is to make sure that the selection
6 of every faculty meets the highest standards of our
7 mission and I think that is true of this university
8 and I don't think anyone at this university seeks to
9 find or looks to find ways to hire people who do not
10 meet the academic criteria and scholarship that is
11 required to teach at the City University of New York.

12 CHAIRPERSON DINOWITZ: I'm saying in addition to
13 academic criteria. I think it's obviously a no
14 brainer that the professors we hire, we want them to
15 be the best. Our students deserve nothing more. I'm
16 talking about recommendation 12. I just want to read
17 if CUNY is going to create an environment of
18 tolerance and respect, it must examine its faculty
19 recruitments and hiring process and ensure that it
20 recruits and hires those who will encourage and
21 promote inclusivity, constructive dialogue and
22 tolerance and by the answer, it just sounds to me
23 that if someone who is marching in Charlottesville
24 chanting Jews will not replace it, it seems you're

1
2 being very careful about saying whether or not that
3 is or is not disqualifying.

4 FELIX MATOS RODRIGUEZ: So, we are looking - that
5 is a recommendation that we're looking from an HR and
6 legal about you know what are the limits and it's not
7 as clear cut as and I think that that's why you will
8 see that the Judges recommendation is very cautious
9 right in what they're recommending because they know
10 that there's a fine line in many of these things.

11 Where do you get that information of times and some
12 of the searches were limited in terms of what sources
13 of information we can get from the candidates. So,
14 we are exploring what maneuvering room we have to be
15 able to you know sort of lift to that, bring in the
16 highest level of candidates back. So, that's
17 something that we're exploring based on the 16th law
18 and HR.

19 CHAIRPERSON DINOWITZ: I appreciate that you're
20 looking at it and I understand there are legal
21 ramifications and those two answers were different.
22 Just know those two answers that we just received as
23 testimony were different. Now, this is
24 Recommendation Number 12, one you're looking at, what
25

1
2 is your time limit or have you provided a deadline as
3 Chancellor to legal for making the recommendations?

4 FELIX MATOS RODRIGUEZ: So, to be candid, we've
5 been prioritizing the portal. We're prioritizing the
6 policy reviews, some of the other items in the
7 report.

8 CHAIRPERSON DINOWITZ: Thank you. I want to look
9 at Number 3 and then I'll go back to my colleagues
10 for questions. As stated in the report, there are
11 I'm sorry, what does CUNY- this is about providing
12 additional resources to victims of antisemitism and
13 discrimination through establishment of a victims
14 advocate program.

15 Now of course you mentioned in previous testimony
16 earlier today, talking to victims. My response was
17 we can't just look at the victim. We do have to look
18 at discipline but I do actually want to explore the
19 victim advocate for a sec. What does CUNY currently
20 provide for victims of hate crimes or discrimination,
21 acts of bias?

22 FELIX MATOS RODRIGUEZ: So, those support systems
23 can come from either the Chief Diversity Officer who
24 is working with the individual in the case that's
25 being investigated. If there's students it would be

1 through the Office of Student Affairs that provides
2 support for the students. In many of those cases,
3 the mental health and those kinds of supports are
4 housed in student affairs. If their faculty and
5 staff obviously that would be an HR function on our
6 campuses. So, we have a number of those spaces where
7 the support for victims is done and again, there's a
8 very - another recommendation from Lippman. He
9 reported require additional resources to be able to
10 do this and we're thinking as to for example, is that
11 something that requires either a presence on every
12 campus can be done globally so we're exploring that
13 but we probably need additional resources to do any
14 kind of configuration base if you did exactly what
15 the report said.
16

17 CHAIRPERSON DINOWITZ: Well, I mean, you may say
18 it's not a novel recommendation but it is one that's
19 obviously necessary otherwise it wouldn't have been
20 recommended. It wouldn't have been the third
21 recommendation. If a student reports to the portal,
22 we've talked about how they're now going to get
23 immediate feedback updates. Do they all submit
24 information about victim services?
25

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2 FELIX MATOS RODRIGUEZ: Yes, because when they go
3 to the CDO depending on the case, they will be able
4 to - if there's a situation for example in the
5 campuses they have issue no contact between students
6 while the investigation is happening. Very similar
7 to things that are done for example in potential
8 cases of sexual abuse. So, all those things are done
9 as a result of that engagement when you file the
10 complaint with the CDO.

11 CHAIRPERSON DINOWITZ: When I filed the complaint
12 through the portal, right because that should be the
13 first step. It should be clear that they're doing it
14 through the portal but I just - you know because if
15 I'm reporting something, regardless of whether it's
16 substantiated, regardless of whether the CDO thinks
17 it needs an investigation, a student had an
18 experience and I guess I just want to know through
19 the portal, are they provided with the resources?

20 FELIX MATOS RODRIGUEZ: Sometimes the portal says
21 anonymous, right? So, once in the portal the team at
22 the campus reaches out to that student, right in
23 dependent of whether there's a complaint filed or
24 not, right depending on what they're talking about,
25 they will be provided assistance and support.

1
2 CHAIRPERSON DINOWITZ: Even if it's anonymous, is
3 information provided? Here are the services
4 available for you.

5 FELIX MATOS RODRIGUEZ: I guess they will contact
6 back the person to that email that was anonymous and
7 provide yes.

8 CHAIRPERSON DINOWITZ: Vice Chancellor says yes.

9 DEREK DAVIS: The Vice President -

10 CHAIRPERSON DINOWITZ: Well, I just want to be
11 clear, nothing's of course, that's why we're asking
12 questions but please.

13 DEREK DAVIS: Well, fair enough Chair. When an
14 incident occurs on campus, regardless if it's
15 reported anonymously or by a student, our Vice
16 Presidents for Student Affairs reach out to their
17 students immediately and they try to provide
18 opportunities for them to connect in quite places for
19 them to talk about the issues and get support.

20 If it's anonymous, obviously there's no
21 respondent or complainant to talk to. However, our
22 Vice President for Student Affairs create safe spaces
23 for students to talk about an issue that has impacted
24 their activities while they're attending one of our
25 campuses. It's not ignored. If it's a specific

1
2 complaint, and that's happened and I would caution us
3 from talking about specific incidences but students
4 are reached out to whether it's Title 9, Title 7, or
5 Title 6 and offered opportunities for support.
6 That's our responsibility as a fiduciary as an
7 institution.

8 CHAIRPERSON DINOWITZ: Right but I think we've
9 established just because it's a responsibility
10 doesn't mean its effectively being done and that's
11 again why the report exists. It's a report I think
12 none of us wish had to exist but it does because
13 there are gaps in a number of areas. And I'm just a
14 little confused, so you're talking about if there's
15 an incident, the entire campus is notified or an
16 individual may have individual outreach from a Chief
17 Diversity Officer. But I'm thinking, I go to a
18 Google form and I answer anonymously, Google form
19 says you filled out your survey and I can say, for
20 more information, click here. I can have that be the
21 response. I guess I'm asking, if a student goes in
22 the portal, are they immediately provided with
23 locations and resources of victim advocate services?
24 Even if they file anonymously?

1
2 FELIX MATOS RODRIGUEZ: I am sure that the CDO
3 reaches out and says, if you have this issue, I know
4 that you do anonymously but here's some things.
5 Here's some officers you can go to and try to
6 encourage the student to engage.

7 CHAIRPERSON DINOWITZ: Well, if it's anonymous,
8 how do they reach out?

9 FELIX MATOS RODRIGUEZ: Well, if you don't
10 provide information for us to contact you back, right
11 the question is moved but you might be anonymous but
12 you might have sent an email or some contact where
13 you want your name to remain anonymous, right? So,
14 in that sense, you can reach out to that address and
15 say, you have this issue just in case here's some
16 things. Here's some people on campus you can come
17 talk to.

18 CHAIRPERSON DINOWITZ: I'll shorten it, that
19 regardless of whether someone shares their name or
20 not, as a response to filling out the form and
21 clicking submit, the Victim Services should be
22 provide, the contact information for them because a
23 student may decide to be anonymous now. They may
24 need Victim Services and they may decide at a later
25 date to contact them. It doesn't sound like that's

1
2 the policy now and it should be. According to the
3 report, students are currently not all getting the
4 support they need and the report calls for a more
5 robust victim advocate services. So, will CUNY
6 establish the Victim Advocate Program called for in
7 the report?

8 FELIX MATOS RODRIGUEZ: So again, we're looking
9 into whether that is something that is going to be a
10 separate entity or can be done through the existing
11 parts of the campuses. It will probably require
12 additional resources to, so it's some of the things
13 that we're exploring.

14 CHAIRPERSON DINOWITZ: But I would assume the
15 guidance and training would be centrally done by
16 CUNY, not by each individual campus.

17 FELIX MATOS RODRIGUEZ: Guidance and training?

18 CHAIRPERSON DINOWITZ: For Victim Advocate
19 Services. Well, really for everything and that's one
20 of the other underlying elements of the report that -

21 FELIX MATOS RODRIGUEZ: That's part of the work
22 that the center for inclusive incidents would be
23 doing, yes.

24 CHAIRPERSON DINOWITZ: Okay thank you. I'm going
25 to turn it back over to Council Member Vernikov.

1
2 COUNCIL MEMBER VERNIKOV: Chancellor, it was
3 clear from your testimony that you did not in fact
4 set in place time, place and manner restrictions.
5 So, my question is, will you commit today to setting
6 time, place and manner restrictions as advised in the
7 Lippman Report?

8 FELIX MATOS RODRIGUEZ: So, they exist on the
9 campuses. So, I have a different perspective from
10 what you're saying in your answer. The campuses have
11 sent guidance to the community about how those things
12 play out in every campus.

13 COUNCIL MEMBER VERNIKOV: My colleague asked you
14 - I'm sorry Chancellor for interrupting. My
15 colleague asked you for specifics and you were not
16 able to answer.

17 FELIX MATOS RODRIGUEZ: Because they vary from
18 campus to campus. It doesn't mean that they don't
19 exist.

20 COUNCIL MEMBER VERNIKOV: So it has not been
21 centralized, is that what you're saying?

22 FELIX MATOS RODRIGUEZ: Because it's different
23 from campus to campus, yes.

24

25

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2 COUNCIL MEMBER VERNIKOV: Can you provide in
3 writing what those time, place and manner
4 restrictions are?

5 FELIX MATOS RODRIGUEZ: I can send the
6 communications to the campus, absolutely.

7 COUNCIL MEMBER VERNIKOV: Okay, will you commit
8 to banning masks?

9 FELIX MATOS RODRIGUEZ: Again, our belief is that
10 with people identifying their service with that rule
11 in the Henderson rules, we are able to identify
12 anybody who might be behaving in an inappropriate way
13 on the campus.

14 COUNCIL MEMBER VERNIKOV: Will you commit today
15 to banning masks? Yes or no?

16 FELIX MATOS RODRIGUEZ: Again, it's something
17 that we thought about.

18 COUNCIL MEMBER VERNIKOV: Will you today commit
19 to banning masks?

20 FELIX MATOS RODRIGUEZ: So far we think that
21 there's no need for that.

22 COUNCIL MEMBER VERNIKOV: So, it's a no, no,
23 okay. It's a no. It's a no. So, on page 13 of the
24 report, I just want to make it clear, Judge Lippman
25 makes it very clear concealing ones identity during

1
2 protests can have significant safety implications and
3 should be dealt with expeditiously and with clarity
4 before they disrupt other students education and
5 campus life. Do you want to change that answer,
6 Chancellor?

7 FELIX MATOS RODRIGUEZ: Again, if there's an
8 individual whose mask or they're doing things that
9 are breaking the campus rules, the campus can
10 identify that student by asking them for ID and to
11 identify themselves.

12 COUNCIL MEMBER VERNIKOV: That's a no. So, let
13 me ask you a question, if you have faculty members
14 that are hired to teach English for example, but they
15 come into a classroom and teach gym, what happens to
16 those faculty members?

17 FELIX MATOS RODRIGUEZ: Well, I mean the students
18 who are in that class, if you're talking about a
19 faculty member who is teaching ineffectively, the
20 students would be the first line of defense. Maybe
21 some colleagues who identify that and then the
22 corrective actions will be taken.

23 COUNCIL MEMBER VERNIKOV: I don't understand the
24 answer. What happens to faculty members who are
25

1
2 hired to teach English but they come in and teach gym
3 and start exercising?

4 FELIX MATOS RODRIGUEZ: So, if you're hired to
5 teach a class and you're teaching something different
6 and you're not doing what you're contractively
7 obligated, there will be discipline to you which can
8 lead to initial discipline or termination.

9 COUNCIL MEMBER VERNIKOV: Okay, so then what
10 happens to faculty members who come in to teach math
11 and science but end up espousing their political
12 views and teaching, indoctrinating students with
13 anti-Israel propaganda? Is it the same standard?

14 FELIX MATOS RODRIGUEZ: If any faculty member, as
15 I discussed with Council Member Dinowitz is hired to
16 teach a class about a certain subject and they go and
17 they veer of the subject, and the students complain
18 about that, an investigation is launched to be able
19 to see whether that is actually factory correct and
20 discipline can be provided to that faculty member.

21 COUNCIL MEMBER VERNIKOV: Okay, so there have
22 been multiple reports of faculty members during their
23 classrooms when they're supposed math and science,
24 and Judge Lippman talks about that in his report are
25 indoctrinating students with anti-Israel propaganda.

1
2 Have you suspended or fired any faculty member for
3 doing that?

4 FELIX MATOS RODRIGUEZ: If those cases have been
5 submitted to a former complaint and an investigation
6 has been done, then -

7 COUNCIL MEMBER VERNIKOV: Has it happened?

8 FELIX MATOS RODRIGUEZ: I don't have the answer
9 to that.

10 COUNCIL MEMBER VERNIKOV: You make \$670,000 but
11 you don't seem to have many answers today. That is
12 unacceptable Chancellor. I have a couple more
13 questions.

14 A John Jay student posted a story on Instagram
15 saying, we need Hitler again. Why do they feel
16 comfortable posting such rhetoric on their social
17 media?

18 FELIX MATOS RODRIGUEZ: It's reprehensible so the
19 answer also baffles me.

20 COUNCIL MEMBER VERNIKOV: Well, is it accurate
21 then to say that there has been a hostile environment
22 created by the school that encourages them to be able
23 to post such vile rhetoric?

24 FELIX MATOS RODRIGUEZ: I think that we're working
25 a very polarizing environment that is not just

1 something that is procured to the campuses. Look
2 around where the country is. Look around where we
3 are with the political discourse. Social media also
4 allows individuals to at times express themselves
5 with it with no restrictions and we're seeing all
6 that not just in higher ed but across society.

7
8 CHAIRPERSON DINOWITZ: Alright, thank you Council
9 Member Vernikov.

10 COUNCIL MEMBER VERNIKOV: One last question.

11 CHAIRPERSON DINOWITZ: One last question Council
12 Member Vernikov and then moving on to Council Member
13 Yeger.

14 COUNCIL MEMBER VERNIKOV: Thank you. Chancellor,
15 you said in your opening statement and Judge Lippman
16 mentions it in his report that the majority of
17 students just want to come to school to get an
18 education. They're not looking to create chaos.
19 They're not looking to get engaged in protests,
20 right? Is that correct?

21 FELIX MATOS RODRIGUEZ: Yes.

22 COUNCIL MEMBER VERNIKOV: Okay so why is it that
23 you are afraid to deal with the minority of the
24 [INAUDIBLE 02:42:40] students that are running your
25

1
2 campuses and the radical professors that are teaching
3 your classrooms?

4 FELIX MATOS RODRIGUEZ: Well, I don't understand
5 the premise of your question. We're not supporting
6 that when we have the recommendation of -

7 COUNCIL MEMBER VERNIKOV: I didn't say you were
8 reporting.

9 FELIX MATOS RODRIGUEZ: That are crossing the
10 line, we take action.

11 COUNCIL MEMBER VERNIKOV: So, I think that we
12 should be more afraid of the incoming administration
13 that promise to defund and take away accreditation
14 from any universities that don't deal with
15 antisemitism on their campuses and I look forward to
16 working with that Administration to highlight the
17 issues at City University of New York. Thank you.

18 CHAIRPERSON DINOWITZ: Thank you Council Member
19 Vernikov and finally Council Member Yeger.

20 COUNCIL MEMBER YEGER: Thank you Mr. Chairman.
21 Earlier, I asked about expulsions and terminations
22 and you weren't able to give the number. It was with
23 respect to a particular type of incident. The
24 Chairman asked more generally about discipline.
25 Those answers you don't seem to have here today and I

1
2 guess that's okay. There are people here who work at
3 CUNY and I'm hopeful maybe they can call back at the
4 office and get those answers but if not, can you put
5 that information in the letter that Councilwoman
6 Menin asked for?

7 FELIX MATOS RODRIGUEZ: Thank you, yes.

8 COUNCIL MEMBER YEGER: Okay thank you very much
9 Chancellor. We talked about masks at that protest
10 before and I understand that you're not able to say
11 today that you would commit to instituting a policy
12 against wearing masks on campuses but let me ask this
13 question, what legitimate purpose would there be in a
14 group of students standing around young screaming
15 about whatever it is that they're upset about that
16 day, all wearing masks? Is there a legitimate
17 purpose that you can imagine -

18 FELIX MATOS RODRIGUEZ: It's a hypothetical. I
19 mean students wear different things for different
20 reasons for fashion statements. It might be also to
21 hide their identity. At the end of the day, if they
22 engage in behavior that inappropriate, we have the
23 tools to be able to engage with them and say, you
24 know identify yourself and face the consequences.

1
2 COUNCIL MEMBER YEGER: But standing around and
3 protesting or marching or occupying a particular area
4 of a campus building or field or grass or whatever,
5 wearing a mask in and of itself, is not disturbing
6 behavior? It's not inappropriate behavior? What do
7 they need to do? Do they need to burn something
8 down? What do they need to do?

9 FELIX MATOS RODRIGUEZ: Well I mean they need to
10 break some of the rules on the campus, destroy
11 property.

12 COUNCIL MEMBER YEGER: So, wouldn't it inure to
13 the public safety of all the students and faculty and
14 people who are present on CUNY campuses to have a
15 rule that says, don't cover your face on our
16 campuses. You know, you can't get on to a plane with
17 your face all covered. You got to show yourself who
18 you are. It's got to match your ID. You can't just
19 walk around - I can't walk in here all covered up and
20 the security doesn't know who I am, they won't let me
21 in the building.

22 FELIX MATOS RODRIGUEZ: We have ways A, to be in
23 the building it means that you went through security
24 and identified yourself.

1
2 COUNCIL MEMBER YEGER: But Chancellor, if you're
3 causing trouble and you're showing up at a protest
4 and yelling and doing -

5 FELIX MATOS RODRIGUEZ: If you're causing trouble
6 and you're one of our students, and you have to
7 identify yourself if you are on campus.

8 COUNCIL MEMBER YEGER: But the Chair already
9 established that the identification process is
10 meaningless because public safety walks up and says,
11 do you have ID? And the guys says, sure, I have ID
12 right here. Here's my face and then puts the mask
13 back up and the security guy says, thank you very
14 much. Have a great day.

15 FELIX MATOS RODRIGUEZ: No, if they're engaged in
16 inappropriate conduct, public safety will make the
17 arrest or the kind of disciplinary or disburse the
18 crowd.

19 COUNCIL MEMBER YEGER: But apparently on CUNY
20 campuses it's not an appropriate conduct to stand
21 about and say things like, you know no Jews here and
22 you know shut down the Hillel and you know terror is
23 Jews, this, and you know Jews go away and Jew, Jew,
24 Jew because that's like a thing that's happening on
25

1
2 CUNY campus. Let's not pretend, at least for this
3 conversation, that that's not what's happening.

4 So, that in and of itself, covering the face lens
5 to the hiding their identity and you could just make
6 a rule saying no face covers. Have a great day,
7 stop, no more doing that. And I think that you have
8 240,000 people on your campuses who are students,
9 40,000 who are employees, that's the size of cities
10 in this country. One rule would stop that behavior.

11 FELIX MATOS RODRIGUEZ: Well, I don't know if the
12 rule will stop the behavior.

13 COUNCIL MEMBER YEGER: Sure it would, you know
14 why? May I answer I'm sorry, because the clock is
15 going and the Chair is getting antsy at me. So, of
16 course it would stop the behavior because the follow
17 up to that is, you do it. You violated the rule and
18 as Vice Chancellor said earlier, it's a privilege to
19 be on the campus. You're out of here. No more
20 coming back on the campus. You're expelled from the
21 school. If you are professor, if you're a teacher,
22 if you're a custodian, if you are what you are, you
23 no longer have employment here, you're gone. That
24 would be the consequence.

1
2 FELIX MATOS RODRIGUEZ: And if you are
3 misbehaving and you're wearing your mask or wearing a
4 cap or whatever it is, we have the mechanisms to be
5 able to know who you are -

6 COUNCIL MEMBER YEGER: But Chancellor the
7 mechanism is a guy with zero authority walks up and
8 says, do you have one of those plastic cards they
9 gave you at orientation and the guy says, I got it
10 right here and he says, okay, great no problem.

11 FELIX MATOS RODRIGUEZ: With all due respect, our
12 public safety officers take their job very seriously.

13 COUNCIL MEMBER YEGER: I'm sure they do but
14 they're not -

15 FELIX MATOS RODRIGUEZ: And when the students are
16 crossing the line, they take appropriate action.

17 COUNCIL MEMBER YEGER: But Chancellor, without
18 hearing that any of these guys, our students are
19 being expelled from these campuses to keep safe the
20 remainder of the CUNY family, there's no assurance
21 that any of that ask for the card means anything. We
22 just uhm, you know the concept of creating these
23 rules within the guide of Henderson; by the way,
24 there's not question that Henderson would allow you
25 to make such a rule. You just have to make the rule

1 so people know. People have to know what rule
2 they're violating. Right now, when they walk around
3 wearing masks, they're just violating the rules of
4 society where you shouldn't look like an idiot in
5 public. But they're not violating anything else
6 until you say, on my campus, you can't dress like
7 that. And then if they do it, you throw them out.
8 That solves the problem and that removes an element
9 of as my colleague calls, the junior jahotties(SP?)
10 from being in the presence of normal society, calling
11 for the death and destruction of Jewish people. And
12 it would be good for CUNY to do that because it's a
13 \$4.2 billion enterprise predominantly paid for by the
14 taxpayers, not by student tuition. It's paid for by
15 the people who are funding this government and they
16 want to know why an organization with a budget that
17 size that represents a budget that's larger than many
18 states in this nation are not able to keep the
19 children of them safe.

21 The parents are paying for this and they want to
22 know why as Councilwoman Brewer asked earlier, should
23 we send our kids to CUNY schools? They're making
24 choices. It's custom of choice. They're voting with
25 their feet. If we're going to keep this institution

1
2 meaning something, you have to get rid of the bad
3 element.

4 CHAIRPERSON DINOWITZ: So, thank you Council
5 Member Yeger.

6 COUNCIL MEMBER YEGER: That's not a question,
7 that's just a statement but thank you very much for
8 being here today.

9 CHAIRPERSON DINOWITZ: Thank you. Just a few
10 more points and then that ends this section but I do
11 want to read one thing from the report in
12 continuation of that. You had intimated that the
13 individual school or university will take care of
14 whatever issue there is. I just want to read one
15 part. It says, presidents and deans of colleges
16 should not be left without central guidance on how to
17 best to deal with these types of issues referring to
18 safety and concealment of identities. Safety on
19 campus concealing identities, which have safety
20 implications. Presidents and deans of college should
21 not be left without central guidance, not a best
22 deal, these types of issues, according the
23 appropriate scope of content neutral time, place and
24 manner restrictions on expressive conduct. In
25 addition, there must be clear guidance related to

1
2 issues of vandalism and destruction of property on
3 CUNY campuses. So, in contrast to what you testified
4 before about how each individual school will take
5 care of it, can you abide by the recommendation of
6 Judge Lippman that there is more central guidance on
7 how to deal with issues of safety, identity
8 concealment and instructions for school campus safety
9 officers?

10 FELIX MATOS RODRIGUEZ: So, that is first the
11 training for all the peace officers is centralized.
12 So, that's something that we do. All the training of
13 the peace officer is done by the central office.
14 It's not done by the campuses, so a lot of the
15 guidance that is providing on the training on the
16 things mentioned there, are things that are done
17 centrally.

18 CHAIRPERSON DINOWITZ: But the guidance for
19 things like masks. I know we've been talking a lot
20 about masking but it's just, it's just one element of
21 what safety looks like. Is that guidance and those
22 decisions provided centrally?

23 FELIX MATOS RODRIGUEZ: On safety matters, we
24 provide central guidance to the campuses, yes.

1
2 CHAIRPERSON DINOWITZ: Well, it's - I'm a little
3 confused. So, why it would be a recommendation where
4 it says presidents and deans in college should not be
5 left without central guidance. That sort of implies,
6 in the report, that sort of implies that it is. So,
7 I mean it's okay to say you disagree but just say you
8 disagree with the report.

9 FELIX MATOS RODRIGUEZ: We provide public safety
10 and the training and the guidance is something that
11 is heavily centralized. Campuses also, since they
12 have a different configuration in terms of the layout
13 of the campus, they might do additional training
14 pertaining if you're more a vertical campus or things
15 of that nature but it's centralized.

16 CHAIRPERSON DINOWITZ: And one other, we received
17 information that the safety officers who are hired,
18 that emergency safety officers, there was a complaint
19 that they did not receive the proper training. Can
20 you comment on that?

21 FELIX MATOS RODRIGUEZ: That the?

22 CHAIRPERSON DINOWITZ: That the safety officers
23 during the encampments they were increased security,
24 but they were not trained. They were according to
25 this, untrained and unprofessional contract security

1 officers to supplement the trained peace officers.

2 So-

3
4 FELIX MATOS RODRIGUEZ: If those are on the
5 contract, they do training based on the company that
6 employes them and then when they come to us, they
7 receive some training about our rules on our campuses
8 and the expectations of them also within the campus.

9 CHAIRPERSON DINOWITZ: So, while we support let's
10 say the emergency contract. We need to get things
11 done very quickly. The only training they would have
12 received was from the company that's being hired. No
13 additional training or information?

14 FELIX MATOS RODRIGUEZ: No, they get some
15 training when they come to us right? But it's not
16 the same training as our peace officers who have been
17 through an academy and with us being for longer.

18 CHAIRPERSON DINOWITZ: And the company you hired
19 doesn't have any of the same guidelines? That
20 they're prepared in the event- and now that you have
21 a contract with them, which is I think longer term
22 than just you know we immediately need this. You've
23 allocated a certain amount of money for a certain
24 number of hours. The contract wasn't filled. They
25 didn't do whatever, it was three weeks, 24/7. During

1
2 that time, is there any additional training that
3 takes place?

4 FELIX MATOS RODRIGUEZ: Well, one of the things
5 that and what we also wanted to bring additional
6 people is by the president of the campus right and
7 being part of the meeting for public safety and all
8 of that. They get to know the students and know the
9 campus and be more readily - to be ready to deal with
10 any circumstance.

11 CHAIRPERSON DINOWITZ: Thank you. I want to go
12 back very quickly to one other thing about Number 12,
13 recruit and foster to hire for inclusiveness just
14 very quickly. That also means I imagine hiring a
15 diverse workforce. You spoke briefly about
16 recruiting Jewish students and when we talk about
17 diversity we want people of all backgrounds in the
18 room. We've heard complaints in my office that there
19 are no Jewish Presidents, Advisors, Vice Chancellors,
20 things like that. Can you just talk a little bit
21 about that please?

22 FELIX MATOS RODRIGUEZ: Well again, candidly I
23 don't know where that information comes from right.
24 I mean speaking from memory, four of our campus
25 presidents are Jewish. I'm not going to out mention

1 names. I don't think that that would be appropriate.
2 There's at least three or four members of my cabinet,
3 some of the people that I hire initially are also
4 Jewish so I have really no idea where that
5 information is coming from.
6

7 CHAIRPERSON DINOWITZ: Okay, I just wanted to
8 clarify that because -

9 FELIX MATOS RODRIGUEZ: And thank you for
10 allowing me to clarify because it's been one of those
11 things that has been out there with no basis on
12 reality.

13 CHAIRPERSON DINOWITZ: Okay, thank you for
14 clarifying that and so just to wrap up, what do you
15 think are the most important immediate next steps
16 CUNY is taking to combat antisemitism and
17 discrimination per the report?

18 FELIX MATOS RODRIGUEZ: Well, I think the
19 centralizing of the training and working with the
20 cases to the Center for Inclusive Excellence is one
21 of our top priorities that's going to address many of
22 the key recommendations from the Lippman report. The
23 upgrading of the portal with the new system, I think,
24 will give us a lot of nimbleness and responsiveness
25 and transparency, which people have been asking for

1
2 and that's I think a very important part of our work
3 in this process. I also think that the emphasis on
4 the not just let's say punitive side of what are you
5 doing when people break the rules which is important
6 but also the how do you build a campus climate that
7 is having less antisemitism and constructive dialogue
8 is another important part of what we're trying to do.
9 The policy review, we've had the engagement with the
10 Hillel that provide us some feedback. We have the
11 Judge now, so we should be ready to finalize that in
12 the next semester. So, those I think will be the
13 most important things from the report.

14 CHAIRPERSON DINOWITZ: Thank you and I do want to
15 I guess concur that education is a critical element
16 of this. We didn't spend a lot of time on that
17 aspect today but to be truthful one of the biggest
18 deficits that we have found are the you know clear
19 guidelines of consequences and discipline. Because
20 we're aware of some of the efforts you are making,
21 although there's a lot more to do. Chancellor and
22 Vice Chancellor, I want to thank you for coming
23 today. I know you know how important this issue is.
24 The existence of this report in the first place, the
25 existence of the request by Governor Hochul. The

1
2 attendance of a number of students here and online,
3 watching online is indicative of how important this
4 is.

5 But as I said earlier, knowing how important
6 something is, caring about it, is not the same as
7 implementing policies that ensure the safety of our
8 students and ensure that they are welcomed on all
9 campuses. I wish that during today's hearing we
10 could have gotten more data. We could have gotten
11 more information because the goal of today was to be
12 to - was to address certain issues, certain problems
13 based on the report. And I think we did that but I
14 think we would have been much better served with data
15 information, concrete examples. And so, as Council
16 Member Menin suggested, we will be sending a letter.
17 We look forward to some of that data information
18 about a number of suspensions, about times where
19 students have engaged or faculty have engaged in
20 certain activities and there have been meaningful
21 responses from CUNY administrators, both in the
22 individual campus and central. And of course, we'll
23 be following up on all the elements of this,
24 including things like the portal. Including guidance
25 from CUNY administration to individual colleagues.

1 Including guidance about how antisemitism is even
2 defined.
3

4 Thank you again. We will take a 10 minute break.
5 I encourage you to stay to listen to some of the
6 students testimonies and to spend time talking to the
7 students. Thank you very much.

8 FELIX MATOS RODRIGUEZ: Thank you.

9 BREAK [02:59:53]- [03:12:26]

10 CHAIRPERSON DINOWITZ: Thank you everyone.

11 Again, we are here to discuss; this is the Committee
12 on Higher Education about CUNY's Response to the
13 Lippman Report.

14 The first panel and if I mispronounce anyone's
15 names I apologize, Keira Kepets, Kristopher Kolos,
16 Julius; maybe you'll share your last name with us,
17 Aidan Herzlinger, and that's it for the first panel.
18 You can come up to the dais. I mean the witness
19 table. Aidan, Julius, no.

20 AIDAN HERZLINGER: I'm Aidan.

21 CHAIRPERSON DINOWITZ: Okay, Kristopher and
22 Keira. Okay, thank you. We'll begin with Keira.

23 KEIRA KEPETS: Good morning or afternoon at this
24 point and thank you Chair Dinowitz and all the
25 Council Members for coming and thank you to the

1
2 Chancellor of CUNY, although he does not seem to be
3 staying for our testimonies.

4 My name is Keira. I go to John Jay. For the
5 first year and a half of being there, I noticed how
6 passionate the students and faculty and staff were
7 about advocating for everyone and especially
8 minorities; however too many antisemitic incidents
9 have taken place at school to say that this passion
10 applies to Jewish students on campus. Students
11 protest inside the building and have allowed speakers
12 who have vial views on Israel and spread antisemitic
13 rhetoric and our club, the Hillel club has been
14 targeted.

15 During my spring semester of last year, I
16 enrolled in a victimology course where the professor
17 brought guest speakers. These speakers were here to
18 apply different frameworks on the war in Israel.
19 However, both speakers, a pro-Hamas person and a
20 member of Jewish Voice for Peace, a radical anti-
21 Israel group were of the same mind.

22 Israel and sometimes even the hostages were the
23 words they used, are the oppressor and Hamas and the
24 Palestinians are victims. I sat there in disbelief
25 at all the things they had to say, horrible about the

1
2 Jewish people. Claiming that Zionism is a political
3 ideology that conceals its crimes and confuses
4 people. That all Israelis and Jews are armed to the
5 teeth and that October 7th was an act of desperation
6 by Hamas.

7 I spoke to the professor afterwards and expressed
8 my concern for the lack of the opposing narrative and
9 how the class is only given the chance to learn about
10 half of the war. In return he continued to only
11 share his narrative and gaslight what I had to say.
12 After two hours, he gave me a solution. I could
13 stand up in front of the class and present my
14 narrative of the war or bring a speaker but he made
15 it clear that he was not going to represent anything
16 else other than his bias narrative. He told me that
17 he was teaching the reality of the future, meaning
18 his narrative where Hamas and Palestinians had a
19 successful resistance. It's not my job to provide
20 lessons to the class, but I was able to bring
21 Professor Bratman to teach the other side to the war.
22 Unfortunately, my professor clapped back, interrupted
23 and even laughed at Professor Bratman on anything he
24 had to say. The class is unable to ask questions and
25 it was a very uncomfortable situation.

1
2 CHAIRPERSON DINOWITZ: Please wrap it up.

3 KEIRA KEPETS: Yes. Throughout the Lippman
4 report, we see that in Recommendation nine. Like you
5 discussed before that holds faculty and others
6 accountable for violative conduct. I think this
7 professor needs to be held responsible and CUNY needs
8 to take responsibility. We did report this
9 professor, although nothing has been done and he was
10 able to bring these speakers into class. It was
11 uncomfortable and in the future we need to see that
12 these professors are being taken action against and
13 that they are being held accountable for their biases
14 in the classroom.

15 CHAIRPERSON DINOWITZ: When you said nothing is
16 done, did you get no response or feedback or
17 communication from CUNY when you made the complaints?

18 KEIRA KEPETS: I've spoken to the Chancellor
19 about this and many other people and Professor
20 Bratman was the one who filed the report and I don't
21 know personally what the result was other than that
22 it was freedom of speech.

23 CHAIRPERSON DINOWITZ: Okay, thank you. Aidan.
24 And I forgot to say one thing, please state your name
25 before your testimony for the record.

1
2 AIDAN HERZLINGER: My name is Aidan Herzlinger.
3 I am a sophomore at Baruch College and the Vice
4 President of our Hillel. I love Baruch College but
5 that doesn't excuse the Administration's failure to
6 properly protect its Jewish students.

7 On September 3rd, Baruch students for Justice in
8 Palestine, which is not a chartered club in
9 collaboration with Baruch Middle East North Africa
10 society, which is a chartered club, held a protest in
11 the plaza between the main building and library.

12 That same night, Hillel had a new student in
13 their at an off campus Kosher restaurant. The same
14 protesters that began their protest at the plaza went
15 to the restaurant and stood at the entrance and
16 proceeded to harass, intimidate and threaten Jewish
17 students.

18 The protesters were heard shouting all Zionists
19 are racist as well as threats like you ain't going
20 home tonight. A protester even shouted at a visibly
21 Jewish couple, "where Hersh, you ugly ass bitch? Go
22 bring them home," in regards to Hersh Goldbrick
23 Pollen who was murdered by Hamas a few days earlier.

24 Additionally, one of our Hillel staff members was
25 assaulted by a protester. What makes the situation

1
2 even more jarring is that the Hillel Instagram was
3 stalked and these protesters found out about the
4 dinner through one of our posts and planned in
5 advance to follow our students there. And I want to
6 emphasize that this was a premeditated protest.

7 On September 11th, Baruch SJP posted to their
8 Instagram page a response to the Baruch
9 Administrations condemnation of that protest. In the
10 response, they publicly labeled me a genocide
11 enabler, stating that it was "an off campus event
12 that was hosting a dinner for genocide enablers like
13 Ilya Bratman, who is the Executive Director of our
14 Hillel, Mia Homan and Sasha Ribnia(SP?) who are both
15 Hillel staff members and Aiden Herzlinger."

16 They publicly labeled me a genocide enabler
17 simply because I called out the antisemitism of their
18 protest. In Judge Lippman's report, one of the
19 recommendations that was made is to increase
20 consideration of the relationship between Israel and
21 the Jewish people when adjudicating whether conduct
22 constitutes antisemitism. Merely abiding by this
23 recommendation could have prevented the incidents I
24 just spoke about all together.

1
2 I am not here to demand special treatment. All I
3 ask is that Jewish students are treated with the same
4 respect and dignity that any other student would be
5 granted. The recommendations that Judge Lippman
6 states in the report can be achieved within legal
7 boundaries but CUNY and it's Administration should
8 act on them instead of standby and do nothing. If
9 they choose to do nothing, let me remind them that
10 there are no innocent bystanders in the fight against
11 hate. If you stand by and do nothing you are
12 complicit.

13 CHAIRPERSON DINOWITZ: Thank you very much. I do
14 want to read something first before you continue.
15 That wasn't it. I want to remind members of the
16 public during this public testimony portion. This is
17 a formal government proceeding and decorum shall be
18 observed at all times. As such members of the public
19 shall remain silent at all times. The witness table
20 is reserved for people who wish to testify. No video
21 recording or photography is allowed from the witness
22 table.

23 Further, members of the public may not present
24 audio or video recordings as testimony but may submit
25 transcripts of such recordings to the Sergeant at

1
2 Arms for inclusion in the hearing record. If you
3 wish to speak at today's hearing, please fill out an
4 appearance card with the Sergeant at Arms and wait to
5 be recognized. When recognized, you'll have two
6 minutes to speak on today's hearing topic, CUNY's
7 response to the Lippman Report. And just in that
8 vein, I do want to thank the first two speakers for
9 referencing the report, which is what this hearing is
10 about.

11 If you have a written statement or additional
12 written testimony you wish to submit for the record,
13 please provide a copy to the Sergeant at Arms. I'll
14 now call on Kristopher.

15 KRISTOPHER KOLOS: Thank you very much and my
16 name is Kristopher Kolos. I am a junior at Baruch
17 College. I want to go back about one year when our
18 Hillel offered me an opportunity to go on a non-CUNY
19 related volunteer trip to Israel. In January, my
20 classmates and I went on this trip and it turned out
21 to be a very meaningful trip for us.

22 Our return from this trip back to school was
23 something of a nightmare. SJP, Mena and many
24 individuals took it upon themselves to spread photos
25 of us around CUNY schools calling us all the names

1 and telling people to watch out for us. We stepped
2 back onto campus knowing that every student from this
3 trip now had a target on their back. Walking through
4 the hallways, sitting in our classes and even
5 entering the buildings no one felt safe.

6 I understood that we cannot control what others
7 think and say about us. I came to understand that my
8 safety at school could not be guaranteed, which is
9 something that is controllable and something no
10 student should feel. Over time, the sense of a lack
11 of safety spread from the few of us to many, if not
12 most students at CUNY.

13 In Judge Lippman's 4th recommendation to
14 coordinate at all times with law enforcement to
15 protect everyone at CUNY, he states that although
16 CUNY has numerous effective rules and processes
17 related to safety, it must still strive to improve.
18 Not only does this apply to the problem of
19 encampments Judge Lippman was talking about, but all
20 measures of public safety such as officers, video
21 monitoring, and entry security. Students have been
22 asking for an increase in security for months with
23 our requests mainly falling on deaf ears or tied
24 hands.
25

1
2 I am here now to ask that CUNY be pushed to
3 increase, fix and upgrade the security of our
4 campuses. At a time of heightened tensions caused by
5 various worldwide events and opinions, we need to
6 ensure the protection of all students and staff
7 across CUNY campuses. Thank you.

8 CHAIRPERSON DINOWITZ: Thank you so much.
9 Council Member Menin.

10 COUNCIL MEMBER MENIN: First of all, I really
11 want to thank the three of you for coming today and
12 for all the students who have taken the time to be
13 here and the courage to be here to tell your story.
14 We really deeply appreciate it. Question for Aidan.
15 What has the communication, if any, been with the
16 University in regards to the incident you mentioned?
17 Have you heard any follow up from the University?

18 AIDAN HERZLINGER: I haven't heard any follow up.
19 The most I have received is to go to mental health
20 counseling. I'm not really interested in that. I'm
21 not a -

22 COUNCIL MEMBER MENIN: So their recommendation
23 was for you to go to mental health counseling?

24 AIDAN HERZLINGER: Yes.
25

1
2 COUNCIL MEMBER MENIN: I have no further
3 questions. Thank you.

4 CHAIRPERSON DINOWITZ: Thank you. I think the
5 question I have for you Keira is really better for
6 Ilya, so I will ask my question. Thank you again.
7 Thank you for sharing. I know it's not easy. I know
8 you've been here for a number of hours but thank you
9 for sharing.

10 AIDAN HERZLINGER: May I add one more thing?

11 CHAIRPERSON DINOWITZ: You may.

12 AIDAN HERZLINGER: We met with the Chancellor, a
13 number of students from CUNY, Jewish students from
14 CUNY about a month and a half ago and he mentioned
15 that he met with us and in the meeting, instead of
16 trying to frame it around antisemitism and the issues
17 we're dealing with on campus, he tried to shy away
18 from that issue and talk about what CUNY can do to
19 help us with our careers. Now, I'm very interested
20 in my career but I can't focus on my career when I
21 have to focus on finding antisemitism on the campus.

22 CHAIRPERSON DINOWITZ: Exactly, thank you.

23 COUNCIL MEMBER MENIN: But can I ask one follow
24 up? Was there any implicit suggestion then that
25 because you have outspoken, all of you, and talked

1
2 about the experiences that that would have any kind
3 of detrimental impact on your career?

4 AIDAN HERZLINGER: No, there was nothing spoken
5 about.

6 COUNCIL MEMBER MENIN: Okay, thank you.

7 CHAIRPERSON DINOWITZ: Okay thank you. I'll be
8 calling the next panel. You may go back. Thank you.

9 You know they get penmanship classes in college.
10 That would make my life a lot easier. Maya Gavriel,
11 Maya G., Eli Meron, you can step up when it's time.
12 Kayla Aaron, Audry Rogers. I called four people.
13 Audry? Okay, never mind. You may begin, please
14 state your name for the record. We'll start from
15 left to right. Well, my left to your right.

16 ELI MERON: My name is Eli Meron. I go to Baruch
17 College.

18 CHAIRPERSON DINOWITZ: You can begin your
19 testimony.

20 ELI MERON: Good afternoon Chairman Dinowitz,
21 members of the Committee and Council. Thank you for
22 holding this important hearing and allowing Jewish
23 students to stand up for themselves. Chancellor
24 Matos Rodriguez should be here now.

1
2 My name is Eli Meron. I am a senior at Baruch
3 College. Like many, my story highlights the urgent
4 need to implement the Lippman report recommendations
5 immediately. As a graduate of [INAUDIBLE 03:25:59]
6 program, I am aware of the potential consequences my
7 testimony may have on campus but I choose to stand up
8 for the truth regardless.

9 I'm an Israeli American. October 7th was deeply
10 personal for me. I posted on Instagram to spread
11 awareness about my friend Resani(SP?) who lost his
12 life at 20 years old while fighting for the Israel
13 Defense Force and a mutual friend Omar Nusfa(SP?) who
14 is being held hostage in Gaza today. My close
15 college friends betrayed me with comments such as,
16 what did you expect to happen? Why is this different
17 from when people in Gaza die and Jews have absolutely
18 no right to be in Palestine. Attempting to gaslight
19 me into feeling guilty for grieving for my friends.
20 There is no shared grief.

21 Baruch became so hostile that one day, my coach
22 grabbed my and my friends Jew star necklace,
23 instructing us to remove it for our protection. This
24 same school that told me to take off my Jewish star
25 was fully aware of the hostile environment and yet

1
2 did nothing, even after I reported that a team
3 captain had physically threatened me solely for being
4 Israeli.

5 I walked to and from school in fear of being
6 attacked while CUNY failed to act. Instead of
7 offering resources or guidance on reporting the
8 incident to higher authorities, the coach told me to
9 let it go and that we are all family. This
10 highlights the harm caused by inadequate training for
11 students and faculty on addressing Jew hatred and
12 persistently hostile campus environments. This is
13 the reality that Jew students face. We should not
14 have to choose between our safety and our right to
15 express our identity and CUNY has a legal obligation
16 to ensure that we don't have to. I urge CUNY to
17 prioritize implementing the recommendations of the
18 Lippman report, including better training for
19 handling incidents of Jewish hatred and more robust
20 accountability systems. Every student deserves to
21 feel safe, respected, both on and off campus when
22 within their teams.

23 Thank you for listening to my story and commend
24 you for making CUNY a safe and workplace for
25 everyone.

1
2 CHAIRPERSON DINOWITZ: Thanks. Thanks for
3 speeding up after you heard the bell. I appreciate
4 that. Maya.

5 MAYA GAVRIEL: Thank you. Honorable members of
6 the City Council, I'd like to begin by thanking
7 Councilman Dinowitz for inviting the Chancellor to
8 come and here our community, although he is not here
9 at the moment. My name is Maya Gavriel and I join
10 you as a student from Baruch College and I'm seeking
11 protection and justice for the Jewish population on
12 the CUNY campuses who like me, have been constantly
13 subjected to harassment and hate with little to no
14 accountability.

15 The Lippman report recommends that CUNY ensures
16 that all its staff, especially Chief Diversity
17 Officers, understand and follow the legal definition
18 of antisemitism. I'm here today to ask you to help
19 make that recommendation a reality by formally
20 adopting IHRA as the definition of antisemitism at
21 CUNY. Being a student that has personally
22 experienced forms of antisemitism where students have
23 openly targeted me with harmful stereotypes and
24 excluded me because of my Israeli background, I know

1
2 the frustration of being ignored when incident get
3 reported.

4 I saw no reprimand for these actions and was left
5 feeling invisible and unsupported by my
6 administration. The lack of clear universally
7 accepted guidelines for identifying antisemitism
8 allowed for this harassment to go unchecked. The
9 IHRA definition would provide CUNY with a
10 comprehensive clear framework to identify
11 antisemitism in all its forms, whether in speech,
12 action, or written content. It would ensure that all
13 members of the CUNY community from Administration
14 down to the student body have a shared understanding
15 of what constitutes antisemitism and that there are
16 firm policies in place to address it.

17 The IHRA definition acknowledges that criticism
18 of Israel is not inherently antisemitic but offers
19 guidance on what crosses the line into antisemitism.
20 This distinction is especially important in the
21 context of debates on campus regarding the Israeli,
22 Palestinian conflict. Schools like Brooklyn College,
23 City Pace and others have already endorsed this and I
24 think that we can to. Yeah, I urge you to support
25 formal adoption.

1
2 CHAIRPERSON DINOWITZ: So, the - well, why don't
3 you testify and then I'll go back to a question about
4 that. State your name for the record please.

5 Thank you Chairman Dinowitz and members of the
6 Committee. I am inspired and impressed by your
7 knowledge and care for the issue. Thank you to the
8 Governor for commissioning this report and Judge
9 Lippman for writing it. I applaud the Chancellor in
10 his office -

11 CHAIRPERSON DINOWITZ: Kayla?

12 KAYLA AARON: Yeah.

13 CHAIRPERSON DINOWITZ: Can you state your name
14 for the record?

15 KAYLA AARON: Yeah. Kayla Aaron.

16 CHAIRPERSON DINOWITZ: Thank you.

17 KAYLA AARON: Thank you. I applaud the
18 Chancellor and his office as well as Baruch
19 Administration for taking initial steps to look out
20 for Jewish students and suspend certain clubs on
21 campus. However, it's not proven to be enough.

22 My name is Kayla Aaron, I'm a delegate in the
23 CUNY University Student Senate, representing Baruch
24 and over 230,000 CUNY students. I am the only
25 student on the Chancellors Advisory Council on Jewish

1
2 life and I've worked tirelessly over the past four
3 years to make the campus environment more welcoming
4 to Jewish students. Believe me when I say this
5 report was overdue.

6 Antisemitism has been an issue on campus for many
7 years before the atrocities of October 7th and the
8 increased hatred that we as Jewish students faced
9 after. I had a professor say to me in front of the
10 whole class, "I knew you controlled the world."
11 After I helped him put the projector screen back into
12 place.

13 The current discrimination filing systems were
14 not even in place at the time of this incident and
15 still complaints filed on October 8th of 2023 have
16 not been answered by the appropriate Baruch campus
17 offices. I've seen many Instagram accounts for
18 different school clubs, even sanctioned ones, that
19 receive student activity fee money post antisemitic
20 flyers and praises for Hamas.

21 The University system's digital space is a
22 dangerous no mans land without responsibility or
23 punishment. It's apparent to me that I am forced to
24 fund through my tuition the very organizations that
25 are calling for the murder of my Jewish brothers and

1 sisters. This attitude directly impacts our campus
2 environment where students lead a protest against
3 Hillel and Jewish students on the Baruch Plaza.
4 Blocking the doors to the Newman vertical campus and
5 the library building and these students called for
6 violence against Jewish students. Regarding the
7 welcoming dinner, I personally confirmed the
8 identities of two students to the dean of students
9 art king after they posted on their own social medias
10 that they had attended this rally.

12 CHAIRPERSON DINOWITZ: Thank you. I do want to
13 note that while the Chancellor is not here, I will
14 repeat what I said. I do think it's meaningful that
15 he's here. He was here but we do have three
16 representatives from CUNY including a Vice Chancellor
17 in the back. So CUNY is well represented here. You
18 know I want to fair in that regard and of course,
19 they're going to be reporting back to the Chancellor.

20 Maya I have a question for you. You know the
21 report sort of clearly states the Judges opinion that
22 IHRA kind of makes the most sense but he doesn't want
23 to prescribe any definition that sort of CUNY has to
24 develop. But you're sort of going farther than that.
25 You're saying affirmatively CUNY should absolutely

1
2 adopt the IHRA definition of antisemitism. Can you
3 talk a little more about that please?

4 MAYA GAVRIEL: Yeah 100 percent. I think if we
5 don't adopt a formal definition, how are we supposed
6 to say you just targeted this Jew. You committed an
7 antisemitic act with no framework. I think it's kind
8 of ridiculous to say, yeah, like oh we should see
9 that this is antisemitic but not define it. And I
10 think that this specific definition works the best.
11 I mean it's a working definition but because it
12 resonates with most of the community and I think it
13 covers most of what is globally recognized as an
14 antisemitic incident.

15 CHAIRPERSON DINOWITZ: Council Member Yeger.

16 COUNCIL MEMBER YEGER: Thank you Mr. Chairman.
17 Mr. Aaron, did you file a complaint with the
18 Administration about the professor that made that
19 comment, "I know you people control the world?"

20 KAYLA AARON: Yes, I did.

21 COUNCIL MEMBER YEGER: What ever happened with
22 that?

23 KAYLA AARON: The complaint was only responded to
24 after I went in person to the office. Even so, it

1
2 took a long time to hear anything back from the
3 office.

4 COUNCIL MEMBER YEGER: What is a long time?

5 KAYLA AARON: I would say about a month.

6 COUNCIL MEMBER YEGER: Even acknowledging that
7 your complaint had been received?

8 KAYLA AARON: Correct.

9 COUNCIL MEMBER YEGER: Did you use the portal?

10 KAYLA AARON: It was pre-portal.

11 COUNCIL MEMBER YEGER: Pre-portal okay and since
12 that - how long ago was this?

13 KAYLA AARON: This was in the fall of 2022.

14 COUNCIL MEMBER YEGER: So, have you ever heard if
15 the professor had been disciplined, fired?

16 KAYLA AARON: The professor was only removed
17 after allegations of sexual misconduct.

18 COUNCIL MEMBER YEGER: Oh, okay well, that's not
19 antisemitism I guess that's not a big deal. Ms. Uh
20 for the gentleman. You said that you had filed
21 complaints as well right?

22 ELI MERON: I had spoken to my coach.

23 COUNCIL MEMBER YEGER: You spoke to your coach.

24 ELI MERON: He was aware of the incident.
25

1
2 COUNCIL MEMBER YEGER: The coach was the one who
3 grabbed the necklace and said, I'm going to wear it
4 and you spoke to the person who did it but did you
5 file a complaint against that person or?

6 ELI MERON: I wasn't aware of any reporting
7 system. I wasn't made aware. I had spoken to my
8 coach about this and he knew of the incident for
9 months and had to approach me about it and when I
10 came to him, there was no - no one made me aware of
11 the reporting mechanisms that were in place. And
12 even if they were anonymous, I'm not interested
13 because on a small team, it's very obvious who it is.

14 COUNCIL MEMBER YEGER: Right.

15 ELI MERON: And there is no me and him in a room
16 to rectify the situation. I still feel intimidated
17 every time I see this individual on campus and other
18 individuals.

19 CHAIRPERSON DINOWITZ: It sounds like it speaks
20 to the need to have more staff members trained and
21 engaged because a staff member should have stepped
22 in. Especially you want to raise to the level of a
23 complaint. It's as anonymous as it may be, on a
24 small team, you're not anonymous right?

25 ELI MERON: Exactly.

1
2 COUNCIL MEMBER YEGER: If I may? In Baruch just
3 anecdotally at least seems to be a little bit of a
4 hot bed relative to the other campuses in the CUNY
5 system. Do you know of other students who A, had
6 antisemitic incidents perpetrate against them and be
7 followed through with a complaint? Do you know of
8 any complaint that ever resulted in the expulsion of
9 a student or the firing of a professor?

10 ELI MERON: Not to my knowledge.

11 COUNCIL MEMBER YEGER: Alright, thank you very
12 much. Thank you for being here.

13 CHAIRPERSON DINOWITZ: Thank you to this panel.
14 I'll be calling the next panel, Sara Aeder from JCRC,
15 Michael Cohen from the Simon Wiesenthal Center, Ilya
16 Bratman from Hillel, Avi Posnick from Stand With Us.

17 Thank you. As a reminder, please state your name
18 for the record and we'll start on my left with Mr.
19 Posnick. Just give us one second. Begin.

20 AVI POSNICK: Good afternoon. Thank you Chair
21 Dinowitz and the New York City Council Higher Ed
22 Committee and all the member of the Council who are
23 here for convening this hearing. My name is Avi
24 Posnick and I'm the Northeast Regional Director for
25 Stand With Us, an international education

1 organization that empowers students to fight
2 antisemitism. We have of course been following the
3 developments at CUNY over the years and are grateful
4 for the work of Judge Lippman. There have been a
5 number of initiatives that the Chancellor has
6 supported, meant to fight antisemitism and we need to
7 support and build upon those. CUNY itself has said
8 that they will work to implement the Judges
9 recommendations and we thank the CUNY Chancellor for
10 them. However, as the report has said, there is
11 still more work to be done and as you will hear and
12 as you've heard already from some of the students
13 here today. While we are - excuse me, there is one
14 recommendation among the many recommendations that I
15 think should all be implemented but one I'd like to
16 focus on because of an issue that we've seen
17 reoccurring and members of the Council have already
18 alluded to that.

20 Recommendation Nine talks about holding faculty
21 and others accountable for a violative conduct. We
22 agree with the Judge who said, students and faculty
23 must be permitted to exercise their first amendment
24 rights fully and without restriction and faculty must
25 be free to challenge students even if that means

1
2 exposing them to uncomfortable concepts. However,
3 when students or faculty including tenure faculty
4 violate CUNY's policies and procedures or otherwise
5 engage in antisemitic conduct or conduct that creates
6 an unsafe environment at CUNY, they must be held
7 accountable.

8 We encourage CUNY to update, clarify and make
9 clear polices regarding student groups using their
10 official campus names and social media accounts.
11 Promoting activities that intimidate students and
12 others, even those that are just outside the campus
13 gates as we heard before. Professors who join these
14 protests, intimidating Jewish students walking past.
15 The right to freedom of speech and protests much be
16 upheld but we believe there needs to be clarification
17 regarding the use of official CUNY names and accounts
18 and the role of a professor who is supposed to be a
19 role model influence of students. Thank you again
20 and we look forward to continuing to work with CUNY,
21 this Committee and all of our partners to protect
22 Jewish students on campus.

23 CHAIRPERSON DINOWITZ: Thank you. Mr. Cohen.

24 MICHAEL COHEN: Thank you Chair Dinowitz and
25 members of the committee. My name is Michael Cohen

1
2 and I serve as the Eastern Director of the Simon
3 Wiesenthal Center. The center is a premier Jewish
4 Human Rights organization that confronts antisemitism
5 and promotes an understanding of the holocaust in
6 both historic and contemporary context. In that
7 role, I was also appointed to serve as a founding
8 board member of the CUNY Chancellors Jewish Advisory
9 Board and I've served in that body since this
10 establishment in July of 2023.

11 In these dual roles, I have had the unique
12 vantage point to observe both the experiences and
13 emotions of Jewish students attending CUNY, as well
14 as the Administrations efforts to meet those
15 challenges. Governor Hochul's actions in
16 establishing the Lippman Commission, was welcomed as
17 a positive step in demonstrating that our government
18 officials need to take antisemitism seriously in our
19 public college campuses and we thank you for that
20 leadership.

21 We also do want to recognize that both
22 antisemitism on CUNY's college campuses did not begin
23 on October 7th as was demonstrated by the repeated
24 incidents at CUNY Law School graduations. However,
25 we must at the same time acknowledge Chancellor

1
2 Rodriguez's recognition of that stark reality as the
3 subsequent development of the Chancellors Jewish
4 Advisory Board to ensure that both he and his
5 administration can garner a real time understanding
6 of the issues at play and be advised by Jewish
7 leadership on the substance of actions that are
8 necessary to make CUNY's Jewish students feel safe
9 again.

10 As in my testimony at the hearings held here
11 approximately a year and a half ago, I want to
12 restate that I, myself am a CUNY graduate, as is my
13 wife, my mother in law, my brother in law, my sister,
14 my father. We are a CUNY family. My testimony here
15 should not be viewed as wanting to attack CUNY but
16 rather to make certain that my children and their
17 generation can have the same opportunities that I had
18 and that at a time of unprecedented antisemitism on
19 our college campuses nationally, that CUNY once again
20 can become a safe haven for all, including its Jewish
21 students.

22 While CUNY's Administration has made efforts in
23 that area, it is equally of little doubt that Jewish
24 student and faculty continue to both feel threatened
25 and be threatened. We understand that CUNY is a

1 large bureaucracy and the institutional change takes
2 time but when the first student is made to feel
3 unsafe or unwelcome on our public college campuses,
4 we are out of time.
5

6 Today, we will - literally. Today, we will hear
7 CUNY students bravely speaking about their
8 experiences and how the recommendation of the Lippman
9 report need to be implemented. We must have the
10 deepest regard for these students and as by
11 testifying here, they understand the increased
12 challenges that they will be facing on campus and we
13 applaud each and every one of them. The Lippman
14 report is critical not merely because it officially
15 documents what we already know all too well about
16 Jewish students on campus but that it lists concrete
17 recommendations to start to alter the realities on
18 the ground.

19 The Simon Wiesenthal Center believes that the
20 enactment of these recommendations needs a hard and
21 fast timeline. Our children cannot wait in fiery
22 longer as we deliberate. The Lippman Commission was
23 that deliberation, it is time for implementation.

24 I do believe Chancellor Rodriguez has
25 demonstrated that he cares about the welfare of

1
2 Jewish students but we need now more than ever that
3 for this report to directly result in clear and
4 decisive and prompt action.

5 The Simon Wiesenthal Center stands here ready and
6 willing to help anyway possible. Thank you.

7 CHAIRPERSON DINOWITZ: Thank you.

8 SARA AEDER: Good afternoon Chair Dinowitz and
9 members of the Higher Education Committee. I am Dr.
10 Sara Freidman Aeder, Vice President of Israel and
11 Jewish Affairs at the Jewish Community Relations
12 Council of New York.

13 On behalf of JCRC, which is the primary community
14 relations entity for the Jewish people in the
15 metropolitan New York area, we thank you for the
16 opportunity to testify concerning Judge Lippman's
17 report and the City University of New York's
18 response. Judge Lippman's report identified CUNY's
19 decentralized approach to the handling of
20 antisemitism and discrimination as an issue that
21 requires immediate remedy. While we commend CUNY's
22 plan to establish the Center for Inclusive Excellence
23 and Belonging, centralizing oversight and procedures
24 cannot wait for the center to become operational.
25 The current system where each campus independently

1
2 investigates and judges similar incidents, severely
3 undermines equal protection, fairness and confidence
4 in CUNY's response to adequately handle these types
5 of occurrences.

6 In light of Judge Lippman's report, JCRC
7 recommends that CUNY needs immediate resources to
8 implement, uniform centralize investigation
9 protocols, training standards, complaint reporting
10 systems and oversight mechanisms. We urge the City
11 Council to provide CUNY the resources to establish
12 these centralized systems now. CUNY's 25
13 institutions must operate under one coherent
14 framework when addressing hate and bias. Justice
15 demands equal treatment regardless of which campus a
16 student attends. JCRC stands ready to support CUNY
17 and the City Council in this vital work of creating
18 one coherent framework for addressing hate and bias
19 across the entire system.

20 We want to thank the Committee and Chair Dinowitz
21 again for convening this hearing today. Thank you.

22 CHAIRPERSON DINOWITZ: Thank you.

23 ILYA BRATMAN: Hi, thank you Chair Dinowitz and
24 the members of the Committee and we thank Chancellor
25 for being here but rather upset that he's not here to

1
2 listen to these testimonies. My name is Ilya
3 Bratman, I am the Hillel Director of nine campuses in
4 Manhattan, three of them are in the CUNY system
5 Baruch City and John Jay.

6 This semester we have seen some of the worst
7 conditions and incidents for our students as certain
8 agitators, haters, antagonists, and criminals
9 continue to intimidate, harass, threaten, and
10 terrorize Jewish and Zionist students across our
11 campuses. We cannot fight this onset of hostility
12 if we do not define antisemitism and clearly
13 delineate the types of cases that cross the line. As
14 per Judge Lippman suggestions, we cannot provide more
15 guidance, increase consideration without defining
16 antisemitism. The vagueness of the current
17 conversation at CUNY allows for immense confusion
18 around this issue and disables any ability to
19 adjudicate these incidents. It defangs the
20 instruments available to the investigators and
21 promotes continued lawlessness for the few hateful
22 and desperate agitators.

23 How can we hold faculty accountable to their
24 conduct in the classroom if our policies and
25 definitions aren't clear and widely distributed and

1
2 accepted? The faculty continue to indoctrinate the
3 young impressionable minds of our students to believe
4 in a vision and fanatical fantasy of the middle east
5 that devoid of historical concept and truths and
6 filled with flawed, unscarily analysis without the
7 evidence necessary for honest conversations on
8 campus. If we [INAUDIBLE 03:45:34] to the reports
9 finding that antisemitism is not widespread and is
10 concentrated within a small group of hateful
11 agitators and aggressors, then we should be easily
12 able to address this issue by restraining these few
13 disrupters fully and effectively, eradicating even in
14 the unacceptable conduct from the classrooms,
15 hallways, plazas and all spaces on our campuses and
16 create an environment that's conducive to education
17 and promotion of our great ideals and historic
18 precedent at CUNY.

19 Thank you so much and I hope we can get to answer
20 some questions.

21 CHAIRPERSON DINOWITZ: Alright, the two of you
22 really practiced those two minutes. I'm very, very
23 pleased. Alright and by the way Michael, I didn't
24 know we were competing about number of family members
25 at CUNY. My dad, my sister, my wife, me, all CUNY

1 graduates. I still think you are winning in that
2 department. But one of the things I know your
3 organizations do very well in your own ways is
4 through cross cultural discussions, difficult
5 conversations, bringing different communities
6 together. CUNY has spoken about some of the
7 initiatives they've implemented and there's more work
8 to do.

9
10 Can any of the four of you either speak
11 commentary about the work being done positive or
12 negative and any more work that needs to be done in
13 that area? Ilya?

14 ILYA BRATMAN: Yes absolutely, so I was going to
15 talk about the training and the dialogue that has
16 been tried to be done on campuses, that has failed
17 terribly. The training that they bring on campus is
18 often done by the New York City Commission for Human
19 Rights, which purposefully in its training on
20 antisemitism takes Israel out of the conversation
21 completely. We just had this training at City
22 College last week and at John Jay last semester and
23 this training absolutely takes the current conditions
24 and climate for our students away from them and this
25 allows them to even feel that they're represented in

1
2 the room and when we present our dismay about this
3 type of training, they say this is the greatest
4 training they can offer.

5 We are absolutely desperate to have training
6 that's accepted by all in our campuses. In terms of
7 dialogue, there are very few programs that are
8 actually working for students for certain. There are
9 some for faculty which are not great and they do not
10 support the programs that we do on campus ourselves.
11 The Hillel's are forced to do interfaith and
12 intergroup dialogue on their own without the support
13 of our campuses.

14 CHAIRPERSON DINOWITZ: Wow, and interestingly, I
15 think what you said with the CCHR, training relates
16 to the definition and as Judge Lippman says in his
17 report that for many Jewish people, you know there is
18 a relationship there. There is an emotional
19 relationship between Israel and CUNYism, again
20 separate and apart from the actions of an individual
21 government. I think even just people being trained
22 and knowing that is an important element to this type
23 of training. Sara?

24 SARA AEDER: And I just want to add that while
25 antisemitism is its own unique issue, which needs to

1
2 be addressed directly and not hidden in larger
3 conversations of constructive dialogue, Jews are not
4 the only group that has been experiencing Title Six
5 violations and strengthening Title Six processes
6 throughout CUNY will help all sorts of students,
7 including for example Asian American students who in
8 the wake of COVID have experienced increased Title
9 Six violations on campus. This benefits really the
10 entire student body.

11 CHAIRPERSON DINOWITZ: Right, the Title Six
12 violations did not with CUNY, they went into that
13 agreement. It was not just against Jewish students.
14 I believe Muslim, Palestinian students were included
15 in there as well, correct?

16 SARA AEDER: Absolutely.

17 CHAIRPERSON DINOWITZ: And as you mentioned, we
18 know there's been an increase, especially after
19 COVID, increased hate crimes against our Asian
20 American brothers and sisters as well.

21 MICHAEL COHEN: I think one of the things that
22 the report says needs to be concentrated on is the
23 centralization of power and decision making because
24 right now, what you're looking at is, is even if the
25 Chancellor says something, there is two dozen

1
2 colleges which have to deliberate and have
3 implementation as we heard today. We don't really
4 know what implementation looks like. We don't know
5 what timelines look like on any of these matters and
6 I think part of that is I know the Board of Trustees
7 of CUNY is trying to talk about centralization but
8 that needs to happen because how do we hold anybody
9 accountable for violating these kind of things? How
10 do we hold anybody accountable for not implementing
11 if the answer is going to be, well there are 25
12 different people to go after? I think that
13 centralization needs to happen and needs to happen
14 fast because in order to be able to implement the
15 recommendations of the Lippman report, in order to
16 keep Jewish students safe, there has to be a measure
17 of accountability but we have to give people the
18 power to implement what needs to be implemented so
19 this way we can hold them accountable in that
20 instance.

21 CHAIRPERSON DINOWITZ: Right and I think it is
22 sort of as Sara pointed out, the impetus for this
23 report was antisemitism. The biggest spike in hate
24 crimes across the city, across the country has been
25 against the Jewish community. This has been an issue

1
2 plaguing students but the benefits are really for all
3 students, really strengthening Title Six central
4 guidance, support services really are something
5 that's going to benefit every single student facing
6 discrimination of civil rights violation. I think
7 that's really important to highlight.

8 MICHAEL COHEN: I would also just add, when we
9 talk about centralization is making the
10 clarifications and the policies as widely known as
11 possible and it's publicly known so that there is no
12 ambiguity about what's okay, what's not okay? What
13 cross the line and what doesn't cross the line?

14 CHAIRPERSON DINOWITZ: Council Member Vernikov.

15 COUNCIL MEMBER VERNIKOV: Mr. Bratman, can you
16 talk a little bit about the complaints you filed via
17 the portal.

18 ILYA BRATMAN: Absolutely. Thank you Council
19 Member Vernikov. So, we filed in the past two years
20 many dozens of complaints and the process obviously
21 has been incredibly delayed. Often we do not hear
22 from the DI's Office, that's who investigates these
23 complaints in our campuses for many months. The
24 example would say at City College where we filed a
25 couple dozen complaints last December, January after

1
2 October 7th, after our initial meeting, we didn't
3 hear from them again until August about any of the
4 adjudication or any of the results from our
5 complaints, just to hear that they found none of our
6 complaints measurable to be adjudicated.

7 The complaint that Aidan spoke about that we
8 filed on September 3rd; it's been 70-80 days and
9 there has been no adjudication towards that. Even
10 though as Kayla Aaron said, we have submitted the
11 names to both the college and the DA's Office of the
12 actual individuals who threatened us at the
13 restaurant and these students are still walking
14 around on campus and we see them every day without
15 any repercussions. So, all of our campuses deal with
16 the same problem. When we say to them, why is it
17 taking us so long, the answer is, we are overwhelmed.
18 There's too many complaints and we're not able to
19 adjudicate it in time. Even though they themselves
20 have a 60 day timeline in which they have to have
21 completed their response and they have adjudicated
22 the incident.

23 COUNCIL MEMBER VERNIKOV: So, how long does it
24 take for them to even respond if they do?

1
2 ILYA BRATMAN: It depends on the campus.
3 Sometimes for many months at Baruch College we had a
4 very long delay for the last year, as we had so many
5 complaints. You know the hundreds filed by our
6 students and myself, and so, they had very deep
7 delays. I only heard from the DI office in June when
8 we sat together and we actually went over every
9 complaint that I filed throughout the year at once,
10 which was so ridiculous because the complaints were
11 filed throughout the year and we only were able to
12 sit together in June to discuss them.

13 COUNCIL MEMBER VERNIKOV: Thank you. Do you have
14 any idea why that's happening, why there's such a
15 delay?

16 ILYA BRATMAN: We can only claim. I can only
17 claim incompetence and then a level of overwhelming a
18 nature of the work. I could agree maybe that they
19 are overwhelmed. That that's not a problem of mine.
20 And so, if they are not able to deal with our
21 complaints in a timely manner, then they should just
22 acknowledge that and then the whole portal doesn't
23 seem to work and has lost the trust of the students.
24 A student would not now file a complaint if they know
25

1
2 that nothing's going to happen and no one is going to
3 even get back to them for months.

4 COUNCIL MEMBER VERNIKOV: Thank you. Can you
5 talk a little bit about your interactions with the
6 Chief Diversity Officers?

7 ILYA BRATMAN: My personal interaction has been -
8 it depends on the schools. I work on the three CUNY
9 schools. Some where there's been very negative
10 because they tend to feel that we are attacking them
11 with these complaints, that we are constantly
12 bombarding their office with these complaints, which
13 we are -

14 COUNCIL MEMBER VERNIKOV: Is that what they said
15 to you?

16 ILYA BRATMAN: That's what they said to me and
17 that was very difficult for us to handle and if I am
18 trying to put as many complaints as possible into the
19 system, just for them to know, they often say that
20 these complaints are just you know they're not - we
21 can't do anything about it, so why are you filing
22 them. And we said, to educate you about what's going
23 on on campus right and it's not what they're looking
24 for and I understand that there is just one person to
25 do all of the complaints, including all

1
2 discrimination and I understand that but that system
3 is flawed, not because of me. And so, we as
4 students and faculty and staff are trying to educate
5 them about the current climate and if they're not
6 able to adjudicate or deal with this, then it's their
7 problem.

8 COUNCIL MEMBER VERNIKOV: Thank you.

9 CHAIRPERSON DINOWITZ: Council Member Yeger.

10 COUNCIL MEMBER YEGER: Thank you Mr. Chairman.

11 Mr. Bratman, were you present at Baruch's Hillel on
12 the day that the incident that the Chair was talking
13 about earlier today?

14 ILYA BRATMAN: Yes, I was present at all of the
15 incidents at Baruch College.

16 COUNCIL MEMBER YEGER: And on that day, did you
17 notify CUNY safety, public safety?

18 ILYA BRATMAN: Absolutely.

19 COUNCIL MEMBER YEGER: What was their response
20 when they arrived?

21 ILYA BRATMAN: I mean they often arrive and they
22 deal with the situation to say there's two different
23 things that they tell us. One is, there's a big
24 discrepancy about where is city property and where is
25 us, right? Where does the city start and where is

1
2 the public, like the school? They don't know the
3 exact location and so, there's some feat that is
4 still Baruch College and other is not, so that
5 becomes a problem for them to define exact. And
6 that's the time, place and manner story that we
7 always talk about.

8 COUNCIL MEMBER YEGER: Yeah, when the people who
9 were in front of the Hillel that day, were they
10 covering their faces?

11 ILYA BRATMAN: Absolutely.

12 COUNCIL MEMBER YEGER: Did you notice if the
13 public safety people asked them for ID?

14 ILYA BRATMAN: Absolutely not and that's been the
15 biggest time, place and manner negation right? They
16 say or they maybe claim that that was the rule that
17 they changed and by the way that's the biggest
18 problem that I heard from today's testimony from
19 friends at CUNY who said that they can't change time,
20 place and manner restrictions but they did do it.
21 The City College itself put in new time, place and
22 manner restriction and so did Brooklyn College and we
23 know that multiple times they haven't been able to
24 address these changes.

1
2 For example, last week in Brooklyn College at the
3 donor reception, these agitators came inside the
4 campus, inside the donor reception, yelled and
5 screamed at the donors and folks who were there.

6 COUNCIL MEMBER YEGER: The donor reception at
7 Hillel?

8 ILYA BRATMAN: At the college. It's like
9 together with Hillel.

10 COUNCIL MEMBER YEGER: Was it in the Hillel
11 house?

12 ILYA BRATMAN: Not in the Hillel house, in the
13 actual -

14 COUNCIL MEMBER YEGER: On campus.

15 ILYA BRATMAN: On campus in the building and they
16 screamed and the president was there. They screamed
17 all the obscenities at the people, in their faces and
18 when folks asked them, the public safety, what are
19 you going to do? They asked these people to leave.
20 These people said, no we're not leaving and then we
21 asked, what are you going to do? They said, I guess
22 nothing, right.

23 COUNCIL MEMBER YEGER: Were they students.
24
25

1
2 ILYA BRATMAN: They were students and faculty and
3 staff. You have to show ID to get into the building,
4 so they were somehow-

5 COUNCIL MEMBER YEGER: And were they covering
6 their faces?

7 ILYA BRATMAN: Some were covering their faces and
8 some weren't. There were lots of -

9 COUNCIL MEMBER YEGER: Did you notice if the
10 public safety officers approached them and asked them
11 for their plastic card?

12 ILYA BRATMAN: They did not ask them for ID and
13 at the end when we asked, our friends asked them to
14 leave, they didn't make them leave because they said
15 it's not something we're going to do. We're not
16 comfortable asking them to leave and to start
17 trouble.

18 COUNCIL MEMBER YEGER: Yeah, just one last
19 question Mr. Chairman. The Chair mentioned earlier
20 the chance that we're being yelled outside the Hillel
21 house at Baruch. I wondering during this panel, just
22 to get it on the record, can you tell me the chants
23 that you heard that day outside the Baruch Hillel?

24

25

1
2 ILYA BRATMAN: Absolutely so they chanted
3 directly at me. "I wear my Baruch swag. Baruch
4 Hillel, go to hell."

5 COUNCIL MEMBER YEGER: I'm sorry, say that again.

6 ILYA BRATMAN: "Baruch Hillel, go to hell." Is
7 there big chant? They screamed at me personally,
8 "Ilya Bratman, go to hell." "Ilya Bratman is
9 complicit with genocide." "Ilya Bratman, you're not
10 going home tonight." They screamed all of those
11 things directly at me as well.

12 COUNCIL MEMBER YEGER: You're not complicit with
13 genocide are you?

14 ILYA BRATMAN: Sometimes.

15 COUNCIL MEMBER YEGER: You did go home that
16 night?

17 ILYA BRATMAN: I did go home that night. Police
18 officers were there and they, you know they were
19 present in big numbers.

20 CHAIRPERSON DINOWITZ: Council Member Yeger.

21 COUNCIL MEMBER YEGER: I'm going to wrap up. The
22 Chair wants the mic back.

23 CHAIRPERSON DINOWITZ: Please wrap up, we have a
24 number of other people who want to testify today. I
25

1
2 want to recognize we've been joined by Council Member
3 Paladino.

4 COUNCIL MEMBER YEGER: Thank you Mr. Chair. I
5 appreciate it, thank you. Thank you.

6 CHAIRPERSON DINOWITZ: Thank you to this panel.
7 I'll be calling the next panel. Von Delvalle, Gideon
8 Askowitz, Kristen Kiernan, and Kori Edens.

9 Thank you. Gideon, you may begin and as a
10 reminder to all panelists, please state your name for
11 the record. Please make sure your microphone is on.
12 The red light will -

13 GIDEON ASKOWITZ: There?

14 CHAIRPERSON DINOWITZ: Much better.

15 GIDEON ASKOWITZ: Hi, my name is Gideon Askowitz.
16 I want to briefly talk about my personal experience
17 and then segway into some responses to the testimony
18 of the Chancellor. My personal experiences with
19 discrimination at Hunter College definitely
20 corroborate a lot of the findings of Judge Lippman.
21 Specifically although I have suffered many instances
22 in my freshman year, I was prevented from being
23 accepted to a fellowship that partners with CUNY
24 because I am Sabath observant.

1
2 Hunter College was made aware of the event and I
3 had met with the Chief Diversity Officer at Hunter
4 College who basically tried to stop me from pursuing
5 the matter at all, as were members of the higher ups
6 within CUNY who are actually in the room right now.
7 Given that experience, I would like to respond to
8 some of the things that we're looking at in the
9 Lippman report. Judge Lippman recognized that the
10 training that is currently offered is inadequate for
11 the Chief Diversity Officers and as we heard from the
12 Chancellor, those are the people who are responsible
13 for investigating these matters on our campuses.

14 However Lippman also wrote that he's "concerned
15 that Chief Diversity Officers at individual schools
16 may determine whether purported conduct violates a
17 policy based onto that officers personal view of what
18 constitutes antisemitism. That indicates that they
19 cannot be responsible, even given new training for
20 investigating these matters because they themselves
21 are injecting their own opinions into these matters.

22 Now, I want to look at some of the things more
23 broadly that we're talking about. So, the Chancellor
24 mentioned that there were no students or faculty
25 involved with the CCNY encampment. That is factually

1
2 incorrect. I am in touch with different people there
3 and I have procured the police reports, so I know
4 this to be untrue as a factual matter. I was a
5 student who was assaulted while doing video work for
6 Fox News at that encampment. The NYPD was unable to
7 investigate the matter because the students who were
8 doing it and the video that I took were covering
9 their faces. So, all of these issues compound.

10 Now there are a lot of other issues in the - how
11 we're approaching this matter but -

12 CHAIRPERSON DINOWITZ: Thank you. Please finish
13 up your final thoughts.

14 GIDEON ASKOWITZ: Yes, that's my time.

15 CHAIRPERSON DINOWITZ: Yes, thank you. You can
16 go ahead. Go ahead, say your name for the record
17 please.

18 KRISTEN KIERNAN: I'm Kristen Kiernan, I'm also
19 from Hunter College. I wanted to talk about actually
20 the implications of a lot of this rhetoric that
21 conflates antisemitism with antizionism and its
22 implications for the student population at CUNY
23 colleges. Yeah, the completion of Judaism and
24 Zionism is both antisemitic and dangerous to Jewish
25 students whose identities are being coopted by the

1
2 genocidal Israeli regime to further their far right
3 agenda.

4 CHAIRPERSON DINOWITZ: I'm sorry, can you pause
5 for a sec. There are to be no disruptions from the
6 audience. Everyone is entitled to say their peace.
7 Thank you. You may continue.

8 KRISTEN KIERNAN: According to recent Jay's
9 repolling from 2024, the majority of American Jews do
10 not think that the criticism of the state of Israel
11 is antisemitic and in fact, agree by a 24 point
12 margin that the United States should stop arming
13 Israel with offensive weapons for as long as this war
14 continues. There are bad actors in among our ranks
15 but overwhelmingly, the movement for peace in
16 Palestine is inclusive and calls for all people of
17 conscience to speak up about the ongoing crisis in
18 Gaza.

19 I'd also like to talk about -

20 CHAIRPERSON DINOWITZ: Can you pause one more
21 time? If you unable to be respectful of these people
22 speaking, you're unable to stay in this room.

23 KRISTEN KIERNAN: I'd also like to talk about -

24 CHAIRPERSON DINOWITZ: I just want to make sure
25 you have your time. Okay, thank you.

1
2 KRISTEN KIERNAN: I'd also like to talk about
3 Kenneth Stern who drafted IRRA's definition of
4 antisemitism and his concerns about using it in an
5 academic environment in work that he's written for
6 the Guardian. He says that it poses dangers for free
7 speech and human rights work. Stern himself
8 recounts that the adoption of IRRA's definition of
9 antisemitism has led to the silencing of antizionist
10 Jewish organizations. European Jews for Just Peace
11 was barred from a working group on antisemitism that
12 they themselves had organized because of their
13 criticism of the state of Israel.

14 The silences of voices of Jewish activists who
15 call for a peaceful resolution to the conflict.

16 CHAIRPERSON DINOWITZ: Thank you. Please finish
17 your final thought.

18 KRISTEN KIERNAN: Thank you. [04:05:05] whose
19 rhetoric that complains that Jewish people with the
20 state of Israel contribute to the growing problem of
21 antisemitism despite the global rise of far right
22 extremism that threatens Jewish people. Our elected
23 leaders are choosing to victimize Palestinians
24 instead of protecting our Jewish constituents.

1
2 CHAIRPERSON DINOWITZ: Thank you so much for your
3 testimony today. Kori, please state your name for
4 the record.

5 KORI EDENS: Hi, my name is Kori Edens. CUNY is
6 an affordable institution for the majority of these
7 students. The majority of these students are working
8 class people of color and first generation. In my
9 experience as in powerful administrative positions at
10 the University do not support our youth but rather
11 prey on this vulnerable population.

12 I am shocked by the rampant corruption that
13 exists in CUNY's rigged system of higher education
14 and ask that New York City Council members
15 individually and as a body join you as presidential
16 candidates and New York City mayoral candidates
17 running in this cycle to ask for a public meeting
18 between Chancellor Matos Rodriguez -

19 CHAIRPERSON DINOWITZ: Can I pause you? I just
20 want to remind you the topic of today's hearing is
21 about the Lippman Commission Report and your comments
22 should be related to -

23 KORI EDENS: Yup, I'll get there.

24 CHAIRPERSON DINOWITZ: Okay, just want to make
25 sure. Thank you.

1
2 KORI EDENS: And Hunter College President Nancy
3 Cantor with myself had discussed specifics related to
4 our issues. I just want to get to - Hunter College
5 and CUNY never responded appending issues when -
6 never responds to pending issues when it to their
7 benefit and also set up scenarios to personally
8 antagonize students to illicit angry responses for
9 them to be used as legal evidence often used among
10 corporate attorneys. Additionally the institution
11 attacks students mental sanity as a means of
12 justifying their abusive responses towards students.
13 I, and every other used and abused student, I've been
14 able to track down despite their attempts to block my
15 [INAUDIBLE 04:06:50] to find more have been victims
16 of this scandalous behavior. I have submitted a
17 complaint; the Newark Office of Civil Rights and they
18 have said that while I have a valid claim it was not
19 timely and thus no action can be taken because of the
20 institutions tactic of not responding in a timely
21 manner.

22 Hunter College hires an outside compliance agency
23 Compliant Services LLC to directed by Mora King who
24 as an attorney has over two decades working the
25 financial investment industries. How can the same

1
2 body responsible for hiring the compliance agency be
3 trusted so it's not to influence a process designed
4 to bring about accountability.

5 CHAIRPERSON DINOWITZ: Thank you. And our final
6 speaker, please state your name for the record.

7 VON DELVALLE: My name is Von Steven Delvalle and
8 I am a Mayor Candidate for 2025. Today we are facing
9 many challenges especially just knowing corruption
10 exits, especially among our most professional
11 political leaders. I would hate to point fingers
12 especially being that I am not a professional
13 politician.

14 We seen a lot of misinformation happen with the
15 war that's currently going on in Gaza and Palisade.
16 I've worked with Zacka, I spoke to many different
17 Jewish organization groups and it feels very
18 uncomfortable to walk the streets. Also being a
19 Black, Latin Jew and one thing, my message is never
20 assume or jump the conclusions when adversity
21 strikes. Use intelligent science and innovation. If
22 you have none of those, then use common sense. Don't
23 believe everything you hear. You got a brain, use it
24 and don't become a victim of propaganda.

1
2 CHAIRPERSON DINOWITZ: Thank you. I do want to
3 remind you the hearing is about Judge Lippman's
4 Report on antisemitism and discrimination on CUNY
5 campuses. You may continue.

6 VON DELVALLE: Yes, I totally understand that but
7 it effects New York City as a whole. I went to
8 school here at Vallone College and I didn't
9 experience any antisemitism or any kind of
10 discrimination because of colleges on top of that.
11 Why isn't our city universities making sure that this
12 doesn't happen? We should all feel comfortable while
13 we're getting an education and saying that the only
14 thing we are guilty of is not fighting back. But
15 today, that changes with your help. We have always
16 fought for civil rights. We have always fought for
17 fairness and justice. My name is Von Steven Delvalle
18 and I'm running for Mayor 2025.

19 CHAIRPERSON DINOWITZ: Thank you so much. Thank
20 you all for your testimony today. I'll be calling
21 the next - I'm sorry, one moment. Council Member
22 Yeger.

23 COUNCIL MEMBER YEGER: Thank you very much Mr.
24 Chairman. The incident that you spoke about at City
25 College, I'm sure you were here earlier in the

1
2 morning when the Chancellor testified that nothing to
3 see here, no biggie, all outside whatever. Did you
4 happen to notice at any time, a CUNY public safety
5 officer approach any of these terrorists and asked
6 them to lower their masks or perhaps show a little
7 plastic card?

8 GIDEON ASKOWITZ: Not only was that not an
9 option. They couldn't do it because they weren't
10 given the resources to do so. They had asked and
11 tried working with the President of City College in
12 advance to address the issue that they knew was
13 getting worse on their campus and they were denied to
14 do so. In part because of the president of the
15 university but also because they were working hand
16 and hand with the DA Alvin Brag who had worked out a
17 scheme in terms of how they were going to scale up
18 their policing and how they were going to then
19 address the incidents. Actually, the damages that
20 were caused from that encampment. Alvin Brag offered
21 them, most them a plea deal which was a sweetheart
22 deal. Officers were assaulted and injured during
23 when they ultimately were given permission to go into
24 the campus several days into the encampment after I
25

1
2 and other people were prohibited from accessing the
3 campus.

4 So, it's actually a bigger issue. It's not only
5 they're not, just not ID'ing. They're not doing any
6 of the things that they should be doing and doing so
7 often willfully.

8 COUNCIL MEMBER YEGER: And just one more question
9 Mr. Chairman, do you to your knowledge, has anybody
10 who is a student at City College been disciplined in
11 any way, expelled, suspended, been told you have no
12 home here, take your business elsewhere?

13 GIDEON ASKOWITZ: Not to my knowledge.

14 COUNCIL MEMBER YEGER: Thank you very much.

15 CHAIRPERSON DINOWITZ: Thank you Council Member
16 Yeger. Time for one question from Council Member
17 Vernikov.

18 COUNCIL MEMBER VERNIKOV: You testified earlier
19 that a DI Officer tried to stop you from pursuing
20 your complaint. Can you talk a little more about
21 that?

22 GIDEON ASKOWITZ: Sure, so this complaint
23 actually went all the way up to the Chancellor level,
24 so everybody at the university was aware of it. The
25 reason for that is because the fellowship in question

1 was the primary fellowship that CUNY partners with.
2 So, they basically rely solely on CUNY schools to
3 nominate students then they accept from a pool. I
4 had an interview where I had informed them in advance
5 I'm a Sabeth Observant and they told me that would be
6 an issue and that was my choice to be religious.
7 They had then alerted the campus person who had
8 nominated me, who is a very nice person who then told
9 me what they had done, which I already knew from the
10 interview. I complained to the school. It
11 eventually got to the DI officer. They sat me down
12 with an attorney in the room without me knowing.
13 They said, we just want to talk to you. I show up,
14 there's an attorney there and there is her. So, I'm
15 now in an environment where I'm a student in my
16 freshman year in college and I'm facing an attorney
17 in an essentially a Dean of the school. They then
18 told me that we're going to look into the issue and
19 we just want to know how you feel and then they
20 attempted to play it down.
21

22 Then when I got on the phone with another Dean of
23 DEI at the school, I believe his name was Dean Rose,
24 he basically attacked me over the phone and was
25 telling me that I should be quiet. That was then

1
2 assumingly advocated for by another member of the
3 CUNY higher up government.

4 They told me that listen, our options are either
5 to suspend partnering with this group and deprive
6 many of our students from the benefits of this
7 program or you could drop the issue. So, they then
8 essentially out it on me to say, either we're -
9 because of you we're going to remove a benefit to
10 other students or you can be quiet and go away
11 because you're a religious Jew.

12 CHAIRPERSON DINOWITZ: Thank you so much. Thank
13 you to this panel. I'll be calling the next panel,
14 Ester Bloom, Ernest Rafailov, David Wapner, Adela
15 Cojab, and Gabrielle Tierney.

16 Welcome. We'll go same thing, my left to right
17 your right to left. We'll start with you. Please
18 state your name for the record.

19 GABRIELLE TIERNEY: My name is Gabrielle Tierney.
20 Good morning, thank you Chairperson Dinowitz and
21 members of the Committee. My name is Gabrielle
22 Tierney. I am a senior at John Jay and the President
23 of Hillel. Thank you for allowing me to address the
24 urgent need to significantly modernize the CUNY's

1 policies and procedures of online presence impacting
2 the society environment.

3
4 Judge Lippman's recent report underscores the
5 critical importance of revamping CUNY's policies to
6 align with current legal standards and better address
7 modern issues including harmful behavior penetrated
8 on social media. This recommendation could not be
9 more timely as recent events have highlighted
10 significant failures in enforcing appropriate
11 standards for campus organizations.

12 There are claims that it can be hard to address,
13 as it does not happen on campus and they cannot
14 identify individuals involved in the incidents.

15 At John Jay, several student clubs have
16 repeatedly used their social media platforms to
17 spread inflammatory content. Over the summer, these
18 accounts posted and shared images and videos of their
19 members participating in protests where flag of
20 recognized terrorist organizations such as [INAUDIBLE
21 04:15:26] and Hamas were prominently displayed. They
22 also have a history of glorifying known terrorists.
23 These posts which normalize violence and insight
24 hostility have created a hostile environment for
25

1
2 Jewish students. The ADL identified John Jays SJP
3 social media account as particularly dangerous.

4 CHAIRPERSON DINOWITZ: Please finish up your
5 final thought.

6 GABRIELLE TIERNEY: So, their account was
7 partially suspended and they instead created a new
8 account that they said was not part of the school to
9 then have another official one.

10 CHAIRPERSON DINOWITZ: Thank you and so the
11 recommendation you're concerned with is clarifying
12 the social media policy and utilizing of the CUNY
13 name for student groups.

14 GABRIELLE TIERNEY: Yes.

15 CHAIRPERSON DINOWITZ: Thank you. I'm going to
16 move on to the next speaker because we want to make
17 sure everyone has a chance to be heard. So, please
18 state your name for the record.

19 ERNEST RAFAILOV: Good afternoon. Thank you
20 Chairman Dinowitz and Council Members. My name is
21 Ernest Rafailov and I'm the President of Hillel at
22 Baruch College. As leader of the Jewish student
23 community on campus, I'm here today to speak about
24 the ongoing issues of antisemitism on CUNY and the
25 steps to address it.

1
2 CHAIRPERSON DINOWITZ: Thank you. Is there a
3 particular element of the report that you think would
4 have addressed that particular concern that you're
5 highlighting in your testimony?

6 ERNEST RAFAILOV: Specifically, what are you
7 asking?

8 CHAIRPERSON DINOWITZ: Well because I want to
9 make sure that we're you know we're talking about the
10 report that lays out 13 recommendations. And if not,
11 or you're not sure, that's okay too.

12 ERNEST RAFAILOV: Oh, I was going to get to yeah.

13 CHAIRPERSON DINOWITZ: Okay, take another few
14 seconds. I know I took some time by asking
15 questions. Go ahead.

16 ERNEST RAFAILOV: I was going to say the Judge
17 Lippman recommendations resonate strongly with what
18 we're asking for, specially I want to emphasize the
19 need for guidance in the investigations into
20 antisemitism and discrimination as well as the legal
21 definition of antisemitism in advocating incidents.
22 Further on, our faculty and staff must be held
23 accountable for the impact of the words and actions,
24 which is another recommendation that the Judge
25 Lippman reported.

1
2 that has been done by NYU. Whether or not it will be
3 enforced, hopefully we'll see but again that sets a
4 really strong precedent of a New York University
5 setting a strong definition. When I read it, I
6 honestly felt my heart singing, saying I couldn't
7 have written it better myself, number one.

8 Number Two, NYU created a Title Six coordinator
9 position. Now, I'm older than most students here.
10 You know I graduated 2019. I'm 28, I'm not that old.
11 I was in college during the Me Too movement and what
12 happened after the Me Too movement in 2017 was a
13 creation of a Title Nine coordinator position. That
14 significantly decreased the amount of sexual assault
15 cases and every single one was dealt with right now
16 with a zero tolerance policy. So, when you look at
17 antisemitism, we're not looking for special
18 treatment, we're looking for equal treatment under
19 the law. Not only when it comes to discrimination
20 but when it comes to any form of harassment of
21 students.

22 So, I love the Lippman recommendations but
23 unfortunately I felt that it could have been stronger
24 when it comes to what enforcement looks like. To me,
25 it looks like a definition and a definition that

1 explicitly includes Zionism, which again, we saw NYU
2 do and number two, creating that Title Six
3 coordinator position. I think that also because I
4 have ten seconds. Talking about social media, if you
5 look at universities, they talk about how they can't
6 step into social media. I come from the world of
7 Greek life, I know for a fact that if a fraternity or
8 sorority posts pictures of alcohol, they cannot be on
9 campus and they get sanctioned. So, why is it
10 different when it comes to Jewish identity and
11 harassing Jewish students?
12

13 CHAIRPERSON DINOWITZ: Thank you so much for your
14 testimony. I do remember you from two and a half
15 years ago.

16 ADELA COJAB: Oh lovely hi.

17 CHAIRPERSON DINOWITZ: It's so good to see you
18 moving on and addressing Title Six complaints. I
19 will note that this Council, in our preliminary
20 budget response, did push for a Title Six funding for
21 a Title Six Coordinator at DOE and CUNY. That's the
22 K-12 school system and the CUNY system.
23 Unfortunately, it was something that was not able to
24 be funded but that's the Title Six coordinator
25 position is something that this Council as a value in

1
2 our budget also believes in. So, I want to thank you
3 for mentioning the Title Six coordinator position at
4 NYU. And our final panelist for this panel, thank
5 you.

6 DAVID WAPNER: Okay, my name is David Wapner and
7 I just for the record, I just earlier when you said
8 if no one can be in the room respectfully of the
9 White appearing person wearing a keffiyeh earlier,
10 they were making their statements.

11 CHAIRPERSON DINOWITZ: So I just want to be
12 clear, we're not here to talk about other panelists.
13 Just any statements that I have made is fine.

14 DAVID WAPNER: My behavior was I got up and
15 walked out and I did it silently but I wanted to make
16 sure that it was on the record that I walked out when
17 you said that.

18 CHAIRPERSON DINOWITZ: Thank you so much. Thank
19 you.

20 DAVID WAPNER: On the record, I walked right out.
21 Okay, what I'd like to say is over the past decade,
22 we know that over \$13 billion in contributions from
23 foreign entities we made to universities. And that's
24 not even including the undocumented foreign funds
25 which are contributions from gas and oil. So, that's

1
2 established. I wanted to read a quote - I'm trying
3 to fit too much in. Alright the quote is "what
4 America and its allies fear the most is that we take
5 the battlefield from Kabul, Bagdad and Gaza to
6 Washington, London, Paris and Tel Aviv and take it to
7 all the American, Jewish, and western interests in
8 the world. That's a quote from Hamsa, Ben Laden, Ben
9 Laden son and from my experience, being at the
10 counter protests, I have seen signs saying, bring the
11 war home with a machine gun on it. Kids wearing not
12 just Keffiyeh's but PFLPI, I have the pictures, I
13 didn't submit them. I have the pictures. Follow me
14 on Instagram and there was also signs that said long
15 live the intifada. Let the intifada pave the way for
16 peoples war.

17 CHAIRPERSON DINOWITZ: Thank you. Perfect, two
18 minutes, love it. I'd like to thank this panel for
19 your testimony today. Thank you again. I will call
20 the next panel. Evette Stark, Azriel Genack, Kayla
21 Bellin.

22 Thank you, you may begin.

23 EVETTE STARK: Thank you so much for the Council
24 for having this meeting and exploring this very, very
25 difficult subject but I think - I'm a Hunter

1
2 graduate. I'm going to just say that. I'm very
3 proud of that.

4 CHAIRPERSON DINOWITZ: Me too. And can please
5 state your name for the record?

6 EVETTE STARK: Oh sure it's Evette Jody Stark and
7 I just - I've been actually engaged in supporting
8 young people at Baruch. Young people at CUNY and
9 been to the events and not having experienced that at
10 Hunter when I was going to school but I'm very old
11 now. I am not aware of the Lippman. I did not read
12 it. I have to be honest about that. Though I was
13 aware of this Judge for many years with the asbestos
14 issues and other issues in the city. The Sheldon
15 Silver issues.

16 So, I just want to say that I think everybody
17 here is really talking about remedy and
18 accountability and if you don't have a way of having
19 remedy and accountability, you just continue to have
20 chaos. So, it's important for me to see a set of
21 rules and a set of how you are going to hold people
22 accountable. I just want to say I testified in
23 Nassau County and I was one of the people who was
24 responsible for having masks removed in Nassau
25 County. Not just for the safety of students but for

1
2 our police department and people to arrest chronic
3 offenders who are destroying public property,
4 destroying property at the city school events and
5 also any other property in New York City. So, I
6 think it's really important to remove masks. Brain
7 washed I think it's really important to have a set of
8 remedies and a set of how are you going to hold
9 people accountable? And that does include the
10 criminal justice system because there are crimes
11 here, not just against Jewish students but against
12 all of us who live in the city and have to listen to
13 this incessant brainwashed chanting that's going on.
14 Which are lies by the way, okay.

15 CHAIRPERSON DINOWITZ: Thank you.

16 EVETTE STARK: There's no Palestine, sorry.

17 CHAIRPERSON DINOWITZ: Thank you so much for your
18 testimony.

19 EVETTE STARK: If you want the history, I'll go
20 into -

21 CHAIRPERSON DINOWITZ: Thank you so much for your
22 testimony.

23 EVETTE STARK: The history of genesis.
24
25

1
2 CHAIRPERSON DINOWITZ: Thank you so much for your
3 testimony. Again, quiet in the Chamber. Next
4 please.

5 KAYLA BELLIN: Hello, my name is Kayla Bellin.
6 I'm a Junior at City College and the President of the
7 Hillel at City College. I would like to provide
8 context for page six and nine of the Lippman Report.
9 Judge Lippman's sixth recommendation maintains that
10 CUNY should increase consideration of the
11 relationship between Israel and the Jewish people. I
12 have two accounts relevant to this topic. First, a
13 student in one of my classes referred to the land of
14 Israel as Arab lands. He said that Jews live on Arab
15 lands and was not corrected. The class proceeded as
16 usual with this reference to Israel as Arab land
17 seemingly accepted. This was now information that
18 had taught. It had been accepted by the students in
19 the room. This denied the existence of Israel and
20 the tie between Jews and their state.

21 Second, I have been in classes where the
22 professor has explicitly stated that Israel is in the
23 same state that Germany was in during the Nurenburg
24 trials. Mainly completely guilty of Hanus crimes and
25 genocide. I've had professors say Israel is doing to

1
2 the Palestinians what Germany did to the Jews. This
3 is holocaust inversion. This comment made in front
4 of a classroom of impressionable students is not only
5 alive but also characterizes the state of Israel and
6 Israelis as Nazi's who are guilty of intentionally
7 and deliberately murdering six million Jews.

8 Inflammatory comments made in a classroom setting not
9 only misinform students but have the power to spark
10 antisemitism. In support of point nine of Judge
11 Lippman's report, professors should be held
12 accountable for these comments because their words
13 hold a lot of power as students immediately accept
14 them as truth.

15 In addition, a student in one of my classes from
16 which I have since unenrolled, wrapped his face
17 entirely in a Keffiyeh in the middle of class. It
18 was not worn on his shoulders or on his head as other
19 students wear it as a sign of protest but was wrapped
20 around his entire face so only his eyes were showing.
21 This is an act of intimidation. Masking is extremely
22 relevant to the antisemitism issue on CUNY campuses.
23 It is intimidation. Thank you for your time and
24 consideration.

1
2 CHAIRPERSON DINOWITZ: Thank you so much. Thank
3 you. Finally. Please make sure your microphone is
4 on and then state your name for the record.

5 AZRIEL GENACK: Is it on now?

6 CHAIRPERSON DINOWITZ: You got it. Thank you.

7 AZRIEL GENACK: Okay thank you Chair Dinowitz and
8 members of the Committee for holding this important
9 meeting. My name is Azriel Genack and I am the Chair
10 of the CUNY alliance for inclusion and the
11 distinguished professor of physics at Queens College.
12 Our group works to ensure that all groups are
13 included and respected at CUNY and that discussions
14 are based on fact and not on plugged in wistful
15 ideological certainties that place Israel at the
16 center of the evil of the world.

17 CUNY is the peoples university and should elevate
18 students to keep great things within the fabric of
19 American democracy, not to tear it apart using the
20 tool of antisemitism. We oppose the oxymoronic view
21 that academic freedom means boycotting Israel. And
22 that bringing hatred of Israel into the classroom in
23 any course in the humanities and social sciences is a
24 faculty prerogative. Academic freedom is built upon
25 academic responsibility. A way needs to be found by

1
2 which antipodally to Israel is not a test for being
3 hired in the humanities and social sciences at CUNY.

4 CUNY needs to teach student how to engage in open
5 discussions in which arguments are supported by
6 facts. This could be part of a freshman year
7 initiative. We seek to work with the CUNY
8 Administration and hope that at some point, the
9 cancer will respond to our letters. We therefore
10 look to you to keep CUNY a vital and open university.
11 Thank you.

12 CHAIRPERSON DINOWITZ: Thank you so much for this
13 testimony. Council Member Yeger.

14 COUNCIL MEMBER YEGER: Thank you Mr. Chairman.
15 Ma'am when the student in your class who did the
16 whole terra mask thing in the middle of class, did
17 you report that student?

18 KAYLA BELLIN: I did not report that student
19 through the normal means of reporting because it
20 seems to be completely ineffective. I don't waste my
21 time.

22 COUNCIL MEMBER YEGER: Fair enough. Did you use
23 a different method of reporting?

24 KAYLA BELLIN: So, I went to the president of the
25 school and we have semiregular meetings with the

1 president of the school and I spoke to him about it.
2 But nothing has been done to the best of my
3 knowledge.
4

5 COUNCIL MEMBER YEGER: Okay, have you seen
6 protests in the whatever encampments and etc. on
7 those campuses? On the campus that you're on?

8 KAYLA BELLIN: City College is pretty well known
9 for being the center of the CUNY encampments last
10 year. So, I've definitely seen it. I have seen
11 signs all throughout the campus last year and this
12 year. This year they seem to have more time, place
13 and manner restrictions but I know there are many
14 students that walk around feeling completely -

15 COUNCIL MEMBER YEGER: Have you seen people
16 covering their faces? Have you seen anybody who
17 works for CUNY public safety walk up to any of the
18 Terra mask wearers and ask them for a plastic CUNY ID
19 card or anything like that?

20 KAYLA BELLIN: I have not seen that, no.

21 COUNCIL MEMBER YEGER: Alright, thank you very
22 much.

23 CHAIRPERSON DINOWITZ: Thank you Council Member
24 Yeger. Thank you to this panel. I'll be calling our
25 last in person panel and then we'll be moving to

1
2 Zoom. Sharon Brown Jeder(SP?), Samuel Panuccio, DJ
3 Elf 7, Jeffrey Lax, Joseph Borjen.

4 DJ ELF 7: Okay, you may begin. Please state
5 your name for the record.

6 DJ ELF 7: Hey, how is it going? Can you hear
7 me? Okay, it's good, yeah. My name is DJ Elf 7,
8 it's nice to address New York City's number one
9 street activist. Nice to see Mr. Dinowitz and the
10 rest of the panel.

11 So, I just want to talk real quick. I'm actually
12 Korean American and we're on the same timeline of
13 manipulations going on with our government as the
14 Israel Palestine conflict and I'm sorry to say that a
15 lot of times we say this phrase, never forget but the
16 fact of the matter is that Korean's were often
17 forgotten about in the discussion about what happened
18 to my people. Not only that, we talk about the - we
19 know that the Jews were victims of the third rike but
20 I'm also working with the [INAUDIBLE 04:34:20] who is
21 actually a victim of the second rike. And we don't
22 talk about their suffering because why? Because
23 they're Black?

24 Now the fact of the matter is that the Lippman
25 report has some shortages and one of the shortages is

1
2 actually not consulting with other war victims. It's
3 as ridiculous as having and both sides are guilty of
4 this. And actually to tell you the truth, most of
5 these very supporters are more willing to have a
6 conversation with me than people on the other side
7 who are actually supposedly Palestinian supporters
8 but they actually work to exclude people like myself
9 and other war victims, even White war victims who are
10 Russian and Ukrainian do not get to speak at the war
11 rallies. Instead, they are chosen people. There's
12 professional activists who are victimizing the
13 movement and honestly I beg for your assistance as in
14 terms of shutting them down. The earlier, talked
15 about embracing the new Administration and shutting
16 down people who are labeled as terrorists from
17 getting funding.

18 I'm looking forward to that but I'm also nervous
19 about how people are defined as terrorists. Now the
20 thing is that there's a lot on both sides. Today we
21 heard about people complaining about pictures of guns
22 but we all know Inna Vernikov actually brought a gun
23 to actually a school. But you know being Korean, we
24 also are right to defend ourselves when we're under
25 attack, so I also can somewhat sympathize with her

1
2 position of you know, you can't just take shots on us
3 for free.

4 CHAIRPERSON DINOWITZ: Once again, I just want to
5 remind the panel, this is about the Lippman report
6 and actions at CUNY, CUNY Central, CUNY
7 administration, not any member of this Committee.
8 Thank you.

9 DJ ELF 7: Okay, so CUNY actually has been
10 engaged once again as has been repeated multiple
11 times to use legal threats, to use manipulations to
12 try to prevent justice from happening and once again,
13 I just want to shout out the Andy Williams who
14 actually was running for US President. We have a
15 coalition of people trying to support this. He says
16 that the job, the federal funds are given to schools,
17 not to determine the politics but to give them
18 degrees to make them productive members of society.

19 CHAIRPERSON DINOWITZ: Thank you so much for your
20 testimony. Thank you.

21 DJ ELF 7: Thank you so much.

22 CHAIRPERSON DINOWITZ: We also added to this
23 panel is Julius.

24 JULIUS NEBKO: Yes.
25

1
2 CHAIRPERSON DINOWITZ: Okay, we're going to go
3 this way and then we'll end with you Julius, okay.
4 Next panelist please.

5 SAMUEL P. PANUCCIO: My name is Samuel P.
6 Panuccio. I'm a retired NYPD Sergeant. I spent 39
7 years in the NYPD. I retired in 2020. I am also a
8 survivor of 911. I survived both tower collapses and
9 was awarded the metal of hour.

10 So, after October 7th, which was absolutely
11 appalling, I was shocked to see the spontaneous
12 eruptions of these protests that started on October
13 8th. Over the last year, I've spent my time, my free
14 time, I attend these rallies. I've been deep diving
15 into the groups that are behind these rallies.
16 Specifically with CUNY, CUNY signage, their groups
17 with signs advertised in CUNY Internationals groups
18 are present at every one of these rallies. It
19 doesn't matter which school you go to, it's generally
20 the same players bouncing around from campus to
21 campus. Both CUNY, both IV League like Columbia and
22 such and some of the spontaneous street eruptions, I
23 think the NYPD has done a great job. These rallies,
24 being handcuffed as they are, some of these rallies
25 tend to go off on their own, blocked streets,

1 traffic. Some of the groups that they are partnered
2 up with are some of the worst players moving in this
3 area right now like within our lifetime. Jewish
4 Voice of Peace, well-coordinated, funded, and they
5 have access to attorney's. So, generally when people
6 do get arrested, it's not much of an issue. I find
7 it appalling as a retired law enforcement officer and
8 an American citizen, when I go to these events, what
9 I hear. The stuff you see online or even the signage
10 or things that you may see at these rallies, when
11 you mingle in the crowd, it's absolutely horrendous.

12 CHAIRPERSON DINOWITZ: Thank you so much for your
13 testimony. I also want to thank you for your
14 service, not just as an officer but an officer during
15 911. Of course, one of the darkest days in our
16 country's history. Thank you.

17 APPLAUSE

18 CHAIRPERSON DINOWITZ: Thank you. Make sure your
19 mic is on.

20 JOSEPH BORJEN: I think so, can you guys hear me?

21 CHAIRPERSON DINOWITZ: Yes.

22 JOSEPH BORJEN: My name is Joseph Borjen and a
23 little background of myself. I have very intimate
24

25

1
2 knowledge of antisemitism, antizionism and the
3 connection between the two.

4 In May of 2021, I was gang assaulted in Time
5 Square by a group of pro-Palestinian sympathizers,
6 pro-Arab protestors who proceeded to beat me with an
7 inch of my life. And to get accountability in that
8 situation, it kind of harkens back to the situation
9 here I see with CUNY. Because without any
10 accountability and without any consequences being
11 doled out to those who are engaged in the wrong
12 doing, nothing will change. And as it relates to the
13 Lippman report, one thing I'll, I'm trying to be very
14 quick, I think a flaw was the failure to properly
15 define discrimination as it relates to antisemitism
16 and antizionism. We need to have that on the books.
17 Without anything on the books, we cannot enforce any
18 sort of wrong doing. Also, the Lippman report puts
19 the onus on the college itself, you know self-change
20 itself. Do we give criminals the right to determine
21 their own sentence? Why are we giving CUNY the
22 ability to decide the own changes that they need to
23 make internally? Why are we enabling them and
24 putting the trust in them?

1
2 And I'd like to point out that Sally Abdallah,
3 the CUNY Chief Diversity Officer, this is an
4 individual who is a civil rights director for the
5 CAIR, the Council of American Islamic Relations.
6 She's a BBS activist. Are you guys telling me that a
7 Jewish student, when they file their complaint, it's
8 making their way up to this individual? A BBS
9 activist and antisemi? How can this be?

10 And this was someone who was appointed by Chief
11 Matos? Why? Can someone explain to me why this
12 individual who hates Jews is allowed to rule on
13 what's going on with Jews? And I'll say this also,
14 we talked a lot about the mask ban here on campus. I
15 know Inna Vernikov sponsored a bill for a mask ban.
16 Where is that in City Council? You know I don't
17 understand why you guys are trying to be putting the
18 blame on CUNY for not having a mask ban. What are
19 you guys doing? What's City Council doing? What
20 have you done since October 7th to affect change in
21 the situation?

22 You know Eric Dinowitz, Council Member Dinowitz,
23 you mentioned \$3 million of damage. If they're not
24 doing anything about it, what about you guys? Are we
25 paying for that? Are we paying for the extra

1 security? Are we paying for the extra police? Why
2 don't you guys step up and hold them accountable if
3 CUNY wont. That's just my two cents on the
4 situation.
5

6 CHAIRPERSON DINOWITZ: Thank you so much for your
7 testimony.

8 Thank you Chair Dinowitz. Thank you Councilwoman
9 Vernikov. Thank you Assembly elect Yeger for your
10 leadership on this issue, really appreciate it. The
11 Lippman report did scrutinize the policies of CUNY.
12 However it not apply the law to these policies and
13 left that job entirely up to CUNY with the caveat
14 that the university should consider Zionism as part
15 of many Jews identity. But that observation is not
16 law, nor even an explanation of how to apply existing
17 law.

18 I'm here hoping to provide suggestions related to
19 the law and what CUNY must do to properly define and
20 follow the law and the reports recommendations. CUNY
21 must declare that Zionism is a protected
22 characteristic under its policies and it must define
23 what Zionism is under the law. Zionism is protected
24 under the law. I won an EEOC case based on Zionism.
25 So, for any student that's not sure if they have a

1 case, if they're discriminated against based on
2 Zionism, you do. Zionism is separated in two
3 different protected classes, religious and ethnic.
4 You can have a religious belief based on the bible.
5 Connected design is when you can have an ethnic
6 connection to the land of Israel through family and
7 other means. Two years ago and even today, members
8 of CUNY and the Chancellor declined to answer Council
9 Members when they were asked whether Zionism is a
10 protected characteristic. The answer they should
11 have given was an ambiguous yes.
12

13 Zionism is protected under the law and CUNY must
14 define it as such. Part of enforcing this policy
15 properly means that CUNY should not employ Chief
16 Diversity Officers who improperly disagree "that
17 Zionism is connected to religion and or ethnicity.
18 Currently, the Chief Diversity Officer as my
19 colleague here mentioned, is an antizionist BDS
20 Activist that has no place at CUNY. She is the top
21 Chief Diversity Officer across the entire university.
22 She oversees 25 campuses. Because of her ideology, I
23 was placed under investigation, an eight month
24 hellish investigation simply for filing an
25 antisemitism complaint based on Zionism.

1
2 CHAIRPERSON DINOWITZ: Thank you so much for your
3 testimony today. I appreciate it very much. Last on
4 this panel is Julius. And please make sure your
5 microphone is on and state your full name for the
6 record please.

7 JULIUS NEBKO: HI, my name is Julius Nebko and as
8 a former CUNY student, lifelong Jewish New Yorker and
9 father of two young daughters, I'm honestly really
10 shocked and horrified for my kids and our next
11 generation in general for the Jewish people, for the
12 American people with what's going on right now with
13 rampant antisemitism and especially seeing all the
14 antisemitism at CUNY campuses as a former student and
15 you know, having gone to public school all my life
16 here in the city.

17 I really think that you guys should take a tough
18 stance against this and CUNY should take a tough
19 stance against this. I think that you know what's
20 been done so far has been extremely weak. As they
21 mentioned with the person from BDS being in charge of
22 this, they should be removed. Honestly, I think that
23 if we let the other side win, you talk about -they
24 talk about genocide, we'll see a real genocide if
25 they get their way. They want to genocide us.

1
2 That's what they want. Jewish Voice for Peace,
3 people like you know those groups, they have no
4 connection to Judaism whatsoever. They might have
5 like one Jewish ancestor. I've honestly read a list
6 of a lot of people that are part of that organization
7 that have attended their rallies. Most of the names
8 on there were not even Jewish, okay. They have no
9 connection to Judaism and Zionism is a central part
10 of Judaism.

11 You know, I have experienced myself a lot of
12 hate. I've been to these rallies that have been
13 mentioned. I was at one today in Hoboken. I was
14 almost physically assaulted just for being Jewish,
15 just for standing up for my country. There is
16 nothing wrong with loving your homeland, okay? These
17 people are liars, they're terrorists, okay and
18 communists. They need to stopped. Okay, this is a
19 false ideology of hate, of hate, okay? They're
20 harassing Jewish students on campus. They're abusing
21 us. They need to stopped. This should all be
22 outlawed completely.

23 CHAIRPERSON DINOWITZ: Thank you so much for your
24 testimony. We have one question from Council Member
25 Vernikov.

1
2 COUNCIL MEMBER VERNIKOV: Detective, you're
3 familiar with the groups within our lifetime as JP
4 and JVP, correct?

5 SAMUEL P. PANUCCIO: I am familiar with them.

6 COUNCIL MEMBER VERNIKOV: Can you talk a little
7 bit more about their role in the protests that have
8 been going on for over a year now?

9 SAMUEL P. PANUCCIO: They can provide like, I
10 would say the overarching guidance on how these
11 things, how they progress. They put out a tremendous
12 amount of guidance and material online but they seem
13 to be the people behind the scenes that want to keep
14 the movement. These groups existed prior to October
15 7th. October 7th gave them a new impetus to organize
16 the rally. They have overarh- their main themes are
17 is the destruction of Isarel and to take down the
18 west. That's pretty much it but along the way, these
19 are dangerous groups. I can't unequivocally come out
20 and say I can prove; they do associate with people
21 that are part of terrorist organizations. I'm no
22 longer a member of law enforcement so I couldn't
23 really qualify that statement but they work with some
24 of the worse people operating in this area, within
25 our lifetime, horrible bunch of people. They've been

1
2 around for a long time. There's some material I have
3 seen that one of the people that runs within our
4 lifetime. We have videos of this guy from ten years
5 ago in Russia. He's speaking in English and saying,
6 I want nothing more than destroy Israel and bring
7 down the west. That's like their spiritual - he's
8 the main guy up at the top and he's been moving
9 around in the protest arena I'd say now since before
10 Occupy Wall Street. These people have been around a
11 long time. These are not students. They are not
12 kids. Some of them are involved in academia. Their
13 main goal is not to educate but to indoctrinate.
14 Some of these people there are ties. We have other
15 groups. Like, the Muslim Students Association. This
16 is a group that started nearly in the 1960's. But
17 the people that started those groups were some of the
18 worst players at that time. These are people from
19 the Muslim brotherhood. These groups are tied to the
20 Muslim brotherhood. So, as much as you say, oh these
21 are just kids protesting on campus. No, it's not.
22 These are kids being guided for the lack of a better
23 term, brainwashed. It seems to be the current thing
24 to do. But the people at the top, these are some
25 incredibly bad players, really bad.

1
2 CHAIRPERSON DINOWITZ: Thank you so much for your
3 testimony. I will be moving on to the Zoom panel
4 now. Thank you so much.

5 UNIDENTIFIED: Can I briefly comment? Can I add
6 to what he said?

7 CHAIRPERSON DINOWITZ: No, I'm sorry, we're going
8 to move on to the next panel. Okay, thank you. I
9 feel you know we're not going back and forth with -
10 okay. I do feel compelled just to respond to - if we
11 could have quiet in the Chamber. You can speak
12 outside the Chamber.

13 I don't typically like to respond to public
14 testimony. People would say how they feel. I do
15 feel compelled though to say, it's important for me
16 that you know I don't get to define what someone
17 else's beliefs look like. What someone else's
18 Judaism or any religion looks like and that wouldn't
19 be the policy of this Committee to take a stand on
20 what one individual groups beliefs are or not and I
21 do want to just say for clarity that the report
22 itself was commissioned by the governor, and part of
23 the mandate of the report was not prescribing certain
24 things and making enforceable decisions for better or
25 worse. And it's going to take the work of all of us

1
2 from across political ideologies city, state and
3 federal governments to work together to ensure that
4 this issue is addressed and we thankfully do have a
5 roadmap with the observations of Judge Lippman. That
6 is one of the reasons we're having this hearing
7 today, to highlight the recommendations and to move
8 forward, help move forward with them and it's going
9 to take partnerships in city, state, federal
10 government across the ideological spectrum. I want
11 to move on to our Zoom testimony and the first person
12 I will call is Alex Jacobs.

13 SERGEANT AT ARMS: Alex, you may begin.

14 ALEX JACOBS: Good afternoon. Thank you;. My
15 name is Alex Jacobs. I want to begin by saying I am
16 not a CUNY student or a faculty member so my comment
17 is strictly made as a New Yorker and I can't speak to
18 anyone's experience on campus and I have very little
19 desire to engage on the inside baseball student
20 activism but I can talk on what's been shared and
21 advocated for in the report and in this meeting.

22 First, Judge Lippman's report seems mostly
23 focused on the structural and hurdles that some
24 people have to reporting hate crimes and seems
25 agnostic on any specific protest. So, I'm a little

1 bit confused on how a mask band promotes safety. The
2 report is also somewhat silent on this but the
3 Council for some reason wasn't. I think it's mighty
4 big of Council Member Vernikov to be so concerned
5 with safety and people bring to protests when we know
6 that she brings a gun to them. So, masks are
7 apparently this terrifying thing, an impediment to
8 public safety but our takeaway should be that to
9 Council Member Vernikov, guns are fine. But since so
10 many Council Members seem more concerned on making
11 political polemics, let's recognize the report and
12 notes that the different definitions of antisemitism
13 have multiple shortcomings. The obvious issue being
14 the antisemitic completion of Israel and Zionism with
15 Jewish people.

17 For what it's worth, there are more Christian
18 Zionists in this nation than Jewish, so I'm not sure
19 how Zionist should be a protected class or conflated
20 with being a Jew but that aside, I'm not sure why
21 anti-Israeli propaganda is the subject of a
22 discussion on antisemitism to begin with. Israel is
23 a country, it's not a Jew. To be clear, it's a
24 country that's perpetuating a genocide and has been
25 doing s multiple decades.

1
2 Excuse me, I'm a little bit sick. A Jew is a
3 person. A Jew is not a Zionist or an Israeli.
4 Zionism is a racist genocidal project. Hillel isn't
5 only a Jewish organization, it's a Zionist
6 organization. It's wholly irrelevant if someone
7 holds it to be a fundamental part of their identity
8 because you're not justified to feel safe just
9 because you claim racism as an immutable part of who
10 you are. And it's abundantly clear that Council
11 Members are not really concerns of protecting Jews,
12 students or protests. In fact, Council Member Yeger
13 has said, Palestine does not exist but apparently
14 that's not equal. But God forbid that so many
15 supporters -

16 SERGEANT AT ARMS: Your time has expired. Thank
17 you.

18 CHAIRPERSON DINOWITZ: Thank you so much for
19 those opinions. Dr. Mary O'Riordan. Next.

20 SERGEANT AT ARMS: You may begin.

21 DR. MARY O'RIORDAN: Thank you. My name is Mary
22 O'Riordan. In 2020, I retired from 30 years teaching
23 at CUNY, where I've been tenured senior faculty. I
24 mainly taught ESL students. I have published several
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2 papers on college access for linguistic minorities
3 and how to best prepare them for academic success.

4 When I worked full time at City Tech, I Co-
5 Chaired the CUNY ESL Discipline Council and regularly
6 met with Vice Chancellor. In addition- before
7 becoming a teacher, I was a human rights specialist
8 at the New York City Human Rights Commission. From
9 my conversations with faculty and students and from
10 my time at the Human Rights Commission, I can tell
11 you that antisemitic remarks and activities have been
12 happening in CUNY classrooms. I believe fueled in
13 part by the faculty union. Last November, former
14 colleague Susan Duramo(SP?) told me that she had
15 asked her ESL students matriculating at Lehman to
16 collect signatures on a petition for a seize fire.

17 Most of [INAUDIBLE 04:54:31] speaking
18 neighborhoods, they would surely not be using English
19 to do this. Students were deprived of class time and
20 activities that could have helped them prepare for
21 academic success to instead promote Ms. Duramo's
22 partisan agenda.

23 The time she spent on antizionists activities in
24 class, was also reinforcing negative stereotypes of
25 Jews, which ESL students often bring with them from

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2 their countries of origin. In addition, she had been
3 for many years an executive officer in the
4 professional staff congress.

5 I think spoke to another ASL colleague at CUNY
6 College. At another CUNY College, it was Bronx
7 Community College. She told me that she didn't see
8 anything wrong with making students work on that
9 petition and that she understood October 7th as the
10 Palestinians must have been jealous of the success of
11 the Israeli's.

12 As here college grievance counselor, she too had
13 been active for many years in the union. I then
14 found that our union -

15 CHAIRPERSON DINOWITZ: Thank you. Thank you so
16 much. Mary, can you please just finish up your final
17 thought as your time is expired. Thank you so much.

18 DR. MARY O'RIORDAN: Yes, yes. I then found that
19 our union had not only passed a resolution, but it
20 passed for antizionists, political education on
21 campuses. I believe the faculty and their union must
22 be held accountable for their conduct.

23 CHAIRPERSON DINOWITZ: Thank you so much and that
24 is related to I believe one of the recommendations.

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2 I believe it's number nine. Thank you for relating
3 to one of our recommendations. Thank you.

4 Our next panelist is Avraham Goldstein.

5 AVRAHAM GOLDSTEIN: Hello and thank you for this
6 panel. I am Professor of Mathematics at BMCC CUNY.
7 So, first I want to speak about concrete events which
8 happened last April. I saw posters near the
9 classroom where I teach calling for intifada with
10 pictures of a Hamas fighter or terrorist I should say
11 and calling for communist revolution, join the
12 revolution. I reported those posters officially mail
13 to our president. A few hours later I got an email
14 from the DI office asking me to provide pictures and
15 videos, which I documented, asking me if I know who
16 put them and how they were put and basically the
17 investigation has been open. Investigation of
18 discrimination, which I never filed. I filed safety
19 complaint. I said, it's dangerous as far as a
20 terrorist group who is enforcing their school for
21 violence on the campus. And there were cameras there
22 and videos you see through cameras, and they asked
23 the Administration to investigate.

24 Instead, there's an investigation against me. I
25 wrote several emails including to Chancellor and

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2 Derek Davis who was here today, both an official
3 email and to the office in which he leads. Till
4 today, I didn't get an answer. They see, look at the
5 camera. Who are they investigating? Am I a witness
6 in this investigation? Is the investigation against
7 me because I reported it?

8 So, this is an example, what I'm trying to say is
9 that Lippman report is maybe a good report but it
10 leaves [INAUDIBLE 04:57:44]. While the
11 administration, both central and on the president
12 level, are complicit and enabling. They try to shut
13 down the stories. You cannot let them investigate
14 themselves and implement against themselves. It has
15 to be a totally neutral outside body who will do it
16 in a transparent way. This is what I wanted to say.

17 SERGEANT AT ARMS: Your time has expired.

18 CHAIRPERSON DINOWITZ: You timed it perfectly
19 sir. Thank you so much. Jennifer MacKenzie.

20 JENNIFER MACKENZIE: Hi, thank you so much to the
21 Council Members for giving me the opportunity to
22 speak about my work. Teaching has been a great gift
23 to my life. I've spent most of the last 20 years
24 teaching college level writing and this is my 11th
25 year at Lehman College, which is a Hispanic serving

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2 institution. I am a lecturer there so for the
3 English and Journalism Department, so I teach 24
4 credits per year, meaning I serve 70 to 100 students
5 per semester.

6 In that time, I have seen one instance of blatant
7 antisemitism in my classroom about seven years ago.
8 I start there to say that of course there is
9 antisemitism at CUNY because there's antisemitism in
10 America. It has gotten worse since the first Trump
11 administration and to address the roots of that, I
12 sometimes teach in my media classes. Ed Morralis's
13 excellent book called, *Latinx*. The first chapter of
14 which is called the Spanish Triangle and it explains
15 how the logic of the expulsion of Muslims and Jews
16 from Spain was then racialized and exported to the
17 Americas and became part of the White Supremacy that
18 we live with today.

19 I put that there because for me, in my time at
20 CUNY, the most common form of discrimination I see
21 among both my students and my colleagues is anti-
22 Muslim and anti-Arab bigotry. It isn't hate. I want
23 to be clear about that. It's ignorance, it's a
24 conflation of terms and its prejudices that have been
25 inflated and propagated by the war on terror, which

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2 our students were now born into. Our students are
3 not hateful. They are brilliant, empathetic,
4 curious, they are also scared to offend one another
5 in my experience and they're afraid to jeopardize
6 their future and the risks that they have taken to be
7 at CUNY.

8 So, regarding the Lippman report, I do not
9 support the adoption of anyone of the three
10 definitions of antisemitism. I agree with Judge
11 Lippman that it's not the role of the court to impose
12 one. I do advocate for -

13 SERGEANT AT ARMS: Your time has expired. Thank
14 you.

15 JENNIFER MACKENZIE: Okay.

16 CHAIRPERSON DINOWITZ: Marah, our next speaker is
17 Marah Birnbaum.

18 MARAH BIRNBAUM: Hi, thank you for having me here
19 today. I speak as a Jewish student at the CUNY
20 School of Law who has maintained a Jewish practice
21 throughout my life and I have spent over a year
22 living and learning in Israel. I minored in Jewish
23 studies as an undergraduate and was actually once
24 assaulted on the train for merely looking Anne Frank.
25 So, regardless of definitions, I am intimately

1 familiar with antisemitism. I have never once
2 experienced an antisemitic incident at CUNY as a CUNY
3 student, nor have I heard of or witnessed any
4 incidents of Jewish students being targeted and
5 harassed for being Jewish at the Law School during my
6 time here. I'm a second year student.

8 The Lippman probe and broader effort to implement
9 the IHRA definition at CUNY is a targeted attack on
10 bold student organizing for Palestinian freedom and
11 for CUNY's divestment from companies that profit from
12 death and genocide in Gaza and ethnic cleansing
13 throughout the west bank. It is not a good faith
14 effort to protect Jewish students. It is about
15 increasing the power of Zionists organizations and
16 lobbying efforts to silence and criminalize the
17 movement for Palestinian freedom and rights.

18 IHRA definition categorizes Jewish individuals,
19 feelings of discomfort with the mask shaming of
20 Israels abhorrent actions of victimhood of a hate
21 crime.

22 Much of the content that the IHRA definition
23 targeted is a political pay in not a matter for hate
24 crimes. This is a matter for serious self-reflection
25 and reckoning with the reality of Israels actions and

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2 interests that we need to engage with as a Jewish
3 community and the diaspora.

4 Shame on Council Member Vernikov for threatening
5 students at Brooklyn College with a firearm. Shame
6 on Council Member Yeger for calling student activists
7 terrorists. My time spent living in Israel as a
8 teenager revealed to me how fundamental and core it's
9 a partied system of governance is and that Jewish
10 supremacy and democracy cannot be reconciled.

11 Israel's outright denial of the Palestinian existence
12 through genocide ethnic cleansing and occupation is
13 much to the glee and support of White nationalists,
14 xenophobic, Zionist republic into our in fact
15 antisemitic and this is the most tragic irony that I
16 have ever known. Antizionism is -

17 SERGEANT AT ARMS: Your time has expired. Thank
18 you.

19 CHAIRPERSON DINOWITZ: Okay, I want to thank my
20 colleagues. I want to thank the Chancellor and his
21 team and all of the students in the organizations who
22 testified today. And I also want to thank Governor
23 Hochul and Judge Lippman for initiating this report,
24 for conducting the report, and for making the
25 concrete recommendations. The report is very clear.

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2 There are structural problems at CUNY, which lead to
3 students not being and not feeling safe. And I look
4 forward to working with CUNY Administration, with
5 city and state officials to ensure that these
6 recommendations are implemented so that all of our
7 students feel safe. And as I said earlier, it's not
8 enough to want to do the right thing, to feel as if
9 this is an important issue. There have to be
10 concrete policies in place to ensure the safety of
11 all of our students and all of our students feel
12 welcome. With that, I close the hearing. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 15, 2024