



VIA ELECTRONIC DELIVERY

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NYS Division of Human Rights
50 Clinton Street, Suite 301
Hempstead, New York 11550

January 28, 2025

Re: CUNY's Faculty Union, the PSC-CUNY has Adopted a Discriminatory Boycott in Violation of NY Exec L § 296(13) and NYS Executive Order No. 157

Dear NYS Division of Human Rights Investigator,

We write on behalf of Zionist Jewish and Israeli faculty members across the City University of New York ("CUNY") and Zionist Jewish and Israeli bargaining unit members of the Professional Staff Congress-CUNY ("PSC-CUNY" or "the Union") discriminated against by the Union's recent formal adoption of the antisemitic Boycott, Divestment, and Sanctions (BDS) movement's policy, ***including actively divesting all of its funds and a pledge to continue to divest all of its funds*** from Israel and to Boycott Israel. Such action constitutes a discriminatory boycott under [NY Exec L § 296\(13\)](#) and a blatant violation of [NYS Executive Order No. 157 \(2016\)](#). The boycott and divestment adopted and now being actively implemented by the PSC-CUNY discriminates against faculty and employees, and prospective faculty and employees on the basis of creed and national origin (Israeli). We ask NYSDHR to undertake an investigation of the boycott and of this hateful, discriminatory scheme, as detailed below.

Discriminatory Boycotts are Illegal Under New York State's Human Rights Law

NY Exec L § 296(13) prohibits "any person to boycott or blacklist, or to refuse to buy from, sell to or trade with, or otherwise discriminate against any person, because of the... creed...[or] national origin...of such person, or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or customers, or...for any person willfully to do any act or refrain from doing any act which enables any such person to take such action."

The NYSDHR has interpreted creed to include and encompass both religious beliefs and other, non-religious, beliefs which guide an individual's actions. Zionist Jews can fall into one or both categories. For Observant and other religious Jews, Zionism is a genuinely and deeply held [religious belief](#) that derives from the bible. For other Jews, Zionism comes from a shared heritage and belief system that connects them to Israel. Both of these classes fall squarely within NYSDHR's legal definition of creed. For the sake of simplicity, we will refer to these two creed subcategories collectively here simply as "Zionist Jews."

Background and Discussion

On or about January 23, 2025, the PSC-CUNY union adopted and indicated it would begin implementing as institutional policy a full and complete divestment and adoption of BDS policy that illegally boycotts Israelis and Zionist Jews and that it would fully divest all of its own funds from Israel and other Israel-related activity. As just one of countless examples, [PSC-CUNY research award grants](#), a popular vehicle for scholarly research

discriminates against Zionist and Israeli faculty members. The award will no longer be available for faculty members who collaborate on scholarly work with an Israeli faculty member colleague employed at his or her home university in Israel. It's clear that the Union will also deny scholarship grants that involves any Israeli university connection, Israeli institutional research, and any grants to Israeli CUNY professors who maintain familial, business, or ethnic connections to Israel. The PSC-CUNY's move thus necessarily institutionalizes an academic boycott of Israeli universities, Israeli scholars, Zionist Jewish scholars, and any other scholars who engage in research and publication with Israeli institutions or Israeli scholars.

The PSC-CUNY's BDS policy adoption and divestment would boycott and divest from the following, and many other, companies which, it claims, are somehow complicit in "war crimes" and other atrocities, by virtue of having had any connection to, worked in any way with, or done any business with an Israeli business, an Israeli individual, or with the State of Israel: Boeing, General Electric, Lockheed Martin, Northrop Grumman, Raytheon, Hewlett-Packard Enterprise, G4S, Motorola Solutions, Caterpillar, Cemex, Dell, IBM, HP, Lenovo, Cisco, BMC Software, BioCatch, Sabra, and PepsiCo (for the apparent crime of selling Cola to Israelis).

BDS policy adoption even condemns and demands boycott of the NYPD for working with Israelis, the Department of Homeland Security, and, most bizarrely of all, research service providers used by CUNY faculty members, such as Reed Elsevier/RELX (LexisNexis) for, somehow, being connected to Israel or Israelis. The Union's boycott and divestment of these entities will be as disastrous as they are discriminatory.

PSC-CUNY's BDS Policy Violates New York State Executive Order No. 157

In addition to violating the NYS Human Right Law, the New York State's Governor's office has adopted Executive Order ("EO") 157 which ensures that no State agency or authority engages in or promotes any investment activity that would further the harmful and discriminatory Boycotts, Divestment and Sanctions (BDS) campaign in New York State. For all of the reasons discussed above, PSC-CUNY *clearly* has violated EO No. 157. The EO requires that violators be placed on a public list of institutions that participate in BDS and to [divest State funds from any investment in any institution that is included on this list and fails to timely cure the violation](#). The State of New York must immediately begin this process with the PSC-CUNY and, if the Union fails to cure its violations, both CUNY and the State of New York must divest from the PSC-CUNY, **which would require terminating the Union as the exclusive bargaining unit for the City University of New York and selecting a new bargaining unit.**

It is no coincidence that hundreds –perhaps thousands—of Jewish faculty members have left the PSC Union. Thousands more have joined them. The PSC-CUNY's BDS boycott policy and singular divestment from Israel makes clear that Zionist Jewish and Israeli faculty members are not welcome to work with the union, will not receive the same benefits or protections, and will not receive any assistance of value from the union related or connected in any way to their protected nationality or ethnicity. The union has made abundantly clear that it does not view Zionist Jews or Israelis to be protected classes and has abandoned their sacrosanct Duty of Fair Representation to these groups. A 2021 EEOC finding, in fact, determined that Union leaders engaged in pervasive discrimination against Zionist Jews at CUNY.

The PSC-CUNY's CUNY adoption of the above discriminatory BDS boycott and full Divestment policy blatantly violates the discriminatory boycott provisions of NY Exec L § 296(13). The boycott policy discriminates against: 1) Zionist Jewish PSC-CUNY bargaining unit members and prospective CUNY employees based on creed; and 2) Israeli bargaining unit members and prospective employees based on nationality; all in violation of NY Exec L § 296(13). As discussed above, the policy also blatantly violates NY Executive Order No. 157.

For all of the foregoing reasons, we ask that the Division initiate an investigation into the PSC-CUNY regarding all of the above.

Respectfully,

Students, Alumni, and Faculty for Equality on Campus ([S.A.F.E. Campus](#))

