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# Yeshiva University Countersues School In Rabbi Dispute

By [Nacha Cattan](#) December 12, 2003



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eshiva University, defending itself against a lawsuit by an Israeli religious academy with which it severed ties, is countering the Israeli school, alleging that it “utterly refused to protect” Y.U.’s exchange students from a rabbi affiliated with the academy.

The Israeli school, Derech Etz Chaim yeshiva in Jerusalem, accused the university in a federal suit filed last spring of “disparagement” and breach of contract for severing ties based on allegedly false concerns about the school and the controversial rabbi, Matis Weinberg. The university’s countersuit, filed in the same Manhattan federal court last month, claims that the Israeli school and its dean had fraudulently “misrepresented” their connection to Weinberg.

According to Y.U.’s countersuit, the dean of the Israeli school, Rabbi Aharon Katz, was aware of at least two allegations of sexual misconduct made against Weinberg. The Y.U. countersuit claims that such allegations were brought to Katz’s attention by a student who attended a yeshiva run by Weinberg in California more than 20 years ago and more recently by a student at Derech Etz Chaim. The Israeli school denied the accusations in a reply filed in court last month.

The university severed ties last February to Derech Etz Chaim, which had been a participant in the

Yeshiva University Israel Program. The university explained in a letter to parents that the decision was based on a “review” of the school’s “educational standards and learning environment.”

The Jerusalem school charged in its complaint, dated May 30, that the university had “disparaged” the school by telling callers who asked about the severing of ties that Weinberg “was creating a ‘cult-like atmosphere’ at DEC” and “had been accused of engaging in inappropriate sexual conduct” with a student. The school said the charges against Weinberg were false and were “not properly investigated by Y.U.”

The suit also alleged that Yeshiva University defamed Katz by claiming he had prior knowledge of Weinberg’s alleged history.

In its countersuit, the university denies making either claim to the public at the time. However, it says that Y.U. advised callers that there were allegations of misconduct against Weinberg. The countersuit claims Y.U. officials discussed the allegations directly with Katz, telling him that “after a diligent, good-faith investigation, they had concluded that there were credible allegations that Matis Weinberg had sexually abused students going back 20 years.”

Katz, the countersuit said, “was defensive about Weinberg and refused to make any commitment to investigate the allegations of abuse” or to “take any action to safeguard students.” Derech Etz Chaim has denied these allegations as well.

Although Weinberg is not a party to the lawsuit, he has repeatedly and vehemently denied the allegations of sexual abuse as baseless.

The Israeli school has filed a reply to the countersuit, denying Y.U.'s allegations. Both parties are now gathering evidence regarding their claims.

Weinberg, an American-born educator, held weekly lectures at Derech Etz Chaim, which the school claims were open to the public and attended by many people who were not from the yeshiva.

The Derech Etz Chaim civil action alleges that Yesheva University financially “crippled” the school by severing ties and passing along its concerns to other institutions, which also cut off ties, drastically reducing the academy’s enrollment. The school is seeking a minimum of \$75,000 in damages and is asking for an injunction to prevent the university from making further “disparaging” comments about it. Both the suit and the countersuit are filed under the same case number in the Manhattan federal court.

The university claims in its countersuit that when one Derech Etz Chaim student complained to Katz of “sexually inappropriate conduct” by Weinberg, Katz did not investigate the complaint or report it to governmental authorities, Y.U. or the student’s parents.

The attorney representing Katz in New York, Kenneth Lapatine, said in an interview that the dean, in

fact, took action as soon as the university mentioned its concerns about Weinberg to him. “Rabbi Katz took appropriate steps to ensure that the student body knew that they would not have anything to do with Rabbi Weinberg,” Lapatine said. “That does not mean he was accepting the allegations as being true.”

Referring to the student who brought his allegations to Katz, Lapatine said, “By the time that student had come forward, the relationship had already been severed.” However, he said, “Rabbi Katz had been asked by that student not to disclose” the claim of abuse. Lapatine also said that the student alleged the abuse took place when he was no longer studying at Derech Etz Chaim, but was attending Y.U.

“He came to Israel just for a visit,” Lapatine said about the student. “It allegedly occurred when they were traveling together.”

Katz was a former student of Weinberg at Kerem, a yeshiva in Santa Clara, Calif., founded by Weinberg in the late 1970s. According to the university’s countersuit, “there were allegations that Weinberg’s employment with Kerem was terminated in the 1980s because he allegedly sexually molested yeshiva students.” The countersuit also claims “Rabbi Katz was well aware of these allegations.”

Using the acronym for Derech Etz Chaim, the countersuit states: “Neither DEC nor Rabbi Katz

disclosed that Rabbi Katz has been a devoted disciple of Weinberg since the 1970s. In fact, Rabbi Katz considers Weinberg his ‘Rebbe,’ which means his spiritual guide or mentor. In fact, Yeshiva University did not know that Rabbi Katz has shaped DEC into a community advocating Weinberg’s ‘Hashkafah,’ which means his world outlook.”

According to the countersuit, students were taught at the academy that only Weinberg and DEC’s philosophy were correct, “that DEC had the right idea, and that everyone else was wrong.” Moreover, the countersuit states, “Many students returned from DEC and refused to take part in Yeshiva University’s Judaic Studies programs. Instead they engaged in independent study and consulted with DEC regarding their religious studies.”

Although Weinberg was not formally employed by Derech Etz Chaim, the university alleges that he had “constant contact” with its students.” DEC conducted class trips to Weinberg’s home in Jerusalem, the university states.

In its suit, the school claims that Weinberg was never employed or paid by Derech Etz Chaim, that the Jerusalem yeshiva had no prior knowledge of the accusations against Weinberg and that the statements about Weinberg are false.

The academy acknowledges that its students were urged to attend Weinberg’s “public” lectures and that Weinberg had an office at Derech Etz Chaim for two months. But Derech Etz Chaim denies

that Weinberg's relationship to the school was kept hidden.

"Witnesses have been deposed at Y.U. who have testified that before contracts were renewed they were aware that Rabbi Weinberg was lecturing at DEC," said Lapatine, the lawyer.

Lapatine added that no one at Derech Etz Chaim discouraged students from attending classes at Yeshiva University.

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