

Press Release

*For immediate
release*



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BYU Reforms Honor Code Weeks After Complaint to Accrediting Body

17 August 2016 — *Three weeks after activist group FreeBYU submitted a [religious discrimination complaint](#) to the accrediting body of Brigham Young University's (BYU's) law school, the university relaxed a number of its Honor Code policies related to its [ecclesiastical endorsement requirement](#). Despite the changes, FreeBYU believes that BYU's policies still unduly discriminate against LDS students who change their faith.*

BYU updated its Honor Code on November 9, 2015, less than three weeks after the American Bar Association [acknowledged](#) FreeBYU's discrimination complaint against BYU's Law School (October 21, 2015). In a letter dated July 14, 2016 to BYU Law's dean, Gordon Smith, the ABA Accreditation Committee concluded "that no further action on the complaint was merited. [The matter is now closed.](#)"

Since each of the Honor Code changes directly addressed compliance issues raised in FreeBYU's complaint, it is possible that the Committee's decision was influenced by these changes.

Summary of Honor Code Changes

The changes to the Honor Code may offer some recourse to LDS BYU students who undergo a faith transition. Note that these changes apply only to BYU's Provo campus, which houses BYU Law, not to BYU Idaho, BYU Hawaii, or LDS Business College:

- "Observ[ing] the standards of the Honor Code" is now considered "sufficiently compelling grounds to warrant an exception to the university's ecclesiastical endorsement requirement"
- Waiving one's ecclesiastical privilege is no longer required for an exception
- "Unusual" or "extenuating circumstances" are no longer required for current students to receive an exception

- A March 2015 addition to the Admission Policy that allows ex-LDS applicants for admission to apply for an exception is now referenced in the Honor Code

FreeBYU asked university officials whether “the standards of the Honor Code” in this context include LDS observance for students who no longer consider themselves LDS. BYU spokesperson Carri Jenkins acknowledged the inquiry but did not respond to this question except to say, “All applications in this [Application for Exception] process are handled on a case-by-case basis.”

For more detailed information on the impact of these changes, their limitations, and the background behind them, refer to the [in-depth analysis](#) on FreeBYU's blog.

FreeBYU’s Position

FreeBYU welcomes the modifications BYU has made to the Honor Code but does not believe the changes go far enough. By default, those who leave the LDS faith are still subject to expulsion, eviction, and termination. Therefore, FreeBYU calls upon BYU to:

- Honor the LDS Church’s [11th Article of Faith](#), which “allow[s] all men... [to] worship how, where, or what they may.”
- Reform the Honor Code further by removing the prohibition on LDS disaffiliation, and by affirmatively stating that one’s religious affiliation is not an Honor Code issue: students are free to believe and worship according to the dictates of their own consciences without risking expulsion, termination, and eviction.

FreeBYU encourages the media to reach out to BYU Idaho, BYU Hawaii, and LDS Business College to uncover why the Honor Code revisions were only applied to BYU’s Provo campus, and to clarify with BYU whether it will grant exceptions to the ecclesiastical endorsement requirement for students who leave Mormonism but otherwise comply with the Honor Code.

Appendix: Timeline of Relevant Events

Date	Commentary
May 29, 2015: FreeBYU sends initial complaint to BYU Law	Complaint alleges violation of nondiscrimination standard, based on expelling LDS students who change their religious affiliation while attending
June 8, 2015: BYU Law responds, declining to take action	"we are confident that we continue to be in full compliance with the relevant ABA standards"
July-September, 2015: Supreme Court decides Obergefell, making same-sex marriage legal nationwide	FreeBYU adds sexual orientation discrimination to complaint

October 12, 2015: FreeBYU sends formal complaint to ABA	ABA now has 14 days to acknowledge
October 17, 2015: Complaint delivered to ABA	Sent via Certified Mail
October 21, 2015: ABA acknowledges receipt	Thus, beating the 14-day deadline by a few days
October 25, 2015: FreeBYU publishes ABA complaint on its site	The public, including BYU Law administrators, now has access to the allegations in the updated complaint
(Estimated) October 28, 2015: BYU receives ABA's request for response	ABA has six weeks from acknowledgment to determine whether the complaint raises a noncompliance issue
November 9, 2015: BYU publishes honor code reforms	The reforms directly address several specific allegations in the complaint, including 1) the prohibition against accepting ex-Mormons, 2) the arbitrary and obtuse "unusual circumstances" language regarding appeals of ecclesiastical endorsements, 3) unclear requirements for good standing, and 4) the lack of separation between church and school officials
(Estimated) November 20, 2015: BYU sends response to ABA	The law school must respond within 30 days of the ABA's request
January 21, 2016: ABA says "we sent your complaint to the school for a response and are currently reviewing that response."	The ABA must review the law school's response within 45 days of receipt, then either close or refer to Committee
January 25, 2016: Fox13 reports that BYU released a statement saying "The law school received a request for information from the ABA a couple months ago and provided the ABA the information requested."	Shows timing is consistent with events above
April 6, 2016: ABA refers the complaint to committee	Depending on the interpretation of the rules, the ABA has 117 days (six weeks + 45 days + 30 days) from acknowledgment of receipt (Oct 21) to either close or refer to committee
June 23-24, 2016: ABA Accreditation Committee meets; decides no further action was merited	Committee members listed here
July 14, 2016: ABA sends Dean Smith their decision to close the matter	Copy of decision here
Late July, 2016: FreeBYU receives the letter documenting decision	Press release here