

January 19, 2017

Sent via Certified Mail

Dr. Jacqueline Remondet Wall
Office of Program Consultation and Accreditation
750 First St, NE
Washington, DC 20002-4242

Dear Dr. Wall,

I am writing to file a formal complaint on behalf of students and faculty members in the APA-accredited programs at Brigham Young University (BYU) located in Provo, Utah regarding violations of the Guiding Principles for Accreditation of the American Psychological Association (APA). As you will read, students and faculty members risk dismissal and termination for raising these issues; thus, this complaint is being submitted by FreeBYU, an organization dedicated to promoting and defending religious freedom at BYU. I will detail the violations made by BYU below. Because of its comparable accreditation language, I have also included the American Bar Association complaint filed by FreeBYU on October 12, 2015 as documentation evidencing BYU's discrimination. We have hundreds of pages of additional documentation, primarily first-hand accounts of impacted students, that are available upon request.

BYU discriminates on the basis of religion

In 2006 the APA published “Guidelines and Principles for Accreditation of Programs in Professional Psychology” which discusses eligibility for accreditation with the APA. On page 6 of that document the APA details requirements for inclusion and respect for diversity. Eligibility requirement point 5 reads:

The program engages in actions that indicate respect for and understanding of cultural and individual diversity...[T]he phrase “cultural and individual diversity” refers to diversity with regard to personal and demographic characteristics. These include, but are not limited to, age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and social economic status.¹

¹ American Psychological Association. 2006. *Guidelines and Principles for Accreditation of Programs in Professional Psychology (G&P)*. pg 6. Retrieved from <http://www.apa.org/ed/accreditation/about/policies/guiding-principles.pdf>. Retrieved on November 21, 2016.

The APA further states:

Respect for and understanding of cultural and individual diversity is reflected in the program's policies for the recruitment, retention, and development of faculty and students, and in its curriculum and field placements. The program has nondiscriminatory policies and operating conditions, and it avoids any actions that would restrict program access or completion on grounds that are irrelevant to success in graduate training or the profession.²

BYU actively discriminates against students, faculty, and other staff who were formerly affiliated with the Church of Jesus Christ of Latter-day Saints (LDS Church), violating the requirement that the University maintain "nondiscriminatory policies and operating conditions." Specifically, BYU is discriminatory in both its recruitment practices and its retention practices, as students and faculty who choose to follow their religious conscience and disaffiliate from the LDS Church are denied admission and employment and/or are expelled or terminated. Current students are also evicted from their housing if they live in BYU-contracted housing, as most of them are required to. These practices burden religious, academic, and intellectual freedom at BYU, and may violate other APA requirements not listed here.

This standard of expelling students or precluding admission, as well as the practice of terminating or refusing to hire staff who disaffiliate from the LDS Church, undermines the APA's standards for diversity and negatively impacts the learning environment at BYU. Because an individual's religious affiliation is "irrelevant to success in graduate training or the profession" BYU's practice of religious discrimination violates the APA's standard that the University not have policies that "restrict program access or completion" on irrelevant grounds. A former LDS student would not have access to BYU's graduate programs and/or would not be allowed to complete the program were they to disaffiliate while enrolled at BYU.

FreeBYU acknowledges that the APA "does not exclude programs from having a religious affiliation or purpose and adopting and applying admission and employment policies that directly relate to this affiliation or purpose."³ However, the APA standard allows a University to have policies that "provide a preference for persons adhering to the religious purpose or affiliation of the program" so long as the policies are not "used to preclude the admission, hiring, or retention of individuals because of the personal and demographic characteristics described" above, including religious affiliation and sexual orientation.

BYU's admission, hiring, and retention policies go beyond a "preference" and are instead used to preclude admission, hiring, and retention of individuals based upon a change in their religious preference. BYU does not state a religious preference in its admission of students, as non-LDS students are eligible for admission so long as they agree to abide by BYU's

² *Ibid.*

³ *Supra* n.1, at pg 10, footnote 4.

Honor Code Standards. Likewise, a non-LDS student is welcome to change their religious preference at anytime to any other religion or nonreligion. It is only LDS students and faculty that are forbidden to change their religious affiliation. The practice of regularly admitting non-LDS students undermines any preference BYU may state for LDS students, and LDS students who disaffiliate from their church simply become non-LDS students.

BYU's practice contravenes the concept of academic freedom

Furthermore, the APA allows Universities to have policies in line with a religious preference so long as the do not contravene with the "concept of academic freedom."⁴ As mentioned above, we have hundreds of pages of first-hand accounts documenting BYU's practices in this regard that are available upon request. Here are two examples:

1. "I think the hardest part of this project was about halfway through. We were going to have a story collecting workshop related to the experiences of LGBT people. We made a flyer, just like we had with any of our other workshops, and put them up on campus. A dean saw the flyer, tore it down immediately, sent it to the vice president of the university, and together, a bunch of people I have never met or talked to said that I could no longer do my project.

When I first met with my advisers and they told me the news about my project being canceled over the Queer workshop, here are some of the concerns they said to me.

- "Cis-gender is a word that kind of attacks the family proclamation."
- "Using words like LGBTQIA, cis-gender, and queer are just not understood here at BYU. If you would've used words like Same Gender Attraction, we might not have a problem."
- "As a student who has been here for as long as you have, you should know what these words and this workshop mean. You have to know by now that you can't just openly talk about LGBT experiences without getting permission first, and without BYU knowing what you are going to say."

BYU succeeded in silencing us, and there was nothing we could do about it."

2. "I am currently involved in a project that explores sexism at BYU and in Utah County. BYU administration cancelled a workshop I planned because our advertising included the words "queer," "LGBTQIA," and "non-cisgender." Administration encouraged us to use the term "same sex attracted," which is used most commonly by religious institutions who don't recognize queer identities."

These examples, combined with the attached documentation in the ABA complaint, demonstrate a substantial departure from academic freedom norms.

⁴ American Psychological Association. 2006. *Guidelines and Principles for Accreditation of Programs in Professional Psychology (G&P)*. pg 10, fn. Retrieved from <http://www.apa.org/ed/accreditation/about/policies/guiding-principles.pdf>. Retrieved on November 21, 2016.

BYU also discriminates on the basis of sex and sexual orientation

Furthermore, BYU actively discriminates against members of the LGBTQ community in violation of the same standard discussed above. Rather than fostering an environment of fairness or respect, BYU discriminates against members of the LGBTQ community by forbidding “homosexual behavior” which it defines as “not only sexual relations between members of the same sex, but all forms of physical intimacy that give expression to homosexual feelings.”⁵ This means that a heterosexual couple may hold hands and kiss while these behaviors would bring discipline to a student or staff member who engaged in them within a same-sex relationship. You will find additional analysis and examples demonstrating this type of discrimination in the ABA complaint.

Requested action

We ask that you take action to ensure BYU discontinues its discrimination and complies with the same accreditation standards that apply to all institutions and programs the APA accredits.

Please respond to this complaint by letter or email to acknowledge receipt, and inform us of your pertinent actions going forward. We will gladly provide additional documentation by email if you request.

Sincerely,

Brad Levin

Brad Levin

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⁵ University Policies, Church Educational System Honor Code, Brigham Young University. Retrieved September 16, 2016 from <https://policy.byu.edu/view/index.php?p=26>