



OFFICE OF THE GENERAL COUNSEL
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December 18, 2008

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Re: Chad Hardy

Dear Mr. Clark:

This letter is BYU's formal, written response to your letter of November 21, 2008, regarding Chad Hardy.

We have reviewed in detail your letter and the various documents to which you cite. We respectfully disagree with many of your assertions and characterizations. Among other points, several of the documents to which you refer are inapplicable to this situation.

BYU will provide Mr. Hardy with access to his education records pursuant to the Family Educational Rights and Privacy Act. Please have Mr. Hardy call the assistant registrar at 801-422-1155 to arrange a time for him to inspect and review those records. Should Mr. Hardy desire that you or another representative inspect and review those records, BYU would be happy to provide a consent form for Mr. Hardy's signature.

BYU's undergraduate catalog states, "[s]tudents are required to be in good Honor Code standing to graduate." As noted in Norm Finlinson's letter to Mr. Hardy of September 30, 2008, Mr. Hardy was not in good Honor Code standing to graduate because he had been excommunicated from the Church of Jesus Christ of Latter-day Saints, the affiliated sponsor of BYU. The document titled "Action Options," to which your letter refers, explains that Mr. Hardy is entitled to request a university review through the dean of students of the decision to withhold Mr. Hardy's diploma. This is the correct means of obtaining a university review

under these circumstances, and Mr. Hardy may call the office of the dean of students at 801-422-7254 to schedule a time to avail himself of this review. It is established practice at BYU for university reviews involving students to be collegial and not adversarial, and therefore attorneys will not be allowed to attend or represent either the university or Mr. Hardy.

Sincerely,

Michael R. Orme

Michael R. Orme
General Counsel

MRO/bmj