



Office of the General Counsel FAX Transmission

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From: Michael R. Orme
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OFFICE OF THE GENERAL COUNSEL
MICHAEL R. ORME
Assistant to the President
General Counsel

February 6, 2009

Via U.S. Mail and Fax

Stephen C. Clark, Esq.
Jones Waldo Holbrook & McDonough
170 S. Main Street, Suite 1500
Salt Lake City, Utah 84101
FAX: 801-328-0537

Re: Chad Hardy

Dear Mr. Clark:

Thank you for your letter of February 4, 2009. While we disagree with the assertions and conclusions set out in your letter, we particularly take issue with your assertion and conclusion that the reference in my prior letter to “ecclesiastical decertification of good Honor Code standing” is an entirely new basis for the university’s decision to withhold Mr. Hardy’s diploma. You have misunderstood or taken out of context that reference. That phrase describes the effect of excommunication on the status of any student and was intended to inform you and Mr. Hardy of the gravity of that change in status. It is simply another way of saying that Mr. Hardy was not in good Honor Code standing because he had been excommunicated from the Church of Jesus-Christ of Latter-day Saints. All students are required to be in good Honor Code standing to graduate from BYU.

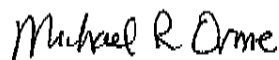
You are correct in your understanding that Mr. Hardy has scheduled a review of his complete academic file on February 13, 2009. As you are well aware, you also remain welcome to inspect and review Mr. Hardy’s academic file in its entirety.

You are also correct that Mr. Hardy has scheduled a university review through the dean of students on February 13, 2009. As I have said before, the Honor Code Office has neither received reports regarding Mr. Hardy nor undertaken any investigation of him. The purpose of the university review is to address Mr. Hardy’s Honor Code standing and the question of whether BYU should make an exception from its graduation requirement of good Honor Code standing and award Mr. Hardy a degree. Mr. Hardy should anticipate a thorough discussion of his conduct and compliance with the Honor Code. Mr. Hardy may also take the opportunity to present any information he wishes the university to take into account in this matter, including any mitigating

factors that may bear on the university's decision not to award a degree. Please be assured that the dean of students takes this review seriously and intends to engage in a meaningful and substantive discussion with Mr. Hardy. Please also be advised that the university does not consider the review to be a settlement discussion.

This letter confirms that counsel will not be present on behalf of the university at the university review, nor will counsel be permitted to be present for Mr. Hardy. A secretary may be present to take minutes. Although the university has no obligation to record or allow recordings of the review, the dean of students has determined in this instance to record the review and also to permit Mr. Hardy to do so.

Sincerely,



Michael R. Orme
General Counsel

MRO/bmj