

American Bar Association looks into discrimination complaint at BYU law school

by [Mark A. Kellner](#)

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SALT LAKE CITY (RNS) Brigham Young University's law school accreditation has come under examination by the American Bar Association on a complaint that the school violated nondiscrimination policies, the director of a group of dissident students said.

Without ABA accreditation, students at the J. Reuben Clark School of Law would be ineligible for federal student aid and would not be able to apply for admission to state and local bar associations. The law school, like the university, is affiliated with the Church of Jesus Christ of Latter-day Saints.

[FreeBYU.org](#), the dissident group, complained to the ABA about the school's practice of expelling students who leave the LDS faith or are living in same-sex relationships.

BYU admits students of different faiths. But those who are Mormon get lower tuition rates, and breaking away from the LDS religion before graduation is against an honor code signed by each Mormon student. So are same-sex relationships.

Violations of the honor code are generally the grounds for a student's expulsion, according to Brad Levin, a 2011 BYU Law graduate and director of the [FreeBYU.org](#) group.

"We'd like them to follow the [ABA's] accreditation standards," Levin said. "The most obvious change would be in reforms to the honor code."

Instead of kicking students out, Levin said, his group wants the school to revert to the policy that existed before 1993: students who leave the LDS faith are simply charged nonmember tuition rates.

In response, BYU offered a statement.

“The law school received a request for information from the ABA a couple of months ago and provided the ABA the information requested,” said Mary Hoagland, assistant dean for external relations at the law school. “We have been accredited by the ABA since 1974 and are confident that we continue to meet ABA standards.”

The ABA would not comment on pending inquiries at a given law school, a spokesman said.

ABA standards state that a law school cannot deny admission or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability.

But the ABA’s own rules state that faith-based law schools may adopt rules consistent with religious “affiliation or purpose.”

Levin argues that by not retaining students who left the LDS church, the BYU law school is violating the church’s long-held beliefs about religious liberty.

“In order to be consistent with its own advocacy of religious freedom internationally, they must preserve it at their own institution,” he said.

The discussion about BYU’s law school accreditation reflects society’s changing views, said Douglas Laycock, a law professor at the University of Virginia Law School in Charlottesville. “It’s not that hard to find a middle course if we had the political will on each end of the continuum, but we don’t,” he said.

Other law schools face similar challenges. Provincial bar associations are challenging the establishment of a law school at Trinity Western University, an evangelical Christian school in Canada, over the university’s honor code that restricts sexual activity to heterosexual married couples. The school won a challenge in the British Columbia Supreme Court, but the province’s bar association, which voted against accrediting the law school, appealed the ruling.