





Fresno City College

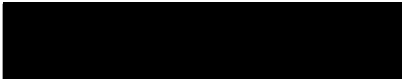
1101 East University Avenue, Fresno, California 93741 Phone: 559-442-4600 FAX: 559-485-7304

Dean of Student Services

March 8, 2010

Jacqueline Mahaffey


Jay Matthew


Kenneth Belville


Dear Ms. Mahaffey, Mr. Matthew, & Mr. Belville:

This is in response to your complaints directed at Dr. Bradley Lopez, an Instructor in the Health Sciences Division at Fresno City College. My office received your complaints beginning on December 7, 2009, and since that date I have gathered information from interviews and other evidence that were evaluated in consideration of this final administrative decision.

It is concluded that Dr. Lopez is in violation of District policy as follows:

Dr. Lopez engaged in conduct that could result in the creation of a hostile learning environment by unreasonably interfering with students' learning by making insulting comments directed at homosexuals, in contravention of the prohibition of insulting comments directed at a group based on sexual orientation found in Administrative Regulation 3430, by describing homosexuals as suffering from a mental disorder and advising psychological counseling as a remedy.

It should be noted that Health Science 1 properly covers topics of human sexuality, and, under the District's academic freedom policy (Board Policy and Administrative Regulation 4030), instructors are entitled to interpret personal findings and to communicate their conclusions, even when at variance with those of other persons. That students are offended by or complain about an instructor's findings and conclusions on such subject matter does not automatically lead to the conclusion that harassment or discrimination has occurred. Dr. Lopez' presentation of his findings and conclusions on the prevalence of homosexuality in society or the theory of evolution, for example, even if at odds with other professionals in his field, was within the scope of his duties as an instructor. However, nothing in the District's academic freedom policy or any other controlling law or policy permits instructors to engage in indoctrination, the presentation of irrelevant subject matter, or the creation of a hostile learning environment for students. The presentation of homosexuals as suffering from a mental disorder and advising treatment by psychological counseling was unrelated to any legitimate course objective. Moreover, even if Dr. Lopez' conduct could properly be described as protected by the District's academic freedom

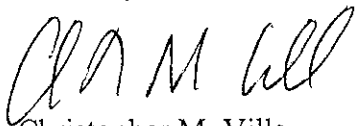
policy, which it is not, the District's policies are clear that any apparent conflict between the academic freedom policy and the prohibition of harassment policy is to be resolved in favor of the harassment policy.

Dr. Lopez further violated District policy by teaching religious material. While the presentation of religious belief as fact in a health science class does not in the present case amount to discrimination or harassment on the basis of religion, it is inconsistent with an instructor's duty to present materials consistent with the attainment of course objectives or the achievement of an educational principle. Moreover, it is inconsistent with the nature of Fresno City College as a public institution as it may signal the preference of one religion over another or otherwise support religion with no identifiable secular purpose. Instructors are not required to hide their own religious belief or non-belief, but they may not engage in religious indoctrination as Dr. Lopez did here by assigning readings from the Bible, reading the Bible in class, and otherwise relying on the Bible as an authority in the assigned subject matter. Doing so could subject the District to legal threat for violation of the Establishment Clause of the First Amendment. It could also jeopardize the ability of the students to transfer their course credit to other institutions.

Therefore, the College will take appropriate action to address these violations of policy and regulations and to prevent them from recurring in the future. Thank you for bringing them to our attention.

The College does not condone harassment in the work place or in any program or activity. The College takes complaints of harassment seriously. In accordance with the District's harassment policy, you have the right to appeal the determination set out in this letter to the College President. You should make that request within ten (10) calendar days of receipt of this letter. Any appeal must be in writing and should state the basis for the appeal. If you file a timely appeal, the President or her designee will respond in accordance with Administrative Regulations.

Sincerely,



Christopher M. Villa
Vice President of Student Services

C:

Dr. Thomas Crow
Dr. Cynthia Azari
Dr. Bradley Lopez
Mr. Randy Rowe
Mr. Tony Cantu
Dr. Carolyn Drake