

## BLACK PHYSICIAN FILES DISCRIMINATION SUIT AGAINST CALIFORNIA STATE UNIVERSITY

Palm Springs California physician Dr. Sidney Harr Jr. has made a motion in Los Angeles County superior court to have his discrimination suit against California State Polytechnic University removed and refiled in federal court.

The action, originally filed June 17, 1986 alleges that racial discrimination was the dominant factor which led to his expulsion from the Masters of Architecture program in the Spring of 1984.

In the summer of 1982, Dr. Harr applied for entry into the post graduate Masters of Architecture program at California State Polytechnic University. A few weeks later he was accepted and began making plans to attend the university in the Fall.

From Fall of 1982 through the winter of 1984, Dr. Harr maintained a 3.05 GPA. According to transcripts, he received grades of A's and B's with the exception of one C grade in physics. It was only in the subjectively graded design courses that he received any grade lower than a B.

However, in the Spring of 1984, Dr. Harr was given an F grade in an architecture 303 design course taught by Cal Poly Instructor David Weaver. The result of that failing grade rendered him ineligible to continue in the Masters program by pulling his GBA below the university's minimum requirements.

A review of the documents made available by both the university and Dr. Harr show that he had completed all the assignments on time, had been very active during class discussions, had followed the advice of the instructors, and had even built an extra model beyond that which was required.

In a letter written by David Weaver,

he describes Harr as hard working, personable, and forthright. He also states that he graded Harr's final design a C+/B- and his presentation a C. Later in the letter he states that neither he nor his assistant proposed the failing grade, but that it was "a consensus decision initiated by the other members of the review panel." The names of all those on the review panel have not yet been disclosed.

Dr. Harr, the only black student in his architecture graduating class, proceeded to appeal the failing grade both informally, then formally in compliance with the California State Polytechnic University Statement of Student Rights, responsibilities, and Procedures.

On February 13, 1985, Harr filed a Notice of Student Grievance complaint. According to the Statement of Student Rights, the student grievance panel is required to "...recommend action to the (school) president within 30 days of receipt of grievance." It also requires that "...the president shall respond to the student within ten days of receiving the recommendation."

Over three months had passed before Dr. Harr received the response from the university president, Hugh O. La Bounty, that his grievance had been denied.

After exhausting every recourse available to him by the university's grievance procedures, Harr sent letters to Ann Reynolds, Chancellor Of the California State University System; Governor of the State of California George Deukmejian; California State Senator Robert Presley; Congressman Al McCandless; and Frank Rhodes, president of Cornell University and Chair of the Commission On Minority Participation in Education and American Life. The response from each correspondence was common: that particular case was not within their jurisdiction.

Harr, then retained the legal services of a Santa Ana California law firm Parker and Covert to pursue his legal options against the school as suggested in a letter from Willie Brown, Speaker of the California Legislative Assembly.

Several experts were called in to review and critique Dr. Harr's projects.

One expert, and instructor at Saddleback Community College, Thomas Moon, states in his written analysis "that the work developed by the student appears to be comparable to other similar works done by his peers." In a memorandum written by Parker and Covert concerning a phone conversation, Architect Gaylaire Christopher her states that Dr. Harr's work is comparable overall to the other students' work and that if is an acceptable project.

However, in December of 1987, Attorney Spencer Covert of the legal group of Parker and Covert sent a letter to Dr. Harr concerning their inability to secure the services of an expert testimony. Thomas Moon declined to testify on Harr's behalf, because his son was attending California State Polytechnic University as an architecture student. Another architect who had originally agreed to testify also declined after his son enrolled at the university in Pomona, California.

On August 11, 1987, Sylvia Diaz of the Attorney General's office contacted Harr's Attorneys and offered to settle out of court by reinstating Dr. Harr into the program. The settlement did not include an admission of any wrong doing or misconduct on the part of the school staff. Nor did it provide for any compensatory damages incurred during the two-year-old legal struggle.

On December 30, 1987 and again on July 1, 1988, Dr. Harr received a letter from the legal firm of Parker and Covert urging him to accept the settlement. In the letter dated July 1, 1988, they wrote, "We (recommend) acceptance of the offer, and also (advise) you of our inability to continue to represent you in light of the fact that despite our efforts we have been unable to locate an expert witness who is willing to testify on your behalf... I am enclosing herewith a substitution of attorney form. This document would substitute Parker and Covert out of the case as your legal representative, and substitute you in to represent yourself." The letter went on to warn that if Dr. Harr did not sign the form and return it to them within 30 days that they would make a motion in the Los Angeles County Superior Court

to be relieved from representing him. During a phone conversation, the California Attorney General's office said that they felt Dr. Harr had been treated fairly and in accordance with the university's policies.

Director of Public Affairs at California State Polytechnic University, Jeff Stetson, told reporters that he was unaware of Dr. Harr's grievance, and that he had not been informed of the action being taken against the school.

President of the university, Hugh La Bounty; Vice President of Student Affairs, Bob Nobles; Dean of the School of Environmental Designs at the California State Polytechnic University, Marvin Malecha; and director of the university's Affirmative Action Series, Glen Morris all declined to comment while the case was still in litigation.

At first glance, Dr. Sidney B. Harr, Jr. appears to be in possession of the All-American dream; freedom, success, opportunity, and a rewarding lifestyle. At 41, he lives in a quaint neighborhood in Psalm Springs, California while working as an emergency physician at the Psalm Springs Desert Hospital. He is the former art director of the Heart institute of the Desert in Rancho Mirage, California.

In the spring of 1984, Dr. Harr's dreams and aspirations were abruptly altered by what he is convinced is nothing less than racial discrimination in its worst form. Harr alleges to have spent \$30,000 in his effort to claim his rights guaranteed him by the 14th amendment and the Civil Rights Act of 1964.

Presently, Dr. Harr has retained the services of yet another attorney, Michael J. Jimmerson, who told reporters that..."it is seriously thought that federal constitutional questions that are raised will predominate over state constitutional procedural and substantive rights of the plaintiff."

In addition to punitive and compensatory damages, Harr's suit orders that the defendants refrain from their unlawful discrimination practices, that his failing grade be removed from his record, and that he be reinstated in the Masters of Architecture program. The exact date of the trial has not yet been set.

## AFRICAN-AMERICAN SUMMIT '89

NEW ORLEANS, LA, April 24, 1989—More than 1000 delegates from throughout the nation gathered in New Orleans last weekend for an African-American Leadership Summit. The politically diverse group heard from a number of major voices in the African-American community, including Reverend Jesse Jackson, Mrs. Coretta Scott King, Congressman Ron Dellums, Assemblywoman Maxine Waters, Minister Louis Farrakhan, Dr. Dorothy Height, Democratic Chairman Ron Brown, and many others.

According to former Gary Mayor Richard Hatcher, General Chairman, the meeting accomplished its three major goals: to bring the African-American Leadership family together for the first time in seventeen years; to sound the alarm regarding the critical nature of the problems facing Black America as we enter the next decade; and to develop an Agenda containing new ideas, new strategies and new plans that will allow African-Americans to reach their goal of political, social and economic parity by the year 2000.

"The final draft of the document will be completed over the next several weeks," said Hatcher, "Then we intend to request a meeting with President Bush to enlist his support in the implementation of the major public policy recommendations contained in the Summit Agenda.

Some of the ideas put forth in New Orleans included:

A call for reparations for African-Americans brought to this country against their will, enslaved and provided free labor for more than 250 years.

and investment bank based upon African-Americans accessing their money in giant pension funds

The establishment of an African-American stock exchange to help generate capital for the 400,000 plus African-American businesses in America.

Making African-American history a requirement in public schools The establishment of a Black Common Market that would leverage the political progress of the last twenty years, in order to achieve economic progress in the 1990's

The creation of joint ventures to build capital in African-American communities

The establishment of a national African-American lobby, that would work to protect and advance the interest of African-Americans in Congress and other legislative bodies

Formation of a national "think tank" to guide a national war on drugs Repatriation of imprisoned African-Americans to Africa where they would form a new nation

Organization of a Census Watch to assure that all African-Americans are counted in the 1990 Census.

# ADVERTISING

### INVITATIONS FOR BIDS

The PORTLAND DEVELOPMENT COMMISSION will receive sealed Bids for

#### ROADWAY SURCHARGE AND UTILITY PROTECTION, PARCEL 2, SOUTH WATERFRONT PROJECT, PORTLAND, OREGON.

Consisting of clearing and grubbing, protection of an existing 42" sanitary sewerline, placement of approximately 26,500 C.Y. (in place) of select fill, on site compaction and installation of settlement plates.

until 2:00 pm, Pacific Daylight Time (PDT) on the 9th of May, 1989, at 1120 SW Fifth Avenue, Suite 1102, Portland, Oregon 97204-1968, at which time and place all Bids will be publicly opened and read aloud.

Contract Documents, including Drawings and Specifications, are on file at the office of the PORTLAND DEVELOPMENT COMMISSION, at 1120 SW Fifth Avenue, Suite 1102, Portland, Oregon 97204-1968. Inquiries should be directed to Mr. Al Hopper, (503) 796-5352.

Copies of the Contract Documents may be obtained at the PORTLAND DEVELOPMENT COMMISSION, by depositing \$50.00 for each set of documents so obtained. Each such deposit will be refunded if the Drawings and Contract Documents are returned in good condition within ten (10) days after the Bid Opening.

All bidders must comply with the provision of Chapter 279, Oregon Revised Statutes, relating to the qualification of bidders. The bidder's pre-qualification statements shall be prepared and presented on the City of Portland Prequalification Application and filed with the Portland City Engineer not later than nine (9) business days prior to the bid opening time for the classification of excavation and grading.

A certified check or bank draft, payable to the order of the PORTLAND DEVELOPMENT COMMISSION, negotiable US Government Bonds (at par value), or satisfactory Bid Bond executed by the Bidder and an acceptable Surety, in an amount equal to ten percent (10%) of the total Bid shall be submitted with each Bid.

The successful Bidder will be required to furnish and pay for satisfactory Performance and Payment Bond or Bonds.

Attention is called to the fact that not less than the minimum salaries and wages as set forth in the Contract Documents must be paid on the Project, and that the Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin, and that the Contractor must comply with all provisions required by ORS 279.348 through ORS 279.356.

The Portland Development Commission is committed to taking affirmative action to encourage and facilitate the participation of Minority and Women Business Enterprises in Commission projects and operations. To help meet Commission goals, prime contractors are encouraged to consider and utilize qualified MBE/WBE subcontractors in this project. The Commission's goal for this project has been established as 10% Minority Business Enterprise and 2.5% Women Business Enterprise utilization as a percentage of the total dollar amount of this contract.

The PORTLAND DEVELOPMENT COMMISSION reserves the sole right to reject any or all bids or to waive any informalities in the bidding. Bids may be held by the PORTLAND DEVELOPMENT COMMISSION for a period not to exceed thirty (30) days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualification of the bidders prior to awarding the contractor.

\* Bidder shall be certified as an EEO Affirmative Action Employer as prescribed by Chapter 3.100 of the Code of the City of Portland.

### INFORMATIONAL ADVERTISEMENT

#### PORTLAND PUBLIC SCHOOLS

##### CALL FOR BIDS

Sealed bids will be received until 1:00 p.m. on the dates indicated, in the Purchasing Department, Multnomah County School District No. 1J, 501 N. Dixon, Portland, Oregon for the items listed herein.

BID FILING DATE	BID TITLE
May 9, 1989	Cleaning Oil Tanks At Various Schools - 1989.
May 9, 1989	Paving Work At Various Schools - 1989.
May 9, 1989	Locker Room Improvements At Various Schools.
May 9, 1989	Maplewood Elementary School Media Center Addition And Remodel.
May 9, 1989	Roofing Work At Various Schools - 1989.
May 16, 1989	Frozen Fish For Warehouse Stock, 1989-90 (Requirement Contract).
May 16, 1989	Frozen Foods For Warehouse Stock, 1989-90.
May 16, 1989	Milk And Milk Products For Cafeterias, 1989-90 (Requirement Contract).
May 16, 1989	Refrigerated Foods For Warehouse Stock, 1989-90 (Requirement Contract).
May 16, 1989	Small Kitchen Equipment And Supplies For Warehouse Stock, 1989-90.
May 16, 1989	Taco Shells And Tortilla Chips, 1989-90 (Requirement Contract).
May 16, 1989	Telephone Equipment For Various Schools, 1989 (Requirement Contract).

Formal announcement, detailed specifications and bidding document may be obtained at the above address. For additional information, please contact Michael J. Hutchens, Director of Purchasing, 249-2000, Extension 581.

### Management Personnel

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**SUB-BIDS REQUESTED**  
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Bid date: May 8, 1989 by 3:00 pm.

**DM DRAKE CONSTRUCTION COMPANY**  
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(503) 226-3991  
FAX 228-3019

We are an equal opportunity employer and request sub-bids from small business and small disadvantaged business subcontractors and women and minority business enterprises.

**SUB-BIDS REQUESTED**  
Portland, State University Millar Library  
Bid date: May 8, 1989 by 3:00 pm

**Andersen Construction Co. Inc.**  
PO Box 6712, Portland, OR 97217  
(503) 283-6712  
FAX 283-3607

We are an equal opportunity employer and request sub-bids from small business and small disadvantaged sub-contractors and women and minority business enterprises.

**SUB-BIDS REQUESTED**  
Portland State University  
Millar Library addition  
Bid date: May 8, 1989 by 3:00 pm

**Roebelen Engineering, Inc.**  
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