

Discrimination suit moves forward

By Susan Shaw
Staff Writer

More details have surfaced about the discrimination former San Jose State University sociate Professor Cynthia Mahabir says she experienced while employed in the SJSU African-American Studies Department. The lawsuit entered its deposition phase Feb. 17 with a meeting scheduled next week to discuss a trial date, according to Mahabir's attorney Jody LeWitter.

Among Mahabir's allegations are that department Chair Cobie Harris addressed her in a condescending manner, made derogatory comments about women in her presence and questioned whether she was qualified to teach African-American Studies because she is not African-American, according to LeWitter.

"He once told her, 'African-American studies has no room for an Indian anyway,'" LeWitter said. "He basically told her she is not the right race."

Mahabir is of Indo-Caribbean descent. Mahabir filed suit last fall against SJSU for employment discrimination on the basis of racial origin and sex after a challenge to her tenure denial in arbitration failed.

The suit noted, "Mahabir was subjected to differential treatment, harassment and retaliation because she complained of such discrimination." According to the arbitration proceedings, Mahabir was denied tenure in 1995 despite the unanimous recommendations of three peer review committees.

SJSU has maintained Mahabir was denied tenure because her teaching effectiveness was unsatisfactory, the proceedings noted. LeWitter said Harris is named in the suit

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because of the alleged discrimination and because he improperly attempted to influence the tenure process by asking a member of the tenure committee not to vote for Mahabir.

According to California State University General Counsel Jim Lynch, only tenured faculty can vote on tenure. Harris was not tenured at the time and would not have been eligible to vote.

The suit alleges Harris "attempted to influence the tenure process and obtain negative votes against the plaintiff (Mahabir) and influence decision makers, motivated by his discrimination."

Harris was unavailable for comment.

Lynch said Harris' conversation with the tenure committee member never took place. The identity of the tenure committee member was not released.

Also named in the suit is SJSU President Robert Caret and Sylvia Rodriguez-Andrew, the

dean of the College of Social Work in which the African-American Studies Department is included.

Rodriguez-Andrew recommended against tenure, and Caret made the final decision not to grant tenure to Mahabir.

The suit charges Rodriguez-Andrew with retaliating because Mahabir complained about Harris' differential treatment.

Rodriguez-Andrew declined to comment because the case is in litigation.

President Caret said he was disappointed with the lawsuit. "All I can say regarding it is I'm comfortable we made the right decision. I can't get into specifics."

Dr. Steven Millner, a professor in the African-American Studies Department who has been contacted to be a witness in the upcoming trial was on the department committee that unanimously recommended Mahabir for tenure.

He said he couldn't comment on Mahabir's allegations of discrimination.

"Because of the pending litigation, I can't comment on any conversations I may have overheard or anything I might have seen," Millner said.

LeWitter said she did not know when the deposition process would be completed. The defendants will be given their own depositions only after Mahabir finishes her deposition.

LeWitter said Mahabir has been working part time, teaching courses at Laney College in Oakland and San Francisco State University.

She is seeking injunctive relief and reinstatement, as well as special damages such as lost wages.

General damages including pain, suffering and emotional distress are also being sought, according to the suit.