

# Did Ramos jump the gun? writers ask

**Tundra Times Analysis**  
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Did Elaine Ramos jump the gun in taking the University of Alaska to court?

Ramos says she had to go to court because the University prevented her from having a hearing to protest her firing and that if she had been granted a hearing it would have been prejudice against her.

According to the University, Ramos tried to manipulate University hearing procedures in her favor.

The Tundra Times has prepared the following chronology of events and correspondence to try and discover which claim is best supported by facts:

## **November 22**

In a memorandum to Ramos President Robert Hiatt states: "REA (Rural Education Affairs) is not moving ahead as I and the Board of Regents had anticipated...you have shown considerable interest in bilingual education...(therefore) I should like you to give serious, immediate thought to assuming full time direction of the bilingual education project."

## **December 6**

Ramos: "I met with the President at his request and protested his action removing me from office, informing him that I wanted to retain my position and that I felt I was doing a

good job...he would not discuss his reasons for removing me from office, but remained firm in his intent to do so. I noted that his November 22 memorandum stated that reassignment would take place in the immediate future, he replied he had meant January 15, approximately."

## **December 8**

According to sworn court documents, a reporter contacted Hiatt and asked him about the "negative" memorandum written to Ramos on November 22. Hiatt told the reporter Ramos was being "reassigned effective January 1."

Ramos maintains, "Dr. Hiatt thus announced my removal from office to the news media before he officially notified me."

It was on this date that Hiatt actually wrote the memorandum removing Ramos from office and reassigning her to an "unspecified position." However, it was not until some 18 hours later that Ramos actually received the memorandum. The memorandum was delivered to Ramos' Fairbanks office the morning of December 9 and then forwarded to her in Anchorage where she was attending a meeting.

## **December 23**

Ramos files a grievance "with the University Grievance/Ethics Committee, the only committee then in existence...to hear grievances." In the request Ramos sought a private, formal hearing and asked that the grie-

vance be heard before a replacement was selected. The committee does not have the power to decide a case, it may only make a recommendation to the president, who then decides the grievance.

## **December 30**

The hearing before the Grievance/Ethics Committee was scheduled for January 19, 1977 at 10:00 AM.

## **January 11**

Ramos' attorney Linda Walton advise grievance chairman Paul Vanture both by telephone and in writing they are now requesting a public hearing. Hearing is postponed and rescheduled for January 26, 1977.

## **January 12**

On this date Hiatt added a paragraph to the regulations of the Grievance/Ethics Committee so that anyone appearing before the committee would waive all rights to appeal the Presidents final decision.

Grievance/Ethics Chairman Vanture states (on February 7), "This paragraph was added without the consultation or concurrence of the committee or the University Assembly."

Also, on this date Hiatt created the Board of Grievances, a second grievance body for the University which was authorized by the Board of Regents at their September, 1976 meeting. Hiatt was given authority to name members to the Board of Grievances.

Procedures for the Board of Grievances state the Board is designed to hold formal, due process hearings. Decisions of the Board may be appealed first to the President then to the Board of Regents and court.

## **January 13**

The Grievance/Ethics Committee agrees to hear Ramos' case, but only under its rules, which call for a private, informal hearing with no statements made under oath.

Ramos charges she was prevented from having a fair hearing because Hiatt changed the rules of the Grievance/Ethics Committee, knowing that Ramos would never agree not to appeal his decision. Ramos claims that she was forced to go before the Board of Grievances for a formal public hearing (which she requested). Although Board's decision may be appealed, Ramos contends Hiatt hand-picked the Board and they were under his control.

Hiatt denies this, "Ms. Ramos has alleged that she could not receive a fair hearing before the Board of Grievances. I do not believe this to be true...no regulation or rule of the University concerning grievances was changed or modified because of any matter concerning Ms. Ramos—appointments to the Board were under consideration

when Ms. Ramos' case arose and were appointed thereafter."

## **January 19**

In an interview reported by a Fairbanks television station, Hiatt says Ramos' grievance should be heard before the Board of Grievances, and that if it were he would testify under oath and agree to a public hearing.

## **January 21**

Ramos' attorney notifies the Grievance/Ethics Chairman and University attorneys that a new grievance will be filed under the new procedure, with the understanding the hearing would be held February 14, and provided the following conditions are met: the committee be impartial; the hearing be public; a replacement not be named until decision has been made; and Ramos waives no legal rights in appearing before the committee. The letter also demands that Ramos be able to appeal a decision of the new Board of Grievances directly to the Board of Regents, rather than appealing first to Hiatt.

## **January 25**

Ramos files a new grievance charging Hiatt's actions were based at least in part on race and sex discrimination; and requests Ramos be reinstated in her position.

## **January 31**

The University denies all counts of Ramos' grievance and states that actions taken by the University were because of the failure of Ramos to properly fulfill her duties.

In a letter to Ramos' attorney, the University says, "Ramos has a right to a grievance proceeding—she does not have the right to structure that hearing contrary to the procedures which have been adopted..."

## **February 8**

In a letter, Ramos' attorney states, "Your letter makes it clear beyond all doubts that the University is making every effort to foreclose Mrs. Ramos' opportunities to appear before a fair grievance board...Mrs. Ramos is left with no alternative other than the filing of a lawsuit." She complains she has not been advised who serves on the Board of Grievances.

## **February 9**

Ramos files lawsuit against

the University of Alaska and Hiatt.

## **March 11**

Judge Ralph Moody remands the Ramos case to the University Board of Grievances saying she has not yet exhausted administrative relief. Moody also orders that a replacement not be hired until it is determined if Ramos was improperly removed. The hearing is scheduled for April 4 in Fairbanks.

It appears the main problem between Ramos and the University on the issue of a grievance hearing besides a general lack of communication, arose when Ramos, after agreeing to follow new grievance procedures, asked that they be slightly modified for her case.

The change that Ramos asked for was that she be able to appeal a decision of the Board of Grievances directly to the university's governing Board of Regents, rather than appealing to President Hiatt, then the Regents, as the regulations required.

Ramos felt this change was necessary since she was protesting an action of the president in the first place and an appeal to him would be fruitless. She felt an appeal from the Board of Grievances was inevitable because the Board of Grievances was stacked against her.

The university on the other hand, maintains they cannot change the grievance regulations, that the Board of Grievances is not controlled by Hiatt, and that had he remained in office he might have disqualified himself anyway if Ramos appealed a decision of the Board of Grievances.