

Administrative hearing not like court proceeding

By Keli Osborn
and Mary Foran
Of the Emerald

The current hearing of Manuel Loera, a former resident supervisor for the High School Equivalency Program who was fired last winter, highlights the differences between administrative procedures and the more formal ones used in a court of law.

"Administrative hearings are not judicial hearings," says Dave Cunningham, assistant to University Vice Pres. Ray Hawk. "They are an informal way of adjudicating disagreements."

Although procedures in both are different, Cunningham says an administrative hearing should be no less fair than the other.

"In fact it should be fairer," he says, because admissible evidence is determined by the hearings panel.

"The hearings officer, or hearings panel in this case, makes the rules of procedure," Cunningham says, adding that the University's administrative rules provide basic guidelines.

Oregon Administrative Rules, Chapter 571, outlined what can be accepted as evidence in a hearing, what information shall be contained in a record of the hearing, and how rules for a hearing shall be established.

"The committee is not a court of law," says David

Curland, chairer for Loera's hearing committee and a University romance languages professor. "The hearing is conducted as we see fit."

Curland said Tuesday that he was "being very liberal in admitting evidence" so that the committee could later rule on its relevance.

"If I'm in doubt, I'd rather err to let it be heard first, then decide later if it's admissible," he says.

Dave Frohnmayer, a University law professor considered an expert in administrative law, says the University administrative procedures are similar to those for any other body.

They provide for admission of any relevant evidence "commonly relied upon by prudent persons," Frohnmayer says.

"Hearsay, if otherwise reliable, could be used," he adds.

Although HEP is a U.S. Department of Labor program, its 11-year-old sponsorship by the University has given HEP employees faculty status, according to Director Jim Romero. Consequently, all personnel matters are determined by the University administrative rules.

Curland and the other committee members, Joe Wade and Maxine Thomas, have ruled that written rather than oral closing statements will be required.

Loera answers charges

By MARY FORAN
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Two key witnesses for the defense countered charges of negligence, incompetence and sexual misconduct Wednesday in the second day of former High School Equivalency Program resident supervisor Manuel Loera's termination hearing.

Loera, currently director of MEChA, the Chicano student union, was fired by HEP director Jim Romero at the end of fall term for alleged non-fulfillment of duty and moral misconduct. Loera denied the charges, requesting an open hearing, which began Tuesday with testimony supporting Romero's charges.

Hector Hinojosa, former assistant director of HEP and Loera's supervisor, testified on Loera's behalf, saying he had felt "very confident" about Loera's work with the HEP students, even though their approaches were "very different."

Describing Loera as "very honest, frank and open" with the students, Hinojosa said that Loera encouraged the students to get an education, not allowing them to "give excuses" for missing school.

Loera was "respectful" to female HEP students "within the norms of (the Chicano) culture" which ascribes distinct roles to males and females, said Hinojosa.

He added that Loera was a "perfect example" of the kind of role model HEP students need, consistently "preaching higher education" while "making it" in the University as a student from a Chicano background.

Hinojosa said that Loera gave him oral rather than written reports on HEP student infractions and activities. He added that communication tends to be oral rather than written in the Chicano culture.

He said he questioned Loera about one counselor's drug-pushing suspicions to make sure that they weren't true, revealing to Loera that the counselor had once been a police officer.

There were no written guidelines on rule enforcement, said Hinojosa adding that Loera had followed his suggestions in the matter.

There was also no rule against staff socializing with other staff members, he said, adding that Romero was often inconsistent in enforcing HEP rules.

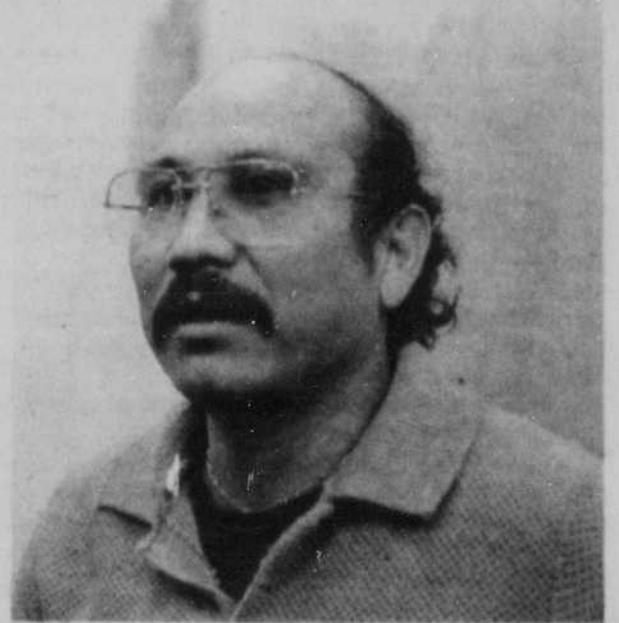
Rogelio Vivanco, resident assistant for HEP, testified that Loera had enforced the rule against drinking in the dorms. On one occasion, said Vivanco, Loera told a group of students who had been caught drinking that they "should think about what they were doing there and not

"throw their education out the window."

Vivanco also testified that he made rounds of both men's and women's dorms as part of his job, always with at least one other R.A. or Loera.

He added that he thought enforcement of the rules was adequate.

Earlier Wednesday, HEP's new Associate Director Carolina Murillo and Director Jim Romero testified.



Manuel Loera

Emerald photo

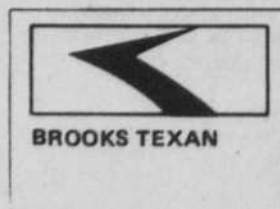
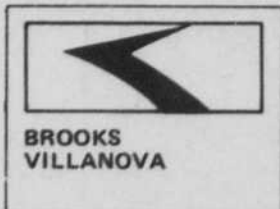
Murillo, who assumed her position after Hector Hinojosa's resignation in October, testified that she'd seen "nothing that I'd call leadership" from Loera. His failure to make students follow rules and to file reports of infractions caused her to look like "the enforcer" to students, she said.

Romero refuted Loera's charges of his being unavailable, saying he saw Loera on an almost daily basis. Romero said he had often discussed with Loera his failure to keep up with administrative duties. But he confirmed that upon hearing sexual misconduct charges, he dismissed Loera without fully discussing the accusations with him.

"I can tolerate incompetence, but I will not tolerate staff members who engage in moral misconduct," he said.

The committee will reconvene Thursday from 9:00 a.m. till noon and again at 3:15 p.m. in the Burgess-Collier dining room. A decision is expected next week.

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