

University of Hawaii at Manoa

School of Law

MEMORANDUM

April 26, 1974

TO: Mary Durant, Marjorie Higa, Russell Nagata,
Reinhard Mohr, Carol Quindara, John Waihee and Cindy Winegar

FROM: Law School Faculty

The faculty has considered the questions raised by you in your memorandum dated April 26, 1974. After careful deliberation it would like to announce several principles which will guide its participation in these matters:

1. Within the confines of the curricular determinations established by the faculty and the Academic Regulations it has adopted, in accordance with the requirements of academic freedom, choice of course materials, and method of presentation and examination generally is within the exclusive discretionary authority of the faculty member(s) charged with responsibility for the course-- although he is free to consult others with respect thereto.
2. Removal of a faculty member from a course of allegations of incompetence may result only if and after established procedures which guarantee due process and a fair hearing and the judgment of peers have been properly invoked and followed. Demands for removal of a faculty member (as distinguished from questions about choice of materials, methods of presentation, etc., as to which see #1) are initially within the jurisdiction of the Dean unless it can be shown that the Dean is not taking proper corrective action.

In the light of the above principles the faculty hereby notifies the concerned students that:

1. We have reviewed the April 25 memorandum of Professors Miller and Hopkins and we are satisfied that the actions taken by them with regard to their course for the remainder of the year fall within the proper sphere of their discretion.
2. We are satisfied that the Dean is proceeding in a timely and proper way to fulfil his functions with respect to the demand for removal and we therefore decline to consider this matter further at this time.

In the adoption of this report, Professors Miller and Hopkins have abstained from voting.