

- 3 -

In September, 1965, Dr. Robert F. McClellan, then 31 years of age, joined the faculty of Northern Michigan University as Assistant Professor of History. Born in Chicago, he earned his B.S. degree from Michigan State University in 1956, and then a B.D. in 1959 from the Church Divinity School of the Pacific. He was ordained as an Episcopal priest and served for a year at a church in Alaska. He returned to Michigan State University in 1961 and obtained his Ph.D. in history from that institution in 1964. He served as an instructor at Ohio State University during the 1964-65 academic year, prior to going to Northern Michigan University.

II. THE FACTS OF THE CASE

A. President Harden's Decision to Terminate Professor McClellan's Services

In February, 1966, at the regular time for evaluating first-year faculty members at Northern Michigan University, Dr. Anthony Forbes, Head of the History Department, recommended that Dr. McClellan be reappointed with a normal salary increment. In April of that year, after Dr. McClellan had made some adverse comments in one of his classes on a recently-instituted Four Course Plan at the University, Dr. Forbes submitted an amended recommendation calling for Dr. McClellan's reappointment with "less than a normal increment." However, Dr. Forbes' recommendation with respect to salary was not followed and Dr. McClellan was given a double increment for the 1966-67 academic year.

In November, 1966, at the regular time for evaluating second-year faculty members, Dr. Forbes wrote that in his opinion Dr. McClellan had demonstrated great potential as a teacher and that reappointment with a double increment accordingly seemed in order, but, since Dr. McClellan had received a double increment for that year, it seemed fair to give him a single increment for the year to come. During the second semester of 1966-67, Dr. Forbes and

- 4 -

Dr. McClellan taught a course as a team, leading Dr. Forbes to the judgment that Dr. McClellan was without question one of the best teachers he had ever known. He communicated this judgment orally to President Harden and reported the President as having stated in response that other factors than teaching had to be considered in regard to Dr. McClellan.

In November, 1966, a group called Citizens for Marquette was formed; it included interested townspeople and was headed by Dr. McClellan and Msgr. Nolan McKeivitt. Dr. McClellan's original involvement in it was at the request of the University administration. In January and February, 1967, this group became involved in a dispute between the University administration and residents of a lower-income area adjacent to the campus, North Marquette, into which the University intended to expand. Dr. McClellan and others in the group were regarded as siding with people in North Marquette who were opposed to the University's expansion plans.

At about the same time, Dr. McClellan joined with some other faculty members in questioning a decision of the administration not to reappoint a political science instructor. After helping circulate a petition addressed to President Harden expressing "concern at your decision not to reappoint" the instructor, Dr. McClellan wrote to the President on February 27 and expressed doubts about the administration's handling of this matter and of the cases of two other departing faculty members. Dr. McClellan wrote in this letter that he and many other faculty members believed the University might be less committed to supporting the faculty than to preserving the University's image beyond the campus. President Harden, replying on March 4, rejected the allegations and went on to state:

- 5 -

"I find it difficult, Dr. McClellan, to assess the many reports that come to me about your highly negative attitude toward the University. It has seemed to me that you have been on the negative side of each issue confronting the University... It is my further conviction that you have a responsibility to the academic community for productive scholarship and outstanding teaching as well as to exercise your prerogatives as one who wishes to stand in support of causes. We have no question as to your willingness to be critical of the University, the community, the church. We are raising some honest questions about your willingness to contribute as a scholar which, as I understand it, is your most important responsibility at this University... Not one single case that you mentioned in your letter as being the cause for low faculty morale was initiated by the President's Office. Every effort was made to review all sides, and no decision was made until the evidence seemed to be overwhelming that support should be given the Department Head and/or Dean."

President Harden stated that he called Dr. McClellan in, read him the letter quoted in part above, and asked him to comment on it. According to President Harden: Dr. McClellan said he differed with some portions of the letter but had no serious objection to it; Dr. McClellan asked, if a decision on his future at the University were to be made then, what it would be; President Harden said termination or probation; and Dr. McClellan offered no objection or rejoinder.

In May, 1967, there was another meeting between President Harden and Dr. McClellan, after which, according to a statement by Dr. David D. W. Dickson, then Dean of Arts and Science, Dr. Harden "informed me orally that he was willing to go along with our original recommendation of Dr. McClellan of December, 1966, as supported in my letter to Dr. Bjork of May 1, 1967," that is, retention and a one-step salary increment. (Dr. Clarence Bjork had become Acting Vice President for Academic Affairs in June, 1966. Dr. Dickson succeeded to this position in August, 1967.)

On June 13, the same day that he announced his resignation from the presidency of Northern Michigan University, President Harden is reported by

- 6 -

Dr. Forbes as having told him that he had decided to give Dr. McClellan a terminal appointment for the following academic year. In reaching this decision President Harden did not consult Dr. Dickson, Dean of Arts and Science; or Dr. Thomas Griffith, Associate Dean of Arts and Science (later Dean, when Dr. Dickson became Vice President); or Dr. Vito Perrone, Dean of Common Learning (under whom Dr. McClellan had played an important part in planning and administering what were known as the Common Learning courses in Humanities).¹ The single pertinent academic administrator who concurred with Dr. Harden in his decision was Acting Vice President Bjork, who had by that time already announced his own resignation from the University. Dr. Forbes stated that, when told on June 13 of the presidential decision that Dr. McClellan be given a terminal appointment, he asked President Harden to permit him to inform Dr. McClellan of the decision, so that he could be of all possible assistance in helping Dr. McClellan find a satisfactory new position. According to Dr. Forbes, President Harden declined to give this permission, saying that he had consulted the University's attorney and that he himself would take care of the matter. President Harden's decision to give Dr. McClellan a terminal appointment did not become known to Dr. McClellan or to others generally until the end of July.

On June 20, Dr. McClellan sent a memorandum to the Faculty Senate on faculty participation in the selection of the next president of Northern Michigan University. He quoted at length from a John Kenneth Galbraith address which included such statements as: "The governing board of the mature university is an anachronism as the more perceptive and acute of its members are adequately aware. ... Sooner or later the administration of the modern and mature university

¹ Dr. Dickson subsequently stated: "In late July of 1967 Dr. Harden telephoned me, and in a conference telephone conversation with me and my colleague, the Associate Dean of Arts and Science, Dr. Griffith, he said he had decided to terminate Dr. McClellan's association with the University as of June 30, 1968. He also said at that time that his decision was final, and it 'was not open to discussion!'"

- 7 -

must be brought abreast of the reality. This reality is that the faculty now governs and only the faculty can govern" Dr. McClellan's memorandum went on to propose that the Senate establish an ad hoc faculty committee "to sound out the whole faculty as to what sort of man they think would best represent the interests of Northern Michigan University as its next president..."

Early in July, students from a summer class being taught by Dr. McClellan conducted a survey on the possible conflict between public and private interest. The survey was done among residents in the area where the University's expansion was due to occur and where University representatives were making appointments and interviewing property owners to obtain options to purchase.

Under the date of July 28, 1967, President Harden sent to Dr. McClellan the following letter, indicating that his appointment for the coming year would be terminal:

Having reviewed your situation over the past two years, I have come to the conclusion that it would be unfair for me not to take the action which I am reporting to you in this letter.

At the end of your first year the Vice President for Academic Affairs and the Head of your Department recommended that you be given no increase in salary and that this should serve as an indication that you should seek employment elsewhere. In reviewing their recommendation, I felt that this action was a bit precipitous and instead recommended to the board an increase in salary for you, which I now realize I should not have done.

This year the Acting Vice President for Academic Affairs and I have agreed that no salary increment will be offered and that this letter is to serve as notice that your relationship with this university will be terminated at the end of the 1967-68 academic year.

This is not a pleasant letter to have to write, but I feel it is in the best interests of the University.

A letter from President Harden postmarked August 10, 1967, but dated June 30 informed Dr. McClellan that his rank would continue to be Assistant Professor

- 8 -

and that his salary and total compensation would remain at their current levels. The explanation subsequently offered for the discrepancy between the June 30 and August 10 dates was that the appropriation from the State Legislature was late in 1967 and that therefore letters of reappointment were unusually late.

B. The Reaction to President Harden's Decision

When it became known that Dr. McClellan was not to be reappointed, members of the Faculty Senate who were then in Marquette met (on August 7) to consider the situation and requested a meeting with President Harden in the hope of obtaining clarifying information. On August 11, the Senate was informed that President Harden had declined the request. The members of the Senate decided that at the first Senate meeting in September they would renew their attempt to gather full information on the action taken and would endeavor to secure a fair resolution. The full membership of the Senate met on September 12th with the McClellan case as the first order of business. A committee of the Senate was instructed to request a meeting with the new Interim President, Mr. Ogden E. Johnson, to discuss the case.

With President Harden's departure from office, Mr. Johnson had on September 1 moved from his previous position as Chairman of the Board of Control, Northern Michigan University's governing body, to the position of Interim President. A retired business executive from Ishpeming, Mr. Johnson had served earlier in his career as a superintendent of schools. He was succeeded as Chairman of the Board by Mr. John J. McGoff.

The Senate committee met with Mr. Johnson on September 18. Mr. Johnson listened to the Senate Committee's expressions of concern, but said that he considered the case to be closed. At its regular meeting on September 22, the Senate voted to request Mr. Johnson to meet with the full Senate. This meeting took place on September 29. The members of the

- 9 -

Senate urged a reopening of the case, stressing among other things the irregularity of the procedure that had been followed, the unsoundness of the decision as they saw it, and what they judged would be inevitable injury to the University through lowering of student and faculty morale. Mr. Johnson, however, repeated that he considered the case closed. He also declined to discuss the reasons for the action taken against Dr. McClellan, although in answer to a question he said that the decision had nothing to do with Dr. McClellan's moral character or private life. Mr. Johnson stated that President Harden and Dr. Bjork had acted in the best interests of the University, that he did not see any question of academic freedom involved, and that he saw no likelihood that the decision would be changed. After Mr. Johnson left the meeting, the Senate voted to request a meeting at the earliest possible date with the Board of Control or with the Board's Executive Committee and also to ask that the request for such a meeting be granted or denied before the next meeting of the Senate on October 6. Mr. Johnson informed the Senate on October 6 that the Board saw no reason to meet with the Senate.

On October 5, the Executive Committee of the local chapter of the American Association of University Professors met with Mr. Johnson about the decision to terminate Dr. McClellan's appointment. The Committee subsequently reported:

...we expressed our concern over the termination of Dr. McClellan's contract, and asked for a statement of the reasons for the dismissal. President Johnson replied that the decision to dismiss Dr. McClellan had been made by President Harden and approved by the Board of Control. He further stated that he considered the case closed and refused to make a statement of the causes. As a final comment, he expressed the desire that the relations between the faculty and the administration not be strained further over the matter, hoping that both contingents could work together for the future welfare of the University

-10-

At a meeting of the University's Administrative Council on October 9, Mr. Johnson is reported as having offered four reasons for the termination of Dr. McClellan's services: (1) remarks by Dr. McClellan critical of the Four-Course Plan made in a classroom during the 1965-66 academic year; (2) in the fall of 1967, encouragement by Dr. McClellan, as chairman of the Faculty Senate's Committee on Student Affairs, of student protests against conditions in new dormitories (inadequate furniture and no hot water) during the first weeks of the semester, leading to threats by some students to sue the University for a rebate on their housing fees; (3) during the 1966-67 academic year, when it became known that the University would expand into the North Marquette area and that many people would lose their homes, espousal by Dr. McClellan of the cause of these people without being fully familiar with the situation and his harassment and humiliation of representatives of the University at a public meeting; (4) during the summer of 1967, Dr. McClellan's sending his Humanities students to interview residents of North Marquette as to how they felt towards the University.

At a meeting of the full Faculty Organization of Northern Michigan University on October 10, the Senate reported on the McClellan case up to that time. The two elected administrators in the Senate resigned from that body because of a possible conflict of interest and the rest of the Senate resigned pending a vote of confidence from the entire faculty. (The Senate at this time consisted of nine members nominated and elected by the faculty at large, and of the Vice President for Academic Affairs, ex officio and without vote.) All seven faculty members of the Senate were re-elected by acclamation. Two faculty members announced at this meeting that they were resigning from the faculty as a result of the McClellan situation. A resolution deploring the decision of Dr. Harden to terminate the appointment of Dr. McClellan and urgently requesting that this decision be reconsidered was offered to the

- 11 -

meeting and subsequently circulated; in its tabulation, with only signed ballots counted, the resolution was approved by 199 to 17, with about 275 faculty members eligible to vote.

On October 11, members of the student body, under the direction of the Student Government Association and frequently joined by members of the faculty, began a series of protest actions against the McClellan decision, including round-the-clock picketing of the Interim President's home and office. It was announced in the local newspaper on October 13 that Mr. Johnson would "reopen a review of the status of Dr. McClellan," whereupon the students stated that their picketing would at least temporarily be halted in order to help bring about "a positive atmosphere for a possible reconciliation."

On October 17, at a meeting of the Faculty Organization (and earlier the same day at a meeting of the Student Government Association), Mr. Johnson read a statement on Dr. McClellan which was printed in full in the Marquette newspaper and broadcast on television that evening. The statement repeated, amplified, and made public the four reasons reportedly offered on October 9 for the action taken against Dr. McClellan. It ended by noting that President Harden had carefully weighed all factors (teaching, attitude, and activities) and had concluded that Dr. McClellan was hostile to University policies and had not strengthened the University; that the action taken was approved by the Board of Control and within its province; and that it was distressing to find persons loyal to the University permitting this single incident to cloud the beginning of a new academic year and a new administration. Mr. Johnson asked the faculty to remain patient until the Board could meet the following week to reconsider the case. The faculty Senate announced that it had sent telegrams requesting action to the Governor and other Michigan political figures. It also announced that it was making seven specific recommendations in the areas

- 12 -

of faculty rights and institutional government, predicated upon the reinstatement of Dr. McClellan. At the end of its October 17 meeting, lasting three hours, the faculty passed a resolution calling for the reinstatement of Dr. McClellan by the Board of Control by noon on October 27. The Association's local chapter, on October 19, also adopted a resolution demanding Dr. McClellan's reinstatement by the October 27 date.

On October 19, Dr. Donald Baker of the Physics Department went on local television as the representative of the Faculty Senate to reply to Mr. Johnson's televised statement of October 17. Dr. Baker presented these conclusions, among others:

...The Faculty Senate has been concerned with Dr. McClellan's case for several months and deplores that procedure was not followed, thereby establishing a dangerous precedent.... We believe that the stated charges against Dr. McClellan are not sufficient ground for dismissal and that the significance of these charges has been exaggerated all out of proportion.

On October 20 the Senate responded in detail and at length to Mr. Johnson's October 17 statement of the reasons for the termination of Dr. McClellan's appointment; the text of the Senate's reply was printed in the Marquette Mining Journal. To the statement that Dr. McClellan had criticized the Four Course Plan in his classroom, the Senate replied that President Harden had subsequently recommended Dr. McClellan's reappointment with a two-step increment, suggesting that President Harden had therefore considered the matter closed or of little importance. To the statement that Dr. McClellan had encouraged student protest against dormitory conditions, leading to threats by some students to sue for rebates, the Senate replied that according to Dr. McClellan that statement was simply not true; that what he did say in response to a question after a talk he gave on another subject was that every man must act according to

-13-

his conscience and accept the responsibilities for his actions; that Dr. McClellan's account was independently verified by students at the mass meeting on October 18; and that Dr. McClellan's remarks on that occasion cannot be construed as having been inflammatory or as having urged the students to a course of action. To the statement that Dr. McClellan espoused the cause of North Marquette residents in the path of the University's proposed expansion, harassing and humiliating University representatives in the process, the Senate replied that sworn affidavits from private individuals who were on hand at the meeting in question say that Dr. McClellan did not act as representative of the homeowners, did not make inflammatory statements, did not inject emotional issues; on the contrary, the Senate added, the affidavits agree that the meeting was valuable and productive. To the statement that Dr. McClellan sent his summer Humanities class into the North Marquette expansion area (and that this was a required assignment, thus apparently constituting a misuse of the classroom), the Senate replied that Dr. McClellan described the assignment as one which the class voted on and organized on its own under his supervision, as the result of a class discussion about the possible conflict of private and public interest. The Senate indicated in conclusion that it spoke as the duly elected representatives of the faculty as a whole.

In the days that immediately followed, there were further student demonstrations and various statements and newspaper editorials on the McClellan case. Significant among them was a statement from President Emeritus Harden released on October 24. Dr. Harden said (as quoted in the Mining Journal):

...Since I was the person responsible for making the decision which precipitated the controversy and since I deplore the scurrilous and

-14-

unethical attacks which allegedly have been made on Mr. Johnson, it seems only fair that my position be made clear to students, faculty, alumni and friends of the university

What has not been made clear to date is that Dr. McClellan is not on tenure. No violation, to my knowledge, of any procedures of the American Association of University Professors in dealing with a non-tenure person has occurred. It is not only the right of the administration to make such a decision, it is the responsibility to make such judgments prior to the time that tenure has been obtained. It was my judgment that Dr. McClellan would not add in a scholarly way to a department that is sorely in need of improving its scholarly output. I have no reason to change that decision, and up to this point no one has asked me to do so.

The question of academic freedom is not the real issue in this controversy. The real issue centers directly on the question: Who is going to run the university? Is it the legally constituted board of control? Is it the faculty? Is it the students? Is it some outside pressure group? My own conviction is that the board of control cannot and should not abdicate from its legal responsibilities as defined in the Constitution of Michigan.

This is not to say, however, that the faculty should not have a strong voice in developing curricula and determining teaching methods at the university. The record will prove that this has been true during the past 12 years.

Neither does anyone deny the role of the student in having a voice in his education. Students have increasingly participated in evaluating their campus life and have had an opportunity to evaluate the quality of instruction that they have experienced at Northern.

But the fact remains that the board of control is the final authority. This being true, I urge the board to support Mr. Johnson in his efforts to move the university ahead.

I urge the faculty to reject those colleagues who fail to meet their academic classes regularly and on schedule--the real reason for their presence on campus.

I urge the students not to become tools of those who for selfish reasons would destroy your university.

Especially worthy of note here is Dr. Harden's statement: "It was my judgment that Dr. McClellan would not add in a scholarly way to a department that is sorely in need of improving its scholarly output"; this is apparently the only reason adduced here for terminating Dr. McClellan's services by the person primarily responsible for the decision.

The Board of Control met on October 25 and 26. It discussed the
-McClellan case in executive session on October 25 with the new Vice President for

-15-

Academic Affairs, Dr. Dickson, and with his successor as Dean of Arts and Science, Dr. Griffith. The Senate had asked that Dr. McClellan be invited to attend in order to defend himself. This request was apparently refused, as Dr. McClellan sent a telegram protesting his not being permitted to appear. The Chairman of the Board, Mr. McGoff, stated that Dr. McClellan had been invited to submit a written statement but had not done so. There was some picketing of the Board meeting on that evening. On October 26, the Board reaffirmed its previous decision in this statement published in the Mining Journal:

The Board of Control of Northern Michigan University has weighed all factors presented to it by faculty and administration regarding its decision to terminate the services of Dr. McClellan. The board is mindful of the sincerity and intensity of convictions which have been expressed to it. It is equally aware of the need, at all times, for preserving the integrity of its administrative powers. In the best interests of all concerned, the board reaffirms its decision to terminate Dr. Robert McClellan's association with Northern Michigan University at the close of this academic year.

The Board also approved a recommendation of Mr. Johnson that a special committee be established to attempt to improve relations between the Board, the faculty, and the student body.

That evening (October 26), the Faculty Organization reviewed the Board's actions and then voted to present a resolution of no confidence in the Interim President and the Board of Control to individual faculty members for their approval. The Senate recommended that no reprisals be taken against students who exercised their right to protest. The formation of a Committee for the Defense of Academic Freedom (composed of faculty members, students, and townspeople) was announced. About 2200 members of the student body met and made plans to inaugurate a series of protest activities, including boycotting of classes, to be called "Bob McClellan Week."

-16-

On October 28, the Attorney General of Michigan stated in response to inquiries that the Board's action was final and could be reversed only by the courts. He added that the student demonstrations could only harm Dr. McClellan's cause.

On October 31, Dr. Dickson announced his resignation as Vice President in order to become Provost of the new Federal City College in Washington.

He said:

...I would not be leaving NMU so soon after assuming the vice presidency for academic affairs if I were not profoundly concerned with some problems here....I am also deeply burdened by the lack of mature appreciation of basic academic ideals which have been so dramatically displayed recently.

On the same day, the Student Senate voted censure of Interim President Johnson, President Emeritus Harden, and the Board of Control because of the action taken against Dr. McClellan; the Student Senate then called upon the Governor of Michigan to investigate the case through a committee of recognized scholars. Also on the same day, the director of the Michigan division of the American Civil Liberties Union urged the reinstatement of Dr. McClellan and the granting to him of the one-step salary increment originally recommended for him for the 1967-68 academic year by his Department Head, adding that ACLU attorneys had agreed to serve as counsel for Dr. McClellan and that court proceedings would be launched if reinstatement proceedings did not occur within a reasonable time.

On November 2, the result of the faculty voting on the resolution of no confidence was announced. Of 255 faculty members voting, 165, voted in support of the resolution; 90 voted against it; 59 abstained. The resolution read:

We, the faculty organization of NMU, do not have confidence that Interim President Ogden E. Johnson and the board of control are capable of governing Northern in the best interest of the University and its constituents.

-17-

We base this lack of confidence on the recent actions of the interim president and the board with respect to the dismissal of Dr. Robert McClellan and on the clear implication by these actions that neither the faculty nor their representatives are to have a recognized voice in the formulation of academic policies and procedures at Northern.

On November 3, the Governor announced that he could do nothing about the McClellan case because he regarded the Board of Control as empowered to act autonomously in such matters. At about the same time, two members of an appropriations committee of the Michigan legislature, reacting to reports of a student-faculty boycott of classes, notified the University administration that it must "take measures to end the disruption of the educational program or close its doors."

There are mixed reports as to the effectiveness of "Bob McClellan Week," some estimating that there was little disruption of classes and others stating that over half of the normal classroom activity halted during that period. Several students and faculty members went to Lansing on November 4, picketed the Capitol building, met with state legislators, and tried unsuccessfully to meet with the Governor.

Dr. McClellan subsequently filed suit for reinstatement and other appropriate redress against the president and the governing board of Northern Michigan University and was joined in this action by approximately 140 faculty colleagues. The Board of Control adopted some new policies with respect to faculty appointments and worked closely with a faculty committee in moving to select a new president for the University. The Board also opened communications with the Senate in an attempt to identify problems of common concern. A special subcommittee of three Board members and three members of the Senate met once to discuss the McClellan case, but the Board decided not to hold

-18-

further meetings of this body, reportedly because of the widespread faculty participation in the suit.

The Washington Office of the American Association of University Professors learned of the action taken against Dr. McClellan on August 15, 1967, when the president of the Association's local chapter at Northern Michigan University (Professor Eugene Whitehouse, who soon thereafter became Associate Dean of Arts and Science) reported the salient facts and asked for advice. Noting possible procedural irregularities in the action taken against Dr. McClellan in terms of both the institutional regulations and the principles endorsed by the Association, and noting that the president who had taken action, seemingly with very little support from the University community as a whole, was about to retire and that Dr. McClellan was remaining for another academic year, a member of the Washington Office staff recommended to the chapter president that every reasonable attempt be made through appropriate internal bodies of the University to gain a rescinding of the July 28 letter before any outside agency was asked to involve itself officially in the case. These efforts, as has been seen, were made and did not produce the result sought. On October 12, with the approval of Dr. McClellan, the Northern Michigan chapter officially requested an Association investigation. The Michigan Conference of the Association, at its annual meeting on November 11, passed a resolution supporting the Northern Michigan chapter's request. On November 17, the Association's General Secretary wrote at length to Interim President Johnson, setting forth the grounds for Association concern and urging that the action taken against Dr. McClellan be rescinded and that Dr. McClellan be offered reappointment with appropriate salary increment. Mr. Johnson replied on December 18, saying that Dr. Harden would respond to the General Secretary's letter. Later, enclosed

-19-

in a letter of January 12, 1968, from Mr. Johnson, the Washington Office received a copy of a letter from Dr. Harden to Mr. Johnson dated December 14. Shortly before receiving these letters, the General Secretary, who had received no substantive response to his communication of November 17 up to that time, authorized the appointment of an ad hoc committee to investigate the case of Dr. McClellan; Mr. Johnson was so informed in a letter of January 11. Dr. Harden's letter of December 14 reads as follows:

I am pleased to respond to the request made by the American Association of University Professors for factual information concerning my recommendation that Dr. McClellan not be continued on the faculty of Northern Michigan University beyond July of 1968.

My recommendation was based on my judgment that Dr. McClellan did not show any indication of becoming a productive scholar in a department which needed to be strengthened in its research and writing efforts. Dr. McClellan, during his first two years on campus, showed little promise in these areas, and was recommended for less than a regular increase in salary by his Department Head and the Academic Vice President at the end of his first year on campus. His second year did bring forth a recommendation for the regular increase by his Department Head, but this was not supported by the Acting Vice President for Academic Affairs or by me--hence the recommendation that Dr. McClellan not be continued as a member of the faculty beyond July of this academic year.

It is not only the right, but the responsibility of the administration to make judgments of this kind prior to the time one has acquired tenure rather than after tenure has been granted. This we did.

I should like to point out that in a letter to Dr. McClellan in March of this year, I questioned his desire to contribute in a scholarly way to the academic achievements of the University. In order that there would be no misunderstanding between Dr. McClellan and me as to the substance of the letter, I invited him to a conference in my office, at which time I showed him a copy of the letter and discussed it with him so that there could be no misunderstanding. At the conclusion of our meeting, he asked me what my recommendation for him would be, and I answered, "dismissal or probation." In July, letters were sent to the faculty (which were late due to the fact that our Legislature did not approve appropriations until that time), and Dr. McClellan received notice that this was to be his terminal year.

I would suggest that the AAUP consider my record of eleven years as President of Northern Michigan University in supporting academic

-20-

freedom on our campus. Dr. McClellan was not continued at Northern because of his lack of interest in producing in a scholarly way. This is the basic reason for not recommending that he be continued as a member of our faculty.

I shall be pleased to answer further questions the AAUP may wish to direct to me, or to meet with any investigating committee which may come to the campus. I find it difficult in the light of these facts to see why the National Office would become involved in what is, in my judgment, a routine pre-tenure case.

The undersigned ad hoc investigating committee examined the extensive documentation which had accumulated on Dr. McClellan's case and then visited Northern Michigan University on February 20 and 21, 1968. The committee met in Marquette with members of the Board of Control, the administration, the faculty, the students, and the community at large. It also traveled to Lansing to meet with the Chairman of the Board of Control, and it held conference telephone conversations with several former Northern Michigan administrators and faculty members who had gone on to other positions. The investigating committee is grateful for the cooperation and hospitality it received from all quarters.

III. THE ISSUES

A. Procedural Questions Relating to the July 28 Notification of Termination

The Faculty and Staff Administrative Guide of Northern Michigan University, as do the Standards for Notice of Nonreappointment of the American Association of University Professors, calls for notification "at least twelve months before the expiration of an appointment" in the case of faculty members on term appointment who are beyond their second year of service. According to the letter to Dr. McClellan (dated June 30 but postmarked August 10) setting forth the terms of his service for the 1967-68 academic year, his appointment would terminate by June 30, 1968. Therefore, under the published policy of the institution and the Association's standards, as a faculty member who had completed two years of service, Dr. McClellan should have received notice no later than June 30, 1967.

President Emeritus Harden stated to the investigating committee that the July 28

-21-

notification seemed to him to constitute a year of notice, but it is clear that the notification was late in terms of the University's announced standards and the standards of the Association.

The Faculty and Staff Administrative Guide delineates specific procedure to be followed in evaluating the services of faculty members:

Evaluations of faculty are made by the department head who makes his recommendations to his dean. Following a review by the dean, the evaluations are sent to the Vice President for Academic Affairs with the dean's approval or modifications. The Vice President for Academic Affairs then makes his recommendations to the President. In each case of transmittal, conferences are held to discuss modifications in evaluations.

Dr. McClellan, given a highly favorable evaluation by his department head, was recommended for retention by the Dean. The President is reported as having indicated to the Dean in May of 1967 that he would concur in these recommendations and that Dr. McClellan would be reappointed with an increment in salary. However, according to reports, the President told the department head on June 13 and the Dean in late July that he would be issuing notification of termination to Dr. McClellan. He is reported to have stated to the Dean and to the Associate Dean that the matter was "not open to discussion." The President's decision apparently did have the concurrence of the outgoing Acting Vice President for Academic Affairs. (Even this official, when talking subsequently with the investigating committee, did not concur in the reason for the decision later offered by the President, lack of scholarly productivity. Rather, he expressed the belief that the decision had been reached for quite different reasons.) At least in regard to the department head and the Dean, there is no evidence of any "conferences...held to discuss modifications in evaluations."

In discussing this matter with the investigating committee, President Harden took the position that his departure from the published procedure did not actually constitute a violation of permissible procedure. He described the Faculty and Staff Administrative Guide as not a set of official rules, but as a

-22-

convenient mechanism for providing information on general rules. He referred to the Guide as only an informal and as a "suggestive" publication. He offered the judgment that, since he had final authority, subject only to the supervision of the Board of Control, he retained the authority to release faculty members or to modify salaries regardless of any published procedural "suggestions."

Other administrators and the faculty generally appear to have regarded the Guide in a different light. Faculty members informed the investigating committee that early drafts of the Guide had been significantly altered at President Harden's insistence because he viewed passages in them as tending to limit his authority. The Guide, a fifty-page booklet published by the University, was distributed broadly and contained no qualifications which would indicate that its contents were in any way tentative or "suggestive."

The investigating committee called President Harden's attention to relevant principles enunciated in the Statement on Government of Colleges and Universities, which the Association formulated jointly with the American Council on Education and the Association of Governing Boards of Universities and Colleges, noting especially the provision in this document that "the governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail." President Harden replied that the Statement on Government contains only guidelines and that there are doubts and reservations as to the merits of these guidelines among many university administrators and members of governing boards. It became clear to the investigating

- 23-

committee during its interviews that President Harden, and also some members of the Board of Control, regarded the action intended to terminate Dr. McClellan's services as a decision that was essentially the responsibility of the President, with no faculty consultation or review required.

The investigating committee believes that Dr. Harden, in issuing the July 23 letter to Dr. McClellan against the recommendations of the department head and the Dean, and in not conferring with these persons about the case prior to his taking action, acted in violation of the published procedures of Northern Michigan University and counter to sound academic practice. ✓

B. The Denial of a Salary Increment to Dr. McClellan for the 1967-68 Academic Year.

There is the question of whether the denial of any increment lay within the ordinary and proper latitude of the President in fixing or recommending salaries, or whether Dr. McClellan was treated in unique or punitive fashion in this regard. The procedures in the Faculty and Staff Administrative Guide for evaluations and conferences, quoted earlier, are specifically indicated as applicable with respect to increases in salary. Dr. McClellan's department head had recommended a single-step increment for him and had stated that he would have recommended a double increment had Dr. McClellan not been given a double increment a year earlier. An administrative officer stated to the investigating committee that Dr. McClellan was the only member of the Northern Michigan University faculty who received no increase in salary for the 1967-68 academic year, while a faculty source reported to the committee that he knew of another faculty member who was denied an increment. Thus, in either event, nearly all received increments and President Harden's decision to reject the recommendation of the department head and deny any salary increase to Dr. McClellan therefore appears unique and punitive, especially so in the light of President Harden's subsequent statements basing

-24-

his decision to terminate Dr. McClellan's services on the faculty member's alleged lack of scholarly productivity and promise (discussed more fully below).

C. Procedural Questions Relating to Events Following the July 28 Notification

It will be recalled that the chief administrative officer of Northern Michigan University---first President Harden and after September 1 Interim President Johnson---for several weeks resisted requests that the action of July 28 against Dr. McClellan be discussed. During this period, no reason for the action was offered beyond the statement, made by Dr. Harden in his July 28 letter and later repeated by Mr. Johnson, that it was "in the best interests of the University." Under the provision in the Statement on Government of Colleges and Universities quoted earlier, the chief administrative officer, if he believed that there were compelling reasons for his decision to terminate Dr. McClellan's services which required that the judgment of the department head and the Dean be disregarded, had an obligation under sound academic procedure to explain why he so believed. The Senate at Northern Michigan University is a small representative body that in former years had served frequently as a channel of communication between the President and the faculty. It had expressed a legitimate interest in the action taken against Dr. McClellan and had requested clarifying information. The Senate was an appropriate faculty agency for the receipt of an explanation from the administration for the July 28 action. The administration's rejection of the Senate's initial requests for information and discussion was procedurally unsound.

In the wake of increasingly strong expressions and demonstrations of concern by the faculty and also the student body, the administration moved in October to offer reasons for the action taken against Dr. McClellan. First, Interim President Johnson announced a set of reasons for the action. These

-25-

reasons, widely publicized, led many persons to question whether the action taken against Dr. McClellan was not in violation of his academic freedom. The faculty, through its Senate and a specially formed committee, assembled evidence and issued a detailed statement strongly challenging all reasons offered by the Interim President in terms of their validity and their pertinence. A few days later, after the Board of Control had announced that it would conduct a review of the decision to terminate Dr. McClellan's services, President Emeritus Harden issued a press release offering a different reason for that decision, a single reason not mentioned or implied in the series of reasons announced by Interim President Johnson. The Board of Control, in reviewing and upholding the July 28 decision at a meeting late in October, did not accede to a request that Dr. McClellan be allowed to appear before it and did not provide a formal opportunity for faculty representatives to present the prepared rebuttal against the Interim President's announced reasons.

The 1940 Statement of Principles on Academic Freedom and Tenure contains the provision that "During the probationary period a teacher should have the academic freedom that all other members of the faculty have." The reasons offered by the Interim President for the termination of Dr. McClellan's services bear directly on freedom of expression on and off the campus. Dr. McClellan, although on probationary appointment, appears to have been entitled to a hearing in which he could have moved to establish that his services were being terminated for reasons violative of his academic freedom. However, neither the Interim President nor the Board manifested any interest in offering Dr. McClellan due process or in otherwise evaluating responses to the reasons offered. ✓

-26-

Of course, if the reason--inadequate scholarly achievement--first called to public attention on October 24 by the President Emeritus as the single basis for the action against Dr. McClellan gained acceptance by the Board as the one and only reason for the decision, any hearing on the reasons announced by the Interim President could hardly be regarded by the Board as relevant to the decision. The Board seems to have in fact moved promptly to embrace President Emeritus Harden's newly published position, which at least on its surface probably appeared more tenable than the position set forth a little earlier by Interim President Johnson. In their subsequent meetings with the investigating committee, both Dr. Harden and Mr. Johnson's successor as Chairman of the Board, Mr. John McGoff, dismissed the reasons announced by Mr. Johnson as irrelevant to the decision to terminate Dr. McClellan's services. They took the position that Mr. Johnson's announcement of the reasons which he cited was a mistake made in the tense and confused atmosphere created by faculty and student pressures in early October.

The investigating committee must point out, however, that the reasons for the decision set forth by Mr. Johnson--announced to the public, untested by due process and potentially violative of Dr. McClellan's academic freedom, issued by an official who was then serving as the University's president and who was chairman of the University's governing board at the time the decision was approved by that board--were not publicly retracted or officially withdrawn. Their having been allowed to stand can be regarded as in itself constituting a violation of Dr. McClellan's academic freedom when coupled with the decision by the administration of Northern Michigan University to terminate his services.

-27-

D. The Announced Grounds for the July 28 Notification

As has been explained, the stated grounds consisted of a series of reasons announced by Interim President Johnson and shortly thereafter a single and quite different reason announced by President Emeritus Harden. The investigating committee sees no need for presenting its own evaluation of the specific reasons that Mr. Johnson offered, what with these reasons for the July 28 decision having been dismissed as irrelevant by Dr. Harden (who, after all, made the decision) and by the Chairman of the Board of Control. Some of the elements in these reasons will be discussed subsequently, when the committee offers its own views on what led to the decision to take action against Dr. McClellan. Suffice it to say here that the investigating committee finds the thorough critique of these reasons submitted by the Senate, and supported by the faculty at large, to be essentially convincing. On the other hand, Dr. Harden's stated reason, lack of scholarly production and promise, warrants some attention.

The reason offered by Dr. Harden was generally disputed by the persons interviewed by the investigating committee as a legitimate basis for nonreappointment at Northern Michigan University. Only the Chairman of the Board, Mr. McGoff, who ordinarily would not be expected to be involved in evaluations of the degree of scholarly productivity of individual faculty members, concurred in this reason.

Dr. Harden stated to the investigating committee that Dr. McClellan had been originally engaged with an assumption that he would be one of several capable young men brought into the History Department and other departments to enhance the reputation of the institution by scholarly production. Dr. McClellan's department head, the deans, and the two

-28-

vice presidents for academic affairs with whom the committee talked stated, however, that scholarly production was not in any way a condition in Dr. McClellan's appointment. Faculty members and administrative officers stated that no such requirement had previously been insisted upon or implied for any faculty member at Northern Michigan University. If Dr. McClellan's retention was to be dependent upon publication, he, his department head, the deans, and the academic vice presidents certainly should have been aware of this requirement from the beginning. They were not.

In the exchange of letters between Dr. McClellan and Dr. Harden in February and March, 1967, Dr. Harden suggested that Dr. McClellan live up to his responsibility "for productive scholarship and outstanding teaching" instead of supporting causes. He raised the question of Dr. McClellan's "willingness to contribute as a scholar which, as I understand it, is your most important responsibility at this University." If this was an ultimatum to Dr. McClellan to "publish or perish," the recipient was hardly given sufficient time to react. The notice of termination followed by less than five months.

The Faculty and Staff Administrative Guide of Northern Michigan University lists publications as one of seven criteria for gaining promotions and salary increases. The Guide assigns no relative value to each of these criteria. Practice at Northern Michigan indicates that faculty members could earn promotions and salary raises by achievement in any one of the seven listed areas, but that it was common for faculty members to be evaluated and rewarded for competent and diligent teaching. Teaching rather than publishing was accepted criterion of academic achievement, and in this area of competence Dr. McClellan earned excellent appraisals. Even a relative uncomplimentary

-29-

evaluation by his department head early in his first year said that he was "an effective and stimulating teacher." A year later, his department head was insisting that Dr. McClellan was "a magnificent teacher." The student guide to faculty performance and to courses at Northern Michigan University, which was published independently by the students and was not uncritical, gave Dr. McClellan an "A," and the descriptions of his teaching in this guide were highly laudatory. Colleagues familiar with his teaching were equally enthusiastic. In this area in which academic ratings were traditionally made at Northern Michigan University, Dr. McClellan was excellent; his lack of published scholarship at the time of the decision to terminate his services does not appear to have been a significant deficiency in terms of the stated criteria and the practice at Northern Michigan University, nor does it distinguish him from a large number of his colleagues. The investigating committee is unable to accept Dr. Harden's stated reason--lack of scholarly output--as convincing grounds for his action against Dr. McClellan.

E. The Investigating Committee's Views on the Reasons for the July 28 Notification

Dr. Harden and the Chairman of the Board (Mr. McGoff) maintain that the reasons offered by Mr. Johnson do not account for the decision of July 28; the investigating committee believes that the reason offered by Dr. Harden does not account for it. Still, action was taken against Dr. McClellan. The investigating committee therefore feels compelled to offer its own opinions on why the decision was reached.

As the committee views the situation, the reasons for the action against Dr. McClellan appear to include his involvement in the North Marquette land acquisition dispute. The later phase of Dr. McClellan's involvement in

-30-

North Marquette, with his students interviewing or "meddling" in the area during a critical phase of land acquisition, preceded by only a few days the dispatch of the letter of July 28--when there was apparently still time to reconsider the decision, related informally to Dr. McClellan's department head on June 13. The student project, together with the earlier incident involving Dr. McClellan and the North Marquette expansion plan, could have convinced President Harden that the history professor was, in the words of Mr. Johnson, "negative toward the policies of the university," and that he had done nothing to "strengthen the university, to unite people on the campus, and to improve our relationship with the community."

This characterization of Dr. McClellan was perhaps also influenced by the nature of Dr. McClellan's personality when considered in the light of President Harden's administration and the environment of Marquette. Dr. McClellan describes himself as having a habit of speaking out vigorously on any and all issues. With this point the investigating committee encountered no disagreement among those who had known Dr. McClellan. His colleagues had found him to be frank, open and unhesitant in criticism and evaluation. It was frequently stated that he was "abrasive," although those who were well acquainted with him insisted that his sincerity, his willingness to consider contrasting viewpoints and evidence, and his capability of changing his opinions would usually overcome any negative reaction to his outspokenness. Dr. McClellan's significant contribution to the new Humanities curriculum, developed after he opposed the original change, is illustrative of his capacity for positive redirection of "abrasive" opposition.

Among other factors that could have contributed to the administration's conviction that Dr. McClellan maintained a "consistently negative" attitude

-31-

toward the policies of the University, in addition to those contained in the reasons for the July 28 notification enumerated in October by Mr. Johnson, was Dr. McClellan's February, 1967, letter to President Harden about departing faculty members that questioned the administration's willingness to support the faculty. That this irritated the President was made evident by the sharpness of his reply.

Also noteworthy as a potential source of the administration's displeasure with Dr. McClellan was what Mr. Johnson's charges referred to as a failure of Dr. McClellan to work "to improve our relationship with the community." President Harden believed that one of the basic functions of the University was to generate effective community-university action to reinvigorate the Upper Peninsula. He had referred to a need for a "positive attitude" on the part of all members of the University family towards the community and towards the efforts of the University in the community. From the time of his arrival in Marquette, Dr. McClellan had apparently spoken out in a way that served to question community beliefs and assumptions. He occasionally preached in churches in Marquette and elsewhere in the Upper Peninsula. His sermons were characterized as too outspoken on social issues for some in his congregations. He was a leader of a partially successful attempt to bring the girls in a Job Corps program into a closer relationship with the general Marquette community. Many of the Job Corps trainees were Negroes, and introducing them to a community that had an unusually low number of Negroes was not without its difficulties.

Still, among these various community activities, Dr. McClellan's involvement in the North Marquette expansion plan would appear to have occasioned the strongest reaction from the University administration. Interim President Johnson stated that "university relations with the community were

-32-

impaired and the expansion program was attacked." Apparently, in the eyes of the administration, if Dr. McClellan's actions were supportive of those who were critical of the University, this "amounted to a conflict of interest."

The 1940 Statement of Principles on Academic Freedom and Tenure sets forth the concept that when the teacher speaks as a citizen

he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

In the judgment of the investigating committee, Dr. McClellan spoke out vigorously but responsibly. His attempted involvement in the community issues of the Upper Peninsula was obviously greater than that of the usual faculty member and showed a certain degree of impatience with prevailing attitudes. His forthright manner obviously irritated some, including President Harden. As far as the investigating committee could determine, Dr. McClellan's exercise of freedom of speech showed appropriate restraint and respect for the opinions of others. On only one occasion, the confrontation with the business officials and the University's attorney at a meeting on the North Marquette expansion plan, was he accused of lack of restraint. The Homeowners' representatives who were present, including the Catholic parish priest, as well as some who supported the University's plan, have emphasized that on that occasion there was not any display of disrespect on the part of Dr. McClellan.

In sum, Dr. McClellan was at times vigorously critical of the administration of Northern Michigan University, an administration that was not accustomed to sharing its authority or explaining its decisions.

-33-

Dr. McClellan was also highly active as a citizen in the community in a manner that the administration apparently interpreted as being in opposition to the University and tending to tarnish the University's image. The investigating committee believes that Dr. McClellan's speaking, writing, and deportment with respect to community issues constituted a dominant reason for the decision to terminate his services and that his actions in this regard were well within the limits of acceptable faculty conduct as set forth in the 1940 Statement of Principles. To the extent that this reason for terminating his services was operative, academic freedom was violated. ✓

F. The State of Academic Freedom at Northern Michigan University

President Emeritus Harden expressed pride in his record in defense of academic freedom during his administration. During the 1966-67 academic year, he had refused to censor or cancel a play staged by a University group that he and many in the community considered obscene and sacrilegious. He said that he had resisted book censors and had defended professors with unpopular views. There seemed to be a consensus among those interviewed by the investigating committee that academic freedom existed in the classrooms. However, in regard to the University's policies, and especially to its relationships with the community and the Upper Peninsula, many felt that there were "proper opinions" expected of those who wished to remain at Northern Michigan University. Several spokesmen for the administration and the Board tended to deny this, but, said one Senate member, "nearly everyone got the impression" that the expectation existed. Those who believed this were also prone to believe that Professor McClellan was being released because he had, through action and expression, challenged institutional policy.

-34-

Some senior members of the faculty and some members of the Marquette community spoke with the investigating committee about the disastrous impact, in their view, of the demonstrations and protests over Dr. McClellan on the image of Northern Michigan University. In the opinion of these people, the faculty and students could not have had any cause or issue that would justify injuring the University's reputation in this way. Conversely, they felt, whatever Dr. Harden had done was explicable on the ground that someone who had caused or might cause embarrassment to the University or the community should be compelled to leave with little hesitation or concern about procedure. Actually, they suggested, it was inconceivable why, if he did not like it at Northern Michigan, Dr. McClellan did not go away quietly.

The administration of the school was aware of the Association's principles on academic freedom and tenure. The text of the 1940 Statement of Principles on Academic Freedom and Tenure is the single entry under the sub-heading of "Academic Freedom" in the University's Faculty and Staff Administrative Guide. Some faculty members claimed in their talks with the committee that they could cite instances in which the spirit of these principles had not been followed. They referred to faculty resignations under pressure during the 1966-67 academic year and to two prior cases in the History Department in which faculty members who dissented from the "proper opinions" were nudged out. Some faculty members suggested that President Harden had found members of the History Department especially resistant to his manner of administration and that his statement that Professor McClellan would not add in a scholarly manner to a Department that was "sorely in need of improving its scholarly output" was in part a reflection of his previous experiences.

-35-

With the majority of the faculty demanding significant modifications or policy as a result of the McClellan case, a broader concept of institutional loyalty began to emerge at Northern Michigan University. The Board of Control expressed willingness to consider faculty requests for a voice in the formulation of new rules and procedures when they are needed, a promising development which rather promptly brought some changes. On the other hand, a statement of loyalty to the Board of Control, the administration, and the University generally was circulated, signed, and published in the local newspaper in order to counter continued attempts by the bulk of the faculty to effect a settlement acceptable to Dr. McClellan. The confrontation over Dr. McClellan seemed at the time this report was first drafted (April, 1968) to have hardened into an impasse. The unity and determination of most of the faculty was a major factor in effecting some favorable change in climate. At the same time, a significant number of the faculty indicated that they were planning to resign, as indeed many have done each year; however, some resignations from both the faculty and the administrative staff during the 1967-1968 academic year were directly inspired by convictions that Dr. McClellan's case was an important test of principle and was improperly handled by the administration and the Board. As long as the case remained unsettled, with loyalty statement rosters to help separate and identify partisans, and with many of the dissenting faculty making plans to depart, the prospect for academic freedom at Northern Michigan University could not be described as encouraging.

IV. CONCLUSION

- A. The investigating committee, in drafting its findings prior to the resolution of Dr. McClellan's case, found:

1. that the notification to Dr. McClellan of termination of services was late under institutional regulations and the standards supported by the Association;

2. that there were serious procedural faults in the administration's actions both before and subsequent to the issuance of notification;

3. that the denial of any salary increment to Dr. McClellan for the 1967-68 academic year, under the circumstances discussed, was a punitive act;

4. that the reasons for the decision to terminate Dr. McClellan's services (as the committee infers these reasons to be) constituted a violation of his academic freedom;

5. that, despite some recent improvement, the faculty's voice was not sufficiently taken into account in the governing of the institution;

6. and that, with the case of Dr. McClellan unresolved, the state of academic freedom generally at Northern Michigan University remained weak and uncertain.

B. The investigating committee is happy to report these subsequent developments:

On March 7, 1968, while the above portion of this report was in preparation, the Board of Control of Northern Michigan University announced the appointment of Dr. John X. Jamrich to the presidency. Shortly before, litigation had been instituted against the University by Dr. McClellan, 137 other members of the faculty, and the Student Government Association.

Although Dr. Jamrich's official duties as president were not scheduled to begin until July 1, he decided that the serious current issues stemming from the McClellan case called for his immediate involvement in some of the University affairs. In his first address to the faculty, on April 9, he focused upon the need for a sharply improved system of academic government,

stressing the desirability of appropriately shared responsibility and cooperative action as enunciated in the tripartite Statement on Government of Colleges and Universities. In an effort to gain a resolution of the McClellan case and related issues, he entered into discussion with various agencies and individuals at the University. He also entered into discussion with the Washington Office staff of the American Association of University Professors.

On July 2, 1968, Dr. Jamrich was able to announce to the faculty and staff of Northern Michigan University that, "with the conviction that academic issues are best resolved within the academic setting," an out-of-court settlement with Dr. McClellan and the other parties to the suit had been reached and Dr. McClellan would be retained on the faculty, with a raise in salary, for the 1968-69 academic year. (It was agreed that a decision on further appointment would be reached by December 15; shortly before that date, Dr. McClellan was offered reappointment for 1969-70.) The concluding paragraph of President Jamrich's memorandum of July 2 to the faculty and staff read as follows:

"Considerable importance attaches to the need for all concerned to view this as a solution to a difficult problem. The success of the solution can be assured if we now look to the coming year with a renewed commitment to the kind of cooperative effort which will continue Northern Michigan University in the direction of academic service in an environment of collaborative efforts involving the entire institution."

Ralph Loomis (English)
University of Michigan, Chairman

Ralph C. Brown (Geography)
Wisconsin State University - Superior

Robert S. Huston (History)
Ball State University

Investigating Committee