

# **EXHIBIT**

# **1**

1 A. I taught a course for Dowling College as a part-time  
 2 instructor. I also taught a course when I was graduate  
 3 student at University of Illinois.  
 4 Q. And were they, what were the areas of study that you  
 5 taught?  
 6 A. At Dowling it was educational administration, and at  
 7 Illinois it was teacher preparation.  
 8 Q. In addition to those that you've already mentioned, are  
 9 there any other different types of certifications that you  
 10 have?  
 11 A. Not that I can think of.  
 12 Q. Have you received any licenses in relation to work?  
 13 A. Certified teacher in the state of New York.  
 14 Q. What does a certified teacher mean?  
 15 A. Well, you know, I'm not even sure it's still current, it's  
 16 been many years ago, but certified that I was, I guess we  
 17 use the word certification rather than licensed, but it's  
 18 equivalent to a license to teach music in the New York  
 19 State schools.  
 20 Q. Have you received any honors in relation to your  
 21 employment?  
 22 A. I received the Oakland County award, I can't remember what  
 23 year, I am, was admitted to Phi Delta Kappa when I  
 24 graduated from the University of Illinois.  
 25 Q. Have you written any papers or published any?

1 A. I have.  
 2 Q. And are those all listed in your CV?  
 3 A. They are.  
 4 Q. I'm just going to take moment to do a quick review of this.  
 5 Can you tell me in your own words a description of what is  
 6 the OPTIONS Program?  
 7 A. The OPTIONS Program is an opportunity for older students  
 8 who have mild cognitive disabilities to continue their  
 9 academic experience by sitting in on classes at the college  
 10 level.  
 11 Q. Do you consider the participants in the OPTIONS Program to  
 12 be students?  
 13 A. I do not, and I guess I'd have to ask how you are defining  
 14 student.  
 15 Q. How would you define student?  
 16 A. We use the word student in lots of different ways. They  
 17 were high school students when we first contact them, or  
 18 they first contact us, they're typically still high school  
 19 students. They are attending class and studying, so in  
 20 that sense they are in the process, if they are in the  
 21 process of studying they're students. But they are not  
 22 students in the sense that they are admitted to Oakland  
 23 University in pursuing a degree which is the way many  
 24 people often use the term student.  
 25 Q. But they are participants in the OPTIONS Program?

1 A. They are participants in the OPTIONS Program, yes.  
 2 Q. And the OPTIONS Program is a program contained within the  
 3 Oakland University?  
 4 A. Contained within, it happens on Oakland University's  
 5 campus.  
 6 Q. It's a program of the university?  
 7 A. I don't know if it is for me to determine if it's a program  
 8 of the university.  
 9 Q. Who would make that determination?  
 10 A. I suppose the provost would, or maybe the board of  
 11 trustees, I don't know.  
 12 Q. You submitted a proposal?  
 13 A. I did.  
 14 Q. For the creation of the OPTIONS Program correct?  
 15 A. Yes.  
 16 Q. Was that proposal accepted?  
 17 A. To my knowledge it was.  
 18 Q. The program resulted from that?  
 19 A. Yes, it did.  
 20 Q. Proposal, correct?  
 21 A. Uh-huh.  
 22 Q. Is any other group, or outside entity, involved in the  
 23 running of the OPTIONS Program here at Oakland University?  
 24 MR. BOONIN: Outside groups?  
 25 A. No, there's not any outside group involved.

1 Q. (Continuing by Mr. Davis:) Does the program have a core  
 2 curriculum?  
 3 A. Not at this time.  
 4 Q. Does it have any required courses to be taken?  
 5 A. No, it doesn't.  
 6 Q. Does it offer a degree?  
 7 A. It does not.  
 8 Q. Does it offer a certificate of completion?  
 9 A. It does not.  
 10 Q. Was this ever considered?  
 11 A. Certificate of completion was discussed.  
 12 Q. And who was it discussed with?  
 13 A. It was discussed among the people who are involved in  
 14 OPTIONS, the two employees who work for the university, and  
 15 the parents, and some interested people who are in the  
 16 field in the community.  
 17 Q. Did you participate in these discussions?  
 18 A. I did.  
 19 Q. And what would the certificate of completion entail, would  
 20 it have certain requirements?  
 21 A. We didn't really get to that point yet. We were thinking  
 22 about what those requirements might be, but we hadn't  
 23 determined what they would be.  
 24 Q. What was being considered as potential requirements?  
 25 A. Some sort of focus for the students so they would not be

1 why was that necessary?  
 2 A. We wanted to make distinction that this was not a  
 3 vocational training program, that it was about academics.  
 4 Q. And the mobility requirement that you first mentioned, why  
 5 was that?  
 6 A. We would not have, we were not going to have enough staff  
 7 to assist students who needed constant attention from a  
 8 paraprofessional is the term that they use in the public  
 9 schools, or I don't know what term they use outside of the  
 10 public schools.  
 11 Q. What other requirements were necessary requirements?  
 12 A. I guess the first one was being successful in an inclusive  
 13 classroom was necessary.  
 14 Q. Okay.  
 15 MR. BOONIN: Your question about all of these or  
 16 about the two that he's talked about.  
 17 Q. (Continuing by Mr. Davis:) I'm asking if that list that's  
 18 there, what are requirements that absolutely had to be met?  
 19 MR. BOONIN: He's identified two so far.  
 20 Q. (Continuing by Mr. Davis:) He's identified two, and I  
 21 think did you just mention a third was my understanding.  
 22 A. The difficulty with the third one I mentioned is that there  
 23 is some range there.  
 24 Q. There is some range on that?  
 25 A. Uh-huh.

1 Q. And, okay. Are there any other necessary requirements?  
 2 A. I guess at this time I would say no, the rest of them  
 3 weren't absolutely necessary.  
 4 Q. Just to be clear, there's one on here that says, has  
 5 completed high school either degree or certificate of  
 6 completion, was that a necessary requirement for the  
 7 OPTIONS Program?  
 8 A. That was something that we would, wanting to make an  
 9 absolute requirement, but we had made exceptions in one or  
 10 two cases.  
 11 Q. Was the plaintiff one person that you made an exception  
 12 for?  
 13 A. I believe he was.  
 14 Q. So the OPTIONS, let me back up. Who made the decision  
 15 about who to accept into the program?  
 16 A. It was a combination of myself and the two people who  
 17 worked for the OPTIONS Program who were involved with the  
 18 students.  
 19 Q. And when you made the exception on this requirement for the  
 20 plaintiff, you were aware that he did not have a high  
 21 school diploma?  
 22 A. We were.  
 23 Q. And to your knowledge, did he have a certificate of  
 24 completion?  
 25 A. Not to my knowledge.

1 Q. What did you see as the purpose behind the OPTIONS Program?  
 2 A. It was to give students who wanted to continue to be around  
 3 other smart, well, let me rephrase that, because we've  
 4 already had that discussion about what constitutes a  
 5 student. I'm referring to a high school student here.  
 6 There are high school students who want to continue to be  
 7 around and involved in academic settings. There weren't  
 8 very many opportunities for them to do that in the public  
 9 school system the way it exists once they get older. This  
 10 was to allow these individuals to be participates in an  
 11 academic setting as they continue to get older.  
 12 Q. Was age appropriate --  
 13 A. Yes.  
 14 Q. -- fellow participants?  
 15 A. Uh-huh.  
 16 Q. That is yes or no?  
 17 A. I'm sorry, yes.  
 18 Q. For the court reporter. What benefits do you see for  
 19 participants in the OPTIONS Program?  
 20 A. I guess the biggest benefit is that they're more  
 21 interesting people.  
 22 Q. Any other benefits?  
 23 A. I guess their social interaction skills improve.  
 24 Q. Are they measurably improved?  
 25 A. Not any measure system we used.

1 Q. But there were discussions about how they may have  
 2 individual plans developed that would measure that?  
 3 A. Most people use measure in a very quantitative sense, so  
 4 I'm not sure that's the correct word. Many of the things  
 5 that we might have thought about were more anecdotal in  
 6 nature.  
 7 Q. Can you give me an example?  
 8 A. We see the student talking with other students more  
 9 frequently, we see the student engaging in social  
 10 activities on campus.  
 11 Q. What benefits did you see the program providing to  
 12 participates in transition to their adult lives?  
 13 A. I'll go back to what I said, they're more interesting  
 14 people.  
 15 Q. Was there any vocational benefits that you saw to this, to  
 16 the OPTIONS Program?  
 17 A. We intentionally did not make the OPTIONS Program a  
 18 vocational program.  
 19 Q. Did the improvement in potential social skills improve  
 20 vocational aspects?  
 21 A. That was our hope.  
 22 Q. Was the program intended in any way to address any academic  
 23 needs of the participant?  
 24 A. It was not.  
 25 Q. When the program was originally designed, did you see the

1 A. Well, it says most colleges have multiple levels of  
 2 residential housing available, and that we happen to have  
 3 campus apartments where if there was a possibility, that  
 4 would be someplace where students could learn some things.  
 5 It doesn't say that the program relies on housing as a  
 6 necessary component.  
 7 Q. I didn't ask if it was a necessary component. Was it  
 8 considered as a component of the OPTIONS Program?  
 9 A. It was considered.  
 10 Q. And so you're talking about the program in that sentence  
 11 that I read, you're referring to the OPTIONS Program  
 12 correct?  
 13 A. That's correct.  
 14 Q. You're not referring to a program at some other university?  
 15 A. That's correct.  
 16 MR. DAVIS: Can we take a quick break for a second.  
 17 (BREAK HAD AT 10:07 A.M. TO 10:15 A.M.)  
 18 Q. (Continuing by Mr. Davis:) Back on record. These meetings  
 19 helped formulate and develop the OPTIONS Program, was  
 20 housing discussed as a component at those meetings?  
 21 A. Not that I recall.  
 22 Q. Was there any advertising promoting the program done?  
 23 A. Aside from the brochure?  
 24 Q. Aside from the brochure.  
 25 A. No.

1 Q. Anything sent out to different communities, particular  
 2 school districts at all?  
 3 A. Only the brochure.  
 4 Q. Was there any public meetings held regarding the creation  
 5 of the OPTIONS Program?  
 6 MR. BOONIN: What do you mean?  
 7 Q. (Continuing by Mr. Davis:) By public meeting, let me  
 8 clarify that. Were there any public meetings, and by that  
 9 I mean where comments were suggested from the public, or  
 10 public notice was given, public comments?  
 11 A. No.  
 12 Q. In creation of the OPTIONS Program, were professors asked  
 13 their opinions about the program and suggestions about the  
 14 program?  
 15 A. Not that I recall.  
 16 Q. Was the housing department ever brought in to discuss the  
 17 OPTIONS Program what participants may or may not be able to  
 18 have access to in housing?  
 19 MR. BOONIN: At what stage?  
 20 Q. (Continuing by Mr. Davis:) We're talking about during  
 21 these opening meetings where they're just formulating the  
 22 program.  
 23 A. No.  
 24 (EXHIBIT NO. 3 MARKED)  
 25 Q. (Continuing by Mr. Davis:) Take a moment to review No. 3,

1 what's been marked as Exhibit 3. Had a chance to look at  
 2 it?  
 3 A. Uh-huh.  
 4 Q. Please identify what that is?  
 5 A. That was a letter that I sent to faculty on campus to let  
 6 them know the students, the participants in the OPTIONS  
 7 Program were on campus.  
 8 Q. This did not go outside of the university to your  
 9 knowledge?  
 10 A. No, it did not.  
 11 Q. To your knowledge it did not?  
 12 A. It was not intended to.  
 13 Q. But that was an author, that letter was authored by you?  
 14 A. Yes, it was.  
 15 Q. And it was dated August 28, 2007?  
 16 A. That's correct.  
 17 MR. BOONIN: 28th did you say?  
 18 MR. DAVIS: Yes, correct, 28th.  
 19 Q. (Continuing by Mr. Davis:) Was it sent out at that time,  
 20 or was it, wait around a little bit before it went out?  
 21 A. I don't recall.  
 22 Q. All right. Were there any other aspects of the program,  
 23 the OPTIONS Program when it was being created, that were  
 24 considered and has since been dropped?  
 25 MR. BOONIN: Do you mean dropped or not yet

1 implemented?  
 2 Q. (Continuing by Mr. Davis:) Let me rephrase it. Are there  
 3 any other aspects of the OPTIONS Program in those meetings  
 4 that were creating the program, that were discussed and  
 5 either not implemented, or are still not yet implemented?  
 6 A. I guess I want some clarification as to what you mean by  
 7 the program.  
 8 Q. The OPTIONS Program.  
 9 A. Right, right.  
 10 Q. And one thing that was discussed earlier you said was that  
 11 there would be a core requirement, and the other thing you  
 12 said earlier that was discussed was that there might be a  
 13 certificate of completion. Were there any other aspects of  
 14 the program that were discussed that have not yet either  
 15 been implemented yet, or the decision has been made not to  
 16 implement?  
 17 A. Of the program as it was approved, I would have to say no.  
 18 Q. How about in the stage where it was being considered and  
 19 the discussions in those advisory board meetings?  
 20 A. One thing that we thought about was whether there was a  
 21 possibility for student employment on campus.  
 22 Q. And that has not been implemented?  
 23 A. It can't be implemented.  
 24 Q. And why can it not?  
 25 A. Federal law requires that student workers be degree seeking