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1 Q. Okay.

2 **A. Maybe it was '4.**

3 Q. I'm not suggesting that it is. Somewhere in 2003,

4 '04?

5 **A. Yeah.**

6 Q. So two weeks into the term?

7 **A. The program got initiated in O.U. because Rochester**

8 **agreed to become the center base for this initiative,**

9 **and O.U. agreed to give space to Rochester Schools.**

10 Q. So this is the Transitions program?

11 **A. This is the Transitions program.**

12 Q. Okay. Now, you said that your wife was involved in a

13 lot of this planning. Is there like a -- for lack of

14 a better term -- like a division of labor between you

15 and your wife as to this is what she does and this is,

16 more or less, what you do in terms of helping Micah

17 navigate through these programs?

18 **A. I don't think there is a defined division of labor.**

19 **Janice has different resources and relationships. I**

20 **have a full-time job. I do what I can do, and she**

21 **does what she can do. We're both coparents in raising**

22 **our children, both Micah and Emma.**

23 Q. When there is meetings at the university, does one of

24 you attend them more often than the other?

25 **A. It depends who is available. Sometimes we would both**

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1 **go. There are no rules to the game.**

2 Q. So what's your understanding as to how OPTIONS

3 evolved?

4 **A. What happened was Rochester Schools decided that it**

5 **was not in their interest to have out-of-district**

6 **students being their responsibility. We're from**

7 **Berkley Schools. There were students from Birmingham**

8 **Schools, there were students from other districts in**

9 **Oakland County, and Rochester became the center for**

10 **all of them as well as their own students from**

11 **Rochester. They decided it wasn't beneficial to them**

12 **to have the responsibility. They were having some**

13 **cutbacks. They were not satisfied with some of their**

14 **expectations. They were -- they had -- they decided**

15 **at the end of two or three years to end the program**

16 **and made Rochester Schools only accessible to students**

17 **from the Rochester District, and then there was a**

18 **transition year of Micah and other students who were**

19 **in the Transitions program to continue to go to**

20 **classes under more of the direction of their**

21 **district-based space, and then arises the OPTIONS**

22 **program.**

23 Q. Do you know how that was initiated?

24 **A. The OPTIONS-based program?**

25 Q. Yes.

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1 **A. Yeah. Essentially, Professor Bob Wiggins has always**

2 **been, from the very beginning, totally supportive of**

3 **creating an inclusive program at the university.**

4 Q. What do you mean by "inclusive program"?

5 **A. "Inclusive program" means where students with**

6 **cognitive disabilities are part of classes, where**

7 **students with cognitive disabilities are part of**

8 **services, where students with cognitive disabilities**

9 **are part of clubs, where students with cognitive**

10 **disabilities, when they would start paying full**

11 **tuition, would be part of housing. He had a dream**

12 **that inclusion meant the full college life experience.**

13 Q. Professor Wiggins?

14 **A. Professor Wiggins. And if you would watch the film --**

15 **and I hope you have a chance to watch the film --**

16 **you'll see the love and the belief that he had in**

17 **where this OPTIONS -- where the Transitions program**

18 **was going and the OPTIONS program. What he didn't**

19 **like was the involvement of different school**

20 **districts, and, therefore, wanted to create something**

21 **that O.U. didn't have to deal with superintendents**

22 **from other schools.**

23 Q. The participants in the OPTIONS program are no longer

24 connected to their home school districts?

25 **A. Some are and some aren't. Micah still has an IEP.**

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1 Q. How is -- doesn't he have a Certificate of Completion?

2 **A. He still has an IEP.**

3 Q. Does Micah have a Certificate of Completion?

4 **A. I think he does, but he still has an IEP.**

5 Q. When did he get a Certificate of Completion?

6 **A. I don't know.**

7 Q. When was the last time he was at an IEPC?

8 **A. We have an IEP every year, so it must have been last**

9 **June of -- June of 2009.**

10 Q. Who was present of that IEPC?

11 **A. That one was Sharon Berke from Berkley High School and**

12 **the super -- Special Ed. Director Jeff Montgomery, and**

13 **Micah and myself maybe -- Micah and myself. The year**

14 **before, Bob Wiggins was at the IEP as well as Kim**

15 **Dembrosky. Bob has always been supportive of this**

16 **movement towards a full inclusive experience.**

17 Q. Does Micah receive any financial support from Berkley?

18 **A. No, he does not receive any financial support from**

19 **Berkley.**

20 Q. Any services from Berkley, other than the IEP?

21 **A. He receives consulting for speech sometimes, where**

22 **it's available. I'm not sure he has utilized it this**

23 **year. And he meets with his consultant teacher,**

24 **Ms. Berke.**

25 Q. How often does he meet with her?

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1 **A. It's based on their schedules and based on their**
2 **decisions and needs.**
3 Q. Is it weekly?
4 **A. No, it's not weekly.**
5 Q. Is it monthly?
6 **A. It could be.**
7 Q. Do you or Micah or your family receive any financial
8 support for the fees that are paid to Oakland
9 University?
10 **A. No. We receive no financial support from anyone for**
11 **the fees that we paid -- for the tuition that we pay**
12 **of well over \$10,000 per year. It's called tuition.**
13 **It's not called fees, sir.**
14 Q. You're not eligible for any kind of federal financial
15 aid, are you, or your son?
16 **A. I have never applied for financial or federal aid for**
17 **Micah.**
18 Q. You know that you're not eligible for that. Isn't
19 that true?
20 **A. I don't know that. Do you know that?**
21 Q. In a deposition, I ask the questions, sir.
22 **A. I see. Thank you. But you assumed I knew it, so I**
23 **didn't understand. So it wasn't a question.**
24 Q. So Professor Wiggins decided to try to develop the
25 OPTIONS program. Correct?

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1 **A. Professor Wiggins instituted a series of monthly**
2 **meetings with parents, with professionals, with people**
3 **from Oakland Schools, with people from other school**
4 **districts to discuss what the OPTIONS program would**
5 **be.**
6 Q. Were you involved in those meetings?
7 **A. I went to a couple of them, yes.**
8 Q. How many?
9 **A. I would say a couple of them I went to.**
10 Q. Do you recall when?
11 **A. I don't remember which ones I went to.**
12 Q. What was discussed at these meetings that you
13 attended?
14 **A. At those particular meetings, they discussed the**
15 **contributions O.U. had versus the contributions that**
16 **Oakland Community College had, because they had a**
17 **speaker from Oakland Community College there one time.**
18 **They discussed developing their purposes and**
19 **principles to guide the OPTIONS program. I can't**
20 **recall anything in particular.**
21 Q. And ultimately, the OPTIONS program was started?
22 **A. The OPTIONS program was started, and the OPTIONS**
23 **program was started, I think, in September of 2007.**
24 **So I guess the meetings I went to were in the spring**
25 **of 2007, possibly the fall of 2006. And the -- in the**

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1 **spring of 2007, before the OPTIONS program came about,**
2 **the discussions that I often had with Professor**
3 **Wiggins were that once we paid tuition, he would have**
4 **the opportunity to live in the dormitory because he**
5 **would be a full student.**
6 Q. And we'll get to that in a moment.
7 During this process of starting up the
8 OPTIONS program, did you see or review any documents
9 or see any documents regarding the program?
10 **A. I received the minutes and calls for the meetings that**
11 **Bob would send out.**
12 Q. These are the minutes of the Advisory Board?
13 **A. Yes.**
14 Q. Anything else?
15 **A. I don't -- can't recall.**
16 Q. And at some point, you signed up for -- or Micah
17 signed up to be a participant in the program.
18 Correct?
19 **A. That's correct.**
20 Q. Did you review any documents while that was occurring?
21 **A. We went to some meeting in the spring of 2007, I**
22 **think, late spring, but I don't remember what the**
23 **documents say or what they looked like.**
24 Q. Would there be an application form or something like
25 that?

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1 **A. They were very basic, typewritten pieces.**
2 Q. Did you ever see a brochure about the OPTIONS program?
3 **A. I have seen OPTIONS program brochures.**
4 Q. Prior to September of '07, did you see any brochures?
5 **A. They were Transitions' brochures, and I think Micah's**
6 **picture was on the brochure, if I remember correctly.**
7 Q. So I'm asking about the OPTIONS brochure in
8 particular. Do you recall the first time that you --
9 **A. The first time I saw it, no, I don't recall the first**
10 **time I saw it.**
11 Q. Do you recall whether it was before or after Micah
12 actually applied to be a part of the program?
13 **A. I don't recall.**
14 Q. When is the first time that the topic of housing -- of
15 your son living in university housing came up, to your
16 recollection, or the OPTIONS program or OPTIONS
17 participants in general?
18 **A. It came up definitely at the PCP, in the**
19 **person-centered planning, in the spring of 2007. It**
20 **came up in conversations that I had with Bob Wiggins**
21 **at Starbucks Restaurant as well as other**
22 **conversations, where the whole premise of now paying**
23 **tuition of -- Bob's whole goal was to get the students**
24 **from being what he called guest students in the**
25 **Transitions program to full students, fully enrolled**

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1 students paying tuition, and once they could make that
2 change, he would be eligible for housing, and that's
3 why Bob brought and introduced Lionel Maten to our
4 person-centered planning, and that's where the journey
5 was going. It was the journey to full inclusion, the
6 full college experience, including housing.

7 Q. Who was talking about this issue of needing to be a
8 fully enrolled student as a condition for being in the
9 university housing?

10 A. Bob. Bob Wiggins.

11 Q. What did he say about that?

12 A. Essentially, that once Micah was paying full tuition,
13 all the obstacles to housing, to having to get any
14 extra clearance to use any of the services would all
15 go away. Everything would be opened to Micah,
16 including housing.

17 Q. And in his opinion, that's what he told you would
18 happen?

19 A. In his opinion, as the highest person we were dealing
20 with at the university, at Oakland University. He was
21 the spokesperson of the university.

22 Q. And why -- who is equating -- sorry.
23 What is your understanding as to what
24 "fully enrolled" means?

25 A. "Fully enrolled" meant that Micah would be paying full

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1 tuition --

2 Q. That's the only --

3 A. -- as every other student, and would be eligible,
4 because O.U. and Bob Wiggins had a belief and a vision
5 that inclusive education at the college level for kids
6 with cognitive disabilities meant the full college
7 experience and that housing was part of that
8 experience.

9 Q. Is it your view, sir, that just paying full tuition
10 means that you're fully enrolled in the university?

11 A. What's the question?

12 Q. Is it your position, is it your view that just as
13 anyone pays full tuition, they're automatically fully
14 enrolled?

15 A. No. It was Bob Wiggins' position that the OPTIONS
16 program, when instituting full payment and tuition,
17 would open up housing for students with cognitive
18 disabilities to live in the dormitory. That's what
19 opened the door to this entire discussion. It was not
20 anybody else.

21 Q. So you did not want to --

22 A. Oh, we wanted it.

23 Q. -- live in the dorms?

24 A. Micah wanted to live in the dorms. No question about
25 it. But what made it an agenda item is your

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1 university putting it on the front burner of the
2 agenda once the OPTIONS program became a reality.
3 That's what made it the issue.

4 Q. Because Dr. Wiggins wanted to see if it were possible
5 to happen?

6 A. Because Dr. Wiggins and his commitment to inclusive
7 education and the journey that he had been part of
8 with our family and with other families at Oakland
9 University was to go towards that and reach that goal.

10 Q. Okay. Now, you understand that the OPTIONS -- the
11 individuals participating in the OPTIONS program don't
12 earn any college credit for the courses that they
13 attend. Is that true?

14 A. Micah does not earn college credit for the courses
15 that he attends, that's correct, which was not very
16 significant, because education to me and education to
17 Bob and education to anybody who lives in the 21st
18 century is not about credits. It is about people
19 growing and having the opportunity to reach their
20 potential. And Bob Wiggins understood, as Dean Otto,
21 when she implemented the program, understood that
22 education for students with cognitive disabilities and
23 all the higher-act education programs that are now
24 coming out from the federal government are about
25 individuals reaching their human potential. That's

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1 what education is about. It's not about credits.

2 Q. Or grades?

3 A. It's about human beings growing to the best of their
4 ability to reach their human potential.

5 Q. You said Dean Otto believed that?

6 A. I think she was very excited from those early meetings
7 about the possibility of what inclusive education
8 could mean.

9 Q. What is the basis of your knowledge of what Dean Otto
10 believed?

11 A. Just the conversations and the warmth in which --

12 Q. Conversations with who?

13 A. With Dean Otto and, you know, in the very beginning.
14 And, basically, she was Professor Wiggins' boss, so I
15 didn't assume that Professor Wiggins was doing
16 anything without his boss being aware of it.

17 Q. You said there was a meeting with Lionel Maten.
18 Correct?

19 A. Yes.

20 Q. How many times did you meet with him?

21 A. I met with Lionel -- Lionel came to the
22 person-centered planning in the spring of 2007. I had
23 the chance to meet him when Micah was given the tour
24 in the fall -- in the spring of 2007. I had the
25 chance to meet Lionel in the fall of 2007 at the O.C.,

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1 **when I had just -- I was either picking up Micah or**
2 **dropping him off, and we had a chance to talk there.**
3 **So I would say three times I had the chance to have**
4 **conversations with Mr. Maten.**
5 Q. Okay. What was the first conversation? At the PCP, I
6 think you said it was.
7 **A. The first conversation at the PCP was him being very**
8 **warm and very excited that he could be part of this**
9 **process of attending the PCP. He talked about his**
10 **experience at Wright University and working in**
11 **disability services, and there is a part of me -- and**
12 **I might be wrong, but there is a part of me that**
13 **thinks he referenced having a nephew or niece with a**
14 **disability and having some sense of sensitivity**
15 **towards what it meant to be a relative of a parent,**
16 **and then he warmly welcomed us to the housing**
17 **office --**
18 Q. Okay.
19 **A. -- and introduced us to the student who gave us the**
20 **tour --**
21 Q. I'm still talking about the first meeting. Let's not
22 go to the second one yet.
23 Is there anything else he said in that PCP
24 meeting that you recall?
25 **A. Just that he was glad to be part of the process.**

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1 Q. Do you recall him saying that to be in the dorms, the
2 individual has to be a student?
3 **A. Not at all. And subsequently, he was at the meeting**
4 **where it was all about paying tuition and the OPTIONS**
5 **program being eligible. He never said that to me.**
6 Q. Okay.
7 **A. And Micah was a student. Micah was an enrolled**
8 **student, so --**
9 Q. Now, the PC [sic] process is controlled by whom?
10 **A. PCP. It's person-centered planning. The PCP process**
11 **is controlled or organized by Micah and Kim Dembrosky.**
12 Q. Who is that?
13 **A. Kim Dembrosky is Micah's MORC advocate, Macomb-Oakland**
14 **Regional -- MORC something. The two of them invite**
15 **people from the university, they invite peers, they**
16 **invite students, we invite community people, and it's**
17 **a way to assess Micah's previous year and make plans**
18 **for his upcoming year. It's a way -- it's an expanded**
19 **version of what is called the Circle of Friends,**
20 **Circle of Support, and the IEP -- where folks from the**
21 **community get involved in discussing the possibilities**
22 **and the obstacles that need to be overcome.**
23 Q. So it is not a university event? The university
24 doesn't control and run the program?
25 **A. The university does not control it. They did have**

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1 **representatives there.**
2 Q. They were invited by you and your family and the
3 school, or MORC, to attend?
4 **A. That's correct.**
5 Q. And they did?
6 **A. That's correct. They were invited by us to attend.**
7 Q. Just as other community members who were invited
8 attended?
9 **A. That's correct.**
10 Q. Okay.
11 **A. And they come as people who know Micah as well as**
12 **spokespersons for the particular responsibility they**
13 **have, because that's why they were invited.**
14 **MARKED BY THE REPORTER:**
15 **DEPOSITION EXHIBIT 1**
16 **3:42 P.M.**
17 **BY MR. BOONIN:**
18 Q. Before you is a document that has been marked as
19 Exhibit 1. That's a three-page document that was
20 provided to us through your attorney. It appears to
21 be a PCP report or summary of some event. Do you
22 recognize this?
23 **A. Let me read it for a minute here.**
24 **Okay. I know it is part of -- it looks**
25 **like it is part of a MORC thing. Is that right?**

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1 Q. Well, it has to do with PCP.
2 **A. It must be MORC. Okay.**
3 Q. It is something that you provided.
4 Does this reflect what was discussed at
5 that meeting?
6 **A. The concept of replacing guest student status with**
7 **enrollment to increase access to community housing,**
8 **supports, and services, I think that was part of the**
9 **discussion.**
10 Q. And that would be explored, according to what it says
11 on the first page. Correct?
12 THE WITNESS: Is that the same thing?
13 MR. DAVIS: Appears so.
14 THE WITNESS: Oh, okay.
15 **A. Well, the PCP isn't in a position to force anybody to**
16 **do anything.**
17 **BY MR. BOONIN:**
18 Q. Okay. In looking at the last page under "Obstacles,"
19 it says, "Oakland University needs to develop a policy
20 to allow Micah to enroll as a registered student
21 before he will be able --"
22 **A. There's the page. I'm sorry?**
23 Q. "-- to access campus housing/services support," toward
24 the bottom of the page under "Obstacles."
25 **A. That's correct.**

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1 Q. So that was discussed at that meeting?

2 **A. Absolutely. The whole concept of registering -- I'm**

3 **not sure that the phrase "registered student," what**

4 **that actually means. To us, what it meant was that he**

5 **would be paying full tuition and no longer be a guest**

6 **student. That's what it meant with the discussions**

7 **with Bob and Mr. Maten.**

8 Q. That was your understanding?

9 **A. No, that was Bob's understanding, and that's why Bob**

10 **was so -- let me take a deep breath -- why Bob was so**

11 **surprised when he got the e-mail, when Vice President**

12 **Snyder or somebody said, no, no, no, you've gone too**

13 **far.**

14 **So let's be very clear what happened. You**

15 **may disagree, and I don't have a problem with that --**

16 Q. I'm not arguing with you today.

17 **A. I'm not arguing.**

18 Q. You have answered the question.

19 **A. What was the question?**

20 Q. I think you have already answered it.

21 **A. What was the question, so I make sure I did?**

22 Q. That this was discussed at the meeting.

23 **A. What was discussed at the meeting very clearly was**

24 **that once Micah started paying full tuition, he would**

25 **move from a guest student to a registered student and**

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1 **be eligible for housing. That was very clear, and**

2 **that's why we moved forward with the application.**

3 MR. DAVIS: I would like to take a break

4 for a moment.

5 MR. BOONIN: Not quite yet, if we can

6 finish this line. Can we?

7 MR. DAVIS: Let's take a break for a

8 moment. Just real quick.

9 MR. BOONIN: Go ahead.

10 (Recess taken at 3:46 p.m.)

11 (Back on the record at 3:52 p.m.)

12 BY MR. BOONIN:

13 Q. You understand you're still under oath?

14 **A. Absolutely, sir.**

15 Q. You said that you next met with -- or had an

16 opportunity to meet with Mr. Maten when he arranged

17 for you to take a tour --

18 **A. That's correct.**

19 Q. -- of the housing?

20 **A. That's correct.**

21 Q. So what was his involvement in those arrangements, to

22 your knowledge?

23 **A. We had a couple of e-mails back and forth to arrange**

24 **the tour of he and Micah, or Micah, he, and myself.**

25 **I'm not sure if I was cc'd or not. We met -- I met**

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1 **with Micah at the university. We walked over to his**

2 **housing office. He welcomed us -- warmly welcomed us,**

3 **introduced us to a student. We went on a tour with**

4 **the student; saw the dormitory. I think we saw two,**

5 **possibly three different kinds of rooms, and then we**

6 **returned to the office and thanked Mr. Maten for the**

7 **tour, and that was it.**

8 Q. And was there anything else discussed about housing or

9 housing eligibility by Mr. Maten at that time?

10 **A. Nothing by Mr. Maten. I might have had with him -- I**

11 **probably did have with him -- the conversation that I**

12 **often had, and Bob Wiggins, that we often had, was**

13 **that Micah was not going to displace a full student**

14 **enrolled, matriculating student, in the fall of the**

15 **year and understood that he would be given the chance**

16 **to live in the dormitory when there was available**

17 **space, which we understood to be in the winter term;**

18 **so we always understood that.**

19 Q. Why did you have that understanding?

20 **A. Because that was the conversation that we always had**

21 **with Bob and that we always had with Mr. Maten, that**

22 **he was not put on the waiting list as such. He would**

23 **not -- it would be after -- when there was openings in**

24 **the dormitory, opportunities, he would have a chance**

25 **to be there, because he was now paying full tuition**

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1 **and was now a fully enrolled student.**

2 Q. But he would be only eligible if only all of the other

3 matriculating students had a room?

4 **A. That was our understanding, and we had no problem with**

5 **that, and that's why we were so shocked when**

6 **everything changed.**

7 Q. And when do you believe that you discussed that with

8 Mr. Maten, if at all?

9 **A. After the PCP had that conversation -- had that**

10 **conversation on the phone with Mr. Maten --**

11 Q. Do you recall saying that to him, or do you just

12 believe because you said that to other people that you

13 probably said that to him?

14 **A. No, I had that conversation, because we asked the**

15 **questions, how does it look for housing, how does**

16 **it -- how long is the waiting list, what's happening.**

17 **And as it got towards the winter, you know, we were**

18 **curious to see how the housing numbers were going.**

19 Q. You applied in --

20 **A. In the fall. The fall for the winter term, right. So**

21 **as the fall discussions came up, you know, we were**

22 **curious to see, you know --**

23 Q. How many discussions did you have with Mr. Maten?

24 **A. Just a couple.**

25 Q. And by telephone or by e-mail or other?

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1 **A. All of the above.**
2 Q. And you said that you believed you talked to him at
3 the PCP meeting. You said that you had a discussion
4 with him when you went there for the tour, and you
5 said that you had a discussion with him once when you
6 bumped into him at the O.C.?
7 **A. That's right. That was in person. Those were in**
8 **person. Then we had e-mails and phone conversations**
9 **as well.**
10 Q. How many telephone conversations?
11 **A. A couple.**
12 Q. And were they prior to the tour or after the tour?
13 **A. I can't recall.**
14 Q. Was your wife involved in any of these discussions
15 with Mr. Maten?
16 **A. No. The division of labor, I was taking**
17 **responsibility for the housing, setting up the tour**
18 **with Micah and Mr. Maten, or following up on that.**
19 Q. You said there were e-mails that you had with
20 Mr. Maten?
21 **A. Uh-huh. Yes. There were e-mails.**
22 Q. Do you have copies of those e-mails?
23 **A. I doubt it. It was many years ago. I don't keep**
24 **e-mails that are three or four years old.**
25 Q. And then the next time you saw him was at the O.C.,

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1 which is the student union. Correct?
2 **A. It was the next time I talked with him. I might have**
3 **seen him somewhere else, but that was the next time I**
4 **talked to him.**
5 Q. What did you discuss at that time that you met with
6 him at the O.C.?
7 **A. Essentially that we were looking forward to the**
8 **housing opportunity in the winter.**
9 Q. When was this discussion?
10 **A. The fall of 2000 -- 2007?**
11 Q. So before or after Micah applied for housing?
12 **A. Before.**
13 Q. Do you know who at the university is responsible for
14 housing policies and housing operations?
15 **A. Now I know. It's Vice President Snyder. Did I know**
16 **then who was responsible? No.**
17 Q. Did you have any idea who was responsible?
18 **A. I assumed Mr. Maten was the Director of Housing and**
19 **that Mr. Maten, plus the Chairman of Education --**
20 **Department of Education -- that's not called the**
21 **Department of Education. Bob Wiggins was the**
22 **Assistant Dean or --**
23 Q. Associate Dean of the School of Education?
24 **A. School of Education. I'm sorry. School of Education.**
25 **Between the two of them, they were pretty high**

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1 **officials capable of representing the university's**
2 **position.**
3 Q. You understood, though, that Professor Wiggins was not
4 the housing person? You understand that, didn't you?
5 **A. I understood that Professor Wiggins was the person**
6 **driving the OPTIONS program towards a fully inclusive**
7 **college experience which included housing as part of**
8 **his desire, as a spokesperson for the university, and**
9 **that Maten was the Director of Housing, and the two of**
10 **them sat in that meeting in the spring of 2007, giving**
11 **hope to a new step in this journey for inclusion.**
12 Q. Was anything else said at that PCP meeting that you
13 have not already testified to?
14 **A. I'm sure there were a lot of other things said, but**
15 **that's what I -- I'm sure we talked about his classes**
16 **and we talked about other things but --**
17 Q. With respect to housing.
18 **A. Oh, with respect to housing? Not that I can recall.**
19 Q. Now, have you, your wife, or your son been looking
20 into other housing options for Micah while he has been
21 participating in the OPTIONS program?
22 **A. There was a short moment -- there's two stages to**
23 **that. Immediately after the university took the**
24 **position that he could not live in the housing, the**
25 **dormitory, there was some discussion with Bob and Lea,**

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1 **who worked in the OPTIONS program, about finding some**
2 **apartments, but when I called Lea, she was very clear**
3 **that these apartments were a disgrace and were not**
4 **worth pursuing. So we did not have any further**
5 **discussion with people from O.U. about housing.**
6 **Since that time, Micah had put up some**
7 **flyers, looking for -- while he is waiting to live in**
8 **the dormitory, waiting for the opportunity for that to**
9 **happen, has put up some flyers, looking to see if**
10 **there is someone who would like a roommate so he can**
11 **move forward on this other part of a more fully**
12 **inclusive life.**
13 Q. And when did he post these flyers?
14 **A. Say last spring, the spring of 2009.**
15 Q. Any other time that he was seeking a roommate?
16 **A. Well, on the day of this PCP, where Bob had sent the**
17 **e-mail saying that he had bad news and was very**
18 **saddened and disappointed, that the housing**
19 **opportunity was going down the drain -- my words, not**
20 **his -- at that meeting --**
21 Q. I'm sorry. That was at a PCP meeting?
22 **A. Oh, that was the next PCP meeting --**
23 Q. Okay.
24 **A. -- in November of 2007, or December -- it must have**
25 **been the winter. It was getting towards the winter,**

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1 Q. I'm sorry. You don't recall the person's name at all?
2 **A. That's correct. You will have to ask Micah.**
3 Q. Do you recall where she lived?
4 **A. One of the big dormitories. I forget which one.**
5 Q. Do you know which one?
6 **A. No, I don't.**
7 Q. Do you know how long she was here?
8 **A. A semester or a year. I forget if it was a semester**
9 **or a year. You can ask Micah, and he'll give you the**
10 **information at trial.**
11 **See, I think he was correct where he**
12 **acknowledges that Micah selected night classes -- oh,**
13 **that's me. Micah selected night classes and a.m.**
14 **classes based on that he would be in the dormitory**
15 **commitment.**
16 **So I wonder where he got that commitment.**
17 **Why would he take a night class and an 8 o'clock class**
18 **if it wasn't because everybody at the university said**
19 **he would be living in the dormitory? I just want you**
20 **to know who started this discussion.**
21 **MARKED BY THE REPORTER:**
22 **DEPOSITION EXHIBIT 5**
23 **4:52 P.M.**
24 **BY MR. BOONIN:**
25 Q. Before you is a document marked as Exhibit 5. It's

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1 right there, Mr. Feldman.
2 **A. I won't write on it.**
3 Q. Do you recognize it?
4 **A. It is from Kathryn Miller to me, and Kathryn Miller, I**
5 **guess, was somebody I met through Micah who did**
6 **something at Oakland University as a student. I think**
7 **she was an R.A. Is that right? Let's see.**
8 Q. How did you get in touch with her? How do you know
9 her?
10 **A. I'm reading. Sorry. How we met her? I think she --**
11 **either Micah knew her as an R.A., or she may have been**
12 **the young woman who Micah and I met, having dinner at**
13 **one of those restaurants across from the university,**
14 **and I think she was a waitress and we were starting --**
15 **Micah introduced me and we were talking, so --**
16 **I'm not sure how we met her.**
17 Q. Do you know what prompted this e-mail?
18 **A. Why I wrote this?**
19 Q. Yes.
20 **A. I think it's pretty obvious. She indicated to me in**
21 **our conversation that she was either an R.A. at some**
22 **point or lived in the dormitory, and I asked if she**
23 **knew of folks that would contradict this new policy**
24 **that was being initiated and created out of the blue,**
25 **post tour, post application, post everything, around**

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1 **this B.A. stuff. So we were writing around trying to**
2 **get more information, and this is what she wrote back.**
3 Q. Have you had any contact with her since receiving
4 this?
5 **A. I don't think so, no. No.**
6 Q. Do you know where she is now?
7 **A. Not a chance. Don't have the slightest idea.**
8 Q. Do you expect her to testify at this trial?
9 **A. I don't make the decision of who testifies at the**
10 **trial.**
11 Q. Do you have -- are any of the people that she is
12 referring to in here the Turkish student that you were
13 talking about? Do you know?
14 **A. No.**
15 Q. You don't know or --
16 **A. No, they're not.**
17 Q. Do you have -- sorry.
18 Is it fair to say you and your wife and
19 Micah developed a campaign to try to get the
20 university to change its mind?
21 **A. It is with great honor that we tried to figure out how**
22 **to get to yes with the university, by meeting with**
23 **Vice President Snyder, by sending letters of support,**
24 **trying to figure out what was the real issue. Little**
25 **did I know that you changed the application.**

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1 Q. Pardon me?
2 **A. Little did I know that the university changed the**
3 **application on the website to create different**
4 **criteria afterwards.**
5 Q. It has been your effort, your desire to have the
6 university waive the matriculated student requirement?
7 **A. There was never a matriculated requirement for**
8 **students based on the application that Micah filled**
9 **out.**
10 Q. But you really have no personal facts to establish
11 that there was -- there has not always been a
12 matriculation requirement. Isn't that true?
13 **A. I do know that English-as-a-Second-Language students**
14 **would live in the university housing, when it was**
15 **available, and I know there was also never an OPTIONS**
16 **program raising this question. So the whole**
17 **discussion is very different from what you're raising,**
18 **as though the world was the same pre-OPTIONS program.**
19 Q. So the application that you signed was developed
20 before there was ever an OPTIONS program, as far as
21 you know?
22 **A. The application we signed was based on Professor**
23 **Wiggins being very clear that once we started paying**
24 **full tuition, Micah would be eligible to live in the**
25 **housing, and that's why he had a move-in date, that's**

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1 **why you took his money, that's why Bob was so**
2 **distraught that it took place, and that's why you come**
3 **up with this amazing story post -- post December of**
4 **that year.**
5 Q. Now try to answer question.
6 **A. What is your question?**
7 MR. BOONIN: Read the question back.
8 (The requested portion of the record was
9 read by the reporter at 4:57 p.m.:
10 Q. So the application that you signed was
11 developed before there was ever an OPTIONS
12 program, as far as you know?)
13 **A. I don't know when that application was developed. I**
14 **just know what I signed and what appeared on that**
15 **piece of paper.**
16 **BY MR. BOONIN:**
17 Q. And other than this one ESL student that you can't
18 remember the name of, tell me where she lived, you
19 know of no other non-matriculated student who has
20 lived in the dorm. Isn't that true?
21 **A. No, that's not true either. I said I know of one**
22 **student from Turkey. I also know there are English As**
23 **a Second As a Language, a whole department, that used**
24 **to have students stay at the university, and the**
25 **policy was recently changed after you changed the**

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1 **application process, and this has been discussed at**
2 **the board meetings.**
3 Q. Why do you believe that the
4 English-as-a-Second-Language students who were guests,
5 is what you're saying, were allowed to live in the
6 dorms? What facts do you have to support that belief?
7 **A. Because it says on the application, pre-December 2008,**
8 **on those applications, when housing is available, you**
9 **can live in the housing. That's what folks did. And**
10 **if you talked to anybody in the department -- ask the**
11 **legal counsel to talk to people in the department**
12 **about what the policy was and what was happening, and**
13 **now how you've created a more detrimental policy.**
14 Q. Who have you -- have you talked to someone in the ESL
15 department?
16 **A. I just saw some letters of the changing of the**
17 **application for English as a Second Language from one**
18 **year to the next, as this whole story has evolved for**
19 **O.U. to keep Micah out.**
20 Q. So your belief, sir, is that the OPTIONS students are
21 the same as English-as-a-Second-Language students?
22 **A. Uh-uh-uh-uh. Not at all do I think the OPTIONS**
23 **students are the same as the**
24 **English-as-a-Second-Language students. I think the**
25 **University, had an OPTIONS program. I think that the**

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1 **university, under the leadership of Bob Wiggins and**
2 **the Director of Housing had a clear understanding that**
3 **Micah could live in the dormitory based on the fact**
4 **that he was now a fully enrolled student, paying full**
5 **tuition, and then for some reason, this Mary Beth**
6 **Snyder with legal counsel and anybody else who got**
7 **involved decided there was something dangerous or**
8 **scary or discrim -- or unhealthy, that Micah should**
9 **not live in the dormitory.**
10 Q. Okay. And other than fact that the application form
11 changed, do you have any facts that would support that
12 belief?
13 **A. I think that Ms. -- Ms. Mary Beth Snyder, when she**
14 **spoke at the November meeting on -- a November board**
15 **meeting, begins to very clearly state that Micah will**
16 **be an added problem, is not capable of living in the**
17 **dormitory, and there is something about his disability**
18 **that makes it not a good idea for him to be in O.U.**
19 **housing, and she begins to make some statements. I**
20 **can remember hearing her after the extensive**
21 **conversations that other people put forward about why**
22 **Micah couldn't live in the dormitory and why they**
23 **needed to change this policy. After -- two months**
24 **after, Richard Bernstein and Liz Bauer believed that**
25 **their statements at the previous board meeting would**

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1 **lead to getting to yes. We had always believed that**
2 **we could get to yes and we could find a pilot program;**
3 **we could find a way that Micah could live in the**
4 **dormitory.**
5 Q. Other than the statement that Vice President Snyder
6 made to the Board of Trustees, are you aware of any
7 other facts that would support your contention that
8 the application form, the contract form, was changed
9 for reasons other than what the university has said?
10 **A. I think when Janice and I met with Vice President**
11 **Snyder in August of 2008 -- Micah met with her in the**
12 **spring, and Mr. Maten, and then Janice and I met with**
13 **Vice President Snyder in August, that when she -- the**
14 **meeting started at 8:30, and when she handed us the**
15 **application, and she said the application says Micah**
16 **cannot live in the dormitory, he is not eligible, she**
17 **knew that she was giving me a different application**
18 **form. So she knew that she had changed the**
19 **application form on the web, and she knew, and it's so**
20 **sad that she understood exactly what she was doing.**
21 **She thought she could win this argument based on the**
22 **application form, and now that isn't working enough,**
23 **so you come up with all these other stories to figure**
24 **out how to come up with housing discussions and**
25 **academia and other garbage.**

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1 Q. What happened during that meeting that you just
2 described? I think you said it was in November, or
3 August. August?

4 **A. It was August of 2008. Janice and I wanted to meet
5 with Vice President Snyder.**

6 Q. Is that the only time you met with her?

7 **A. The only time we have met with Dr. Snyder.**

8 Q. Okay.

9 **A. We wanted to meet to see if there was any way that we
10 could find a way to have a conversation or what we
11 would say to get to yes so Micah could have an
12 opportunity to live in the dorm without them having to
13 change all their policies or accept the changed
14 policy, or whatever they were coming up with at this
15 point, and it wasn't five minutes into the
16 conversation that it was clear it was not a
17 conversation. It was just them allowing us to be in
18 the room with the two of them, and during the
19 conversation, you could see that Mr. Maten was in the
20 office with his vice president, and he had made a big
21 mistake, because out of his mouth came this absurd
22 discussion that he never knew Micah really wanted
23 live in the dormitory; he only thought Micah wanted to
24 learn to cook in the dormitory. And both Janice and I
25 looked at him and said, what are you talking about?**

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1 **This isn't about cooking. But they were making up
2 stories.**

3 Q. What else was said during the meeting?

4 **A. What else was said? We talked a lot about how this
5 was a benefit to both Micah and to the other students,
6 that other students learn a tremendous amount from
7 Micah's participation in their classes and would learn
8 a tremendous amount from living in the same dormitory
9 with Micah, that Micah was clearly capable of living
10 in the dormitory, that O.U. had an opportunity to take
11 another step forward in this journey for pioneering
12 inclusive education, because the film had received
13 such wonderful praise and respect around the country,
14 and we let Mrs. -- Ms. Snyder know that we would be
15 pursuing whatever means were necessary to support
16 Micah's dream and his right to live in the dormitory,
17 and we would be going to the board meetings, and that
18 was -- we wanted to be very up front what we were
19 going to do, because we believed in the principled
20 discussion about this.**

21 Q. What did she say?

22 **A. I don't remember anything of substance.**

23 Q. You don't remember her saying anything during the
24 meeting?

25 **A. Just that that was the policy.**

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1 Q. What did she tell you the policy was?

2 **A. That he was not a matriculated student.**

3 Q. Other than what you have already testified to today,
4 do you have any facts that would suggest that that's
5 not the true reason?

6 **A. What's the question?**

7 Q. Other than what you have already testified to today,
8 are you aware of any facts that would support --

9 **A. Yes.**

10 Q. -- a belief that that's not a true statement?

11 **A. Absolutely. Professor Bob Wiggins and Lionel Maten
12 were both very clear that Micah was an enrolled
13 student at the OPTIONS program and that he would be
14 eligible to live in the dormitory based on us paying
15 full tuition. That's the facts.**

16 Q. You already testified to that. Are there any other
17 facts?

18 **A. No. Those are the facts.**

19 MR. DAVIS: Can we take a break here?

20 MR. BOONIN: Sure.

21 (Recess taken at 5:07 p.m.)

22 (Back on the record at 5:16 p.m.)

23 BY MR. BOONIN:

24 Q. Do you know who Henry Baskin is?

25 **A. Henry Baskin is the Vice Chairman of the Board of**

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1 **Oakland University, Board of Trustees.**

2 Q. You sent him a number of correspondence, a number of
3 items?

4 **A. That's correct.**

5 Q. Why did you send items to him?

6 **A. Because Richard Bernstein, who I talked with,
7 suggested that Mr. Baskin was on the board and might
8 be of interest and supportive of Micah's case. So I
9 put together a package of -- a package very similar to
10 what we sent to Vice President Snyder, and that's why.**

11 Q. Did you get a response?

12 **A. I think we spoke once on the phone, and then I never
13 met with him to have a conversation. I met -- I saw
14 him for the first time at the November Board of
15 Trustees meeting, so I did not give any kind of
16 substantive response, other than I've got your
17 materials.**

18 Q. And that was over the phone?

19 **A. I got -- on the phone or from the secretary. I'm not
20 sure. It was so insignificant.**

21 Q. Have you had contact with any of the other trustees at
22 the university?

23 **A. At the board meetings, and we sent packages of
24 materials to all of the Board of Trustees folks, and I
25 wanted to have a conversation with the chairman of the**