

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MICAH FIALKA-FELDMAN

Plaintiff,

Case No. 2:08-cv-14922-PJD-VMM

v.

Hon. Patrick J. Duggan

OAKLAND UNIVERSITY BOARD
OF TRUSTEES

Defendant.

_____ /

AFFIDAVIT OF MICAH FIALKA-FELDMAN

STATE OF MICHIGAN)

)ss

COUNTY OF WAYNE)

I, Micah Fialka-Feldman, being duly sworn, deposes and says as follows:

1. I am Micah Fialka-Feldman. I am 24 years old with a cognitive impairment. I have attended Oakland University since 2003. The following statements are made and based upon the best of my personal knowledge, information, and belief.
2. Beginning in the fall term of 2007, I have been a member in the OPTIONS Program at the University. I am an original member of the OPTIONS program. The program was designed for students with cognitive impairments that could not be admitted to the University through the regular admissions process. As I understood it, this program was to provide a fully inclusive college setting. This was so that students like myself could attend the University and take classes with other students my age.
3. In the Fall term 2008, I took 15 credit hours of course work at Oakland University. I have a student identification card which states I am a student. Additionally, I participate in several school activities; member of Alpha Phi Omega fraternity, member of Hillel student organization, member of the leadership retreats at OU, Up Until Dawn, and was active in the student government election 2008. I also previously participated in the University Peace group and the Social Work Club.
4. My parents help in several ways but most importantly they pay my tuition at Oakland University. This is the same rate of tuition that all the other students at

the University pay. I do not see why I am not entitled to all the services of the University the same as other students.

5. I want the same right to live on-campus just as other students have. I take two buses each day to school. This really becomes difficult in the winter time. I do not understand why I am being forced to do this when other students have the option of living on-campus.
6. This is why I asked to live on-campus. With winter here, it is important for me to live on-campus. Prohibiting me from living on-campus causes me considerable hardship and difficulty. This could be prevented if I was admitted to the dorms in January, 2009, for the next semester.
7. I am prepared and ready to live in a dorm. My father and I took a tour of the dorms in 2007. In addition I have had sleep-overs with some friends who live on campus so that I could experience what it's like living on campus. I do not believe I need any special supports to live in the dorm.
8. I applied to live on campus in 2007, and I was approved on November 14, 2007. Then just two weeks later on November 29, 2007, the University told me I was not eligible. This was despite the fact that my family and I talked with University officials numerous times over the previous six months about me wanting to live on campus. At no time did any of them say I was not eligible to live on-campus. In fact, they approved my application and then told me I was not eligible.
9. My family, friends and I have asked University officials numerous times to reconsider their decision. They have refused. We have even gone directly to the Board of Trustees and still the University refuses to change or modify its policy.
10. I do not understand Oakland University's actions and I feel they do not want me to live on-campus because of my disability.

If called as a witness and sworn, I am competent and fully able to testify to the matters stated herein.

MICAH FIALKA-FELDMAN

Micah Fialka-Feldman

Subscribed and sworn to before me
this 11th of December, 2008.

Verna L. Lehane
Verna L. Lehane Notary Public
Wayne County, State of Michigan
My Commission expires: *Jan. 26, 2015*
Acting in Oakland County