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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 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.**