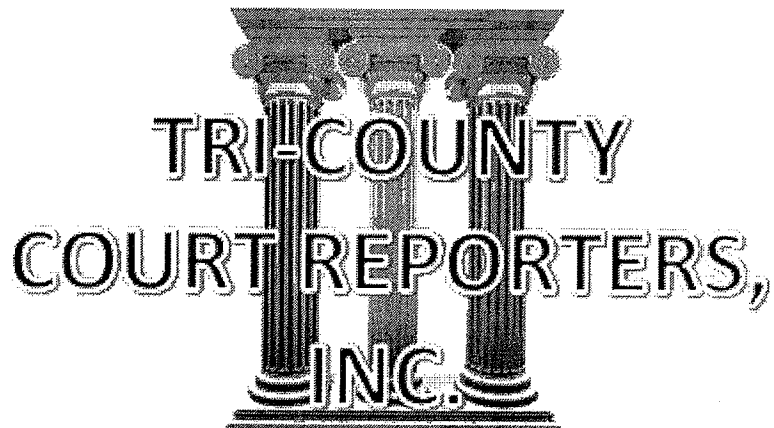


EXHIBIT 5



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Transcript of the Testimony of **Mary Beth Snyder**

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Volume: I

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Deposition of Mary Beth Snyder

1 nonuniversity individuals or university employees?
 2 Q. I'm asking at this point about families of students at the
 3 university.
 4 A. I didn't receive any e-mails.
 5 Q. How about from faculty or staff at the university?
 6 A. Not, I don't recall getting e-mails.
 7 Q. How about letters or correspondence?
 8 A. I don't recall any formal letters or correspondence.
 9 Q. From staff or faculty?
 10 A. From staff or faculty.
 11 Q. How about from parents?
 12 A. I don't recall any.
 13 Q. Did you get any letters, e-mails, or correspondence from
 14 students saying they didn't want OPTIONS participants in on
 15 campus housing?
 16 A. I don't recall receiving any from students.
 17 Q. Would there be a record kept of any of these type
 18 correspondence, either electronic or in written form?
 19 A. It's possible.
 20 Q. Would you have kept a record?
 21 A. I might have kept a record if I received those kinds of
 22 correspondence that you're talking about.
 23 Q. Did you have any conversations with students, faculty, or
 24 staff about OPTIONS participants when they expressed, don't
 25 have them in campus housing?

1 magnitude, when we had never operated in the past by
 2 allowing nonmatriculated students in an academic degree
 3 program to live in university housing. That was the
 4 conversation that went on.
 5 Q. Going back to financial burden on the university. It's
 6 been suggested that it might create some space problems in
 7 terms of the need for more rooms or that, do you see that
 8 as a problem?
 9 A. It has been a problem in the past three years, that space
 10 has been limited. And having individuals who are not
 11 formally admitted in the program living on campus, would
 12 certainly deny a student who is on a wait list space in the
 13 residence halls.
 14 Q. Is there a current wait list for students for housing?
 15 A. Yes, there is.
 16 Q. Do you know how many persons are on that wait list?
 17 A. No, I do not.
 18 Q. Was there a wait list in the winter of 2009?
 19 A. The winter of 2009, no.
 20 Q. How about the fall of 2008?
 21 A. Wait a minute, that was last winter.
 22 Q. January of 2009.
 23 A. January of 2009, we do not typically have wait lists in the
 24 winter term.
 25 Q. So if I'm understanding correctly, tell me if I'm not

1 A. I did have conversations.
 2 Q. And who were those conversations with?
 3 A. Those conversations were with individuals who questioned
 4 whether or not nonenrolled students should be living in
 5 university housing.
 6 Q. Were these students or were these faculty members?
 7 A. These were staff members.
 8 Q. And what were their names?
 9 A. This would be Linda Sisson, Lionel Maten, Nancy Schmitz.
 10 Those are the individuals I recall.
 11 Q. Now, just to be clear, you say the subject was discussed
 12 with them, or did they express an opinion that they should
 13 not be living, that participants of options should not be
 14 living in on campus housing?
 15 A. In the context of their understanding, that they were not
 16 ever students, any of students, the people in the program.
 17 The conversations involved discussions that led to the
 18 opinions expressed, that they should not be, have access to
 19 a university academic programs such as we have in housing,
 20 that they should not be allowed to enter into contracts.
 21 Q. So are the conversations such that, this is our policy, it
 22 should not be altered, or is it that we just don't want
 23 these people in our in campus housing?
 24 A. It was, this is our policy, why would we open up university
 25 housing at this point in time to a policy change of this

1 getting this right. The start of the semester, start of
 2 the school year generally in the fall in September, you
 3 have wait lists?
 4 A. That is correct.
 5 Q. Usually by the winter term, January of that academic year,
 6 the wait list is no longer, there's no longer a wait list?
 7 A. That's correct, because of attrition.
 8 Q. In the winter terms, can you give me a general number of
 9 how many rooms are open and available?
 10 A. I don't have a number.
 11 Q. Do you think it's more than five or less than five?
 12 A. I think it's more than five.
 13 Q. So if you agreed to allow students from the OPTIONS, excuse
 14 me, participants from the OPTIONS Program to live on
 15 campus, how would there be a space problem, I mean there's
 16 only nine, I think there's only nine participants currently
 17 in the OPTIONS Program, and my understanding there is not
 18 all of them applied to live on campus housing, how would
 19 that create a space problem for you?
 20 A. The question is if we allowed them.
 21 Q. Right.
 22 A. We're not in a position to take their contract applications
 23 because they aren't students anymore than --
 24 Q. If you granted the request to waive that rule, I'm trying
 25 to ascertain what financial burden that's going to create