

THE OAKLAND POST

OAKLAND UNIVERSITY'S INDEPENDENT STUDENT NEWSPAPER

January 6, 2010

Volume 36, Number 18



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Watch an exclusive video of Micah moving into his dorm, only on oaklandpostonline.com

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Perspectives

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January 6, 2010

STAFF EDITORIAL

Case closed, student moves in

What does it mean to be a student at Oakland University?

As it is becoming evident in the case of Micah Fialka-Feldman — OU's own nationally-known poster boy for equality — it's a lot more technical than one would imagine.

Fialka-Feldman recently won his long, drawn-out court battle against OU in his plea to live on campus (see cover story on page 6). He finally won that battle last month after a judge said that OU discriminated against him solely because of his disability.

OU did not make a fuss when Fialka-Feldman moved into Vandenberg Hall Monday, surrounded by his friends, his supporters and the media. However, OU is planning on appealing the court decision, saying that he was not discriminated against because of his disability.

The argument goes like this: Fialka-Feldman, despite his enrollment in an official OU program, is not a student because he is not seeking a degree and never went through the formal admissions process.

Does OU's position hold water?

Of course he didn't go through the normal admissions process. He was admitted into a program that was created partly because the normal admissions process is extremely difficult for those with cognitive disabilities to com-

plete. The program, OPTIONS, caters to those students who want a higher education but cannot complete the requirements for a degree.

Fialka-Feldman is one of the first two students to be graduating from this program in May 2010. The program only serves eight students, and isn't accepting any more.

It is a shame, because the program enables equal opportunity for learning without compromising the requirements for an OU degree.

Equal opportunity is the essence of equality. Anything greater than opportunity may shift the weight on the scales. It is a delicate balancing act and there is seldom a clear choice on how to ensure fairness. Perhaps the choice should be to consider compassion and reason and each circumstance.

Fialka-Feldman used to have to take two buses to campus, and that took him about two hours each way.

The university has a reasonable fear of opening up floodgates for more "non students" to live on campus, when housing is already overcrowded. The OPTIONS program is small in number. But the fundamental question seems to be, should those enrolled in this program be acknowledged as students?

Let's consider: They pay for their program just the same as "normal stu-

dents" pay for their tuition, they buy their books, they make sacrifices to be here, and they are involved on campus.

Arguably, Fialka-Feldman is more involved on campus than most students. The fear of setting a bad precedent is unfounded, if we consider the above.

Yes, there needs to be criteria for living in campus residencies. Dorms and student apartments shouldn't be shared with TGIFriday's employees who aren't students, faculty members, or people who want an apartment close to the freeway. That would unreasonably take away from what student housing is.

But do we need to have a requirement that somebody must be seeking a degree when there are programs in place for people who cannot reasonably achieve that? Is that fair?

Does housing go through their records and ask for something back if a student who lived on campus doesn't eventually complete their degree? It's discrimination when requirements inherently exclude non traditional students — whether that is by age, disability, personal goals, or simply chance.

Aren't we all seeking a degree of self-improvement at OU? Using a definition or stringent requirements for what a student is to exclude those who are different doesn't make OU a better university. Frankly, it just looks bad.

What do you think?
Send your comments to The Oakland Post or stop in the office, 61 Oakland Center or by any of the methods below.

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— The First Amendment of the Constitution of the United States

Planning on letting go of planning in the new year



There are a certain type of people who live life with a laissez-faire attitude. These are the kind of people who don't like (or need) to make plans. They're able to live on a day-to-day basis, without worrying what comes next.

When asked how they want to spend their vacations, they say "Let's play it by

ear." Next Saturday's dinner date? They don't stress about reservations; if the restaurant is crowded, there's always another one. These people let the wind carry them where it may.

I'm not one of those people.

I am, self-admittedly, a compulsive planner. Almost to the point of obnoxious, or maybe definitely obnoxious if you talk to my friends and family.

There's an old adage that sums up the philosophy of how I live my life: "If you fail to plan you plan to fail." I can't remember a day in my life that I didn't try to plan or schedule.

Embarrassing fact: I even schedule my "relaxation" time. I plan on arriving anywhere I need to go 15-20 minutes early just in case something comes up. I plan for the expected, the unexpected and everything in

between. I've been planning my future — a career in journalism — since I was in the fourth grade.

Most of my plans change on a regular basis, but as long as they're set, I can sleep at night.

I don't know why I am this way, or why I get so frustrated with those laissez-faire people around me who simply refuse to help ease my anxiety and just set a gosh darn plan.

I do know I can't possibly be the only person in the world who is obsessed with knowing what I'm going to be doing every day for the rest of my life.

It's 2010 and with the new year I decided to start making more plans. I'm not a resolution kind of person, but I was prepared to bust out my calendar and start penning important dates.

In the midst of my planning, and looking at the extremely hectic schedule I have in my last semester at Oakland University, and the world I have to dive into after graduation, I started to realize something: My planning ways are going to drive me insane.

As stressed as I get if there isn't a plan, sometimes it's the planning itself that makes me nauseous. And after taking stock of my life, I also realized that some of the best things that have happened to me have come from snap decisions, things that involved zero planning, or sometimes drastic changes to the original plans.

When I applied to The Oakland Post, I planned to be a reporter. Then someone suggested I also apply for managing editor. I laughed, because I knew what a huge difference in job descriptions there were between the two positions. I had heard of the level of stress that

came with being an editor, and it wasn't something I was sure I could handle. But I applied anyway, and I landed the job. A semester in, I can say it's the best job I've ever had, and I've found my calling in journalism.

The day I turned 21, I ran into two male friends from high school who I hadn't seen since graduation. Instead of just saying hello like I normally would have, I invited them to celebrate with me and my female friends (a night that was planned to be "ladies only"). Over the next year and a half, one of the men has become my closest friend, with whom I share holidays and vacations. The other man connected with one of the women that night, and they were married last Friday. My anti-planning worked for a lot of people that time.

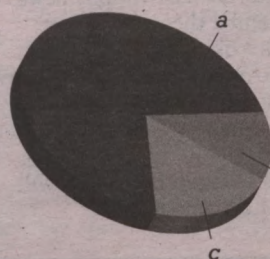
I planned on remaining romantically unattached for my last semester at school, so I could focus on classes and The Post. Well, after spending Christmas with a new boyfriend and both of our families, I guess the single plan is what's getting carried away with the wind. And I couldn't be happier.

A friend and fellow editor also planned to stay single like I had, and she's currently in a wonderful relationship (which stemmed from the Mouthing Off column they wrote last September). Maybe there's something in the water here, or maybe it really is true that good things happen when you least expect them.

My new "plan" from now on is to stop stressing about my plans. I have tangible proof that my world will not collapse around me if I don't know exactly what I'll be doing tomorrow at 3 p.m. I can still plan the big stuff, sure, but if those plans change? I'll be OK.

poll of the week

last issue's results Total Votes: 17 | Poll conducted at oaklandpostonline.com



What do you think of the U.S. Preventive Services Task Force's new recommendations that mammograms should start at the age of 50 instead of 40, and that breast self-examinations have no benefit?

- a)** It's infuriating, especially because cancer can be detected between the ages of 40 and 50. 12 votes | 71%
- b)** It will save a lot of health care costs and time. 2 votes | 12%
- c)** It's not something I need to worry about right now, so I don't care. 3 votes | 17%
- d)** Other. 0 votes | 0%

current poll

Vote now @ oaklandpostonline.com

At what moment did you feel like you were considered a student at Oakland University?



- a)** When I got my letter of acceptance.
- b)** The first day of class.
- c)** When I paid my first tuition bill.
- d)** When I took my first college exam.

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Courtroom to dorm room

By MASUDUR RAHMAN
Staff Reporter

On Monday, a day before winter semester started, many students moved into Oakland University campus housing.

Micah Fialka-Feldman, 25, was one of them, but his situation was different from the other students.

Whereas others simply had to fill out an application and pay to be able to move into the dorms or student apartments, Fialka-Feldman also had to plead to the university administration and board of trustees and finally sue the university before he was allowed to live on campus.

"I thought it was going to be so easy," he said after he moved in on Monday. "I didn't know it was going to take two years."

Why he wasn't allowed

The administration tried to block Fialka-Feldman from living on campus because he is not a typical student. In fact, the university doesn't even consider him a student.

He was not admitted through the normal enrollment program and is not a fully-matriculated student; he said he cannot pass OU's acceptance criteria due to a mild cognitive disability that makes it hard for him to do certain things. He said he did not submit an enrollment application because he did not think he would be admitted.

Instead, he is a participant in the Oakland University Post-Secondary Transitions program, or OPTIONS.

The three-year program admits a maximum of 10 eligible high-school gradu-

ates to audit classes at OU. Participants of the program pay a fee equal to tuition, but do not receive a grade point and can not earn a degree.

Fialka-Feldman was one of the four charter participants in the program in fall 2007 and is one of the first two participants who are scheduled to complete the program and earn a certificate this semester.

That fall, he applied for housing for winter 2008. He was at first admitted to live on campus, but then the administration denied him, saying that he was not eligible because housing is reserved for only degree-seeking students and he was not in a degree-seeking program.

He has been trying to change the rule since then, and was denied by the administration and the board of trustees repeatedly.

In November 2008, Fialka-Feldman sued the OU administration, including President Gary Russi and Vice President of Student Affairs and Enrollment Mary Beth Snyder, OU board of trustees, and the then-housing director Lionel Maten, and the litigation has been ongoing since.

In November 2009, Fialka-Feldman sought a summary judgement and also filed a permanent injunction to be allowed to live in a dorm this semester, and a hearing was held on Dec. 17.

On Dec. 23, 2009, U.S. District Court Judge Patrick Duggan dismissed the claim that OU was providing disparate treatment, but ruled that OU must provide campus housing for Fialka-Feldman for this semester.

Fialka-Feldman's victory is still not complete, because the university administration is planning to appeal the decision and continue to not allow other



JASON WILLIS/The Oakland Post

Fialka-Feldman moves into his dorm with help from his parents Janice Fialka and Richard Feldman.

participants of OPTIONS or similar programs live on campus.

OU spokesperson Ted Montgomery said that OU "will not seek a stay of the permanent injunction that permits Mr. (Fialka-Feldman) to live in the University's on-campus housing during the upcoming semester."

Fialka-Feldman said although he got part of what he wanted, it's not enough.

"I feel happy, excited ... but I wanted it for other students too," he said. "I think they're afraid of a flow of students coming after me. But there's only eight students."

Move-in day

Friends and family members helped Fialka-Feldman move his belongings into a double-sized dorm room in the fourth floor of East Vandenberg Hall on Monday afternoon as various news media documented the process.

He said he's looking forward to not having to take a two-hour bus ride to and from his Huntington Woods home every day as well as going to OU home basketball games and the Recreation Center more. He said living in the dorms will also increase his social life.

Micah Fialka-Feldman's Journey to Campus Living

2007

FALL 2007

- OPTIONS program begins, with Fialka-Feldman as one of the first batch of participants
- Fialka-Feldman applies for winter 2008 housing
- Fialka-Feldman's campus residence application initially approved
- Fialka-Feldman is told he can't live on campus

2008

APRIL 2008 - Fialka-Feldman meets with Snyder, Maten, to try to change housing eligibility policy

MAY 2008 - Fialka-Feldman is told the policy will not be changed

SUMMER 2008 - Fialka-Feldman waits until fall for campaigning because campus will be more active then

SEPTEMBER 17, 2008 - Fialka-Feldman ad-

ressed BOT for the first time; BOT asks OU to review its policy

SEPTEMBER 24, 2008 - Fialka-Feldman told policy will not be changed

SEPTEMBER 2008 - OUSC unofficially extends support, with various members collecting signatures for a petition in his support

NOVEMBER 5 - Fialka-Feldman and many supporters - family, students, faculty,