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DEEP SPRINGS COLLEGE CORPORATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF INYO

In re the Matter of the

L. L. Nunn Trust for the benefit of Deep Springs College under the Deed of Trust dated November 5, 1923

Case No. SI CV PB 1253232

DECLARATION OF DAVID NEIDORF IN SUPPORT OF PETITION FOR MODIFICATION OF PRELIMINARY INJUNCTION

Date: April 26, 2013
Time: 9:00 a.m.
Judge: Hon. Dean T. Stout

I, David Neidorf, declare:

1. I am the President of Deep Springs College Corporation. I make this declaration in connection with the request by Deep Springs College Corporation to modify the preliminary injunction which has been entered in the case referenced above.

2. I have been associated with Deep Springs College for 20 years. I resided temporarily at Deep Springs College to lecture or teach in 1993, 1995, 1997, 2000, and 2004. I also visited the College for shorter periods to make professional presentations in 1999, 2001, and 2002. Since 2005, I have lived and worked full time at the College: from 2005 through 2007 as Dean of the Academic Program and Vice-President for Operations, and since January 2008 as President of the College. My current appointment as President ends in June 2014. Recently the Board of Trustees of Deep Springs College Corporation asked me to remain as President for an additional term, through June of 2017.

3. For as long as I have been affiliated with Deep Springs College, females of college age have visited the campus for brief periods of time (sometimes as long as a week) and participated in many if not all of the same educational activities as our regular (all male) student body. Their participation often includes attending classes and participating in farm, ranch, and kitchen labor. (Since Deep Springs maintains its unpaid labor program as an educational enterprise, this shared labor constitutes participation in our educational program as much, if not more, than does temporary attendance in classes.) These visits often take place during academic terms as part of a student body-managed program of ongoing exchange visits between our students and coeducational groups who live at self-governing fellowship houses sponsored by the Telluride Association and are matriculated at Cornell University in Ithaca, New York and at the University of Michigan at Ann Arbor. (The Telluride Association is a non-profit organization which, like Deep Springs College, was founded by L.L. Nunn.) Secondly, women of college-age routinely participate in the labor program at Deep Springs when female students attending other colleges and universities stay at the campus during our academic breaks while visiting (male) friends or relatives who are enrolled at our College. Thirdly, female students of college age who visit College employees sometimes go to classes and participate in the labor program during their visits.

4. Deep Springs College has traditionally invited the family members of resident employees to enroll in classes unofficially if they like. For example, when I was a visiting faculty member in the Fall of 2004, I taught an informal evening class in the translation of the New Testament that was attended by two students, a female staff member, and her teenage daughter. In the Winter of 2006, the wife of a visiting faculty member was a student in a painting class.

5. The Telluride Association periodically holds its annual Convention at Deep Springs College. That will happen again this coming summer. We expect more than 80 members of Telluride Association, over half of whom will be females and many of whom will be of college or graduate-school age, to visit Deep Springs for this 6-day event and to participate to some degree in the labor program and other aspects of Deep Springs College life. In addition, Deep Springs has many times over the last fifty years hosted sessions of the Telluride Association Summer Program ("TASP"). The TASP at Deep Springs involved students sponsored by the Association (in several instances, including females) living and studying side by side with the first year (all male) class of our College for up to two months. In effect, Deep Springs provided facilities, support staff and faculty members for the Telluride Association program, and Deep Springs accepted course credits for the instruction provided. In return, the Telluride Association provided financial support to the College and admitted Deep Springs' entering students into the program. While this arrangement is not ongoing, the College may well find it desirable to enter into similar arrangements in the future.

6. Deep Springs College students are very involved in the governance of the institution. Students serve on every administrative or governance committee of the College, and two students are selected by the Student Body to serve as members of the Board of Directors of the Deep Springs College Corporation. But while they are important and essential participants in such things as selection of new students (through the Applications Committee), and the recruitment and rehiring of faculty and the development of our curriculum (through the Curriculum Committee), the students do not have final decision-making authority for the College. Decisions are made by the Trustees of the L.L. Nunn Trust, the Board of Trustees of the Deep Springs College Corporation, and/or by officers of the Corporation (such as the President) to whom certain functions are delegated by the Trust and/or the Corporation. The only authority which students have independently of the College is to

control the conduct of their fellow students and to appoint their representatives to the Board of Trustees.

7. Because the Student Body at Deep Springs College is small (typically numbering 25-28), we also have a small number of faculty positions. The College has only three (3) long-term faculty members, engaged full-time for two-year periods, up to a maximum of six years total. These positions are difficult to fill with faculty who have both the high competence necessary to work with our academically talented students, and who are also able to understand and effectively support the unusual character of the Deep Springs program. The absence of tenured appointments entails financial uncertainty, and this means that full-time positions are usually filled by young academics at the beginning of their careers. Too often our long-term professors leave early because our isolation presents obstacles to career development and to raising a family, because the work they are called upon to do here is very demanding yet in some significant ways different than the work that typically counts toward increased status and promotion in "mainstream" academic environments, and because academic hiring is so competitive that they cannot afford to pass up good opportunities just because timing is awkward. Because of such disadvantages, as well as others, many of the most gifted professors, both young and well-established, are not willing commit to Deep Springs for long-term appointments. In light of these disadvantages to our pursuit of the best faculty members, those who are willing to consider appointment here expect and deserve to be treated as full partners in the educational enterprise of this small community.

8. We will be recruiting this fall for a long-term faculty appointment as Robert Aird Professor of Humanities. Based on preliminary conversations I have had with potential applicants, serious candidates will almost certainly ask questions about the rationale for and the status of efforts to transform the College into a coeducational institution. With the best candidates, the interview process is also a professional courtship; in this context we cannot avoid discussing the status of Court proceedings or the Trustees' position on coeducation; avoiding the issue would reasonably raise doubts in a candidate's mind about the wisdom of accepting an offer from Deep Springs. Conversely, since both the issue whether Deep Springs will become coeducational and the timing of any final resolution is uncertain, before making offers of long-term employment we need to know

any final resolution is uncertain, before making offers of long-term employment we need to know from each candidate her or his expectations and thoughts about the future of coeducation at Deep Springs. It would be imprudent for the College to make an offer to a prospective faculty member who expects coeducation to occur within a year or two. And it would be equally imprudent for us to invest in filling a long-term position with a candidate who is inalterably opposed to coeducation. In other words, it is essential to the College – and to its ability to hire responsibly and honestly for the open faculty position as well as other jobs which come available later – to be able to freely discuss the subject and consider the views expressed by candidates when we make hiring decisions.

9. Between July of 2011 and the end of 2012, seven staff positions became open at Deep Springs due to normal attrition, such as non-renewal or employees who had long-standing plans to leave the area to take up other challenges. We were able to fill all of these positions with well qualified individuals, and currently are conducting interviews to replace a present staff member who plans to retire this summer. Although Respondents refer to recent hires as a "transition team", all of them were when hired, and are still now, fully able and willing to function effectively with either a single sex or a coed student population. These employees would have been prepared to assist if we had been able to make a transition to coeducation in 2013, but none of them has plans to leave because that transition will not happen. Each one replaced a departed employee; no extra staff members have been hired at Deep Springs for the purpose of transition to coeducation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and stated of my own personal knowledge. If called as a witness in this matter I would so testify.

I have signed this declaration on April 17, 2013 in Deep Springs, California.

DAVID NEIDORF