

# Exhibit 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELIZABETH LAURA CHOIKE, ASHLEY  
GUINEVERE STONER, HEATHER  
WALBRIGHT, JESSICA STUDENT, JENNIFER  
VENET, ELIZABETH PENNING, LAURA A.  
SANFORD, EMILY C. CAMPBELL, REBECCA  
ZINN, ALISON NICOLE NUCKOLS, SARAH S.  
SANDER, and RACHEAL BIENIAS, on behalf of  
themselves and all similarly situated individuals;  
and JAMES V. YEAMANS,

Plaintiffs,

v.

SLIPPERY ROCK UNIVERSITY OF  
PENNSYLVANIA OF THE STATE  
SYSTEM OF HIGHER EDUCATION;  
ROBERT SMITH, in his official capacity as  
President of Slippery Rock University; and  
PAUL LUEKEN, in his official capacity as  
Director of Athletics of Slippery Rock University,

Defendants.

Civil Action No. \_\_\_\_\_

DECLARATION OF HEATHER WALBRIGHT

I, Heather Walbright, hereby declare:

1. I am a freshman at Slippery Rock University. I am nineteen years old,  
and I am a member of the Slippery Rock women's water polo and swim teams.

2. I came to Slippery Rock last fall with high hopes of playing water polo.  
I was not sure what I wanted to major in, but I knew I wanted to play water polo.  
Now that the school has decided to cut water polo and swimming, I feel lost.

3. The school's athletics program is incredibly important to me. I am a starting player on the women's water polo team. My specialty is defense—I am what is known as a “driver.” I am a Pennsylvania State Athletics Conference (PSAC) qualifier in both individual and relay events for the women's swim team. If the school had not cut my two teams, I am sure I would have continued to compete for the rest of my college career.

4. I have been a swimmer my entire life. But water polo is my number-one sport. I chose to pursue water polo because I thought I could improve more at it.

5. I come from a suburb of Columbus, Ohio. I attended Worthington-Kilbourne High School where I started on the varsity water polo team all four years. I was on the high school varsity swim team all four years as well. In my freshman, sophomore and junior years, I played lacrosse but dropped it after I injured my wrist, and because I didn't like it as much as aquatic sports.

6. I was a good athlete in high school. In swimming, I was a two-time All-America and four-time All-America Consideration winner. To win an All-America award means that your time is within the top 100 times for your event in the United States. An All-America Consideration means your time is in the top 100-200.

7. I also did well in water polo. I made Second Team All State in water polo my sophomore year, and in my junior and senior years, I made First Team All State. In my sophomore year, we were regional champions and third in the

state competition, and in my junior and senior years, we were regional champions and state runners-up both years.

8. Something happened in my junior year that made me feel really attached to water polo. The boyfriend of a good friend of mine on the team who I had grown up with was killed in a car accident a week before the final championship game. The whole team was so sad that it was not clear we could even play. But we did, and we really put everything we had into it, but unfortunately we lost. We had already beaten the same team twice earlier that year, and we were undefeated in Ohio going into the championship game. I wanted to go to college and play water polo to see if I could do better and win a championship. That is why it is so important to me to go to a school with a water polo team.

9. I was recruited to come to Slippery Rock. I found out about the school by looking on the Web at a list of all colleges with varsity water polo. No colleges or universities in Ohio have a varsity water polo team. I had never heard of Slippery Rock before. It was close to my home. I liked the school, and it was a good size, with the kind of people I knew I would get along with. I contacted Coach Yeamans, and he recruited me, showed me around campus, and introduced me to the team. It felt right. I did not get that feeling anywhere else.

10. I got an athletic scholarship of \$500 from Slippery Rock for water polo and a \$1,000 swimming scholarship. In addition, I got an academic scholarship for out-of-state students who maintain an overall grade of 3.0 or

higher, and that scholarship reduced my tuition to what it would have been if I had been an in-state student.

11. I am still unsure what I will major in. But I never had any doubts about wanting to go to a school where I could play on the water polo team. I think I have a lot of potential, especially given how little experience I had with it. I have learned a lot, so much more than I knew in high school, and it is great to know that even though I started a little behind the other players, I am catching up to them fast. Now that water polo is gone, and it makes me feel like I wasted a year of my life.

12. The Slippery Rock women's water polo team is pretty young. Of the starters, there are three freshmen, and the goalie is a freshman as well. The coach purposely gave us a hard schedule at the beginning of the year, playing nationally ranked teams. Next year, our schedule would have been a little easier, and we would have a chance of winning more games. Now with the cuts, we will not have that opportunity.

13. I heard rumors that sports might be cut sometime in December 2005, but they were just rumors. No one told us about the cuts until they had already happened. It seemed like whoever was in charge of the decision was trying to keep it a secret.

14. On January 30, 2006, Coach Yeamans called us to a meeting at the Morrow Field House pool at noon. He told us the school had decided they were going to cut the aquatic sports. The coach said he wanted us to hear it first from him. We talked about it as a team for about a half hour, and then Paul Lueken,

the Athletic Director, Bob Watson, who used to be the Vice President, and President Smith arrived. They tried to make us feel better. But talking to them was not getting anywhere. I felt like their responses were all prepared and cautious. They were not listening to us. I went to the meeting thinking they cared about our interests, but afterward I did not think so.

15. My teammates and I could not understand why they would cut our sports. We knew how much the campus valued athletics and how much it would hurt Slippery Rock. We told them how hurt we are. We asked questions about exactly why they had not told us earlier. They had been kind of sneaky about it. We asked them why we should have to take the punishment when it was not our fault. President Smith explained that the school is in debt, which our team has nothing to do with.

16. Now I am kind of lost. I am in the middle of the water polo season, so I am taking it one step at a time and trying to concentrate on this season. It is too early to say exactly what I am going to do. I am definitely thinking about transferring. So much of my decision to come to Slippery Rock was based on water polo. But it is hard to think about leaving. I have met so many good friends, I have a place to live next year, and I have started a life here.

17. My plans right now are to stay here at Slippery Rock next fall and use the fall to decide whether to transfer. I will definitely stay at Slippery Rock if the sports that were cut are reinstated.

18. Our pool is not the nicest aquatic facility, and it bothers me to see so much money poured into some of the men's sports while our sport is being cut. It

is almost as if it's understood at Slippery Rock that the men should get more than the women. All we want is to be treated fairly and to be able to play.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2006.

Heather Walbright  
Heather Walbright