

Exhibit 4

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 JESSICA STUDENT

I, Jessica Student, hereby declare:

1. I am a 19-year-old sophomore at Slippery Rock University. I am one of the three co-captains of the women's swimming team.
2. My hometown is Drexel Hill, Pennsylvania. I went to Cardinal O'Hara High School and swam on the varsity swimming team all four years. I competed in the butterfly, distance freestyle, and individual medley events.

3. I was captain of my high school team my senior year. The high school captain gets everyone together, makes the team more of a family, and helps the coach with practices. Being captain meant being a leader and role model to younger girls on the team. I loved it.

4. When I was deciding where to go to college, I looked at a bunch of schools. My mom wanted me to look into at least one state school. I liked Slippery Rock's location, and I contacted the swimming coach to let him know I was interested in the school. Then I visited the school for an unofficial recruiting session. When I met the team, it seemed like a close-knit family.

5. My choice in schools came down to Le Moyne College in Syracuse, New York, or Slippery Rock. I was also accepted at Clarkson University in northern New York, which offered me a hefty scholarship. A big part of my decision to come to Slippery Rock was the swimming team. I didn't know what I wanted to major in, but I knew I wanted to swim.

6. I didn't get a scholarship my first year, but I was given a \$1,000 swimming scholarship for leadership my second year.

7. Now I'm a Marketing major with a minor in Art History. I had planned on being on the swimming team for the rest of my years at Slippery Rock. This past year, I was asked to be on the medley relay team for the Pennsylvania State Athletic Conference (PSAC) competition. PSAC is an NCAA Division II conference that organizes competitions among the schools.

8. It's hard to be a student athlete sometimes, but it gives me a sense of worth and the ability to say I am a collegiate swimmer. I actually get higher grades during the season. Now I have a 3.25 grade point average, partly because swimming helps me keep myself together.

9. Slippery Rock provides minimal support for our sport. The university gave the swimming team a minimal budget to get what it thought the team needed. We got one swimsuit

for our meets for an entire season. We have to pay for our own warm-up suits. The warm-up suits the university provided were so beat up that no one on the entire team would wear them. The students call the pool area “the Dungeon.” That’s because there’s only one little window in the entire pool area. The pool and locker room are old and run-down. The locker room floors are uncarpeted cement and slippery, and the locker room smells. There are no extras or luxury items whatsoever in our locker room, just the basics.

10. One of the first things you notice at Slippery Rock is the difference between the baseball and softball facilities. The men’s baseball stadium is new and really nice. Once the university put up the new baseball field, the softball players weren’t allowed to use it. The university finished a new women’s softball field last year. It’s far away, across campus. It isn’t advertised as much as the men’s baseball stadium, because it isn’t even close to the same niceness. The university recently renovated the football team’s private locker room and weight room. I believe it was this past summer. It has nice carpeting, plasma flat-screen TVs, X-boxes, and video games. The womens’ locker rooms have no carpeting, no TVs, and no video games.

11. I am on the Student Athlete Advisory Council at Slippery Rock. Last year, I was the treasurer. The Council is made up of one representative from each team and members from all of the athletic teams. We all really work together for athletics at our school, not just for our own teams. In the beginning of the fall 2005 semester, we heard rumors about athletics cuts, but we were told there was no decision yet and not to worry about it. We weren’t given specific information about the cuts until they actually happened.

12. We had a meeting with the coach and the president on January 30, 2005, where the president told us the university was cutting all aquatic sports. I couldn’t believe it. When it first happened, I was embarrassed for my school. I didn’t want to keep competing because I didn’t

believe in what the school was doing. I wouldn't wear any Slippery Rock apparel. It was hard because it was something I used to believe in. We were never given the opportunity to make things better, to prove that swimming should be kept as a varsity sport. If the school goes through with closing our pool, we won't even be able to turn it into a club sport. The only other nearby pool, the pool at the student Recreation Center, is reserved for students' recreational use and can't be used for competitions. At a student government open forum a couple of months ago, President Smith mentioned that the school might convert our pool into some other kind of facility for some other sport.

13. The cuts affect me in a lot of ways. Swimming definitely helped me organize my academics. Now there aren't going to be morning practices, so I won't have the same guaranteed early start that helped me structure my day. We're not going to have that close-knit bond we used to have, because a lot of our teammates are transferring and going away.

14. Right now, I am planning to stay at Slippery Rock next semester. I'll keep swimming after college, but only recreationally. That's why it was so important to me that I finish my collegiate swimming experience, because that's probably the only chance I'm ever going to have in my life to swim competitively.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 6, 2006.


Jessica Student