

# Exhibit 8

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

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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.

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

DECLARATION OF JAMES V. YEAMANS

I, James V. Yeamans, declare:

1. I am the coach of the Slippery Rock University women's water polo team and the interim coach of the Slippery Rock University women's swimming team. I also coach the men's water polo and swimming teams for the University. In addition, I am the coordinator of Aquatic Operations and Programs at the Recreation Center at Slippery Rock University. The Rec Center is funded by student activity fees.

## **COACHING BACKGROUND**

2. I have lived in Slippery Rock for seven years. I was first hired by Slippery Rock as a part-time water polo coach for the men's and women's teams on a temporary basis in 1998, while the Recreation Center was still under construction. In 1999, the Rec Center opened, and Slippery Rock offered me the job as coordinator of Aquatic Operations and Programs at the Rec Center. In 2000, in my third year at the University, I was hired on a permanent basis as head coach for men's and women's water polo.

3. In 2003, Slippery Rock Athletic Director Paul Lueken offered me the job of swimming coach. I jumped at the chance. I wanted to coach both swimming and water polo, because I thought it would give me a great opportunity to recruit for these teams and maybe save the women's aquatic teams. Even then, there were rumors that some sports would be cut. But the job offer got sidetracked by the human resources department, which was concerned about my working two full-time jobs, and I thought about cutting back my Rec Center job to just part-time so I could accept the second coaching job. Instead, last year, the school allowed me to take both jobs.

4. Since last summer, I have worked full-time at the Rec Center, part-time as the coach of the men's and women's water polo teams, and part-time as interim coach, on a one-year contract, of the men's and women's swimming teams. When the aquatic sports are discontinued, I will lose my coaching jobs at Slippery Rock. I will still work at the Rec Center, but I will really miss coaching. I do not know how happy I will be running a swimming pool. The thrill of competition and watching my student-athletes grow are very important to me. I would definitely want to continue as coach of the aquatic teams if the school reinstated the sports.

## **MANDATORY ACTIVITIES FOR STUDENT-ATHLETES**

5. The women athletes on the water polo and swimming teams are dedicated competitors. They have a very strong work ethic. Under NCAA rules, student-athletes are permitted to train no more than 20 hours per week. My water polo and swimming teams train very close to that limit.

6. The women's water polo team is a spring sport, but the team starts training in the fall. Starting in September, the team trains two days a week. Once the spring season starts, during a typical week the team competes on Saturday and Sunday, takes Monday off, and then trains for about 1½ hours each on Tuesday and Thursday mornings between 5:45 AM and 7:30 AM. Many of the team members lift weights before the early morning practice. I try to schedule the students for less than 20 hours of training and competing each week to give them time to fit in their weight training. On Tuesdays, Wednesdays, and Thursdays, and also on Fridays if the team is not traveling, the team has a second practice for two hours each afternoon, usually between 4:30 PM and 6:30 PM. The team often spends Friday afternoons traveling to its weekend away games. The team takes about three long trips per season and many shorter trips. For example, the weekend of April 21, 2006, the team traveled to Bloomington, Indiana, leaving Slippery Rock at 1:00 PM and arriving at 8:00 or 9:00 PM.

7. The women's swimming team has a similarly tough schedule. Swimming is a winter sport, but I encourage the team members to start training on their own over the summer. Starting in September, the swimmers train two mornings a week for an hour and a half each session. They compete on Saturdays, and they are off on Sundays. In

addition, they swim for two hours every afternoon on the weekdays, usually from 2:30 to 4:30 PM.

8. In addition to training and competing, student-athletes at Slippery Rock are expected to keep up their grades and contribute to the community. Any student-athlete who is a freshman or recent transfer, as well as any student-athlete whose grades have slipped, is required to attend study tables. These are mandatory study periods held Sundays through Thursdays from 7:00 PM to 10:00 PM. The student-athletes must sign in and study for at least four hours per week to continue to be eligible to compete. If they miss a study table, an hour is added to their weekly study table requirement, and if they continue to miss study tables, they are penalized by being prevented from practicing or competing.

9. In addition, all student-athletes are required to perform community service projects. For the swimming and water polo athletes, these projects have included food drives and tutoring children in swimming or water polo. There is also a mandatory "Week of Welcome," in which the student-athletes are required to welcome incoming students who are moving to campus and help them carry their belongings from their cars to their new dorm rooms.

10. On top of all of this, almost all of my female swimming and water polo athletes are employed at part-time jobs for at least part of the school year. The level of scholarship support my athletes receive is relatively low, so it is necessary for them to earn some money just so they can eat. I cannot imagine how they find time to practice as hard as I make them practice, keep their grades up, participate in all their mandatory

activities, and work at a job. I admire their energy, self-discipline, and dedication more than I can say.

11. Even many students who played varsity high school sports are unprepared for the intensity of our training schedule and all the related requirements the school places on its athletes. Because the athletes train so hard, a lot of students cannot keep up and end up dropping off the team or getting penalties that prevent them from competing. There are a lot more members of the team on the first day of practice than on the first day of competition. For example, there were 39 women who came to the first swimming meeting, but by the date of first competition, only 17 remained.

#### **CUTS IN SPORTS TEAMS**

12. I have known at least since last summer that cuts in women's swimming and water polo were possible, but I did not find out that the cuts had been made until January 30 of this year. Even though I had heard rumors before then, it was still a shock.

13. On January 30, 2006, I was told that Slippery Rock was cutting eight varsity sports teams: men's and women's swimming, men's and women's water polo, golf, wrestling, women's field hockey, and men's tennis.

14. It was hard for me to believe that the school was really going to cut the aquatic teams. Twice before, the school had threatened to cut sports teams, and I had convinced the administrators not to. In 1998, the school's administrators were talking about eliminating the men's water polo team, and I coached what we all believed would be the last season. The 13 male water polo players who were drawn to the school from out of state were paying \$5,000-6,000 more per athlete than in-state students to attend the school, money the school would not have if those student-athletes had gone somewhere

else. I argued to the school administration that it just would not make financial sense to cut this sport, which was budgeted at only \$9,000 with just \$6,000 more for my salary. As a result, Slippery Rock never cut the sport. Then, in 2001, once again water polo was on the chopping block. I made the same arguments, and once again, the sport was spared.

### **WOMEN'S WATER POLO**

15. Water polo is a fall sport for men and a spring sport for women.

16. The women's water polo team has been very successful this year. We won the Siena Invitational, beating Marist University 6-5 in the finals. Marist has since qualified for Division I Nationals. We finished the season with a 16-17-1 record. Out of our last 22 games, we lost only 7.

17. In addition, I got the 2005-06 Coach of the Year award for men's water polo for the Division II and Division I championships. This is an honor that is awarded through a vote of the coaches, but it is really an honor for the team.

18. As recently as October or November 2005, the Athletic Director told me that he hoped to save the women's aquatic sports.

19. Women's water polo is a growth sport. Sadly, the Slippery Rock water polo team is also, I believe, the first women's varsity water polo team in the country to be eliminated.

20. I was especially shocked that the school had decided to cut women's water polo, which has a proud legacy at Slippery Rock. The water polo varsity program was the second women's varsity water polo team in the country. At least eight women athletes were named to the U.S. National Water Polo team. Then, in 1995, the Slippery Rock women's water polo team won the Division I Women's Collegiate National

Championship. The plaque is hanging in my office. That is the only time a men's or women's Division I water polo national championship has ever been won by a team from outside of California. In fact, in all of Slippery Rock's history, we have had only two national championship teams, one of which was the 1995 women's water polo team. Those national champions practiced and trained in the same pool my teams practice in today.

21. Slippery Rock University was well aware that its athletics program violated Title IX even before the cuts. The coaches have been told by university officials that we must jam the rosters with women athletes at the beginning of the season, which is when the Title IX statistics are compiled, and we will be evaluated according to whether we are successful at recruiting a lot of women. Water polo plays seven athletes at a time. Recruiting more polo players than a team can use just does not work: student-athletes of quality will not tolerate sitting on the bench all the time, so unless they can actually play, they will not stay on the team.

22. As a rule, we start the season with about 22 women's water polo players, but because of the rigorous training schedule, some players drop out. On the first day of competition on February 4, 2006, we had 17 athletes on the roster, the same number of team members we had at the end of the season. These numbers are different from the rosters on the school website because the school is counting any student-athlete who practiced and/or competed with the team during the whole academic year.

### **WOMEN'S SWIMMING**

23. I was looking forward to building the swimming program. Swimmers have come from several states to swim at Slippery Rock.

24. The women's swimming team has been successful this year. One of my swimmers, Jen Zuzack, earned second-team ESPN Magazine Academic All-America At Large honors in 2004-05 and was a three-event honorable mention All-America performer in 2003-04, a season in which she won the Pennsylvania State Athletic Conference championship in the 50-yard freestyle. She was the first Slippery Rock swimmer to win a title in more than 10 years.

25. This past year, the screenings for the swimming team were held on September 5, 2005, and the team started swimming on September 12, 2005. Approximately 39 young women attended the first meeting of the swim team. There was plenty of interest in women's swimming from the student body. Even after going through everything I put them through for practice, on the first day of competition on October 22, 2005, the women's swimming team had 17 swimmers on the roster.

#### **SCHOLARSHIPS AND RECRUITMENT**

26. This year, Slippery Rock allocated \$30,000 in scholarships for women's swimming. Unfortunately, the former swim coach did not award roughly \$10,000 of this scholarship money to any of the athletes. So, because I coached both swimming and water polo, I gave these scholarships to water polo players and convinced them to also go out for swimming. As a coach, my recruiting philosophy was to go find athletes who would play both sports.

27. The university allocates approximately \$20,000/year for women's water polo scholarships and \$30,000/year for women's swimming scholarships.

28. Last fall, I wanted to offer some scholarships to swimming and water polo athletes. Athletic Director Paul Lueken said to wait until December to offer them anything. As a result, I did not offer scholarships this past fall.

29. It was really hard to know what to say to the incoming students. I was supposed to recruit student-athletes but could not offer them scholarships and had to dodge questions about the future of the aquatic sports.

30. The elimination of women's water polo and women's swimming is going to have a horrible effect on Slippery Rock and on the students who decided to come here based on our athletic offerings. Playing sports improves students' academic performance. A varsity athletic schedule is so demanding that an athlete's time management has to be excellent to survive. As a result, a lot of my students get better grades when they are playing sports than when they are not. I have noticed that my own students' grades go down when they are no longer playing.

31. As a coach at Slippery Rock, I was a dream-maker. Students came to me saying they wanted to play on an NCAA team. This year the university shattered those students' dreams. The hardest thing I have ever done is to tell the student-athletes that their teams had been cut.

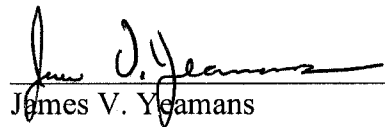
32. Cutting these sports will hurt Slippery Rock. Admissions and diversity will suffer. Most Slippery Rock water polo players are from out of state. If these sports are cut, the athletes might not have any reason to attend Slippery Rock.

33. I have tried to contact everyone in the incoming class who expressed any interest in water polo or swimming to tell them the sport has been cut, but I do not know all of them. Unfortunately, the school never informed the incoming class as a whole that

it was making these cuts in sports. The news is on the school's website, but it is easy to miss, and the school never sent a notice to the incoming students. Just because I did not recruit a student does not mean that student is not counting on these sports being here when he or she arrives in the fall. A lot of students "walk on" to a team—that is, they show up on the first day and they perform well enough to be on the team. These students are in for a nasty surprise when they get here.

34. I think one reason these sports were cut is that Slippery Rock does not have a commitment to its female athletes. One good example is the girls' softball field. It has plastic fences that blow down in the wind. Its scoreboard is lit by a generator that does not supply enough electricity to last a full game. There is no good seating for the fans. The field is a good distance from the campus. It does not compare to a lot of the facilities for the men's teams, especially the beautiful new baseball stadium.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 9, 2006.

  
James V. Yeamans