

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

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Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF ALEXA JACOBS**

I, Alex Jacobs, hereby make the following declaration in accordance with 28 U.S.C. §1746, under penalty of perjury:

1. I am 21 years old and am entering my senior year at Brown University (“Brown”) as a member of the 2021 graduating class, majoring in Economics.

2. I am the incoming co-captain and number one player on Brown’s women’s varsity squash team, which Brown announced it is eliminating. I have played on this team for the past three years.

3. I make this Declaration in support of this Court reinstating the women’s varsity squash and all other women’s varsity teams that were eliminated as a part of the “Excellence in Brown Athletics Initiative.” Reinstating the women’s varsity squash team would prevent continuing injury to me and my teammates, ensure that women continue to have the opportunity to play squash competitively at Brown, and allow us to remain involved as varsity athletes and in the sports-based youth development organization known as SquashBusters.

4. I am originally from Boston, Massachusetts, and have been playing squash for more than 10 years, all with the hope of playing at the collegiate level. My junior and senior years of high school, I was ranked in the top 20 in the nation. I played number one on my high school team and was named “Boston Globe All-Scholastic” and player of the year for my junior and senior years of high school.

5. Playing squash at Brown is in my DNA. My mother and aunt were members and captains of the Brown women’s squash team in the classes of 1991 and 1996, respectively. I always knew that I wanted to play squash at the collegiate level, and this was a huge factor in determining what college I would attend. I only applied to schools that had a women’s varsity squash team. I became more interested in attending Brown when I was actively recruited to play by head coach Stuart leGassick.

6. Like many of my classmates, I chose Brown because of its combined academic and athletic opportunities. I was attracted to Brown’s open curriculum, which allows students to personalize their curriculum to meet own their personal academic goals. I was also impressed by the strong sense of community at Brown and the fact that there seemed to be a focus on integrity, transparency, and openness.

7. The Brown men’s and women’s varsity squash teams have been outstanding representatives for the University for many years, with pristine records in the classroom and on the court. Our student-athletes are bright and passionate students who embrace excellence in both academics and in our sport. Our squash teams earned the most College Squash Association (“CSA”) Scholar-Athlete Awards of any member institution last year – eleven total between both teams – and ranked among the top 15 teams in the country for both genders. Each team has also won the CSA team sportsmanship award in the last three years (and six times overall).

8. The women's varsity squash team has exceeded not only the Brown academic index (the GPA and SAT/ACT standards for the university), but also the average academic standards of the entire University. Our average academic index for the past nine years has approached an estimated 230 (this equates to a 1530 SAT score and a 4.0 unweighted GPA), while Brown University's average SAT score was 1485 in 2018. Out of 15 women, we had six undergraduate Teacher Assistants this past year in Economics, Biology, Computer Science, Engineering and Public Health. This season, all six of our upperclassmen won the CSA's scholar athlete award, with Brown receiving more awards than any other Ivy league program.

9. On the court, our team finished this past season nationally ranked #12 out of 50 teams. While we were not the top performing team in the Ivy League, we overcame significant resource deficits to achieve quantifiable successes. Our team receives just two recruiting spots collectively each year, while roughly 90% of the schools in the CSA receive between three and five spots. We have no international players, who tend to play at a professional level and are great assets for successful teams. Other Ivy League schools have far superior facilities – Brown has only five courts, while schools such as Harvard and Princeton have 15 - 16 courts.

10. Despite these deficiencies, we outperform most non-Ivy League schools and compete at a level comparable to five out of eight Ivy League schools. We had several extremely close matches, scoring 5-4 against Ivy League schools such as University of Pennsylvania, Dartmouth, Columbia and Cornell. Moreover, both the men's and women's teams have won sportsmanship awards in the past five years, a testament to the teams' integrity. And, based on our record of sportsmanship awards, we are nationally recognized as one of the most highly regarded teams in college squash.

11. Our team has regularly taken proactive steps to counteract the lack of resources that Brown provides us. Between our large endowment and successful fundraisers, the women's squash

team is close to being budget-neutral for the Athletic Department. The position of our head coach is also specifically endowed. Our team was routinely expected to fundraise to cover our team's expenses. Each year, we were able to successfully fundraise between \$80,000 - \$110,000. We were also lucky enough to have several donors who routinely donated large sums of money to support us.

12. As part of my participation in the women's varsity squash team at Brown, I am an active volunteer at a local urban squash program, SquashBusters. Every Wednesday during the school year, I spend three hours before my own varsity practice at the Moses Brown School's SquashBusters facility, mentoring and coaching underprivileged students from DelSesto Middle School in Providence. SquashBusters is an urban youth development program that uses squash, educational support, community service, and mentoring to develop character, improve health, and build a pathway to college for underprivileged young people.

13. Participation in SquashBusters is an invaluable experience for all the varsity squash players and DelSesto students. The ability to inspire and engage these kids is a direct result of our varsity status. As varsity athletes, when we step on the court with these kids, they respond to us. When we step into the classroom, they listen to us. The kids are eager to share in our knowledge and experience because we are living examples of how to become varsity collegiate athletes. Moreover, our varsity status allowed us to energize professors, friends, and Providence community members to come out in droves to SquashBusters fundraisers. The elimination of the women's varsity squash team will severely harm my and my teammates' ability to get the benefits— and make the difference — we do through SquashBusters. It will also harm everyone whose lives we are changing and would change through this great program. I discuss this in more detail below.

14. On Thursday, May 28 at 12:05 p.m., all student-athletes were notified by email of an imminent Zoom call with Jack Hayes, Brown's Athletic Director. During that meeting, Hayes

announced the University's decision to cut eleven varsity teams and transition them to club status. Shortly after, the entire study body received an email from President Christina Paxson that announced this change as a part of the Excellence in Brown Athletics Initiative. The following day, student-athletes on the eliminated varsity teams were invited to participate in a Zoom "discussion" in which the only topic discussed was how former varsity athletes could transfer. By treating student-athletes as easily transferable, Brown revealed to us that any student can be viewed as dispensable. President Paxson and the Athletics Department broke the hearts of 150 varsity athletes and their families, and they communicated their decision in a manner void of compassion, respect, and decency.

15. This decision harmed me personally by undermining all of the hard work and dedication I have put into excelling at Brown and the success of the squash team. I have dedicated more than ten years of my life working hard on the squash court, and in the classroom, to be able to proudly compete for a world-class institution. I turned down opportunities from the University of Virginia, Dartmouth, Middlebury, and other schools to play for Brown.

16. This decision also severely impacted my mental health. I was betrayed by my school, which I worked so hard to represent and play for these past three years. Brown has provided minimal support and demonstrated no compassion throughout this process. Brown's decision to cut women's squash and other varsity teams, without providing data, evidence, or listening to students is extremely hurtful. Brown representatives have exhibited a heartless disposition in handing down the decision to its students. Furthermore, this decision was made in the midst of the coronavirus pandemic, which has already taken a toll on students across our campus. This announcement, cutting a program that is integral my life and my college experience, has only amplified my mental health struggles.

17. Unfortunately, it is unlikely that I will be able to transfer to another university to play varsity squash. As a senior, that would be very difficult to begin with. The challenge was compounded by the fact that we were informed of the decision very late in the year, after most transfer deadlines had passed.

18. My teammates share my frustration and feelings of betrayal by the university. And some will be especially hard-hit. For example, Rachel Mashek, an incoming freshman, was looking forward to playing her first season on the women's squash team. She has played squash for over ten years and aspires to play professionally after college. This decision to cut our team directly jeopardizes her future prospects of playing professionally, as the club team will not be nearly as competitive and will not allow her to have exposure to the best trainers and training facilities that Brown has to offer. Rachel was recruited to play squash for Brown by Coach leGassick, and it was a huge accomplishment for her to be able to play for her dream school. Brown's last-minute announcement eliminating our team was shocking and created another calamity in this already-uncertain time. Rachel experienced intense stress and anxiety trying to contact coaches from other schools to assess her transfer possibilities. Many coaches were very sympathetic, but their positions for the following year were already filled. The timing of this decision truly could not have been worse. The people behind this decision strung Rachel along for an entire year, allowing her to believe she would be fulfilling a childhood dream of playing Division I squash, only to snatch it away from her at the last minute.

19. It is critical for the Court to know that, in reality, Brown's decision to demote women's squash to club status will effectively eliminate the sport at Brown. Each squash team has a ranking system where players are ranked from #1 through #10 based on ability, with #1 being the best on the team. Each ranked player competes against the corresponding ranked player at another school. For example, the #1 ranked player from Brown will play the #1 ranked player from

Harvard; the #2 ranked player from Brown will play the #2 ranked player at Harvard, and so on. Varsity squash is comprised of separate male and female teams. We practice separately, and our women's team only competes against other women's varsity teams. Most club squash teams are either co-ed or all-male. Because squash is a one-on-one sport and men are typically much stronger than women in squash, the men will likely fill all the top ten spots on the team. A co-ed club squash team effectively disenfranchises women's squash players, eliminating their ability to meaningfully compete on the team. If our team is transitioned to a women's-only club team, we will likely face male-dominated co-ed teams or male-only teams that will likely dominate our team. Coach leGassick estimates and I believe that a women's club squash team at Brown would not likely survive beyond four years.

20. Club status will also result in a loss of competitiveness and resources for the athletes. Varsity athletes compete at the highest level. They have access to the best training room at Brown as well as trainers and staff needed for injury prevention and treatment. The students will lose access to all these resources once we transition to a club team. We will no longer be able to recruit and we will be limited to training four days a week, instead of five or six days. CSA may only let us compete in club National Championships, instead of varsity National Championships.

21. Transitioning to a club team will also negatively impact Brown's current club squash players. The current club team at Brown is indeed co-ed, traveling and competing as one team. The team competes against either male or co-ed clubs and there are few women players. The current team has approximately 12 male players and, one female player. By transitioning to a club team, our extremely talented varsity players would likely outperform and displace the current club members.

22. President Paxon claimed that these cuts were made to improve the overall competitiveness of Brown Athletics through reallocation of resources and recruiting spots to all

non-cut teams that could easily be made excellent. However, it is clear that the administration was uninformed about the nature of the game of squash and the specifics of what our team contributes to Brown. Our team has a plan to become financially independent, and in fact, the Athletics Department stands to lose millions of dollars in alumni contributions over the next five years if varsity squash is not reinstated. Several donors have expressed their frustrations and committed to withholding donations if the team is transitioned to a club sport. Moreover, we have a plan to move to a world-class ten court facility at nearby Moses Brown. Therefore, no facility space is gained by cutting our team. Our team is already competitive, as the men's and women's teams were ranked 12<sup>th</sup> and 14<sup>th</sup> this past year. We were the 7<sup>th</sup> and 8<sup>th</sup> best teams among Brown's athletic programs. If we transition to a club team, our rankings will surely plummet. The highest ranked club team in the nation is ranked 30<sup>th</sup>. Moses Brown will no longer allow us to use its facilities and we will no longer have the ability to recruit competitive players.

23. There is another way in which my teammates and I are being harmed at this moment. Due to Brown's current rules concerning non-varsity athletic activity during the coronavirus pandemic, which prohibit the playing of indoor sports, we will not have the opportunity to practice in the weeks and months leading up to the 2020-21 varsity season unless the Court reinstates our team. As a varsity level team, we would have the ability to continue practicing indoors in accordance with the school's safety procedures.

24. In addition, as I mentioned above, the elimination of the women's (and men's) varsity squash team will severely harm me, my teammates, the children we help, and the community by precluding our participation as varsity athletes in SquashBusters. This year alone, dozens of middle school students and student-athletes were expected to benefit from the participation of Brown varsity squash in the SquashBusters program. The termination of Brown's varsity squash program will result in an irreparable loss for Brown squash players and the students



with whom those players volunteer. The transition to club status also means I will suffer the irreparable loss of an opportunity I believed would be available when I decided to enroll at Brown: to impact the communities SquashBusters serves, and to do so as only a Division I varsity athlete can.

25. My and my teammates' disappointment about this is shared among other members of the SquashBusters community. In a letter to Dr. Paxson, DelSesto Middle School Principal Arizinia Gill stated, "[c]utting varsity teams equals [] taking way the opportunity[] to be able to go to your school one day... [This partnership] means a whole new world of opportunities [are] possible for our students. Moving forward with this decision would mean one more door shut for our students which seems to happen more often with them than students with privileged backgrounds." See Exhibit A.

26. Similarly, Greg Zaff expressed regret about the decision to cut varsity squash in a letter to Dr. Paxson:

It is for this reason – the humanitarian one and the imperative that we all commit to improving our world, expanding opportunity and building bridges of opportunity for all young people – that I write to convey my strong disappointment in Brown's sudden decision to eliminate Varsity Squash from its athletic program. The elimination of Brown Squash promises to diminish Brown's impact on many hundreds of current and future squash players; it surely will dismay and disconnect the University from generations of loyal and generous Brown alumni squash players, it will cut off the appeal of Brown as a college of choice for thousands of prospective students from all over the world and, most importantly, it will take away from the growth and development of all the Providence young people SquashBusters and Brown would have served over the coming decades... I think your decision was a big mistake that will damage Brown's reputation locally and nationally/internationally and diminish the important contribution that Brown and SquashBusters were poised to make in Providence for many years.

See Exhibit B.

27. Brown University's decision to eliminate twice as many female athletes as male athletes from its varsity program blatantly violated the Consent Decree and Title IX. It is common

knowledge among Brown coaches and athletes that Brown encourages adding women to varsity team rosters to achieve compliance with the Consent Decree. In fact, in one instance I was asked by my coach to try to recruit an additional female player for our team so that we could meet our mandated female player requirements. It happened that I knew a girl I played squash with in high school who was willing to join the team. However, she rarely attended practices and hardly ever played because she was not among the better ranked players on the team. Essentially, she was just a number on the roster to help Brown comply with the Consent Decree. Yet, the university still decided to cut our program despite our compliance, our success, and our low financial and operational impact on the Athletics Department.

28. My teammates and I face the very real possibility that we will never be able to play collegiate squash again. We will lose the opportunity to play Division I squash, something that all of us trained most of our lives to do, and one of the primary reasons we chose to attend Brown and gave up opportunities to attend other schools.

29. I respectfully urge and ask the Court to reinstate the women's varsity squash team and end any further irreparable harm to myself, my teammates, and the Providence community. I also respectfully urge and ask the Court to reinstate the other women's varsity teams that Brown announced it is eliminating. Brown should not be allowed to violate the Title IX Consent decree and eliminate these teams.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/25/20

  
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Alexa Jacobs

**Exhibit A**

ANGÉLICA INFANTE-GREEN  
*Commissioner*

HARRISON PETERS  
*Superintendent*



Providence Public School District  
Office of the Superintendent  
797 Westminster Street  
Providence, RI 02903-4045  
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June 12th, 2020

Dear Dr. Paxson,

It was recently brought to my attention that Brown University is now moving in the direction of removing varsity teams from their sports program. It was extremely disappointing for us to hear this news. DelSesto Middle School is a school in Providence, RI. Our enrollment is close to 1000 students; 90% of our students qualify for free and reduced lunches. Many students come from families where they could be the first to have an education. In some cases, the first to graduate from high school and even college. We have been partners with Squashbusters since 2017. At this time, there are 60 students participating in the squash program. Most of the students are from low-income families, immigrants and English Language Learners.

Squashbuster's program offers a wonderful opportunity to all students built around the pillars of college readiness, character building, health and wellness. They focus on supporting students from our community with academic programming, college counseling and scholarships to have enough support to be able to dream of being the first in their family to go to college. Partnerships with colleges through varsity teams allows our students to dream that they too one day can go to an ivy league school. Cutting varsity teams equals to taking away the opportunity, to be able to go to your school one day.

I understand the times we are going through right now with the global pandemic. Every organization is going through difficult economic times. Financial cuts are taking place in almost every organization. While we all deal with this pandemic and the economic cuts, our country, Providence schools as well as Delsesto Middle School is pushed more to recognize that we cannot take our focus away from equity and equal opportunities for all; especially when it comes to underprivileged students of color in urban schools. Losing this program is another opportunity taken away from them yet again.

ANGÉLICA INFANTE-GREEN  
*Commissioner*

HARRISON PETERS  
*Superintendent*



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Before I have to make this announcement to my parents of students in the squash program, I am writing to ask you to please reconsider your decision. Partnership with Brown University means a lot to us. It means a whole new world of opportunities possible for our students. Moving forward with this decision would mean one more door shut for our students which seems to happen more often with them than students with privileged backgrounds.

Thank you very much in advance.

Sincerely,

Arzinia Gill

Principal

DelSesto Middle School  
Providence Public Schools  
[arzinia.gill@ppsd.org](mailto:arzinia.gill@ppsd.org);

**Exhibit B**

Exhibit B

Dear President Paxson,

My name is Greg Zaff. I am the founder/CEO of SquashBusters, an urban youth development program that uses the sport of squash, in combination with educational support, community service and mentoring, to develop character, improve health and build a pathway to college for society's least privileged young people (<https://squashbusters.org>). I started SquashBusters in 1996 with 24 Boston kids. Three years ago, the Board of Directors and I made the decision to expand the program to Providence. We did so because of the phenomenal educational need in the City, the appalling lack of athletic and extracurricular opportunities for Providence's least-privileged kids, and because of Brown University and Brown University's Squash Team. SquashBusters regarded Brown's team and its players as our number one asset. It would be a win—win. Brown's squash players, and other Brown students, would serve as daily role models, coaches and academic tutors to our students. And Brown students would connect directly to addressing racial and economic injustice in the University's hometown of Providence, further developing their leadership skills and values-based education. Brown would be putting into real practice its long-held commitment to improving the lives of Providence's most vulnerable residents and bringing together people of different racial and economic backgrounds. I think it's fair to say this work has never been more important to do than it is now.

There is precedent for this with SquashBusters, and with the 25 city urban squash youth movement that have grown out of SquashBusters over the past quarter of a century (<https://squashandeducation.org>). Harvard embraced SquashBusters with open arms for our first eight program years, committing its courts, students and faculty to support our mission. Every Saturday for 40 weeks of every year, SquashBusters brought its scholar-athletes from Roxbury and Cambridge to Harvard's courts where they were coached and mentored by Harvard's squash team and other students. That engagement led directly to three Harvard students starting programs of their own in Harlem, The Bronx and Detroit. In addition, two SquashBusters students earned admission to Harvard – one woman to its undergraduate program and another woman, quite recently, to its law school. All across America, urban youth have been served by our programs as a direct result of partnerships and deep community investment by colleges and universities. Harvard, Yale, Columbia, Fordham, Drexel, University of Chicago, Trinity, and

University of Minnesota have all teamed up with our programs for many years. Their partnership has led to hundreds of students of colors making incredible educational gains and emerging into the work world as leaders of color.

It is for this reason – the humanitarian one and the imperative that we all commit to improving our world, expanding opportunity and building bridges of opportunity for all young people - that I write to convey my strong disappointment in Brown’s sudden decision to eliminate Varsity Squash from its athletic program. The elimination of Brown Squash promises to diminish Brown’s impact on many hundreds of current and future squash players; it surely will dismay and disconnect the University from generations of loyal and generous Brown alumni squash players, it will cut off the appeal of Brown as a college choice for thousands of prospective students from all over the world and, most importantly, it will take away from the growth and development of all the Providence young people SquashBusters and Brown would have served over the coming decades. SquashBusters has been in Providence for just three years now and I must tell you that I feel abandoned by the very institution I believed was going to lead the way as our #1 community partner in helping Providence’s kids. I think your decision was a big mistake that will damage Brown’s reputation locally and nationally/internationally and diminish the important contribution that Brown and SquashBusters were poised to make in Providence for many years.

Regards,  
Greg Zaff (founder of SquashBusters)



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BROWN UNIVERSITY, CHRISTINA  
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DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF ANNA SUSINI**

I, Anna Susini, hereby make the following declaration in accordance with 28 U.S.C. §1746, under penalty of perjury:

1. I am 20 years old. In the fall of 2020, I will be entering my junior year at Brown University (“Brown”), pursuing a bachelor’s degree in International Relations.

2. I was the captain of the women’s varsity fencing team at Brown, with two more years of athletic eligibility, and was really looking forward to this year. But Brown announced that it is eliminating my team.

3. I grew up in Lexington, KY, and started fencing at the YMCA when I was 9 or 10 years old. I loved it from the start. The classes were taught by – and, ultimately, I was fortunate enough to train under – an incredible coach at the Bluegrass Fencers’ Club, which I joined. It was just twenty minutes away from my house. Olympians, World Cup champions, and international competitors regularly walked through the club’s doors. My coach himself was an Olympic coach,

but he still showed up at every beginner class and took pride in finding young athletes and giving them something to work for.

4. A year after I joined the fencing club, I participated in my first competition. I was terrified, but the feeling I got when competing was unlike anything I have ever felt. I was sharper, stronger, and more focused than I had ever been. I loved the adrenaline and, ever since my first fencing tournament way back in 2012, there is still nothing that compares to the feeling of competing.

5. The fencing club became my second home. I was there five days a week, for three to four hours each day. I started working with a personal trainer in high school, cross-training to improve my strength and balance. I even became an assistant coach at my club, helping with beginner classes and leading practice when my coach was away. Most nights, I would not be able to start on my homework until 9 pm. I learned how to balance my busy practice schedule and the rigorous academic demands of the magnet program in math, science, and technology I attended in high school. This period in my life taught me great organizational and time management skills that have remained with me. Fencing is an integral part of who I am. It taught me ambition, communication, respect, commitment, and perseverance. I would not be the person I am today without it.

6. At the beginning of high school, my coach asked me what my goals were for fencing. After all, he coached World Team members, and he wanted to know what I wanted for myself. I told him I wanted to fence at a Division I college, the best one I could find. He committed to helping me achieve that goal.

7. Around my junior year of high school, I began emailing college coaches to get more information about their schools and their fencing programs. I scheduled meetings with coaches

from several schools, including New York University, Boston College, Duke, University of North Carolina (“UNC”), and Brown. I was unable to meet with Brown’s head coach, Alex Ripa, so we continued communicating through email. Coach Ripa had just been hired as the head coach. He told informed me that he did not have many recruiting spots, but he encouraged me to apply to Brown through Early Decision. He would write in support of my application and get a “pre-read” of my application, which would all improve my chances of being accepted.

8. During the college search, I only applied to schools that had a fencing program because it was important to me to continue fencing in college and at the Division I level. I visited UNC, which was my second choice, and applied early action, a non-binding application process. The head coach at UNC informed me of the vast resources the university provided for its student athletes, including a large athletic budget that would allow them to give me a small scholarship if I decided to attend. I informed the coach that I wanted to wait to decide until I received a decision from Brown. I was ultimately accepted into Brown.

9. Ultimately, I chose Brown for several reasons. To begin with, I fell in love with the community there. The students are extremely intelligent, close-knit, and collaborative. It was an environment I knew I could thrive in. The open curriculum is one of Brown’s most unique aspects, and I was excited to be able to learn and challenge myself on my own terms. However, the fencing team was the most compelling factor in my decision. Coach Ripa was very clear about his goals for the team: winning a championship and creating a legacy. He had previously coached at Harvard, where they won Ivy Championships, so I believed he could help us do the same with the right resources and dedication.

10. Our team dramatically improved under Coach Ripa’s leadership. As head coach, he worked to build a team of academically and athletically gifted students who worked hard at

everything they did. He worked to create a team of leaders. Unfortunately, because of Brown's recent decision to eliminate the team, he only had three years to accomplish these goals. Nonetheless, in that time, there was a marked improvement. Our incoming first-years each year were higher ranking than the year before, including one first-year with Olympic aspirations. Our competitiveness increased, and our record was 178-4. It was clear that we were headed in the direction of becoming a leading fencing school in the Ivy League when our men's team beat the University of Pennsylvania during the 2020 Ivy Championships just a few months ago. We achieved all these accomplishments with few recruiting spots and with hardly any financial support from Brown. We would routinely participate in fundraisers and find ways to cut team costs. For example, our team was able to secure two vans that were used to transport us to and from our practice facility. The vans were paid for and funded five years entirely by donors, many of whom were team members' parents. Similarly, Coach Ripa allowed us to practice at his private training facility, the Rhode Island Fencing Academy and Club, at a discount rate to Brown. Despite all these efforts, Brown is now denying us the opportunity to pursue our dream for this team, one it claimed to support. Its failure to do so is cruel and unacceptable.

11. On May 28, 2020, I received an email at about 12:05 pm that all athletes should be on a call with the Athletics Department. Coach Ripa texted me and the captain of the men's fencing team and stressed the importance of us joining the Zoom call at 1 pm. I told my teammates, and then I joined the Zoom call. The call itself was a webinar format where we could only see Athletic Director Jack Hayes. We were unable to see anyone else on the call and we could not speak during the call. Jack Hayes announced that they were cutting eleven varsity teams, including men and women's fencing. The whole call took approximately ten minutes.

12. I was devastated upon hearing this news. I had come to Brown to be a varsity fencer. Now, it was unclear if I would ever have the chance to fence in college again.

13. I realized my options to transfer to another school with a varsity fencing program were virtually non-existent. Administration officials said they would “support” us in the transfer process, but they neglected to acknowledge that almost all of the deadlines had passed, and the one that had not was basically infeasible for most of our players. Current student athletes only have until June 15<sup>th</sup> to get recruited to another Ivy League school. This June 15<sup>th</sup> deadline was not communicated to us until the captain of the men’s fencing team specifically emailed the administration and was told the date in a response email. This information was not proactively provided to us until the June 12<sup>th</sup> Zoom webinar with Jack Hayes, President Christina Paxson, and Marguerite Joutz. All the regular transfer deadlines had passed in May. And, unfortunately, almost all the Ivy League coaches had filled all their recruiting slots for the upcoming year back in December 2019. In other words, it was way too little too late. Even if I wanted to transfer, it would be basically impossible.

14. This situation is even more disappointing for my incoming freshmen teammates, who were recruited for the class of 2024. They all gave up opportunities to attend other schools with fencing programs so they could play for Brown. The announcement that Brown was cutting our team was well beyond the deadline to transfer for incoming recruits. The incoming freshmen will likely have to take a gap year before they will be able to transfer. And they may not receive the same competitive offers they turned down to attend Brown.

15. I, however, do not want to transfer and, even if I did, I would likely have to stay at any school I transferred to at least an extra year. This is not aligned with my academic plans, since I am planning to go to law school eventually. I also love Brown and the community I have there,

a community that the fencing team is a huge part of. I essentially feel like I am being forced to choose between the sport I love and the school I love. It is a lose-lose situation and a choice I never thought I would have to make.

16. Brown has promised a seamless transition to a club sport, but the new club team will not allow us to compete at the same level as the varsity team. Unfortunately, club teams in fencing are very weak compared to the caliber of varsity fencing, especially at Brown. Varsity fencers are eligible for NCAA and Ivy League Championships. Every season, our varsity team would play the top four or five club teams and, each time, our team would completely overwhelm them, winning by margins like 97-11. Many of the players on club sports have never played before or have not played at the same level as the varsity team players. My teammates and I have been fencing for nearly ten years or more and have competed both nationally and internationally. Fencers of that caliber will not come to Brown to fence in the future and, if they end up here, they will not have a chance to develop their skills and achieve their potential on a club team.

17. While Coach Ripa has been rehired to coach the club team for the 2020-21 school year, there is no guarantee that he will remain beyond this season. Without such an experienced head coach leading the team and the ability to compete with the best players, the fencing players' games will inevitably deteriorate.

18. Furthermore, club players do not receive Power Rating scores, which is the USA Fencing's measure of a fencer's ability level. Fencers are encouraged to play against competitors with higher or competing power ratings to improve their own ratings. If a club team player does not have a power rating, it disincentivizes the best fencers from wanting to compete with that player.

19. In addition to the athletic training and success varsity teams can help fencers get, including qualifying for the US World Team and the Olympics, the varsity fencing world allows us to connect with business leaders and build connections that can greatly advance our careers. This is critically important. The kinds of varsity-level fencers who could come to Brown are potential future leaders of our country.

20. Because I am the captain of the women's fencing team, my teammates have expressed to me their feelings of frustration and disappointment in Brown's decision to cut our team. Fencing is often viewed as an "elitist" sport due to the fees that accompany it, but college fencing takes a lot of financial pressure off of families and allows students who ordinarily would not be able to fund academic and athletic endeavors simultaneously participate in both. With the loss of resources associated with transitioning from a varsity to a club sport, these financial stressors will likely become a significant factor and limit some players' ability to participate.

21. My teammates and I are all concerned that we will never be able to compete as competitively as we have up to now or to achieve the level of success we had under Coach Ripa. Like me, they all chose Brown for both its academic reputation and the ability to play on an Ivy League fencing team. Our team members have achieved numerous accolades such as "A" USFA Power Ratings, reaching the final 12 at NCAA Regionals for the 2018-19 season, achieving 15-1 at the first Northeast Fencing Conference Meet during the 2019-20 season, First and Second Team Foil honors for the 2019-20 season, and 2020 All-American Honorable Mention, just to name a few. Coach Ripa has transformed our team and proven that we were just getting started. Our team was continuously improving, and we were on a path to achieving an Ivy League title. Unfortunately, we will never be able to see that dream realized.

22. In the last two years, I got to be part of a team of people with the same unyielding passion and dedication towards this sport as me. We love to compete, but we also love the in-between – your teammates coaching you during time-outs, calling your weapon squad at 6 am to make sure they’re awake, seeing all the people show up to our home meets and cheer us on. My teammates all have their own stories, but they have stayed with the sport this long because of what it means for them. All of them are student-athletes, at their purest form, the very definition of excellence. All of them came to Brown because they wanted to do what they love, and what they are good at, for a school that they love. The elimination of several women’s varsity teams as a part of the “Excellence in Brown Athletics Initiative” has made us all feel that we are not “excellent” or as valuable as student athletes on more popular sports.

23. I chose Brown because I thought it was a school that cared about its students and student athletes and welcomed open deliberation. The decision to eliminate our varsity teams violates the Consent Decree and Title IX and is contrary to all the principles Brown claims to hold in such high regard. The process of eliminating the teams was not transparent, the communication has been extremely disappointing, and the school’s actions have all but eradicated our chances of continuing to play fencing at a competitive level.


24. I hope my story will help this Court understand the rich legacy of fencing as a sport, and varsity fencing at Brown. I hope you can appreciate why being a club sport is not enough. Many of us worked hard since we were children to reach this point and to compete at the Division I varsity level. We were ready to give everything it took to increase our competitiveness and eventually bring home an Ivy League title, but it takes time for a new coach to rebuild a successful fencing program. We joined this team at Brown because of its unique academic community and specifically to play varsity fencing. I hope the Court will consider the negative impact Brown’s



violation of the Consent Decree has had on me, my teammates, and the other women on teams that have been cut -- and will order Brown to reinstate our teams.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-25-20

  
Anna Susini

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF AVERY VILANDRIE**

I, Avery Vilandrie, declare as follows:

1. I am 20 years old and a rising junior at Brown University. I plan to concentrate in Applied Mathematics-Economics on the Mathematical Finance track.
2. I was a member of the women's varsity ski team at Brown, but Brown announced that it is eliminating my and four other women's varsity teams. I have two more years of athletic eligibility.
3. I am an alpine ski racer. I started racing when I was eight years old, and ski racing has defined much of my life experience since then. When I was in elementary school, I commuted from Milton, Massachusetts, to Northern New Hampshire every weekend in the winter for ski racing. The trip took over three hours each way. After 5th grade, my family moved to Vermont specifically to support my interest and potential athletics career in ski racing. I attended high school at an academy for ski racing. And ski racing is one of the reasons I decided to attend Brown.

4. In high school, I was recruited by multiple colleges for alpine skiing. At that time, I was ranked in the top 1000 of women's alpine skiers in the world in slalom and in the top five for my birth year in the United States. I had my first recruitment meeting with Brown Coach Alex Norden in April 2017, the spring of my junior year of high school. Coach Norden told me that I was her top recruit for my year. Coach Norden acknowledged that Brown's ski team was not as strong as some teams I was considering but assured me that the team was in a rebuilding process that began when she became coach in 2015. She communicated to me that the rebuilding of the women's varsity ski team had the full support of the University. I was offered an official recruitment spot, I received a "likely letter," and I was admitted Early Decision that fall. At that time, I stopped talking to other schools about skiing. If I had not chosen Brown, I likely would have continued the application process with Harvard University, Williams College, Boston College, Colby College, and Bates College.

5. Brown is important to my family. My parents met when they were students at Brown. It made a lot of sense for me to follow in their footsteps, not only because it is such a great school, but because Brown had become a symbol of equality in athletics for women – something stressed to me when I toured Brown – and I could contribute to that as a women's ski racer. Skiing made me feel like a valued part of the school. Leading my team also gave me confidence and pride. Academic success is hard at Brown. As a student with dyslexia, I have struggled from time to time. Skiing helped me feel like I belonged.

6. During my sophomore year at Brown, I was a two-time All-American in Slalom and Overall at the USCSA National Championships and was also named to the All-MacConnell Division Team.

7. I was first informed that my team would be demoted to club status on May 28, 2020. I was stunned because everything was going so well with my team. We had a great season, we have a bunch of talented young skiers, we had a well-respected coach, and we were fully funded. We had even just received our annual NCAA compliance forms. Getting demoted was a complete surprise and I didn't feel like we deserved it. On June 10, 2020, my team met with Athletic Director Jack Hayes to learn about what the demotion meant for us. Jack Hayes told us:

- a. We would be funded by Brown at the same level for the upcoming year.
- b. We would still have the opportunity to compete at the same level.
- c. Brown was committed to providing a "sophisticated club" experience for us, which would include a coach and the ability to maintain a relationship with the University's Admissions Office.

8. The Athletic Director and Brown did not keep his word:

- a. The status of our coaching staff is questionable. Coach Norden accepted a job offer earlier this summer and we have been advised that, given Brown's hiring freeze, the University has no plans to engage in a search to hire us a new coach. We have also been informed that we are not allowed to hire our own coach, even with private funding.
- b. We are not able to use the varsity weight room, even if it is empty.
- c. We are not able to have access to a varsity athletic trainer unless we have a pre-existing injury we suffered as a member of the varsity ski team.
- d. We do not know the status of our team van.
- e. It is unclear if we will be able to have excused time from classes to attend our races.

9. Brown has handled this whole process very badly.
  - a. As a team that earned a podium at our national championships, to have our status cut under a strategic plan entitled the “Excellence in Brown Athletics Initiative” was deeply hurtful.
  - b. After 15 years, thousands of hours of travel, workouts, and training, frequent frostbite, a displaced tibial fracture, and multitudes of friendship sacrifices, my athletic career unceremoniously ended.
  - c. When men’s track, field, and cross-country were reinstated, the Excellence in Athletics Initiative became even more hurtful, if that was possible. At that point, it became clear that Brown believed that the existence of our team and others was antithetical to excellence and, on top of that, that the University was willing to violate the Title IX Consent Decree to get rid of us and the other women’s teams.

10. The demotion of my team from varsity to club status has harmed and is harming me in numerous ways:

- a. My college experience is harmed. Skiing, as well as being the major driving force in my life since I was a small child, was a huge part of my college experience. My team is very important to me. My first friends at Brown were my fellow skiers. Now our team is essentially dead.
- b. My skiing career is harmed. I didn’t come to Brown to be a varsity athlete for only 2 years. Even if I am able to compete for Brown this winter at the club level, this demotion will limit my ability to be successful. If I am not given adequate opportunities to train, I likely not be very good and will be

risking serious injury. If we don't have a coach, how can any of us improve?

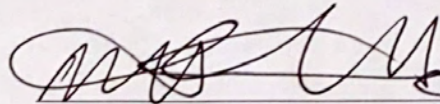
- c. My academic career is harmed. If I am not excused from classes to train and compete, my academics will certainly suffer.
- d. My career prospects are harmed. Being a 4-year varsity athlete at an Ivy League university is an invaluable resume item. Participating in athletics at a high level as a woman can be instrumental in obtaining a position in a traditionally male-dominated field, such as finance, investment banking, venture capital, or private equity. I was recognized as an All-American this year, but I could have achieved that status many more times. I was not able to be named MVP this year, or in another year, because our varsity awards were cancelled when our team was demoted effective immediately. I have not yet been able to serve as team captain. As a team, we were not able to win a national championship. All of these denied accomplishments affect my future.

11. I believe that Brown is acting unethically and illegally in many ways. Its reasons for cutting my team were dubious. We are a very good team. We placed third place in the slalom at our national championships, and we can be even better in future years. Yet, we got demoted. Meanwhile, other women's varsity teams are actively seeking walk-ons to improve the numbers on their rosters – and allow Brown to argue that it is complying with the Title IX Consent Decree and need not reinstate our teams. For example, through my Dad, who played water polo at Brown, I was offered a spot on the women's water polo roster. The water polo coach presented it as a way for me to be able to keep using the varsity weight room, and for the water polo team to

beef up its number of women. I am sure his intentions were good, but I have never played water polo. I am a ski racer. How is this ridiculous offer compliant with the spirit of the Title IX Consent Decree? Needless to say, I declined.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/25/2020

  
Avery Vilandrie

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF EMILIA RUTH**

I, Emilia Ruth, declare as follows:

1. I am twenty years old and currently a Junior at Brown University studying Mechanical Engineering.
2. I am a mixed-race woman of color.
3. I began attending Brown University in August of 2018.
4. I chose to enroll at Brown University because its academic programs are well-regarded and because Brown offered the potential for me to participate in high level athletic competition, in both Skiing and Sailing.
5. During my first two years at Brown I was a member of the Women's Skiing team and of Brown's club sailing team. As a freshman walk-on to the Skiing team, I earned a spot competing in all of Brown's regular season competitions. As a sophomore, I represented Brown University at Nationals in Skiing.
6. I am planning a career in themed entertainment. Due to the nature of the sport, Skiing attracts fans and competitors from this environment, which attracts a very similar demographic to my chosen field. .



7. As a person of color from rural Maine, Skiing at the intercollegiate level has allowed me to meet and build relationships with people relevant to my intended career path who I would have never otherwise met.
8. I believe that the connections I could make through my collegiate skiing career will be useful in attempting to find industry connections and employment after graduation. Competitive Skiing has helped me develop extremely valuable skills including the ability to maintain focus and discipline in extreme physical conditions and to operate effectively in an extremely dangerous environment.
9. I was informed on May 28, 2020 that Brown had made the decision to cut its Women's Skiing team.
10. As a two-sport athlete, my social circles comprise of my teammates from Sailing and my teammates from Women's Skiing. Previously, these two groups had been friendly and socialized together occasionally through me. After the May 28, announcement the Skiing and Sailing teams became pitted against each other as it was perceived that the Sailing team essentially took Women's Skiing's varsity spot (and if Skiing got their spot back, Sailing would likely be demoted.) Because of this new dynamic, any action I took in relation to either of my team's new statuses could be perceived as turning my back on my close friends.
11. As a result of the May 28, 2020 decision, my relationship with both of my coaches were significantly compromised. My Skiing coach, Alex Norden, left the University as a result of the decision, while my Sailing coach, John Mollicone, found himself on the opposite side of a dispute—the lawsuit and my female peers' continued efforts to try to talk with Brown's athletic department about reinstating our Ski team—between my Skiing team and

the University/Athletic department. These changes rendered two of my most important and stable mentoring relationships much less available to me in the midst of a global pandemic and a period of personal difficulty that resulted in my decision to take a leave of absence from the university for the upcoming year.


12. Prior to Brown's announcement to cut the Women's Skiing Team, I had invested significant amounts of my personal income (from on campus and summer jobs) in appropriate high quality skiing and outdoors equipment with the intention of supporting my own career as a varsity athlete, competing and practicing at a certain level. I did not spend my summers and semesters working to buy gear for club level athletics, where we may not train as many hours or in as many different conditions.
13. Prior to learning that Brown intended to cut the Women's Skiing Team, it was my intention and expectation to participate on both the Skiing Team and the Sailing Team through graduation.
14. Based on my conversations with my coaches and teammates, it is my understanding that my competitive experiences on the Brown Sailing team will not be affected by the decision to move Sailing from a club sport to a varsity sport. As a club team, our team has simply been a group of men and women on one team. However, the sailing team has been told by our coach John Mollicone that the number of men we are permitted to have on the team will be capped. Coach Mollicone told our team in a zoom meeting that if Brown was not permitted to double count the women on the sailing team, then we could only have five men on our team. However, if they were permitted to double count the women then we could add more men to the team.

15. It is my intention and expectation to continue participating on the sailing team through graduation.
16. Collegiate sailing competitions are open to any school based on a point scheduling system.
17. As a sailing club team, the competitions that we participated in were made up of both varsity teams and other club teams.
18. Our club team was not excluded from any level of collegiate sailing competition by virtue of our status as a club rather than varsity team.
19. In my first year sailing for Brown's club sailing team, the team won the Sperry Women's National Championship, the highest level regatta in collegiate sailing. In my second year our spring season was cancelled, but we were one of the favored teams coming into championship season.
20. As part of Brown's Sailing Club Team, I participated in both co-ed and women's-only sailing events.
21. In collegiate sailing, the seasons for co-ed and women's sailing are identical. Women sail in both coed and women's races, depending on the regatta they are assigned for the weekend.
22. The most common type of collegiate sailing competition involves boats sailed by a two-person crew. The difference in physical size between male and female sailors will significantly impact sailboat performs. In certain types of weather, peak performance requires a lighter crew and in other weather conditions it requires a heavier crew. Decisions about whether a male or female crew will sail in a particular co-ed race depends primarily on weather conditions. Also, co-ed events are, for strategic reasons, often comprised primarily of all female crews.

23. The number of sailing events is restricted to 18 competition weekends and the number of high-level regattas that Brown is able to enter on a particular weekend is limited by the number of scheduling points Brown earned in the prior season.
24. The women who represent Brown at women's sailing events do not do any special training particular to those events.
25. When women use one of their competition weekends to represent Brown at women's sailing competition, they do so in lieu of participating in a co-ed competition that weekend, not in addition to it.
26. As a female member of Brown's sailing team, I will not have any additional competitive, training opportunities or other benefits of being a varsity athlete as part of Brown's "women's" sailing team that I would not have as part of Brown's co-ed sailing team.
27. I do not believe I am receiving two opportunities to participate in athletics because I am able to race in both women's regattas and coed regattas.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on: 8/26/2020  
date

  
\_\_\_\_\_  
Emilia Ruth

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF GABRIELLE SHIEH**

I, Gabrielle Shieh, hereby make the following declaration in accordance with 28 U.S.C. §1746, under penalty of perjury:

1. I am 18 years old. In January of 2021, I will be entering my freshman year at Brown University (“Brown”) enrolled in the School of Engineering.
2. I was going to be entering as a member of the women’s varsity golf team with four more years of athletic eligibility, but Brown has announced that it is eliminating the women’s varsity golf team.
3. My family lives in Massachusetts. Golf has been shaping who I am as an athlete and a person since I started playing at the age of five. I began playing tournaments at the age of six and, by the age of twelve, I knew I wanted to pursue competitive golf at the collegiate varsity level. I have since developed a competitive tournament resume, including the 2017 and 2019 Massachusetts Interscholastic Athletic Association Girls High School Individual State Championship titles; the 2017, 2018, and 2019 Massachusetts Interscholastic Athletic Association Girls High School Individual Sectional Championship titles; being named the

captain of the Concord Carlisle High School Boys Varsity Golf team during my junior and senior years; placing fourth at the 2016 Drive Chip and Putt National Finals at Augusta National; the 2016 U.S. Girls' Junior Championship; the 2019 Girls Junior PGA Championship; and the 2018 American Junior Golf Association Scholastic Junior All-America award. Because of my strong academic and athletic resumes, I was recruited by a large number of universities, including Brown, to join their women's varsity golf teams.

4. I had to make a lot of sacrifices to be recruited by a university as prestigious as Brown. In order to juggle traveling to golf tournaments during the school year and taking all honors and AP classes, I had to learn how to balance my time while continuing to excel both on the golf course and in the classroom. As I continued to improve my golf game, I had more overnight stays and early mornings for tournaments, thousands of hours of lessons and practices, physical strength and conditioning, repetitive use injuries, and off-season training. I had to study on airplanes and during car rides in order to keep up with my classmates. I missed 25 days of school during my junior year due to golf tournaments and ended with a cumulative GPA of 4.33.

5. Golf is a sport that teaches life skills that translate into one's everyday life. It taught me about hard work, time management, perseverance, mental strength, and integrity. During my four years on the CCHS Boys' Varsity Golf team, I learned how to effectively work and contribute to a team and the importance of team comradery. As a captain of the golf team for two years, I learned leadership and communication skills and learned how my actions affect others on the team. I understand that there are countless other lessons to learn and was excited about learning by being on a varsity collegiate team. Collegiate golf is another crucial stepping-stone in this lifelong learning experience. Depriving me and my teammates of it diminishes an important aspect of the college experience.

6. I got an offer from Brown in May of my junior year and, as a result, did not send some of my academic information to other universities. I was also invited to visit Harvard University and meet the team, which is something done right before offers are given out by the coaches; however, I decided to accept the offer from Brown instead. I chose to turn down offers from other universities because of the combined academic and athletic opportunities I would receive as a result of attending Brown, as well as because of the wisdom and comradery of the women's varsity golf team. I was initially drawn to Brown because of its strong academics and the flexibility of their open curriculum, but I fell in love with the golf team because of the players and coaches. Coach Danielle Griffiths, the former head coach whom I verbally committed to, as well as the current head coach, Coach Jackie Beck, both demonstrated a deep knowledge of the game of golf and competition at a highly-competitive level. They also cared deeply about the girls' performance both on the golf course and in the classroom, as well as their mental and physical well-being. I also really enjoyed the team dynamic. The girls were excited to help one another and genuinely wanted their teammates to succeed.

7. By announcing the elimination of the women's varsity golf team on May 28, Brown took away any opportunity for me to continue my golf career at the collegiate Division I varsity level. I turned down other offers and only applied early-decision to Brown due to my verbal commitment from the women's varsity golf team. When the decision to eliminate women's varsity golf was announced, it was impossible for me to apply to another Ivy League university, as the application deadline for the class of 2024 had long passed. I then looked into the possibility of taking a gap year and being recruited for the class of 2025. However, after speaking with the head golf coaches of other Ivy League universities, I confirmed that those programs scout and recruit years in advance of the athlete's freshman year. I also looked into the

possibility of transferring to another Ivy League university, but discovered that I would not be allowed to apply to transfer until during my sophomore year. In addition, transfer rates are very low for Ivy League universities, and I would not be able to receive coaches' support through admissions. I contacted women's golf programs at other strong Division I institutions, but did not want to compete at a university outside of the Ivy League, where I would not receive an education that matched the quality of Brown's academics. So, I have chosen to attend Brown for the 2020-2021 academic year. But my experience will be significantly diminished without the opportunity to compete at the collegiate Division I level.

8. I was promised the opportunity to play for the Brown women's varsity golf team and turned down offers from other universities as requested by Brown. I chose to dedicate myself to Brown athletics and the lack of reciprocated commitment and solidarity that Brown athletics has for its student-athletes is heartbreaking and insulting. To abruptly, unceremoniously, and heartlessly eliminate varsity sports teams in the manner that Brown did is despicable.

9. Despite Athletic Director Jack Hayes's promise to enhance the club team, a club golf team could never give an athlete the same experience as a varsity team. I committed to the women's varsity golf team in the summer of 2019 because I was promised a platform in which I could improve my golf skills and continue to compete with and against girls -- including competitors whom I grew up with and maintain a strong competitive friendship -- who are as passionate about golf as I am. As club team members, we would not have access to Ledgemont Country Club, the home course of the women's varsity golf team, the varsity weight room or sports medicines, and we would not have a coach to lead our team. Without instruction, a practice facility, or strength and conditioning, we could not practice regularly or effectively enough to see improvement in our games. The club golf team is a cruel reminder of Brown's



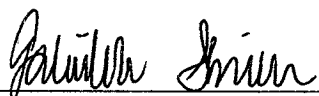
unwavering dedication to its false idea of excellence and callous mistreatment of its student-athletes.

10. Brown's decision to eliminate more female athletes than male athletes not only goes against the Consent Decree and Title IX, but it also goes against the idea of "excellence" and the Ivy League mission statement. Brown cut women's sports teams that have the highest Academic Index in pursuit of winning tournaments by allocating admission spots to other teams. Rather than pursuing excellence in academics and athletics, it sent the message that winning tournaments is more important.

11. I ask that the Court correct what Brown has done by reinstating the women's varsity golf team and the four other women's varsity teams that Brown eliminated.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/25/2020

  
\_\_\_\_\_  
Gabrielle Shieh

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF HANNAH WOOLLEY**

I, Hannah Woolley, declare as follows:

1. I am 21 years old, grew up in Medfield, Massachusetts, and am currently enrolled at Brown University (“Brown”) as a member of the class of 2021, majoring in Biology. I am entering my senior year at Brown during the Fall 2020 semester and plan to apply to medical school after I graduate in the spring.

2. I was the captain of the women’s varsity equestrian team at Brown, but Brown has announced that it is eliminating the team.

3. I am personally devastated by the prospect that women’s equestrian is being eliminated as a varsity sport at Brown.

4. I chose to study at Brown both because of its strong academic offerings and because I wanted to attend a university where I could ride as a member of a varsity equestrian team. I knew that Brown’s equestrian team had a long history of success and a dedicated coach of over twenty years. Brown traditionally dominates Ivy League competition and regularly sends

student athletes to the sport's national championships. Brown's equestrian program, including the team's status as a varsity sport, was a major factor in my decision to attend Brown.

5. I have been riding since I was a child and attribute a huge part of my personal growth to equestrian. The sport has taught me to be a better observer, communicator, and problem solver.

6. In my time riding at Brown, I individually placed 2<sup>nd</sup> in both jumping and flat at the 2018 Ivy Championships; and finished 5<sup>th</sup> and the 2019 Zone 1 Region 1 Championships. I was projected to qualify individually for the 2020 Zone 1 Region 1 Championships when the season was cut short due to COVID-19. The upcoming spring 2021 season will be my last opportunity to participate in these competitions. With the reduced resources and support that come along with the team's demotion to club status, it seems unlikely that I'll be able to perform as strongly as I have in the past, which is very disappointing to me.

7. The team as a whole has been particularly strong over the past few years. Brown had second place standing in the region last year before the competition year was cut short. Brown has finished first in the region for 11 of the past 20 seasons. With reduced resources and support as a club team, it is unlikely that the team will be able to perform as strongly.

8. As a club sport, team members will have to pay to train and compete. Consequently, the team will become smaller and less competitive.

9. Due to the generosity of an anonymous donor, Brown says that it will continue funding the team at the same level for the next two years. After that, team members will need to pay significant club team dues to participate. I estimate that these dues will be about \$1700 per student, per year, based on my knowledge of equestrian team club schools as other schools. Many of my teammates are concerned about the burden of this expense and unsure if they will be able to

continue on the team at that point. At least 60% of my team members report that club dues will constitute a significant barrier to their participation in the sport.

10. Demotion to a club sport is likely to result in waning donor support over the next few years, creating an even greater economic burden for the team.

11. As a club, we will no longer have access to the strength training and sports-related medical care afforded to varsity athletes. This training and medical care is critical for the prevention and detection of injuries, including concussions, which are a frequent occurrence in my sport, affecting about two athletes on my team each semester.

12. My and my teammates' reputations and future opportunities will also suffer. We will not have access to the same professional networking opportunities that come with participation in varsity sports. The title of "club" athlete will not carry nearly the same weight on my future medical school applications.

13. I am dedicated to my team and teammates -- and intend to continue on the team and help it transition to a club sport. I will need to take on additional administrative roles as captain of a club team, including organizing the team's competition entries, and transportation to and from practice. During the transition, I will need to dedicate significant time to restructuring our sport as a club. All of this will detract from the time I can dedicate to studying, preparing for medical school, and trying to enjoy my senior year as much as possible.

14. Among varsity sports, equestrian is unique as a varsity sport in its accessibility. The Intercollegiate Horse Show Associate (IHSA), our league, requires teams to have members of all skill levels, including beginner. Many of my equestrian teammates are walk-ons, and some have little to no horse-riding experience. Without Brown's equestrian team, and without varsity-level

funding, these teammates would never have the opportunity to compete as college athletes, nor have the life-changing experience of horsemanship.

15. The equestrian team is also uniquely inclusive of athletes with disabilities. Horse-riding has both mental and physical therapeutic benefits. Eliminating Brown's varsity equestrian team will mean eliminating one of very few Division I athletes with a persistent physical disability—my teammate Lauren Reischer—and will eliminate this opportunity for present and future students with similar backgrounds. This is a monumental loss.

16. I committed to Brown with the understanding that I would be a part of a varsity team for my four years here. Now, I feel deceived. When I chose Brown, I was under the impression that the school valued student voices and was committed to helping students succeed academically and athletically. Through this decision, Brown has made it clear that is not the case.

17. Three of my teammates are incoming freshman, who committed to Brown with the understanding that they would be members of a varsity equestrian team. One of these was our team's first recruit in the time I have been on the team. She was recruited to participate on a varsity equestrian team, but will never actually have the opportunity to compete on one. The two others, though not recruited, chose Brown based in part on the belief they would be competing on a varsity equestrian team, just as I did. They are heartbroken, just as I am.

18. I hope that the Court will correct what Brown has done by reinstating my team and the other four women's sports which have been cut to full varsity status.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/25/2020 Hannah Woolley  
Hannah Woolley

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF LAUREN REISCHER**

I, Lauren Reischer, declare as follows:

1. I am 21 years old and am entering my senior year at Brown University (“Brown”) as member of the class of 2021, double majoring in Education and Public Policy.
2. I was a member of, and the co-captain of, the women’s varsity equestrian team at Brown, which Brown announced its intention to eliminate on May 28, 2020.
3. I am personally devastated by Brown’s decision to eliminate equestrian as a varsity sport.
4. I suffer from Cerebral Palsy (CP). CP affects all of its sufferers differently. In my case, my main symptom is stiffness throughout my body that affects my mobility

and ability to develop muscle mass. As a young child, my brain did not recognize my legs as two separate limbs, as a result of which I could not spread them or move them independently of each other.

5. When I was three and a half years old, I and my family decided to try therapeutic horseback riding to help with my CP. At my first session, my legs separated on their own for the first time in my life. Within a few months, I had learned to walk. From that point on, horseback riding became a major part of my life, and it always will be.

6. I plan to participate in equestrian for the rest of my life and am hoping to ride professionally one day. I am highly involved with the U.S. Equestrian Foundation (USEF) and am currently serving on a task force to introduce para-showjumping into the USEF.

7. During my college application and admissions process, whether or not I would have an opportunity to ride as part of a collegiate team was a huge consideration for me. Brown was my first choice, but I had many offers from many other colleges.

8. In the spring of 2017, I attended an admitted students' weekend at Brown, and made it a point to reach out to Michaela Scanlon, our team's coach, and visit Brown's equestrian facilities. The coach assured me that she would make it possible for me to try out for the team, and that, if my tryout was successful, she and the university would make all of the accommodations necessary for me to participate in the sport. This was a major factor in why I ultimately chose Brown over other schools with equestrian programs.

9. After arriving at Brown, I did try out and earned a spot on the equestrian team. Most schools with varsity programs would never have taken a chance on someone with a severe physical disability like me. Club equestrian teams do not have the resources to accommodate my disability. Brown not only allowed for my participation, but went out of its way to offer the accommodations necessary to make me successful at my sport.
10. Equestrian at a non-collegiate level is a very individual sport. My participation on Brown's equestrian team has allowed me to experience the community and camaraderie of a team environment for the first time in my life. Stick-and-ball sports have never been accessible to me. My experience on Brown's equestrian team has allowed me to develop sportsmanship and leadership values that I would not otherwise have an opportunity to learn. I was elected co-captain of our team for my senior year, which I can honestly say is one of the most meaningful and rewarding achievements of my life.
11. Before Brown, I competed mostly against other disabled athletes. As a member of the Brown equestrian team, I am in competition with able-bodied individuals, and I usually place in the middle of the pack at IHSA (Intercollegiate Horse Show Association) shows. I now compete as an amateur adult against able-bodied individuals outside of Brown, too.
12. Outside of Brown, my father and I run a non-profit called GallopNYC. It is actually the same organization that first brought me to horseback riding when I was three years old. My father and I took over the leadership of GallopNYC about ten years ago. Through my leadership there, I try to bring the same experience to other disabled



riders. Before COVID, we were serving 650 riders per week, of all ages and types of disabilities, including post-combat veterans.

13. I am the first person in the history of GallopNYC to compete at a collegiate level. There are many riders at GallopNYC, especially young ones, that look up to my status as a college varsity athlete. My losing that status will be a major discouragement to these young riders.

14. Horseback riding has therapeutic aspects that make it uniquely accessible to the physically disabled, which offers a huge opportunity for inclusivity among varsity sports at Brown. Ability is not what keeps disabled riders out of equestrian. It is access. Horseback riding is cost-prohibitive for most people. Many organizations, including colleges, have safety and liability concerns that create an additional barrier to entry.

15. University funding of equestrian at a varsity level creates an access point that many students with disabilities like mine would never otherwise have. Brown's support of me as a student athlete situated the school as a leader in sports inclusivity. In the fall of 2019, Brown even produced a short film about my experiences, highlighting its commitment to making athletics more accessible -- "Go Forth Unafraid: Lauren Reischer, Cerebral Palsy, and Brown Equestrian," <https://brownbears.com/news/2019/8/20/go-forth-unafraid-lauren-reischer-cerebral-palsy-and-brown-equestrian.aspx>. Brown was changing the narrative of what it means to be a varsity college athlete away from an exclusive emphasis on the soundness of one's body. As a young woman with a disability, that is a level of inclusivity I have never experienced before in my life.

16. Brown's decision to cut our team undermines Brown's commitment to me and represents a step backward in sports inclusivity. To the best of my knowledge, I am the only varsity athlete at Brown with a severe physical disability. Through its decision to eliminate the women's varsity equestrian team, Brown has cut 100% of its disabled varsity athletes.

17. It is my hope that Brown will recognize that it made a mistake and reinstate my team. If it does not, I hope that the Court will order Brown to reinstate my team and the other varsity women's teams it recently decided to eliminate.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on: 8/26/2020



\_\_\_\_\_  
Lauren Reischer

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF MAGGIE BEARDSLEY**

I, Margaret Beardsley, declare as follows:

1. I am 20 years old and am currently enrolled at Brown University (“Brown”) as a member of the class of 2022, concentrating in Applied Mathematics-Computer Science. I am entering my junior year at Brown during the Fall 2020 semester.

2. I was the captain of the women’s varsity skiing team at Brown, but Brown announced that it is eliminating the team.

3. Skiing has been a huge part of my life since I was very young. I started skiing when I was two years old and became involved in competitive ski racing in the third grade. My family lived in Connecticut, but I began going up to Vermont to ski every weekend as part of my racing program. Eventually, I enrolled at Green Mountain Valley School, a high school in Vermont focused on ski training.

4. I was named to the All-MacConnell Division team in both the 2019 and 2020 seasons. I finished 5<sup>th</sup> in total points in the Division in the 2019 season, and 8<sup>th</sup> in total points

in the Division in the 2020 season. I was also named Brown Skiing's Most Valuable Player in the 2019 season.

5. I am personally devastated by the prospect that skiing is being eliminated as a varsity sport at Brown.

6. I chose to attend Brown in part because it is one of the few schools that offers a world class computer science and mathematics program as well as a competitive ski team. Many other schools with competitive ski programs are smaller liberal arts colleges, and I wanted to attend a larger urban university with a stronger focus on math and sciences. The opportunity to ski competitively on a varsity team was a determining factor in my decision to come to Brown, and I accepted my admission to Brown based in part on the assumption that I would be a member of a varsity team for four years. Many of my teammates also chose Brown for the same reason.

7. We were informed of the decision to eliminate Brown's varsity ski program on a zoom call on May 28, 2020. The announcement came so late in the academic year that transferring to a comparable school with a varsity Skiing program was not feasible. The only other Ivy League schools with ski teams are Harvard and Dartmouth. I reached out to the Harvard coach, but he told me it was too late for me to transfer for the upcoming academic year. Several teammates who would have otherwise been interested in transferring encountered the same situation.

8. I am not sure if I will be able to continue competing in my sport in any capacity going forward.

9. As a result of skiing's demotion to club status, we have lost our coach, Alex Norden. She was offered a position as a club administrator, but was not interested and chose to take a coaching job at Gould Academy in Maine. In fact, for the coming season, we may have no coach at all. The University is under a hiring freeze, and we have been informed that this freeze applies to hiring a coach in any capacity—even a volunteer coach. We are not permitted to self-fund a coach.

10. Skiing is an expensive sport, and Brown's funding of it as a varsity sport enables participation by students who have limited personal resources. The team will also likely lose donor support due to its demotion from varsity to club level, creating an even greater funding deficit the team will have to make up for.

11. As a result of the financial burden, as well as the team's diminished reputation on account of its demotion to a club sport, the team will shrink in number and become less competitive.

12. Being relegated to club status will also reduce our access to training, equipment, and medical care. Brown has proposed hiring a single trainer for all club sports. It has also informed us we will no longer be able to access the varsity weight room. The variety and quality of equipment and support available in the club sport facilities is far inferior to that available in the varsity weight room and training room. The equipment in the varsity weight room is absolutely critical to our team's safety. Skiing is a dangerous sport that requires extensive strength training to minimize the risk of injury. For example, the varsity weight room has a four-way neck machine -- a piece of training equipment that is hugely helpful in preventing concussions -- that the club facilities lack.

13. Initially, Brown indicated to us that it would continue to fund the skiing club team at varsity level for one year as we transition to club status. However, in recent conversations with university officials, they have informed us that they may not be able to keep that promise. The team requires some funding from the university to operate in any capacity. The sport is dangerous and requires a coach, which we cannot hire in the absence of Brown's funding. Without a coach and resources like those we were provided as a varsity sport, we will not be able to have a ski racing team at any level. As such, Brown's elimination of skiing as a varsity sport is actually elimination of the sport entirely.

14. My teammates and I are also suffering reputation losses. Membership on a varsity team adds resume value that club sports cannot offer. Individual profiles of Brown varsity athletes are featured on the Brown Athletics website. This is invaluable for students during and after their Brown education, as it allows for recognition of their accomplishments as student-athletes during the competitive processes of career-seeking and graduate school application.

15. I hope the court will correct the damage that Brown has done to me and my teammates, and prevent further damage by reinstating the varsity women ski team at Brown, as well as the other four varsity women's sports that have been cut.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  \_\_\_\_\_  
Maggie Beardsley

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF PINYA PIPATJARASGIT**

I, Pinya Pipatjarasgit, declare as follows:

1. I am 19 years old. In the fall of 2020, I will be entering my junior year at Brown University (“Brown”), pursuing a bachelor’s degree in behavioral decision sciences.
2. I am a member of the women’s varsity golf team at Brown, with two more years of eligibility.
3. My family is from Ohio. Golf became a large part of my identity at a very young age. Because of my parents’ and grandfather’s love of the game, I began swinging a golf club at the age of three. I played in my first tournament at the age of nine. After my freshman year of playing high school golf, I decided that I wanted to continue my athletic career into college. Since then, I have developed a highly competitive tournament resume, which includes the 2017, 2018, and 2019 U.S. Girls’ Junior Championships, the 2018 U.S. Women’s Amateur, and the 2018 LPGA Marathon Classic. Because of my demonstrated athletic ability and strong academic profile, I was recruited to attend Brown and compete on the varsity women’s golf team.

4. I chose Brown because of its combined academic and athletic opportunities. With the absence of general education requirements, Brown's open curriculum gives students the freedom to personalize their four years at the university. Because of my wide range of academic interests, I felt that having this great amount of flexibility would enhance my undergraduate experience. Very few schools offer this unique of academic program; I would not be able to get the same experience at any other university.

5. In addition to Brown's open curriculum, Brown is a NCAA Division I school in the Ivy League Athletic Conference with, at the time I was recruited, a varsity women's golf team. Though my academics have always been a top priority, golf has been my passion since I was a child and I knew I wanted to pursue it in college. Competing at an NCAA Division I school would give me the greatest opportunity to continue to play at the same degree of competition (or higher) I had experienced as a junior golfer. Thus, the combination of a highly unique academic curriculum and the opportunity to compete at the highest level of collegiate athletics is what drew me to Brown. I received my verbal offer to attend Brown in August 2017, received my "likely letter" in November 2017, and was accepted through early decision in December 2017. To go to Brown, I turned down offers and other potential opportunities, many of which included scholarships, from other academically and athletically rigorous universities, including the University of San Francisco, Seton Hall University, Loyola University, Boston University, The College of William & Mary, and Carnegie Mellon University.

6. On May 28, 2020, at 12:05pm, I received an ominous email from Associate Director of Athletics Bridgette Cahill on behalf of Athletic Director Jack Hayes. With little detail, this email simply informed me of an important Zoom webinar regarding the athletics



department, and I was encouraged to join at 1:00pm that day. This Zoom webinar lasted around nine minutes and, effective immediately, ended my varsity athletic career at Brown.

7. After the initial shock of Brown's decision, I began looking into the prospect of transferring to another university so I could continue the pursuit of my undergraduate degree while playing Division I golf. I entered the NCAA Transfer Portal on June 1. I decided that I only wanted to transfer to another university within the Ivy League, as I wanted a school that matched Brown's academic caliber. My top choices were Yale and Columbia, but I soon found out that it would be impossible for me to transfer to either school for the 2020-2021 academic year, as transfer deadlines for the fall had long passed and neither school takes spring transfers. The coaches told me that, if I really wanted to transfer, I would have to take a gap year and apply to transfer in the spring of 2021. Even then, it would be difficult to get in because transfer acceptance rates are very low, and the coaches told me that they would not be able to help me through admissions. Nearly twenty other schools reached out to me after I entered the NCAA Transfer Portal, but those schools do not match the level of combined academic and athletic competitiveness that I experienced at Brown and would experience at the other Ivy League schools. Additionally, I am a rising junior; I have already established myself and made a home at Brown. Even if I had the opportunity to apply to transfer, it would be very difficult for me to adjust to the different academic and social aspects of another school. Considering these factors, I made the decision to stay at Brown for my remaining two years of undergraduate school, though my experience will be greatly diminished with the absence of a varsity golf team.

8. Although Brown has said that it will enhance existing club teams and add new ones to replace the cut varsity teams, this will not compare to the experience one would have on a varsity team. Jack Hayes and Brown have been unable to provide a plan for how they will

improve the club golf team. I do know, however, that the club golf team will no longer have access to the varsity weight room and sports medicine. These facilities and resources are necessary for strength and conditioning training and treating injuries, which are both extremely integral to a competitive team. Our operating budget will eventually be significantly reduced, which might restrict our ability to practice at our home golf course and potentially create barriers to travel to competitive tournaments. Additionally, we do not know if we will even have a coach to lead our team. Golf is not a sport in which you can practice once a week; you must practice very regularly with the correct facilities and guidance to preserve technique and improve. I know that, even if I continue to compete on the club team at Brown, the limitations placed upon the team will make it significantly less competitive than the original varsity team, and my game will inevitably deteriorate.

9. Also, the level of prestige associated with varsity teams compared to club teams differs greatly. For example, varsity teams at Brown receive a large amount of publicity on the Brown Athletics website and social media platforms. Each team has its own page, athletes have their own biographies, and the athletics department publishes updates on the website. In contrast, there is no mention of any club teams on the Brown Athletics website. Club sports are featured on a separate website for Brown Recreation, further showing how varsity teams and club teams differ greatly in status.

10. Reflecting these differences in prestige, publicity, and more, on August 22, 2020, the award-winning Toledo newspaper, *The Blade*, published the attached article about me: “Cost and commitment: Pipatjarasgit achieves childhood dream.”

<https://www.toledoblade.com/sports/golf/2020/08/06/cost-and-commitment-pipatjarasgit-achieves-childhood-dream/stories/20200806121>. The article recounts how my commitment to

golf allowed me to be recruited by and admitted to Brown. Since club golf is allocated no recruiting or admission slots, the article's publication after Brown eliminated my varsity golf team is especially ironic. Unless Brown's decision to eliminate women's varsity golf is reversed, no other woman will be able to achieve such a childhood dream at Brown.

11. Demoting the women's varsity golf team to club status harms and insults not only me, but my teammates as well. Many of my teammates were also highly competitive junior golfers. They, too, came to Brown for the balance between a rigorous and unique academic experience and competitive NCAA Division I athletics. We have produced many awards, such as the 2018 Ivy League Rookie of the Year, the 2015 Ivy League Championship Medalist, multiple Brown Athlete-of-the-Weeks, and a number of Academic All-Ivy winners. More recently, for the 2019-2020 academic year, six of the nine members of the team were Women's Golf Coaches Association All-American Scholars. My teammates share my feelings of frustration and disappointment in regard to Brown's decision to eliminate varsity golf. It has ripped away an integral part of our college experiences and an opportunity that we all began to work for at a young age. Playing on the varsity team gave us an immense amount of school pride and a sense of belonging, but now, we feel betrayed, and have lost a lot of respect for our school since it showed no respect to us.

12. Golf teaches invaluable skills that will translate to life beyond the sport—including hard work, patience, mental strength, and integrity—that are developed throughout the course of one's competitive career. When you play on a collegiate team, you also learn interpersonal skills, such as teamwork, communication, and compromise. These are skills that give me and my teammates a competitive edge in the professional workplace. Without a varsity

team, we no longer have the opportunity to have these developmental experiences that collegiate varsity golf uniquely provides.

13. Additionally, this decision has had a very large impact on our three incoming freshmen, all of whom are elite junior players. These women committed to Brown under the impression that they would be competing on a varsity golf team, so they rejected opportunities from other schools. Now, because application deadlines for the class of 2024 have passed, they have no option but to attend Brown for the 2020-2021 academic year or take a gap year. One described her dream of playing collegiate golf at the varsity level as being “ruined.” While the existing team members were able to have a couple years on the team at Brown, our incoming freshmen will have none. One will be taking a gap year to decide what she will do next. All have taken Brown’s decision as an opportunity to question if they were right to put their trust in Brown.

14. Brown claims to be an inclusive and diverse school, but its decision to willingly violate the Consent Decree and Title IX by cutting twice as many female athletes as male athletes directly contradicts that claim. Through its decision, Brown is sending an erroneous and horrible message to its students and community: that equal opportunity in athletics and character development through athletics are second to winning Ivy League titles. This decision further enforces the notion established by the original “Excellence in Brown Athletics Initiative”—that Brown administrators do not think of their students as real people; they see us as mere numbers who must meet their bar of excellence or face the threat of demotion.

15. I enrolled in Brown with the expectation that I could pursue my undergraduate degree in a very unique academic program while competing in the sport I love at the highest level of collegiate athletics. Brown promised this experience to me when I first committed. Then,

without warning, Brown ripped it away. I will not be able to find an opportunity comparable to my experience at Brown at any other university. The strong bond I once felt with the school has been greatly damaged by its sudden and cold decision.

16. I hope the Court will correct what Brown has done and prevent further damage by reinstating my team and the other four women's teams that have been cut.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on:

8/24/20

Signed:



\_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

AMY COHEN, et al.,  
PLAINTIFFS,

v.

BROWN UNIVERSITY, CHRISTINA  
PAXSON, as successor to VARTAN  
GREGORIAN, and JACK HAYES, as  
successor to DAVID ROACH  
DEFENDANTS

Case Number: 92-CV-0197-JJM-LDA

**DECLARATION OF MADISON MCCARTHY**

I, Madison ("Maddie") McCarthy, declare as follows:

1. I am 19 years old, grew up in Rhode Island, and am entering my sophomore year at Brown University ("Brown"). I was extremely proud and excited to be a member of the women's varsity skiing team at Brown. But I am no longer participating in skiing at Brown because the school has eliminated women's varsity skiing team.

2. I have been skiing since I was two and a half years old, and I've never loved anything else ever as much. For as long as I can remember, I have wanted to ski at an NCAA level, particularly at an Ivy League school. Brown, in particular, was the epitome of everything I've ever worked towards because of its proximity to my family, the health of its program, the level of talent, and the way that it could allow me to be a student-athlete in the fullest sense of the term. I also drew interest from other NCAA Division I and Division III schools, including another Ivy League Conference school, but I wanted to ski at Brown.

3. The first time I took the SAT, I scored 1030 (on a 1600 scale). As a junior in high school, I pulled straight Bs. I was ranked in the middle of my class at a school that only had sent

a handful of students — in its centennial history — to Ivy League schools. The odds of acceptance were grim, and I was appropriately denied that admissions cycle. So, I just worked harder for the next one.

4 In the interim, I jumped dozens of spots, eventually graduating third in my high school class. I took a gap year to study at one of the hardest high schools in the country — sinking quickly at first, but emerging with nearly a 400 point increase in my SAT score and earning honors by the time I stepped on to the graduation stage. I worked relentlessly, all with one goal in mind: to gain acceptance to Brown and be recruited by its ski team.

5 Brown's former coach, Alex Norden, looked beyond my initial scores and grades, and bet on me — as a student, as an athlete, and as a human being. Her trust and belief in me propelled me forward, allowing me to obtain the quantitative marks that mattered to Brown. I gained admission to the University in March 2019, and it was a complete and utter dream come true. After years of turmoil, including the death of my father and two of my grandparents, that day changed everything not just for me, but for my family. Affiliated with Brown or not, to have someone believe in you at one of the lowest moments of your life is, I believe, one of the greatest gifts a person can give to another. Coach Norden's actions continue to stay with me and affect me in the most positive ways, even as I enter my second year at Brown without her.

6 In my first semester at Brown, I had a perfect grade point average and was offered a spot in my dream research group. During ski season, I secured my team's National Championship appearance in a clutch Eastern Regional performance and won Academic All-American honors. My life as both a student and as an athlete took off in ways that I could have never imagined. This success allowed me to set my sights on earning an international postgraduate scholarship such as Rhodes, Fulbright or Truman. I look up to the small, exclusive group of collegiate student-athletes

who have been able to achieve this type of honor, like Dr. Myron Rolle and Parker Goyer, and I firmly believe that sport greatly improves my chance of being able to achieve such a dream.

7. Brown's decision has caused me irreparable damage not only in my athletic pursuits, but it has impeded my focus on using sport to excel at the highest ways of academic and personal achievement. My coach, my teammates, and the program that I have worked so hard to become part of have been disbanded by the University's sudden dismissal.

8. I refuse to continue to represent Brown as a member of the ski team. I cannot continue to ski for an institution that has shown such disregard for me, my teammates, my coach, the alumni, our families, and female student-athletes. I feel that I owe it to my coach, who has decided to rightfully leave the University, and my family members, who have never given up on me and have gone to great lengths for me to be able to pursue this former dream. Brown's decision was made with absolute carelessness, along with ignorance of the impact it would have on institutional relations and reputations. To continue to sacrifice aspects of my life -- including my health -- for the next three years, while going to great lengths to represent the institution that has made these decisions in this way, is nonsensical to me.

9. My safety is another factor in my decision to retire from skiing. Although I have long prioritized injury prevention and strength, skiing is known to be rough on your body. In this season alone, I had my third concussion, a shoulder injury that is scheduled to receive cortisone treatment, and a lingering knee injury that required surgical intervention this past June. I cannot continue to ski without the varsity-level medical support that we used to have through Brown's Sports Medicine Department and Strength and Conditioning staff, but have now lost as a result of skiing's demotion to a club sport.



10. Skiing is known to be resource-intensive, but, with varsity-level funding from the Brown and the support of skiing alumni donors, that aspect is mitigated. In addition to the university's reduced funding, the team is also losing donor contributions, which will make participation much more expensive for me. Out of respect for my family, I will not ask them to fund my skiing any further than they have, especially given what we expected and planned for when I was an incoming recruit just last year.

11. I remain committed to my belief in using sport for betterment in life, so I have looked to other options to compete at the highest level at Brown, especially given my inability to transfer. As a result, I have been rostered by the varsity Women's Cross Country & Track teams. I have never trained as a runner with the intensity of my former ski training, but I do love running - secondary to skiing. I am willing to try to resurrect my dream through sport in this new avenue, and this new opportunity has brought a lot of light into my life throughout the past few months by filling the void of the varsity experience for which I was originally recruited.

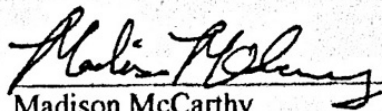
12. I am somewhat conflicted over this decision. Brown's is claiming it will correct its violation of the *Cohen v. Brown* Title IX Consent Decree through roster management -- i.e., by adding more women to (and limiting the number of men on) varsity team rosters. I hate that, indirectly, I am contributing to this by being rostered on a varsity women's team. I know that I am one person and my decision will likely have a microscopic effect on Brown's roster management plan. But I hate that I am contributing even slightly to Brown's poor response and choice to discriminate against women athletes.

13. I never fully understood the extent of how women were discriminated against in sports until recently, and because of it, I will remain steadfastly committed to advocating for the ability for women to play at an equal rate to men. I hope that the Court will do the same by seeing

clearly the facts of this case and how Brown has discriminated against its women athletes, understanding the impact that Brown's violation of the Title IX Consent Decree has had and is having on me and my peers, and reinstating the affected women's teams as quickly as possible.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/25/2020

  
\_\_\_\_\_  
Madison McCarthy