

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS, VICTORIA DIVISION

TONI MAREK

Plaintiff,

v.

PHI THETA KAPPA HONOR SOCIETY
AND EXECUTIVE DIRECTOR DR. ROD
RISLEY,

Defendants.

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Civil Action No. 6:14-CV-00055

**DECLARATION OF DR. ROD RISLEY
UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746**

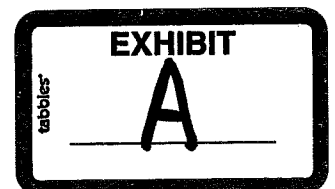
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the following is true and correct.

1. My name is Dr. Rod Risley (“Risley” or “Declarant”). I am over the age of 21, am of sound mind, and am in all ways competent to make this oath and declaration. All of the matters stated herein are within my personal knowledge and are true and correct.

2. At all times relevant to the claims made by Toni Marek (“Marek” or “Plaintiff”) in the above-captioned lawsuit, I have been employed by Phi Theta Kappa *d/b/a* Phi Theta Kappa Honor Society (“PTK” or the “Society”) in Jackson, Mississippi. I have worked for PTK for over thirty (30) years. My current title is Executive Director. I am authorized by PTK to make the statements in this Declaration on its behalf.

3. PTK is an academic honor society comprised of 1287 chapters located at two-year colleges around the world, which in turn are comprised of student-members attending those colleges. PTK is the world's oldest and largest community-college honor society, recognizing the academic achievement of qualified students at its various chapters. PTK provides the student-members of its chapters with honors and leadership programs, and assists them with service projects, career and professional development, and scholarship programs. The Society maintains an interactive website with a global network of its chapters’ student-members.

4. PTK selects five (5) student-members of its chapters each year to serve as International Officers (“IOs”) during the Society's meetings and annual convention. The IOs include a president and four vice-presidents, representing four geographic divisions. IOs are elected by the delegate body at the Society’s annual convention each year and serve one-year terms. Additionally, one IO is selected by PTK’s Board of Directors to serve a one-year term on the Board. Being an IO is considered the highest pinnacle of leadership within PTK, and the campaigning experience for IO has also been called a broadening and learning experience.



5. Marek was a member of PTK's chapter at Victoria College in Victoria, Texas, while she was a student there. She also served as an IO of PTK (vice-president) from approximately April 2013 until her resignation from this position in January 2014.

6. PTK's student-members of its chapters and IOs are not employees of PTK, are not paid a salary or wages by PTK, and are not authorized to bind PTK as an agent or contractor. The only monetary payments made by PTK to IOs are reimbursement for their prior-approved travel and related expenses for attending the Society's various meetings and/ annual convention, tuition scholarships for required training and leadership seminars, reimbursement for expenses incurred in service as a PTK officer, a laptop computer and case for use in performing officer-related services, and scholarship amounts and a PTK lapel pin which they may be awarded at the successful completion of their IO terms.

7. PTK has never employed Marek, and PTK never discharged Marek from employment. Marek never applied for employment with PTK, and PTK never refused to hire Marek for any employment position. PTK never discriminated against Marek in granting or refusing to grant her any compensation, terms, conditions, or privileges of employment.

8. PTK never paid Marek any wages, salary, or other remuneration. PTK has never given Marek any employment benefits or any other benefits that were not incidental to her services as an IO or a student-member of PTK's Victoria College chapter. The only monetary or in-kind payments Marek received from PTK was reimbursement for her prior-approved travel and related expenses for attending the Society's various meetings and/ annual convention, tuition scholarship for required training and leadership seminars, reimbursement for expenses incurred in service as a PTK officer, and a laptop computer and case for use in performing officer-related services. These reimbursements and payments were incidental to her service as an IO.

9. I have never employed Marek in my individual capacity. Because I never employed Marek in my individual capacity, I never discharged her from employment. Marek never applied for employment with me in my individual capacity. I never, in my individual capacity or on behalf of PTK, refused to hire Marek for any position. I never, in my individual capacity or on behalf of PTK, discriminated against Marek in granting or refusing to grant her any compensation, terms, conditions, or privileges of employment.

10. Marek never received any monetary payment from me in my individual capacity. I have never paid her wages, salary, or any benefits in my individual capacity. I have never personally employed anyone (including Marek) in any industry affecting interstate commerce and have never employed 15 or more employees at any time in my personal capacity.

FURTHER DECLARANT SAYETH NOT.

I declare under penalties of perjury under the laws of the United States of America that the foregoing statements are true, accurate and correct.

Dated: 12-23-14


DR. ROD RISLEY