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**MASSACHUSETTS INTERSCHOLASTIC ATHLETIC ASSOCIATION**

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August 21, 2023

By Electronic And Overnight Mail:

Thomas E. Nunan, President
Neil Harrington, Board Chair
Bishop Fenwick High School
99 Margin Street
Peabody, MA 01960

Re: Violation of MIAA Rule 87.6 and 2023-2024
Ineligibility to Participate in Post Season Tournament
Play for All Sports

Dear President Nunan:

The MIAA Board of Directors met in Executive Session on August 8, 2023, to review and consider Bishop Fenwick's August 7, 2023 request that the Board reconsider and modify the discipline imposed on the school in response to its serious and repeated violations of MIAA Rules outlined in a June 8, 2023 letter. As discussed in further detail below, the MIAA Board has unanimously decided to deny that request. Therefore, Bishop Fenwick will be ineligible to participate in MIAA post-season tournament play for all sports in school year 2023-2024.

The Board acknowledges that in the August 7 letter Bishop Fenwick now accepted some responsibility for the issues raised in the June 8 letter. On timing, information was repeatedly brought to Bishop Fenwick's attention before the two Eligibility Appeals Board ("EAB") hearings and the April hearing before the Board. Instead of addressing the contradictory and inconsistent factual information as requested, Bishop Fenwick chose to ignore that request and continued to defend its actions. It was not until the August 7 letter, after it received the June 8, 2023 notice of discipline and the input from its

school community, that Bishop Fenwick took accountability for some of its actions and rule violations. By this course of conduct, Bishop Fenwick failed in its accountability obligation under Rule 87.6.

On the substance of the rule violations, Bishop Fenwick narrowly parses the MIAA's June 8 determination and admits responsibility for specifics and ignores its overall obligation to comply with MIAA's rules. For example, in the fifth-year waiver situation, Bishop Fenwick only takes responsibility for the two errors specifically described by the MIAA in the waiver application while blaming them on its prior principal and former athletic director. Absent is any accountability for its actions and omissions during the hearings despite specific notice thereof. Similarly, in the situation involving the displacement of a senior by a seventh-grade student from St. Mary's Annunciation, which would not have been allowed under any circumstances, Bishop Fenwick takes responsibility but characterizes its actions as "an honest misunderstanding."

The inescapable conclusion therefore is that Bishop Fenwick did not take accountability for its conduct and rule compliance as it does not make a clear and unequivocal, explicit statement of institutional acceptance of compliance with all of MIAA's rules and provide a full, unqualified assurance of future compliance as required of all members. See Rule 32.1 and MIAA Handbook at p. 2.

The MIAA has considered Bishop Fenwick's request that it contemplate the serious implications for Bishop Fenwick's students. Those implications are always paramount for the MIAA. However, MIAA's rules depend on the good faith compliance of its members. Strict enforcement of those rules is essential to ensure that interscholastic athletics are equitable to all members and their students. The Board was mindful of the fact that the nature of the rule violations involved include Bishop Fenwick's silence during the EAB hearing when the student athlete failed to mention that he was a pitcher, even though he had been named Bishop Fenwick's Pitcher of the Year and, in another situation, allowed a seventh-grade student to displace a senior. In all disciplinary matters involving wrongdoing by MIAA member-schools, students are unavoidably and unfortunately likely to be affected. When MIAA member-schools follow the MIAA Rules, which they agree to do upon becoming a member, the schools facilitate the Mission of MIAA: to "promote activities that provide lifelong and life-quality learning experiences to students while enhancing their achievement of educational goals" and the responsibility of one MIAA member to all others.

The Board unanimously decided that the penalty should remain unchanged because Bishop Fenwick's response does not acknowledge the multiple manifestations of its prior misconduct, and it continues to mischaracterize and minimize its past conduct; Bishop Fenwick did not introduce any newly discovered mitigating facts that would lead the Board to modify its decision.

Responses to Bishop Fenwick's Questions

In its August 7, 2023 letter to the Board, Bishop Fenwick sought clarification on three topics which will be addressed below.

Co-Op Teams: Co-op teams hosted by Bishop Fenwick will be excluded from all post-season tournament play; and co-op teams hosted at any other school will be permitted to participate in post-season tournament play, but students enrolled at Bishop Fenwick playing on those teams will not be permitted to participate in those post-season tournament games or matches.

Cheerleading: The discipline does not affect cheerleading, as it is not under the auspice of the MIAA.

Form 200: The MIAA Board believes that Bishop Fenwick's responsibilities under the Form 200 are clear. Bishop Fenwick should take care to not apply a blanket denial to any Form 200 that comes to it, as the Form 200s are fact specific and each student's reason for transferring may be different.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Baldwin", with a stylized flourish at the end.

Robert Baldwin

Executive Director

cc: MIAA Board of Directors