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November 24, 2020

The National Collegiate Athletic Association  
700 W. Washington Street  
P.O. Box 6222  
Indianapolis, Indiana 46206-6222  
*ATTN: Committee on Infractions*

Dear Committee Members:

We ask that you reconsider your ruling stripping the UMASS Women's Tennis Team of its 2017 Atlantic 10 Conference Championship. We ask on three grounds.

We should first state that in addition to being graduates of the University of Massachusetts in Amherst, we currently serve as elected district attorneys in four of Massachusetts' eleven districts. DA Rollins was also a Division 1 scholarship athlete at UMASS, serving as her team captain for 2 years.

As prosecutors, we are mindful that we are ministers of justice, just as you, too, are ministers of justice. As a group, we have overseen the administration of justice in more than half a million criminal matters. We understand holding people responsible, but we also understand restorative justice. It is from these perspectives that we believe you have grounds to revisit this question.

First, we posit that the punishment will be felt most acutely not by the University as an institution, which was responsible for the error, but by the hardworking student-athletes and members of that team. All of those players lacked the intent, or even knowledge, necessary to be held responsible for this infraction in our world.

It appears undisputed that the \$504 in question was due to an accounting lapse on the part of the University when it failed to make a necessary adjustment after these student-athletes moved off campus. Punishing the team for this is akin to us prosecuting someone for larceny because their bank made an error in their favor that went unnoticed – then punishing all of the members of their household as well. The penalty implemented for this NCAA violation is grossly disproportionate and penalizes innocent victims.

Second, we would ask you to consider the posture common in courts nationwide: Those who admit to conduct, take responsibility, and voluntarily engage in restorative justice are apt to receive less punitive consequences than those who do not. Here, the party that actually made the error – UMASS – was poised to pay a financial penalty for the lapse. This punishment would

have impacted only those who were actually at fault, and not imposed collateral damage on players who were functionally innocent bystanders.

Third, if it is true that UMASS came forward to the NCAA to report the overpayments, we would ask you to consider if it would be counterproductive to penalize those who come forward and voluntarily report an error rather than engaging in a cover-up or keeping silent.

There are illuminative examples in our sphere of work. The Commonwealth's Baby Safe Haven law, passed in 2004, allowed parents to surrender, without fear of recrimination, children they could not care for and might otherwise have abandoned. This resulted in at least 25 such surrenders in its first dozen years. Several years ago, one of us (DA Morrissey) worked with the Massachusetts Interscholastic Athletic Association to exempt high school athletes who sought help for substance use problems from the harsh penalties in place for students caught using prohibited substances.

There is enormous benefit in any organization to incentivize telling the truth and being forthcoming. The goal of personal responsibility is fostered by encouraging self-disclosure. We take no issue with the NCAA's dedication to assuring responsibility for misconduct. But the flip-side of responsibility is that we do not hold people responsible for the actions of others, and do not penalize telling the truth. The highest price being paid here is being shouldered by student-athletes who are the least culpable.

We thank you for your consideration in modifying your sanctions against these student-athletes.

Sincerely,

Michael Morrissey / UMASS Class of 1976  
Norfolk District Attorney

Rachael Rollins / UMASS Class of 1994  
Suffolk District Attorney

Joseph D. Early, Jr. / UMASS Class of 1980  
Worcester District Attorney

David E. Sullivan / UMASS Class of 1981  
Northwestern District Attorney

cc: Mark Emmert, President, NCAA