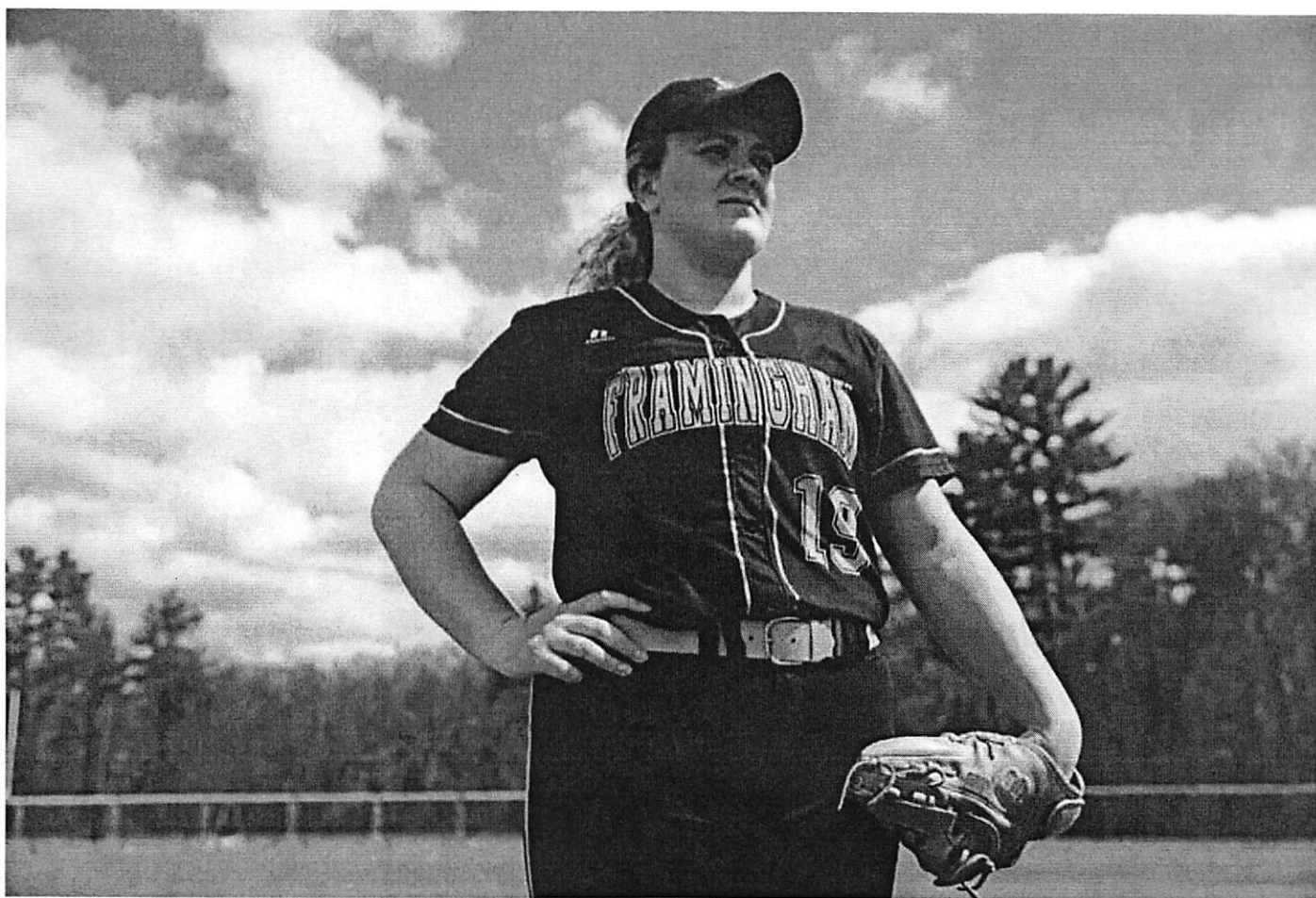




Metro

A deaf softball pitcher was kicked off Newbury College's team. Now she's suing



KEITH BEDFORD/GLOBE STAFF

Kayla Finacchiaro stood on the athletic fields at Framingham State University in Framingham.

By Michael Levenson

GLOBE STAFF APRIL 26, 2018

Kayla Finacchiaro started playing softball when she was 8, made varsity her freshman year at Natick High School, and her pitches can hit 60 miles per hour, placing her at the highest levels of collegiate competition.

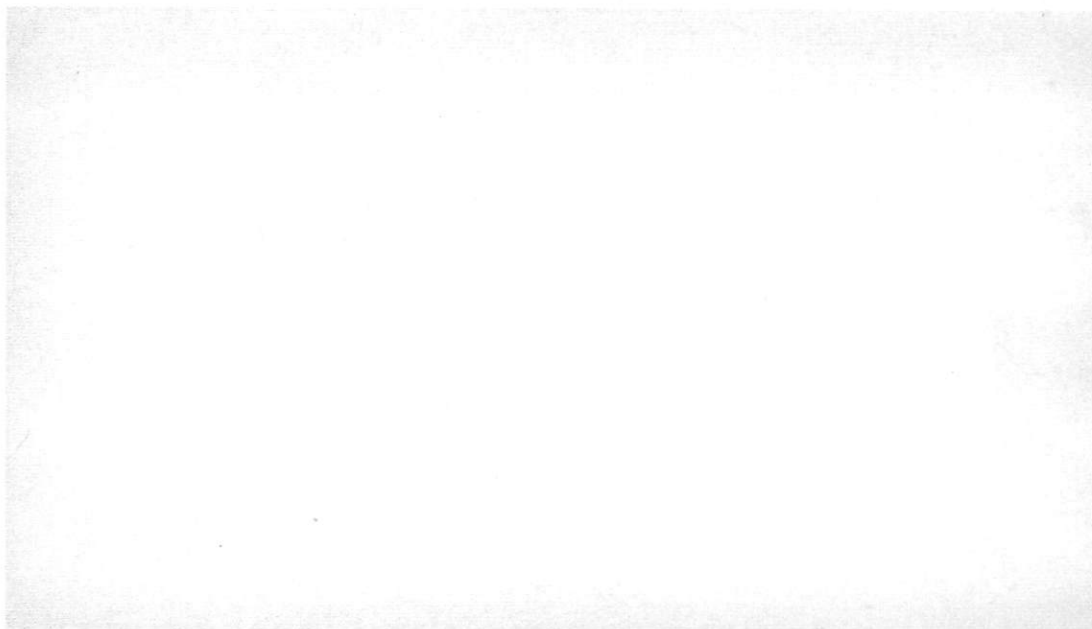
She was also born deaf.

And because of that, she alleges, she was dismissed from the Newbury College women's softball team, following a relentless campaign of mocking and abuse by the coach, who ultimately told her "you are no longer welcome here."

In a lawsuit filed this month in Middlesex Superior Court, Finacchiaro accuses the coach and the college of discriminating against her in violation of the Americans with Disabilities Act.

"When I played softball, I always stepped onto the field and enjoyed myself and enjoyed my teammates and coaches, but this experience shook me," she said Tuesday. "I felt like I was being bullied constantly, every day, to the point where I started believing it myself."

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Finacchiaro, 21, is seeking an official acknowledgment from the small private college in Brookline that it violated her rights, a court order ensuring that Newbury will not discriminate against disabled students in the future, and monetary damages.

Newbury College said it rejects Finacchiaro's allegation that she was kicked off the team because she is deaf. But the college would not explain why she was dismissed,



FRAMINGHAM STATE

saying it wants to respect her privacy and adhere to federal student privacy laws.

Kayla Finacchiaro accuses the Newbury College softball coach and the school of discriminating against her in violation of the Americans with Disabilities Act.

“Newbury College unequivocally denies discriminating against this individual or anyone suffering from a hearing or any disability,” the college said in a statement. “On the contrary, the college is committed to non-discrimination, welcomes students with disabilities, and is committed to making reasonable accommodations of all students with disabilities.”

Deaf ballplayers are rare, but have proven they can excel on the field.

In his 14 years in the major leagues, from 1888 to 1902, William Hoy, who could not hear or speak, collected more than 2,000 hits and stole 594 bases.

Curtis Pride, who was born without 95 percent of his hearing, played outfield in the Major Leagues, including for the Red Sox, for parts of 11 seasons in the 1990s and 2000s.

Last year, Cason Sherrod, a relief pitcher who is mostly deaf, helped Texas A&M University reach the College World Series and was drafted in the 13th round by the Kansas City Royals.

Finacchiaro learned to play ball from her father, Richard, who coached her and her younger sister, Ava. When she was 4, Finacchiaro received a cochlear implant in her right ear, partially restoring her hearing. She also uses a “Behind-the-Ear,” or BTE, device.

Still, her hearing is less than optimal, according to the lawsuit. She has difficulty hearing people speak in crowded situations, for example. Yet coaches in grade school and high school never made her feel inadequate because of her hearing, she said.

But almost immediately after she enrolled in Newbury College and joined the softball team in January 2016, she alleges, she was ridiculed and harassed by the coach, Cassandra Moore.

“I’m having a real problem communicating with Kayla,” Moore told Richard Finacchiaro in a phone call, shortly after practices began, according to the lawsuit. “She needs an FM system or she’s off the team!” An FM system is a wireless device that transmits sound directly to a person with a hearing impairment.

Two days after that phone call, the suit says, Moore exclaimed to Finacchiaro, "Oh, I forgot you can't hear!"

Another time, when Moore asked how much Finacchiaro can hear in her left ear, and Finacchiaro explained that she was entirely deaf in that ear, the coach yelled at her, "That's what I thought!" according to the lawsuit, filed by Finacchiaro's attorney, Matthew J. Fogelman.

After just one week of practices, the coach gave Finacchiaro a "disappointment list" detailing what the lawsuit called "trifling inadequacies" in her performance.

Finacchiaro explained that, because of her disability, she did not understand some of the coach's instructions, Moore responded, "This is why your deafness is a problem."

Another time, when Finacchiaro did not join a team run around the Chestnut Hill Reservoir because it was raining and her BTE device cannot get wet, Moore pounded on the table and told her, "No excuses! I don't want to hear it!" the lawsuit states.

On March 23, 2016, Moore and Jonathan Harper, Newbury's athletic director, summoned Finacchiaro to a meeting where they kicked her off the softball team.

Moore told Finacchiaro: "We can't communicate," and "You are a distraction," and "The kids don't want you on the team," the lawsuit states. Harper told Finacchiaro that her situation was almost unprecedented and that he felt nauseated, according to the suit.

A month or two later, Moore was fired by Newbury for "striking or otherwise physically contacting" a Newbury player during a game, the lawsuit states. Newbury declined to comment on Moore's departure, saying it cannot discuss personnel matters. Moore could not be reached.

Sheri Liggiero, who was an outfielder on the team, said it wasn't clear to her why Moore dismissed Finacchiaro. She said Finacchiaro didn't pitch well in her first game, but she assumed her teammate was just anxious in her first appearance on the mound.

Otherwise, Liggiero didn't see anything wrong with Finacchiaro's performance or recall Moore ever singling out Finacchiaro because she is deaf.

"Cassie didn't really explain why she kicked her off," Liggiero said.

Finacchiaro now pitches for Framingham State University, where she is a junior. She said she decided to pitch again because she loves softball, but was nervous about joining another team and feels the sport is "not as fun as it used to be."

"Going through that experience was pretty traumatic for me, and made me kind of scared to play the game," she said. "I'm glad to still be playing. It's been my life since I was a kid. But since this experience, it put this fear inside me of being hurt again."

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