

DECISION OF THE GOTHAM VOLLEYBALL GRIEVANCE COMMITTEE

MARCH 12, 2015 MEETING **SPORTSMANSHIP REFERRAL/GRIEVANCE OF *PLAYER***

BACKGROUND

During the March 1, 2015, Power X class, an incident occurred between a participant, *PLAYER*, and the Power X coaching staff. The incident began with *PLAYER* interrupting drills and escalated into *PLAYER* shouting at Power X Coach *COACH 1*. *PLAYER* did not participate in the rest of the class, but remained and continued to yell about *COACH 1* coaching, causing other players to shout back at *PLAYER*. After reviewing the incident, the Gotham Volleyball Executive Board found this incident sufficiently serious, voted to remove *PLAYER* from Power X for the remainder of the season, and referred this matter to the Grievance Committee for review pursuant to Section II(3)(f) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy. Because this action was, in essence, a suspension for the remainder of the season, the Committee also held an automatic review of the incident pursuant to Section III(2)(c) of the Policy.

After reviewing the incident and hearing from all parties, the Committee decided to sustain the decision of the Executive Board to remove *PLAYER* from Power X for the remainder of the season. The Committee further decided to warn *PLAYER* that his behavior was inappropriate and violated the Policy. The vote was unanimous by all members present with Joe Bannan (Division 1), John Jarigue (Division 2), Jason Shaw (Division 4), Mark Burleson (Division 6), Chair Eric Eichenholtz (Division 8) and Sean Fischer (Division 10) all concurring.¹

SUMMARY OF THE FACTS

At the meeting, the Committee heard from Power X Coach *COACH 1*, *PLAYER*, Power Sunday Representative Yuixang Sun, Power X Assistant *ASSISTANT* as well as Gotham Commissioner Clovis Thorn. The below facts are taken from those individuals' presentations; where people disagreed as to what occurred, such disagreements are noted.

On March 1, 2015, Power X held its third class of the season. *PLAYER*, who was a member of Power X, attended class for the first time on that date. He was unable to attend the previous sessions of the class. Both regular Power X coaches, *COACH 2* and *COACH 1*, were coaching that day. *COACH 2* is a long-term Power coach, and has coached Power X for at least the last six years. *COACH 1* is in his first season coaching in the Power program, but is not new to coaching. He has previously coached for another volleyball league, played volleyball in college, has extensive experience as a player and has generally been recognized as a diligent and effective coach. *COACH 1*

¹ Alan Amechazurra (Division 3) and Travis Pouliot (Division 5) were not present at the meeting due to work commitments. Jason Shaw (Division 4) participated by telephone.

plays in Division 1 of Gotham Volleyball and has participated in the Power program in the past.

PLAYER is a long term member of Gotham Volleyball, having been involved in the league for more than 5 years. He has played in Division 7 and Division 8 in the past and has served as a Captain in the Green Apple and Spring Fling tournaments. However, *PLAYER* never participated in Power previously and the March 1, 2015 Power X class was his first class.

PLAYER told the Committee that when arrived in Power class on March 1, he felt dissatisfied with the coaching he was experiencing. He claims that he believed that *COACH 2* was not participating as a coach and that *COACH 1* was running drills that *PLAYER* claimed were, in his subjective opinion, dangerous. During the course of the hearing, *PLAYER* agreed that *COACH 1* explained the drills before they began but believed the explanations to be insufficient, claimed the class was confused and the drills were unsafe. *PLAYER*'s viewpoint was sharply disputed at the meeting by *COACH 1* as well as Power X Assistant *ASSISTANT*.² *ASSISTANT* stated that at no time did the drills seem unsafe and that *COACH 1* explained all of the drills beforehand.

At one point, during a serve receive drill, *PLAYER* caught the ball rather than playing it. He stated that he believed the drill was wrong because there were only four players on the court and so he believed the drill was unrealistic. As the drill continued, *PLAYER* continued to make comments about the drill and *COACH 1*'s coaching. *COACH 1*, *ASSISTANT* as well as at least two other individuals reported to Power Sunday Representative Yuxiang Sun that *PLAYER*'s conduct was disruptive and brought down the energy and mood of the class. At some point, *COACH 2* took over running the drill so that *COACH 1* could discuss *PLAYER*'s concerns in the hallway.

The hallway conversation between *PLAYER* and *COACH 1* started at a normal tone but quickly escalated to *PLAYER* yelling at *COACH 1* loudly and aggressively. *COACH 1* stated he was taken aback by this quick escalation and was concerned about further escalation and his safety. Eventually, *COACH 1* stated that *PLAYER* could leave, participate in the remaining drills or just observe the class. *PLAYER* chose to observe the class. When he returned to the gym, he sat in the bleachers and would periodically interrupt the class to critique *COACH 1*. Both *PLAYER* and *COACH 1* acknowledged that at least one Power X participant yelled back to *PLAYER*, saying something to the effect of “shut up.”

ASSISTANT and the participants who spoke with Sun all described *PLAYER*'s actions as disruptive, bringing down the energy and flow of the Power class. During the hallway exchange, the class could clearly hear *PLAYER*, but not *COACH 1*, yelling in the hallway. No individual, other than *PLAYER*, reported feeling that the drills were dangerous or unsafe in any way.

² *ASSISTANT* left Power X early on March 1, 2015 in order to participate in the Gotham Mixer Tournament, but was present for several of the drills.

After Sun learned of the incident, she reported it to Gotham Commissioner Clovis Thorn. Thorn spoke with Sun to ascertain the facts. Thorn also attempted to call *PLAYER* on his cell phone but was unable to connect because *PLAYER*'s voice mail was full. Ultimately, Thorn recommended, and the remainder of the Executive Board agreed, to remove *PLAYER* from Power X from the remainder of the season. Thorn did so because he believed *PLAYER*'s conduct was unsportsmanlike and inappropriate. He also noted that based on *COACH 1*'s account of the hallway confrontation, *PLAYER*'s demeanor “almost crossed the line into violence.”

At the Grievance Committee meeting, after having the opportunity to hear all parties' presentations, *PLAYER* acknowledged that, while he disagreed with many of the facts and sincerely believed he was addressing an unsafe situation that day, the decision to remove him from Power X was an appropriate response.

DISCUSSION

The Sportsmanship and Anti-Violence Policy (the “Policy”) covers participation in all programs, including Power, that are part of the Gotham Volleyball League. The Policy states, “Gotham seeks to use volleyball competition to help bring people together, foster friendships, reinforce healthy lifestyles, and build community pride and participation. In order to ensure these goals, Gotham Volleyball officials and participants are entitled to a non-judgmental, competitive, safe, positive, encouraging, and fun environment.”

While much of the Policy discusses sportsmanship in the context of what is generally called “League play” the need for good sportsmanship is also particularly important in the Power program. Like referees in League play, Power coaches are “league officials” that must be treated with respect and in an appropriate manner, as explicitly noted in Section II(1) of the Policy. Moreover, good sportsmanship is critical in a program such as Power, where players are encouraged to practice their volleyball skills and make mistakes as they attempt to improve their skills. Coaches and players alike should treat Power class as a safe, respectful and supportive environment.³

The Committee heard in great detail from *PLAYER* about what he felt were the problems with *COACH 1* and *COACH 2*'s coaching on that day. We do not doubt *PLAYER*'s sincerity that he disagreed with the coaching and the conduct of the class. However, *PLAYER* was obligated to address his concerns in an appropriate and sportsmanlike manner. There were many avenues *PLAYER* could have pursued to properly address his concerns. One way to address concerns about drills is to talk with the coaches in a non-disruptive manner, preferably during a break or after class. Feedback

³ This is particularly true of Power X, which is a class geared for beginning players who are first learning the fundamentals of the sport. Many of the participants in Power X have minimal volleyball experience and may even be trying a sport for the first time.

about coaches can also be provided to the class assistant and Power representatives, who can pass it along to those evaluating the coaches.

PLAYER did not take this route and instead chose to disrupt the class and treat his coaches in an unsportsmanlike manner. As described in detail above, *PLAYER* engaged in conduct that was, at the least, disruptive and, at the worst, threatening. There were multiple, tangible disruptions to the Power class as a result of *PLAYER*'s conduct. A coach needed to stop his participation in a drill to discuss *PLAYER*'s conduct with him. *PLAYER*'s sudden escalation yelling made *COACH 1* fearful for his safety. *PLAYER* then proceeded to have additional outbursts that caused at least one participant to demand – albeit in a harsh manner – to be quiet. After each incident, *PLAYER* had an opportunity to de-escalate his conduct but did not do so. *PLAYER*'s actions on March 1 clearly represent an unusually serious and/or repetitive violation of the Policy.

We therefore turn to the question of what sanction is appropriate to address this conduct. We agree with the decision of the Executive Board that the appropriate response to this incident is to remove *PLAYER* from Power X for the remainder of the season. *PLAYER*, as a long term member of Gotham, is the type of member identified by the Policy as someone who should be a “role model” of sportsmanship. *PLAYER* fell far short of this standard. While one might make an occasional remark out of frustration in a Power class, the Policy puts the burden on all involved to de-escalate and avoid repetitious unsportsmanlike conduct.

Even after he began expressing his frustration, *PLAYER* had numerous opportunities to de-escalate the situation and participate in Power X in a more sportsmanlike manner. *PLAYER* admitted in the meeting he has the skill set and experience to de-escalate dangerous situations and this fact makes it all the more disconcerting that he did not do so here. Instead, a discussion with his coach quickly escalated into yelling and *PLAYER* continued his outbursts so frequently that other class members expressed irritation at them. Removal from Power X for the remainder of the season is an appropriate sanction for this conduct.

The Committee recognizes that suspension or other removal from participation is a harsh sanction. However, it is justified in this situation by *PLAYER*'s conduct which ranged from disruptive to the sort of loud and abrasive yelling that, as Commissioner Clovis Thorn aptly observed, bordered on violence. *PLAYER*, will still disputing many of the characterizations of his conduct, acknowledged by the end of the meeting that the decision to remove him from class for the balance of the season was an appropriate one.

When a player is suspended, Section IV(d) of the Policy also calls on this Committee to decide whether part of the sanction should be forfeiting dues for the period of suspension. This section of the Policy recognizes the reality that a decision to involuntarily bar a member from participating is a severe sanction and that forfeiting dues as a result may increase the severity of that sanction to a level that is not

necessarily appropriate in all situations. After careful consideration of the circumstances underlying *PLAYER*'s removal, the Committee feels that *PLAYER*'s dues should be refunded for the nine weeks of the season that he is barred from participating in Power X.

While forfeiting dues may be an appropriate sanction for comparable conduct in other cases, there are several mitigating factors that make it inappropriate in this case. As stated above, the Committee recognizes that *PLAYER* is a long-term member of Gotham Volleyball and has been an active -- and generally positive -- participant in our Community. *PLAYER* fully cooperated with the Committee, attended the hearing and showed enough self-awareness to admit that the hearing that his removal was appropriate. Under such circumstances, removal from Power X alone is a sufficient sanction and the further sanction of forfeiting dues is not appropriate.

Finally, during the hearing, Thorn observed that while the Power program is subject to the Policy, it does not have a document comparable to the Rules of League Play that addresses the specifics of how Power classes run. While making rules to govern the Power program would be impractical, the Committee believes it would be useful to prepare a written document outlining the expectations of coaches and players in the Power program. While most of this information is conveyed orally at tryouts and in the first Power class of the season, reducing it to writing may be another way to prevent any confusion and misunderstanding about how classes are structured and what participants should expect to do in class.

CONCLUSION

For the reasons discussed above, the Committee has determined as follows:

- 1) *PLAYER*'s conduct at Power X on March 1, 2015 constituted an unusually serious and/or repetitive violation of the Sportsmanship and Anti Violence Policy.
- 2) The decision of the Gotham Volleyball Executive Board to remove *PLAYER* from Power X as a sanction for his violation of the Policy is sustained and adopted by the Committee.
- 3) Pursuant to Section IV(d) of the Sportsmanship and Anti Violence Policy, the Committee has determined that forfeit of dues shall not be part of the sanction, and *PLAYER* is granted a dues refund for the final 9 weeks of the season.
- 4) The Committee recommends that the Power program consider creating a written set of participant expectations for Coaches and participants the Power program.

NOTICE OF APPEAL RIGHTS

Under Article XI, Section 3c of the Bylaws of the Gotham Volleyball League and Section IV(h) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy, any party may appeal this decision to the Gotham Volleyball Board of Directors within 10 business days of the Committee's decision. In order to be timely, any letter seeking appeal of this decision **must** be delivered (by e-mail or other means) to Clovis Thorn, Commissioner, Gotham Volleyball League on or before March 30, 2015.