

**DECISION OF THE GOTHAM VOLLEYBALL GRIEVANCE COMMITTEE**

**OCTOBER 11, 2010 MEETING**  
**SPORTSMANSHIP REFERRAL OF \*\*\*\*\***

**BACKGROUND**

The Gotham Executive Board received complaints of verbally abusive and unsportsmanlike behavior by \*\*\*\*\*, one of the players on Team \* in Division \* for the Fall 2010 season. Specifically, it was reported that during the September \*\*, 2010 match between Team \* and Team \*, \*\*\*\*\* made derogatory, hostile, and threatening comments to and about other players. Finding this unusually serious and/or repetitive behavior, the Executive Board referred the complaints to the Grievance Committee pursuant to Rule III(D)(1)(v) of Gotham's Rules of League Play and Section II(3)(f) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy.

After reviewing the behavior of \*\*\*\*\* at this match and throughout the Fall 2010 season, the Committee found \*\*\*\*\* behavior to be an unusually serious and repetitive violation of the Gotham Sportsmanship and Anti-Violence Policy. Accordingly, the Committee voted to suspend \*\*\*\*\* until May 31, 2011 and to require \*\*\*\*\* to petition the Committee prior to re-entering the league thereafter. The vote was unanimous by all members present with Joe Bannan (Division 1), Tom Eikenbrod (Division 4), Leo Pedraza (Division 5), Ethan Felson (Division 6), John Albanese (Division 7), Chair Eric Eichenholtz (Division 8) and Joseph Sena (Division 9) all concurring.

Brian Carroll (Division 2) was unable to attend the meeting due to a illness. Rene Dieda (Division 3) was travelling and unable to attend the meeting. Henry Mui (At-Large) was unable to attend the meeting due to a family commitment.

**SUMMARY OF THE FACTS**

\*\*\*\*\* was selected as a player by Team \* in Division \* this season. He had played in the league before and was returning after an absence of several years. In one of his first games, \*\*\*\*\* was issued a yellow card for inappropriate behavior. On another occasion, September \*\*, 2010, \*\*\*\*\* participated in Team \*'s match against Team \*. During that match, \*\*\*\*\* was confronted by his teammate, TEAMMATE 1, about yelling "off" when TEAMMATE 1 was going to hit. TEAMMATE 1 asked \*\*\*\*\* not to yell "off" while he hit. During this confrontation, \*\*\*\*\* got extremely angry and screamed "go f\*\*\* yourself" to TEAMMATE 1. Several of \*\*\*\*\*'s teammates, including TEAMMATE 1 reported that this behavior was emblematic of \*\*\*\*\*'s behavior toward his teammates throughout the entire season.

During that same match, \*\*\*\*\* was visibly agitated and yelling following a point which his team ultimately won. One of the opposing players,

OPPONENT 1, said to \*\*\*\*\* from across the net that \*\*\*\*\*'s team had won the point and he should be quiet. \*\*\*\*\* responded by saying "You f\*\*\*\*\* f\*\*\*\*\*" to OPPONENT 1. After the September \*\* match, \*\*\*\*\* abruptly left the gym. \*\*\*\*\* did not apologize to either OPPONENT 1 or TEAMMATE 1 for his comments.

TEAMMATE 1 spoke with Gotham Treasurer Lew Smith, \*\*\*\*\*. He reported what had occurred. Smith reported the allegations to the Gotham Volleyball Executive Board. The Executive Board decided that \*\*\*\*\*'s conduct was unusually serious and/or repetitive as to warrant review by the Grievance Committee. On October 5, 2010, the Grievance Committee scheduled a meeting for October 10, 2010. \*\*\*\*\*, TEAMMATE 1, OPPONENT 1, Lewis Smith and the team captain CAPTAIN were notified about the meeting.

On October \*, 2010, \*\*\*\*\* played in Team \*'s match against Team \*. Smith, who was observing the match on behalf of the Executive Board reported that \*\*\*\*\* was yelling throughout the match (although not to anyone in particular) and there were several occasions where \*\*\*\*\*'s teammates tried to calm him down with little success.

During that October \* match, members of Team \* were laughing at the end of a point, including TEAMMATE 1. TEAMMATE 1, reported that during a team huddle, \*\*\*\*\* said to his teammate, TEAMMATE 2, that if TEAMMATE 1 laughed at him [\*\*\*\*\*] again, he would "punch him [TEAMMATE 1] in the face." \*\*\*\*\* again left immediately after the October \* match, without shaking hands with the opposing team or talking with his teammates.

The Grievance Committee Chair and the Commissioner sent \*\*\*\*\* three separate e-mails, placing him on notice about the Grievance Committee meeting. \*\*\*\*\* did not acknowledge the e-mails, nor did he show up or otherwise submit a statement to the Grievance Committee about his behavior.

At the Committee meeting, OPPONENT 1, Lewis Smith and TEAMMATE 1, spoke with the Grievance Committee, TEAMMATE 1 by conference phone. TEAMMATE 1 and TEAMMATE 3, another teammate, also submitted written statements confirming the above incidents. They also reported that \*\*\*\*\* has appeared loud, angry and aggressive during his matches. \*\*\*\*\*'s teammates, including TEAMMATE 1 and TEAMMATE 3, have stated that \*\*\*\*\*'s conduct has become intolerable, has repeated itself every week, and has created a hostile and untenable playing environment. TEAMMATE 1 reported that he is concerned that \*\*\*\*\* will eventually use physical violence if this issue is not addressed. Those who had been veteran players of Gotham found \*\*\*\*\*'s conduct to be in the extreme and as or more egregious than any they had previously witnessed.

## DISCUSSION

Gotham Volleyball's Sportsmanship and Anti-Violence Policy aptly 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." Unsportsmanlike conduct, violence, and harassment can ruin this environment necessary for the League to achieve its objectives." All players are required to acknowledge that they will adhere to the policy at the time they register for each season. The policy sets forth a range of sanctions from warnings and fines to temporary or indefinite suspensions from Gotham competition and related events.

Under this policy, the more common instances of poor sportsmanship are treated informally, using remedies such as mediation or yellow and red cards to defuse situations and deter unsportsmanlike behavior. However, when a player violates this policy in an unusually serious or repetitive manner, the policy requires a closer review of the conduct and more significant sanctions.

After reviewing \*\*\*\*\*'s behavior, the Committee determined that he has violated the policy in a manner that is both unusually serious and repetitive. \*\*\*\*\* has engaged in acts that run counter to the very purposes of Gotham Volleyball and that simply should not occur in a recreational volleyball league. \*\*\*\*\*'s verbal abuse, including yelling "f\*\*\* you" to a teammate and threatening to punch that teammate is clearly the sort of conduct that has no place in Gotham and is prohibited by the policy. While players, at times, use isolated instances of profanity in the heat of the moment, \*\*\*\*\*'s behavior is set apart by the fact that he directs his profane and aggressive statements at particular teammates and his poor behavior has been repetitive.

\*\*\*\*\* also called an opposing player a "f\*\*\*ing f\*\*\*\*\*." Section II(1)(b) of the policy states, "Gotham Volleyball prides itself on being an open and safe environment for all of its members. The conduct of league members and participants should create a positive image regarding the community the League represents and serves. Use of inappropriate language or comments that focus someone's age, race, sex, religion, national origin, sexual orientation, or other personal characteristics that have nothing to do with their play in volleyball is prohibited." \*\*\*\*\*'s actions seriously and directly violate this policy. The use of derogatory language referring to an opponent's sexual orientation is entirely unacceptable in a league that was formed and has existed for members of the LGBTQ community to play volleyball in a safe and comfortable environment, and therefore rises to the level of an unusually serious violation of the policy.

During the October \* match, \*\*\*\*\* told his teammate, TEAMMATE 2, that he would punch TEAMMATE 1 in the face if TEAMMATE 1 kept laughing. Regardless of whether \*\*\*\*\* actually intended to punch TEAMMATE

1, it is clear that this threat shows a continued unwillingness or inability to abide by the Sportsmanship and Anti-Violence policy. Under the policy, acts and threats of violence are clearly prohibited and even require an automatic suspension. The fact that \*\*\*\*\* threatened to punch TEAMMATE 1 even after this Committee was set to review \*\*\*\*\*'s prior behavior was understood by the committee to be highly suggestive that \*\*\*\*\* is unmotivated to modify his behavior.

In sum, during the five weeks \*\*\*\*\* has been playing in Gotham this season, he has exhibited generally unsportsmanlike behavior, been issued a yellow card, verbally abused teammates, made a derogatory comment by calling an opponent a "f\*\*king f\*\*\*\*," and threatened to punch a teammate in the face. \*\*\*\*\* has not apologized or even acknowledged his actions were inappropriate and he shows no signs of being able to control his anger during matches. He did not attend the Grievance Committee meeting, nor has he provided any explanation for his conduct. The committee not only believes that such acts can ruin this environment necessary for the League to achieve its objectives, but finds such actions detrimental to its goals of fostering community. This sort of behavior should not be tolerated.

Having established that \*\*\*\*\* has violated the Sportsmanship and Anti-Violence Policy in both an unusually serious and repetitive manner, the Committee must decide on an appropriate sanction. \*\*\*\*\*'s conduct was neither trivial nor isolated. To the contrary, the descriptions of \*\*\*\*\*'s conduct and demeanor during the past several weeks lead the Committee to conclude that his behavior would likely continue or even get worse should he continue playing.

Given these circumstances, the Committee is unconvinced that a warning or a short suspension would be productive. The Committee has no doubt that unless \*\*\*\*\* learns how to manage his anger and learns how to compete in a respectful, sportsmanlike manner he will continue to behave in a way that is destructive to the environment of Gotham Volleyball and put at risk the safety and wellbeing of teammates and opponents.

Accordingly, the Committee has determined that \*\*\*\*\* should be suspended from Gotham Volleyball competition and events until May 31, 2011. Moreover, \*\*\*\*\* must petition the Grievance Committee for clearance to re-enter the league should he wish to play following his suspension. Should he seek to re-enter the league, the Committee expects \*\*\*\*\* to demonstrate that he has taken meaningful and concrete steps to manage his anger and address the issues that led to his inappropriate and abusive behavior this season.

### **CONCLUSION**

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

- 1) The conduct of \*\*\*\*\* described above represents unusually serious and repetitive violations of the Gotham Volleyball Sportsmanship and Anti-Violence Policy.
- 2) The appropriate sanction for \*\*\*\*\*'s conduct is a suspension from Gotham Volleyball competition and events through May 31, 2011.
- 3) Pursuant to Section III(4)(d) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy, \*\*\*\*\* shall be given to a pro-rated refund of his dues for the final seven weeks of the season.
- 4) Given the nature of the conduct, \*\*\*\*\* shall not be permitted to return to Gotham Volleyball unless he petitions the Grievance Committee and the Committee agrees to his readmission to the league under the terms described above.
- 5) Team \* Captain CAPTAIN may pick a replacement for \*\*\*\*\* as provided by Rule II(B)(2) of the Gotham Volleyball Rules of League Play.

### **NOTICE OF APPEAL RIGHTS**

Under Article XI, Section 3c of the Bylaws of the Gotham Volleyball League and Section III(4)(h) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy, \*\*\*\*\* may appeal this ruling to the Gotham Volleyball Board of Directors within 10 days of the Committee's decision. In order to be timely, any letter seeking appeal of this decision **must** be delivered to Seth Eichenholtz, Commissioner, Gotham Volleyball League on or before October 27, 2010.