

DECISION OF THE GOTHAM VOLLEYBALL GRIEVANCE COMMITTEE

JUNE 13, 2022 MEETING SPORTSMANSHIP AND ANTI-VIOLENCE POLICY REFERRAL OF XXXXXXXXX

BACKGROUND

Vice President for Activities and Outreach Juan Arevalo reported an incident occurred at the June 5, 2022 End of Season Party involving a Gotham member shoving at least one member of the venue staff. Gotham President Kyle Williams referred the matter to the Grievance Committee for review pursuant to Section IV(2) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy.

After reviewing the behavior of the member, [RESPONDENT], based on the information provided to the Committee, including the information provided by the venue, Sony Hall, the Committee found that while conduct occurred that violated the SAVP, a warning against similar conduct in the future was the appropriate sanction. The vote was unanimous by all members of the Committee with Eric Eichenholtz (Division Play/Acting Grievance Officer), Jacob Rossmer (Division Play), Mitchell Schwartz (Division Play), Sonia Parada (Power), Chris Won (Power), and Seth Eichenholtz (At-Large) all concurring.¹

SUMMARY OF THE FACTS

Prior to the meeting, the Committee was provided an incident report from Sony Hall. At the meeting the Committee heard from [RESPONDENT] and were advised of the report from Vice President Juan Arevalo. The following are what the Committee determined were the relevant facts based on the information that was provided.

On June 5, 2022, Gotham Volleyball held its Spring 2022 end-of-season party. The party was at Sony Hall, a new venue that Gotham had not worked with prior to this season. At some point after 9 PM, [RESPONDENT] who had played in Division X during the Spring season, was present with two friends. According to Sony Hall's incident report, [RESPONDENT] was noticeably intoxicated at the main bar in the downstairs of Sony Hall. Sony Hall's security guard came over to assist [RESPONDENT], at which point [RESPONDENT] pushed the security guard multiple times in a mildly aggressive manner, and he went limp and fell to the ground acting like he passed out again. The security guard then called for assistance from 2 other guards. Sony Hall security escorted [RESPONDENT] upstairs and brought [RESPONDENT] outside. Once outside, [RESPONDENT] was found was yelling and crying hysterically while speaking with the EMT's that were called by an unknown individual person. [RESPONDENT] shoved one of the EMTs. Eventually, through the intervention of [RESPONDENT'S] friends and Sony Hall's staff, [RESPONDENT] was calmed and convinced to allow the EMTs was able to provide medical assistance.

DISCUSSION

The Sportsmanship and Anti-Violence Policy provides that the League must take potential acts of violence seriously. Acts of violence, which the Policy defines as

¹ The position of Grievance Officer is current vacant. Division Play committee member Eric Eichenholtz has been designated by the Board of Directors as the acting Grievance Officer until the vacancy is filled.

including “any verbal threats or abuse, physical contact with another with the intent to threaten or injure, initiation of a fight or scuffle, or encouraging others to engage in physical violence.” In order to maintain a safe environment for the Gotham community, all instances of violence must be treated as serious matters and fully examined. Invariably, almost all acts of violence will warrant a sanction of some sort.

In this case, there is no dispute about the underlying facts and it is clear the Sportsmanship and Anti-Violence Policy was violated. The clearest act of violence was when [RESPONDENT] pushed a Sony Hall security guard multiple times in a manner described by Sony Hall as “mildly aggressive.” This is an act that, absent significant mitigation, would certainly be worthy of a suspension or other serious sanction. However, we are also mindful that the purpose of the SAVP is to protect the Gotham community and maintain Gotham as a safe and welcoming space for all, not necessarily to be punitive. In this case, the Committee believes the presence of numerous mitigating factors create a circumstance where a warning is more appropriate than a suspension.

First, in cases of violence, the views of the victim of the violent act carry significant weight in the Committee’s deliberations. Sony Hall, the victim of the violent act in this circumstance, is not seeking any severe sanction beyond the matter being reviewed and addressed. Sony Hall was unambiguous in their view that this incident as the result of [RESPONDENT] having a bad evening, that they have “seen much worse.” When Sony Hall was advised of the Committee’s decision to issue a warning, the General Manager stated he believed it was the right decision. Sony Hall’s agreement with a warning is an important consideration for the Committee.

Similarly, [RESPONDENT] has expressed contrition and regret about the incident to both the Acting Grievance Officer and the Grievance Committee. We believe [RESPONDENT] is sincere that this incident is uncharacteristic of him, and one that [RESPONDENT] is committed to not repeating. This demonstrated understanding of the problematic nature of the conduct, along with a stated commitment to not repeating it, is an important mitigating factor at this stage. Finally, while [RESPONDENT] has only played in Gotham for [SHORT PERIOD], [RESPONDENT] has not had any sportsmanship incidents.

In light of all of the mitigating factors set forth above, the Committee believes the appropriate sanction here is to warn [RESPONDENT] not to engage in any further acts of violence while at Gotham Volleyball events. Simply put, the Committee expects [RESPONDENT] to stay true to [RESPONDENT’S] word and demonstrate this act of violence was an aberration. Should [RESPONDENT] commit future violations of the Sportsmanship and Anti-Violence policy, the fact that [RESPONDENT] was warned here will be considered by the Committee as a significant aggravating factor that will warrant a heightened penalty for any future misconduct

CONCLUSION

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

- 1) The conduct of [RESPONDENT] described above represents a violation of the Gotham Volleyball Sportsmanship and Anti-Violence Policy.

- 2) The appropriate sanction for [RESPONDENT'S] conduct is a warning and, through this decision, [RESPONDENT] is warned not to engage in future violations of the Policy.
- 3) The interim suspension imposed pursuant to Section IV(2) of the SAVP is lifted in light of this decision.

NOTICE OF APPEAL RIGHTS

Under Article IX, Section 4(d) of the Bylaws of the Gotham Volleyball League and Section VI(h) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy, any interested 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 statement of reasons for appeal of this decision **must** be delivered by e-mail to Eric Eichenholtz, Acting Grievance Officer at grievance@gothamvolleyball.org on or before June 30, 2022.