

DECISION OF THE GOTHAM VOLLEYBALL GRIEVANCE COMMITTEE

DECEMBER 14, 2022 MEETING SPORTSMANSHIP AND ANTI-VIOLENCE POLICY REFERRAL OF [MEMBER 2]

BACKGROUND

The Grievance Committee received complaints from Gotham member [MEMBER 1] and Acting Vice President for Activities and Outreach Vergial Parker regarding an incident that occurred during Division 10 play on November 19, 2022. After conferring with President Kyle Williams and Vice President for Division Play Patrick So, the matter was referred to the Grievance Committee for review pursuant to Section III(3)(f) of the Gotham Volleyball Sportsmanship and Anti-Violence Policy.

After reviewing the incident based on the information provided to the Committee, the Committee determined that MEMBER 2 admittedly engaged in conduct that was inappropriate and a violation of the SAVP. Ultimately, the Committee decided that a warning against similar conduct in the future and training was an appropriate resolution to the incident. The Committee also recommends but does not require MEMBER 1 and MEMBER 2 consider engaging in a one on one restorative justice practice if both parties are motivated to engage in this manner. The vote was unanimous by all members of the Committee present with Eric Eichenholtz (Division Play/Acting Grievance Officer), Sonia Parada (Power), Chris Won (Power), and Seth Eichenholtz (At-Large) all concurring.¹

INCIDENT SUMMARY

On November 19, 2022, during the Division X match between Team A and Team B. The parties agree that MEMBER 1, who was filling in as the coach of a Division X team preparing to play the next match, peppered with that team during a timeout. Participants in the match reported the crowd in the gym was being noisy. At some point, the referee asked MEMBER 1 and her team to stop playing because it was a safety issue. MEMBER 1, believing that the referee misunderstood the circumstances told the referee they were not playing. MEMBER 1 said after she said this there was the gym was silent. According to MEMBER 1, the silence made her feel as if she was called out, so she said "continue the game" out of anxiety in a manner that could have been perceived as rude.

Toward the end of the exchange between MEMBER 1 and the ref, MEMBER 2, the volunteer coach of Team A said to MEMBER 1, "stop being a bitch." MEMBER 2 said he felt the referee was being treated disrespectfully and the game was being delayed, so he made the comment. CAPTAIN, the Captain of Team A, provided more context, recounting that his team was behind in the match, dealing with unusually noisy conditions in the gym. He had growing frustration that the exchange between

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. Committee members Jacob Rossmer (Division Play) and Mitchell Schwartz (Division Play) were unable to attend the meeting due to other commitments.

MEMBER 1 and the ref was taking away what limited time was remaining in the match (along with any chance his team had at a comeback win).²

Both MEMBER 1 and MEMBER 2 told us that each sought out the other after the match. MEMBER 1, along with TEAM C MEMBER and OBSERVER, wanted MEMBER 2's name so he could be held accountable for his remark. MEMBER 2 sought out MEMBER 1 to apologize. MEMBER 1 and MEMBER 2 had a conversation, the contents of which were disputed by all involved. What is not disputed is that, during the exchange, MEMBER 1 asked MEMBER 2 why he called her a bitch and that his response was "because you were being a bitch." MEMBER 2 said he apologized. MEMBER 1 said he did not, but acknowledged that she did not let him speak and allowed that he may well have intended to apologize.

MEMBER 1 and OBSERVER separately e-mailed the Grievance Committee to complain of the incident and request action be taken. MEMBER 1, who is playing in Division Z considered leaving Gotham as a result of this incident but has since decided to return to play with her Division Z team at the End of Season Tournament.

After discussing the complaints received, the Acting Grievance Officer and Vice President for Division play agreed to seek Grievance Committee review to consider whether MEMBER 2's comment was an unusually serious violation of the SAVP warranting a sanction. All parties have fully cooperated with the Grievance Committee's investigation and hearing into that incident.

DISCUSSION

The Sportsmanship and Anti-Violence Policy provides that "Gotham Volleyball officials and participants are entitled to a non-judgmental, competitive, safe, positive, encouraging, and fun environment." There are many times, in the stress and anxiety of volleyball competition, that members momentarily fall short of this goal. In reviewing this incident, the Committee notes that virtually everyone described these kinds of circumstances. MEMBER 1 and MEMBER 2 both acknowledged that their behavior in the moment was not ideal. These kinds of violations of the SAVP are ones that ordinarily should be de-escalated by Gotham leadership and any follow-up handled by leadership of the Division Play program. In the past, we have dismissed such grievances as not warranting the Committee's review and/or sanction and the general contours of this dispute fall into that category.

Although we find that the incident is one that is more appropriately de-escalated on-site and any follow up handled by the Division Play program, the Committee feels it is appropriate to address a troubling aspect of this incident. We are extremely mindful of Gotham's extensive and ongoing efforts to make the organization a welcoming place for all members, even though the vast majority of its members are cisgender gay men. While all members of Gotham Volleyball are expected to help

² It is unclear why the referee did not stop the game clock given the length of this interaction during what was described as an intense match. We recommend that the Division Play Leadership Group review this issue and, if appropriate, clarify with captains that they can request that the game clock stop in similar circumstances and clarify with the referees their discretion to stop the game clock when appropriate so misunderstandings like this one do not include the added pressure of time being taken away from the Gotham members' game experience.

foster an open, inclusive and welcoming environment, the SAVP places an even higher expectation of Gotham leaders, including Captains and volunteer Coaches in the Division Play program. The SAVP requires such leaders to be “role models of positive and constructive conduct.” This means that a volunteer coach, as a leader in Gotham, is expected to be aware of how this sort of language can be hurtful, especially when directed to one a member of an underrepresented part of the Gotham community. When an individual takes on one of these leadership roles, they take on the responsibility to both understand the broader mission of Gotham and to be an example of how to best fulfill that mission. The Committee is concerned that gender dynamics may have been at play in this incident.³ MEMBER 2’s conduct, in his capacity as a Gotham leader, violated provisions of Section III(1) of the SAVP, rules put in place to ensure all members are provided a welcoming environment when participating in Gotham activities.⁴

We note that by all accounts, and as acknowledged by the parties, MEMBER 1 and MEMBER 2 appear to be enthusiastic members of the Gotham community. MEMBER 2 was described to us by multiple parties as an exemplary coach. The Captain of Team A, CAPTAIN, says that MEMBER 2 is the best coach he has ever had.

However, we believe MEMBER 2 cannot effectively continue in his leadership role unless he gains a greater appreciation of how his role as a leader can, in a positive or negative way, intended or not, impact underrepresented members of the Gotham community. Through this process and decision, MEMBER 2 is being educated about his obligations under the SAVP and warned for the future, but as he told us he understands, he must do more to ensure that he is equipped to handle similar incidents better in the future. To this end, MEMBER 2 has agreed to complete a training that emphasizes the values of Gotham and the role leaders have in fulfilling that mission, such as Captain’s Orientation or Gotham Leadership training, both of which are available in on-demand video format.

We also recommend that MEMBER 2 review⁵ and/or attend at least one Gotham event in which underrepresented members of the Gotham community share their experiences, such as the Trans and Allies Tournament.

Next, we recommend that MEMBER 1 and MEMBER 2 consider engaging in a one on one restorative justice practice. As noted above, the Committee believes that both individuals care deeply about the Gotham community, did not intend to hurt others, and, if they both are open to it, a discussion could promote reconciliation and healing. We do not require this, as we acknowledge that true reconciliation cannot be

³ The word “bitch,” whose literal definition is “female dog,” has historically been a derogatory term directed at women. MEMBER 2 directed the word at MEMBER 1 not once, but twice. At the Committee meeting, MEMBER 2 acknowledged the use of the word was inappropriate.

⁴ The circumstances that led up to MEMBER 2 use of the term and the legitimate frustration MEMBER 2 and the members of Team A felt with the noise and delay are not an excuse for the conduct here because Section III(1)(j) of the SAVP requires all members to be treated with respect “even if the individual is acting inappropriately.”

⁵ Past events, such as the 2020 Pride Event which discussed the experience of Black members in Gotham as well as the 2020 Trans and Allies event are available to view as on-demand videos on Gotham’s Facebook page.

compelled and both individuals should desire the conversation for it to be had. If there is mutual interest in learning more, they can both explore this independently or, if needed, the Committee remains available to educate and facilitate.

Finally, to ensure all volunteer coaches are fully aware of their obligations to be role models and support an inclusive community, we ask the Division Play Leadership group to distribute the SAVP to all volunteer coaches serving during the Spring 2023 season. We recommend the Division Play Leadership Group develop a document to give volunteer coaches to ensure awareness of their obligations to be role models and help create an inclusive community within Gotham. We also recommend the Division Play Leadership Group to give thought to providing further training opportunities to volunteer coaches.

CONCLUSION

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

- 1) The conduct of MEMBER 2 described above represents a violation of the Gotham Volleyball Sportsmanship and Anti-Violence Policy, but does not meet the criteria to impose formal sanctions pursuant to the Policy.
- 2) The Committee warns MEMBER 2, through this decision, that his conduct was inappropriate and undermined Gotham's mission of building an inclusive community. Should MEMBER 2 violate the SAVP again in the future, this incident and warning will be considered in reviewing any future conduct.
- 3) Prior to serving in any Gotham Volleyball Leadership position, including Division Play volunteer Coach, MEMBER 2 will follow through on his commitment to the Committee to attend and/or review a training or event selected by League to assist him in deepening his understanding of and need to show greater respect for underrepresented members of the Gotham Volleyball community.
- 4) We recommend MEMBER 1 and MEMBER 2 consider a one on one restorative justice discussion concerning the November 19, 2022 incident and remain available to assist with this if needed.
- 5) The Division Play Leadership group is requested to review the issue regarding the game clock discussed in footnote 2 of this decision. Additionally, it is requested to provide the SAVP to all volunteer coaches during the Spring 2023 season and develop a document to give to volunteer coaches that creates awareness of the concerns underlying this incident and of their heightened obligations as leaders. We also recommend the Division Play Leadership Group to consider further training opportunities to educate volunteer coaches in all aspects of coaching.

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 January 12, 2023.