

THE FIVB DISCIPLINARY SUB-COMMITTEE

composed by

Mr. Ludovic Deléchat (SUI)	Member
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Case DP [Case Number]¹

I. PARTIES

1. [The Player] (hereinafter the “Captain”) is a volleyball player and captain of the [Player’s Country] Men’s national team.
2. [The Physical Trainer] (hereinafter “Physical Trainer”) is a [The Physical Trainer’s Nationality] citizen who is the physical trainer of the [Physical Trainer’s Country] Men’s national team.

II. FACTUAL BACKGROUND AND PROCEDURE

3. On [date], the [Player’s Country] Men’s national team lost a match against [Opponent Team] in 4 sets (hereinafter the “Match”) in the [Event] (hereinafter “[Event]”), which is a qualification tournament for [a future Competition].
4. Immediately after the last point of the match, The Captain was seen kicking the ball into the stands. The Challenge Referee on-site and video footage confirmed that the Captain kicked the ball and that the ball landed in the spectator stands.
5. After kicking the ball, the Captain, who had been seen complaining about a call by the First Referee after [Opponent Team] got its 20th point during the fourth set, then turned and confronted the First Referee by shouting at him. He was subsequently joined by the Physical Trainer. The following statements can be heard on the international broadcast of the Match:

Captain: *“Who is this man? I never see him. I have never saw him before.”*

Physical Trainer (pointing at the First Referee): *“I see you at the hotel. I see you at the hotel.”*

The Third Referee then tried to move the Captain away from the First and Second Referees.

During this time, the Captain is heard saying twice: *“We lost the game because of his f***** decision.”*

6. On [date], the FIVB charged the Captain and the Physical Trainer with violations of Article 8.3 of the FIVB Disciplinary Regulations 2023 and began the present proceedings (hereinafter “Charge Letter”). The FIVB Disciplinary Panel Sub-Committee invited the

¹ In the interest of the protection of privacy, this is a redacted version of the decision. Any redaction are marked with [brackets].

Captain and the Physical Trainer to respond by no later than noon (Lausanne time) on the next day, [date], to the charge.

7. On [date], the Captain and the Physical Trainer failed to provide their response to the charge with the FIVB Disciplinary Panel Sub-Committee within the set deadline.

III. COMPETENCE

8. The FIVB Disciplinary Panel Sub-Committee is competent to hear this case as per Article 14.4 of the FIVB Disciplinary Regulations 2023, which provides that the FIVB Disciplinary Panel Sub-Committee is competent to impose sanctions for disciplinary offences “*arising on the occasion of the competition for which it is appointed*”. As the Captain and Physical Trainer’s conduct occurred during the Match, this charge falls on the occasion of the [Event].

IV. APPLICABLE LAW

9. The FIVB Disciplinary Panel notes that the FIVB Constitution and Regulations apply to this case. Additionally, Swiss law is applicable subsidiarily to the FIVB Disciplinary Regulations in accordance with Article 1.2.
10. The FIVB Disciplinary Regulations 2023 are applicable as to the substantive rules of the present dispute as they were passed by the FIVB Board of Administration on 23 June 2023, and a link was provided to the Captain and the Physical Trainer in the Charge Letter.
11. The substantives provisions which are relevant for the resolution of this dispute are quoted in the following:

“8.3 Unsportsmanlike conduct

Any unsportsmanlike conduct (including any such conduct in violation of the FIVB Policy against Harassment and Abuse) shall be sanctioned based on the severity of the conduct. Unsportsmanlike conduct is any conduct violating the generally accepted principles of sportsmanship such as respect, fairness, honesty, fair play or similar as well as non-compliance with any other written or unwritten rules of play, including but not limited to:

- 1) insults.*
- 2) offensive gestures, signs or language.*
- 3) demonstrations of a non-sporting nature.*
- 4) behaviour that brings the sport of Volleyball and/or the FIVB into disrepute.”*

V. LEGAL CONSIDERATIONS

The Captain

- (a) Violations**
- (1) Unsportsmanlike Conduct**

12. The FIVB Disciplinary Panel Sub-Committee notes that the Captain did not provide any response to challenge having committed the conduct in question nor that his comments were directed at the First Referee. There are two actions by the Captain that have to be considered: 1) the kicking the ball into the stands and 2) the profanity yelled at the First Referee.
13. The Captain was clearly frustrated by the result of the Match and some of the calls made by the First Referee. However, such frustration does not give him the right to conduct himself as he did. In particular, the FIVB Disciplinary Panel Sub-Committee has previously highlighted that intense emotions do not justify actions, such as kicking a ball into the stands by stating the following:

“While the FIVB Disciplinary Panel Sub-Committee recognises that the Match and the loss thereof resulted in intense emotions, [the Player in that case] did not consider the potential consequences of actions when you kicked the ball into the stands. The FIVB Disciplinary Panel Sub-Committee would like to emphasize that, while athletes participating in elite sports may experience intense emotions, especially in the semifinals of the [event], said athletes must conduct themselves in a manner demonstrating sportsmanship and befitting the [event] values.” (see FIVB DP 2021-02, para. 3)
14. Consequently, the FIVB Disciplinary Panel Sub-Committee has previously found that an action of kicking a ball into the spectator stands regardless of whether there are people in those stands is not respectful and courteous in the spirit of fair play and sportsmanship. The Captain can consider himself lucky that there was no one in the stands where he kicked the ball as he could have injured someone. Such act constitutes a demonstration of a non-sporting nature in violation of Article 8.3.3 of the FIVB Disciplinary Regulations 2023.
15. The abovementioned quotation from FIVB DP 2021-02 likewise applies to the subsequent comments by the Captain to the First Referee. It is unacceptable at an elite sporting event to use offensive, profane language at a referee. It is made even worse by the fact that the Captain’s comments could clearly be heard on the television broadcast and, therefore, broadcasted around the world. As the captain of the [Player’s Continent] champions, it is expected that the Captain would conduct himself in a manner that is in line with his status in the world of volleyball.
16. Hence, the FIVB Disciplinary Panel Sub-Committee finds that the Captain is also liable for the violations of Articles 8.3.1, 8.3.2, 8.3.3 and 8.3.4 of the FIVB Disciplinary Regulations 2023 given that the Captain’s statements insulted the First Referee’s ability to call the match, used offensive language and such offensive language was transmitted worldwide bringing volleyball into disrepute.
- (b) Sanction**
17. When determining the applicable sanctions, the FIVB Disciplinary Panel Sub-Committee examined FIVB jurisprudence involving similar conduct. In particular, it notes that a player received a formal reprimand for kicking a ball into the stands after a match in FIVB DP 2021-02. Likewise, the FIVB Disciplinary Panel Sub-Committee notes that a

player received a one-match suspension for saying that a match official was an “incapable person” while a coach was sanctioned for three matches for giving a middle finger gesture to a member of the media in FIVB DP 2014-01. The FIVB Disciplinary Panel Sub-Committee would also like to highlight that this case consists of both actions rather than just one of the two.

18. Regarding kicking the ball into the stands, the FIVB Disciplinary Panel Sub-Committee notes that this exact action has already been sanctioned in the past with a formal reprimand. Consequently, that is the starting point for any sanction against the Captain. However, there are aggravating circumstances in this case because the Captain then immediately turned and started shouting at the referee.
19. As for the Captain’s statements to the First Referee, the FIVB Disciplinary Panel Sub-Committee finds that this action is more similar to the player’s statement in FIVB DP 2014-01 that a match official was an “incapable person” rather than a middle finger gesture. Considering all of the above, the FIVB Disciplinary Panel Sub-Committee finds that the Captain shall be sanctioned with one match suspension and a formal reprimand.

The Physical Trainer

(a) Violations

(1) Unsportsmanlike Conduct

20. The FIVB Disciplinary Panel Sub-Committee notes that the Physical Trainer also did not provide any response to challenge that he made the comments at the First Referee.
21. Like with the Captain, the Physical Trainer was clearly frustrated by what he thought were incorrect calls. According to the First Referee’s report, he even told him that he would show him footage from a [National] broadcaster showing the First Referee that the calls were not accurate. For the same reasons already explained in para. 13 above, this frustration does not justify confronting the referee and stating that you are going to search for him outside of the field of play. The Second Referee’s report makes it clear that this statement could be interpreted as a threat. Regardless, it is important that the referees are able to do their job without fear of confrontation outside of the matches that they are working. Being a referee of an elite volleyball match is sufficiently stressful during a match. Consequently, it is imperative that when the referee is not on the field of play that they are not subject to additional confrontation during a competition.
22. Hence, the FIVB Disciplinary Panel Sub-Committee finds that the Physical Trainer is also liable for the violations of Articles 8.3.2 and 8.3.3 of the FIVB Disciplinary Regulations 2023 given that there is a sufficient evidence to find that Physical Trainer’s statements constituted a threat, which is a form of offensive language, and, regardless, making such a statement of confronting a referee outside of the field of play is an act of a non-sporting nature.

(b) Sanction

23. When determining the applicable sanctions, the FIVB Disciplinary Panel Sub-Committee examined FIVB jurisprudence involving similar conduct. Again, the FIVB Disciplinary Panel Sub-Committee highlights the abovementioned jurisprudence found in para. 17.
24. The FIVB Disciplinary Panel Sub-Committee finds that the Physical Trainer's statements are more similar to the player's statement in FIVB DP 2014-01 that a match official was an "incapable person" rather than a middle finger gesture. He was seeking to confront the First Referee about his alleged mistakes, and there was no subsequent evidence of any other action related to his threat. Regardless, such action is unacceptable as it is outside the confines of good sportsmanship.
25. Considering all of the above, the FIVB Disciplinary Panel Sub-Committee finds that the Physical Trainer shall be sanctioned with a reprimand.

Taking all the above into consideration

THE FIVB DISCIPLINARY PANEL SUB-COMMITTEE

Concludes and Decides

1. The Captain has committed violations of Articles 8.1, 8.2, 8.3 and 8.4 of the FIVB Disciplinary Regulations 2023.
2. The Captain shall be sanctioned with a one match suspension and is also hereby issued a formal reprimand to be mindful of his actions before, during and after matches.
3. In the event that the Captain fails to act in a manner consistent with this reprimand, the FIVB Disciplinary Panel Sub-Committee and/or FIVB Disciplinary Panel may take this reprimand into account when examining future cases involving [The Player].
4. The Physical Trainer has committed violations of Articles 8.2 and 8.3 of the FIVB Disciplinary Regulations 2023.
5. The Physical Trainer is hereby issued a formal reprimand to be mindful of his actions, before, during and after matches.
6. In the event that the Physical Trainer fails to act in a manner consistent with this reprimand, the FIVB Disciplinary Panel Sub-Committee and/or FIVB Disciplinary Panel may take this reprimand into account when examining future cases involving [The Physical Trainer].
7. The FIVB Disciplinary Panel Sub-Committee reserves the right to re-open this case if the Captain or the Physical Trainer fails to serve their respective sanctions.



8. In accordance with Article 14.4.3 of the FIVB Disciplinary Regulations, this sanction is final for the duration of the [Event].

Lausanne, [date of the decision]

For the FIVB DISCIPLINARY PANEL SUB-COMMITTEE

Mr. Ludovic Deléchat