

Committee Name:	Rules Committee	Session #:	Teleconference #4
Committee Chair:	Charles Cockrell	Vice Chairs:	Mollie Grover/Claire Letendre
Minutes recorded by:	Christina Fox	Date/time of meeting:	Sunday 7/8/18 8pm EST

Motions Passed:

1. MSA to recommend R-1 to the HOD.
2. MSA to recommend HK-1 (formerly R-3.5) to the HOD.
3. MSA to recommend HK-2 (formerly R-25) to the HOD.
4. MSA to table R-6.

Number of committee members present: 15 Absent: 3

Number of other guests present: 0

Committee members present (list all, including chair and vice chair): Charles Cockrell, Mollie Grover, Claire Letendre, Carolyn Boak, Kathy Casey, Julie Dussliere, Marilyn Fink, Christina Fox, Laura Groselle, Karen Harris, Matt Hooper, Barb Protzman, Jessica Seaton, Steve Unruh, Rand Vaillancourt

Ex Officio and EC: Bill Brenner, Peter Guadagni, Jessica Porter, Teri White

Committee Members Absent:, Judy Gillies, Bob Seagraves, Jay Thomas

Minutes

The teleconference was called to order at 8:02 pm EST.

The following topics were covered during the teleconference:

1. Charles reviewed the meeting schedule. Next meeting will be Tues, July 10 at 8 pm EDT. The previously scheduled July 12 meeting has been re-scheduled to Thurs, July 19 at 8 pm EDT. Minutes from July 1 meeting will be considered at July 10 meeting.
2. Proposed Rules Changes for 2018
 - a. R-1 – Glossary: Malfunction and Valid Time
 - i. Motion to recommend R-1 to the HOD was tabled from previous meeting. MS (Claire/Mollie) to remove motion from the table. Motion passed.
 - ii. Charles reviewed the updated proposal. This proposal has been updated following previous discussions to remove the Glossary definition of “malfunction” and add the new language proposed in the definition to 103.17.3C. MS (Claire/Kathy) to accept amendment.
 - iii. Discussion on amendment: Matt noted that 103.17.3C refers to primary timing system and asked what happens if the malfunction is in the secondary timing system. Charles indicated that his interpretation would be that the procedure would be the same and the definition of “valid time” which includes “a designated timing system”, would take over and so this would cover a secondary system malfunction. Charles acknowledged that this is not explicitly stated but is implied. Matt noted that, if definition is in the Glossary then would not implied and that he is concerned that removing the definition form the Glossary removes the layering for dealing with these situations. Kathy noted Matt’s concerns but agreed that the definition of valid time would take over/be ruling if there is a primary system malfunction. Motion to amend passed.
 - iv. No further discussion on motion to recommend (amended) R-1 to the HOD. Motion passed.
 - b. R-3.5 (now HK-1) – 101.1.1: Forward start
 - i. MS (Claire/Mollie) to recommend R-3.5 to the HOD. This proposal is to make language consistent between 101.1.1

- and 103.8.5. Charles noted that this is an additional proposal added after June 10 deadline and would require a 2/3 vote of the committee to consider this proposal in the package.
- ii. Discussion: Kathy and Teri noted that this was a good clarification as there has been some confusion for officials. Marilyn noted that proposed wording is currently not the same as 103.8.5 and needs clarification. Charles suggested making this a housekeeping proposal and proposed a modification (punctuation) for clarity. Matt asked whether the addition of "...remain there." was necessary or whether it was redundant with "maintain". Rand asked if this applied to relay starts and Charlie confirmed that it did not. Committee agreed to make this housekeeping proposal HK-1.
 - iii. Motion to recommend HK-1 to the HOD passed with 2/3 majority of committee
- c. R-25 (now HK-2) – 107.1.2 Responsibilities
- i. MS (Claire/Mollie) to recommend R-25 to the HOD. This proposal is to make language consistent with the language in the references listed in this article and clarifies the current interpretation for disability accommodation. Charles noted that this is an additional proposal added after June 10 deadline and would require a 2/3 vote of the committee to consider this proposal in the package.
 - ii. Discussion: Marilyn noted that this change is for consistency and suggested making this a housekeeping proposal. Committee agreed to make this housekeeping proposal HK-2. No further discussion.
 - iii. Motion to recommend HK-2 to the HOD passed with 2/3 majority of committee.
- d. R-4 – 102.3.2: Age Groups
- i. MS (Claire/Mollie) to recommend R-4 to the HOD. Mollie reviewed the rationale for this proposal noting that the SC yards method for determining relay age groups for short course yards (SCY) can be a competitive disadvantage for teams with diverse ages/older swimmers and that the method used for meters meet could even out the differences.
 - ii. Discussion: Carolyn presented 3 comments in favor of retaining the current system – (1) the 2 different methods provide an advantage at different times in the different courses, (2) large teams have an advantage with the meters method and (3) tradition of having the difference. Marilyn agreed.
 - iii. Kathy noted that the current system was original system but there was a period (around 1994?) when it was changed to current proposal (SCY done by meters method) but was changed back. Later clarification: long course (LC) used to be done by the SCY method but SCY relays were never done by the LC method (from Walt). [Kathy to confirm actual procedures against historical documentation.](#)
 - iv. Jessica and Claire commented on different experiences of being excluded from relay teams as both an older and a younger swimmer with the SCY method and are in favor of the meters method. Karen and others agreed.
 - v. Matt and Rand commented that they favored the differentiation and interest that the two different methods provided.
 - vi. There was a brief discussion on how records might be handled if this is recommended/approved.
 - vii. Charles noted that regardless of the action of the committee (recommend or not recommend) to the HOD could approve this proposal with a 2/3 majority.
 - viii. Motion to recommend R-4 to the HOD failed (6Y, 8N). Mollie will provide a rationale for "not recommend".
 - ix. Marilyn commented that this proposal has come up a number of times in the past and has been voted down each time. Charles indicated that if this is a proposal that delegates want to comment on, we could entertain a motion at Convention.
- e. R-5 - 102.4: Gender
- i. Charles provided context and background for R-5, R-6, and U-1 and reminded the committee that USA Swimming amendments that effect USMS rules are automatically adopted unless HOD votes to reject those amendments. U-1 is a USA Swimming amendment that would modify Glossary, Article 102 (USA Swimming rules) to deal with transgender athletes in lieu of a transgender policy as USMS has and Charles reviewed the modifications made to U-1 for potential adoption by USMS. Charles then provided context on R-5 and R-6 from Southern Pacific LMSC with a situation of a swimmer who followed the guidelines successfully but expressed a perspective that they identified as non-binary rather than either gender and brought this up to raise awareness of the issue. Charles indicated that, following discussion with the LMSC, R-5 is proposed to raise awareness and initiate discussion of the issue but

there is not a strong opinion about adding the new categories. R-6 is proposed to codify the current practice.

- ii. Charles outlined the options for the committee: do something with R-5, or put something in rule book like R-6, follow USA Swimming or reject USA Swimming and do R-6 or do nothing. For R-6, Charles discussed the intent of the last sentence with the LMSC as this could be considered more restrictive than the current policy guidelines and the current language is not the intent so, if we include R-6, then this sentence will need to be modified.
 - iii. Charles asked for sense of committee and discussion on whether we need to add anything to the rule book (as USA Swimming is proposing). There was discussion on numbers involved (Karen), procedure for verification and monitoring (Marilyn). Charles confirmed that monitoring is not performed and once an individual has transitioned and met eligibility requirements, there is no further involvement unless there is a protest. Jessica noted the lack of monitoring is a weakness in the policy. Charles noted that this is not feasible due to resources and that current practice is to address this if any issues arise due to the small numbers involved
 - iv. MS (Claire/Mollie) to recommend R-5 to the HOD.
 - v. Discussion: Matt asked if the proposed categories are for individuals who have transitioned as it seems more appropriate for those transitioning and Charles indicated he believed this was the intent was that it was for those who had transitioned and commented that these individuals would more likely want to be identified as their transitioned gender rather than as a trans individual.
 - vi. Jessica commented that this would be impractical particularly with the small number of people. It might be appropriate for those transitioning but once transitioned, agreed that they would want to be identified as their transitioned gender. Kathy noted that if this were to become a rule there would need to be 2 additional categories for records and Top 10.
 - vii. Motion to recommend R-5 to the HOD failed. Mollie will provide rationale for “not recommend”.
- f. R-6 – 102.5.3: Events
- i. MS (Claire/Mollie) to recommend R-6 to the HOD. Charles reviewed proposal and noted that this would codify current practice/guidelines but would require modification of the last sentence to meet the intent of proposal from the LMSC.
 - ii. Discussion: Kathy asked for review of the intent of this sentence. Charles indicated that his understanding was that it was to acknowledge that there are athletes who identify as non-binary but have to be placed in a male or female category and used “.....gender assigned at birth” as simple statement. Charles pointed out to LMSC that an individual who identifies as non-binary and has met the eligibility requirements for gender transition would not be able to compete as their new gender, if the rule passes as written and LMSC noted that this was not their intent so exact intent is not clear. Charles also noted that there are people who identify as non-binary and there are states which have legal framework for allowing this.
 - iii. Regarding location of this addition, Charles noted that 102.5 is the first place where “gender” is referenced so logical place. Also, “male” and “female” are not referenced anywhere else and there is no other definition of gender in the rule book.
 - iv. Rand asked about the need to address this issue as once individual has met all requirements and have transitioned, they are competing as their new gender. Charles indicated that is correct but need to consider/allow for any protest of eligibility. He also noted whether we wanted to codify this in the rule book as it is already covered in and would be handle by the policy.
 - v. Charles suggested considering the two issues separately. The USMS rule book only has male and female and another category is not permitted at this time and questions are (1) do we want to codify something in rule book and (2) how to handle non-binary question. Kathy noted that a reason to have something in the rule book is to direct a general reader to the policy. For the non-binary question, Charles also noted that we have to consider the USA Swimming amendment (U-1) on this issue and recommend adoption of this or reject this and recommend R-6 or reject both. There was some discussion (Matt and Charles) on official times and recognition. Charles and Kathy noted that this is covered in the policy.
 - vi. MS (Kathy/Claire) to amend to remove last sentence in R-6.
 - vii. Discussion: Matt asked for clarification on whether non-binary individuals are not transitioning and Charles indicated that this term was just for identification and not related to transitioning. Kathy re-iterated that this is covered in the policy and noted it easier to update policy rather than rule book for evolving areas. Charles agreed and suggested that any addition to the rule book could be more general and have details in the policy
 - viii. Motion to amend R-6 passed.

- ix. Discussion on R-6 as amended: Marilyn asked if second sentence is required if trying to keep this more general and Kathy noted that this content is also addressed in the policy. Jessica commented that she liked it in the rule book for inclusiveness and clarity. Kathy suggested tabling to work on wording.
 - x. Charles asked for sense of committee on putting something in the rule book, either R-6 or USA Swimming construct. Mollie, Kathy and Rand were in favor of working on R-6 over USA Swimming construct.
 - xi. MS (Rand/Kathy) to table R-6. There was discussion on the intent and how to clarify and Charles will work on this. Motion passed.
- g. U-1 – Glossary and 102.14
- i. MS (Claire/Mollie) to recommend U-1 to the HOD.
 - ii. Discussion: Matt asked whether this had been approved by USA Swimming and Charles clarified that this would be taken to the USA swimming HOD and was asking for a provisional vote.
 - iii. Motion to recommend U-1 to the HOD failed.
3. Next meeting
- a. Next meeting will be Tues Jul 12 and the following proposals will be considered: R-6, R-8, R-10 and R-11.

The teleconference was adjourned at 9:45 pm EDT.
