

Committee Name:	Rules Committee	Session #: N/A
Committee Chair:	Mollie Grover	
Minutes recorded by:	David Benjamin	Date/time of meeting: July 9, 2024/7:00pm ET

Actions Taken:

1. none

Number of committee members present: 11	Absent: 1	Guests: 0
Committee members present: David Benjamin, Kathy Casey, Christina Fox (Vice-Chair), Judy Gillies, Mollie Grover (Chair), Claire Letendre, Barbara Protzman, Kris Wingenroth, Jason Weis, Patrick Weiss, Ben Wyckoff		
Not present: Susan Nolte		
Ex Officio present: Mike Abegg (USMS Officials Committee Chair), Julie Dussliere (USMS Vice-President of Administration), Stephanie Gauzens (USMS Legislation Committee Chair)		
Ex Officio absent: None		
Guests: None		

Minutes

The meeting was called to order at 7:00 pm ET.

Mollie announced that the only items to be considered at this meeting are the policy on Transgender Swimmer Inclusion and the Eligibility Review Procedures prepared by the Transgender Task Force.

Mollie asked Julie to give the committee background on why this issue has arisen now. In summary, Julie reported that last year, then-President Peter Guadagni asked the Rules Committee to perform a stress test of USMS’s transgender policies. When Ed Coates became USMS president, he instead formed a Task Force with two basic purposes: to make sure that USMS eligibility procedures and recordkeeping practices are adequate, and to analyze the transgender policies recently adopted by World Aquatics. The members of the Task Force are USMS CEO Dawson Hughes, Claire Letendre (Rules), Christy McGrail (Board member), Kenny Brisbin (Board member), and Jeff Comings (D&I). Julie said that, following its review of a wide spectrum of transgender policies, from the strict, less inclusive policies of World Aquatics on one end of the spectrum to no rules at all on the other end, the Task Force consistently took a middle ground that favors inclusivity while requiring verification of eligibility for purposes of records and Top 10 times.

Mollie stated that, at this meeting, the Committee would review the Task Force's proposed "Policy on Transgender Swimmer Inclusion" first and then, if time permitted, the Task Force's proposed "Eligibility Review Procedures." Mollie emphasized that the policy and review procedures do not make any significant change in USMS eligibility policies, but rather codify existing policies and clarify the USMS review process.

Mollie noted that under paragraph 2, second bullet point, the policy expresses testosterone serum levels using an international standard rather than the US standard. Discussion followed on whether the document should use the US standard or should state the US equivalent or a conversion factor.

There was discussion on whether trans-male and trans-female should be hyphenated.

Paragraph 2, bullet three of the policy states that a swimmer who identifies as female but does not meet the eligibility criteria may swim in female events but the times shall be "removed from the results." There was discussion about this provision. Mollie and Claire pointed out that this provision has been part of USMS policy since 2011.

Ben believes that the policy's restrictions on who has standing to request an eligibility review of another swimmer are too narrow. He argued that the standing requirements should be broadened to allow greater rights to swimmers to seek an eligibility review even if the requestor is not in the same age group as the swimmer who is the subject of the request. Others spoke in favor of narrow standing requirements to promote inclusivity and to prevent eligibility reviews from being used to harass competitors. Ben also commented on the absence of any remediation procedures in the event a swimmer is found to have been ineligible under the policy.

There was discussion on the email address to which eligibility requests and requests for eligibility review should be sent, who would have access to that mailbox, and who would "own" the review process. Concerns over the confidentiality of medical records were raised.

Ben supports the policy's inclusion of open water swimming; he notes that otherwise there would be no transgender policy for open water events. Mollie and Ben spoke in favor of adding the Long Distance chair (or designee) to the review panel when open water competition is at issue.

Christina and Kathy found paragraph 3 under "Other Considerations," which concerns times by transgender athletes in "recognized" events, to be confusing and unclear.

Ben noted that there is a missing word in paragraph 4 under "Other Considerations," and that the sentence should end "on the basis of gender identity."

Ben questioned whether paragraph 4 under "Other Considerations" needs to state how many times the policy has been amended.

M/S (David/Claire) to approve the Policy on Transgender Swimmer Inclusion as presented to the Rules Committee by Mollie.

Mollie stated that she believes more time is needed to study the documents and to make refinements, particularly on the issues of standing and who owns the eligibility review process. She proposed a second meeting of the Committee to discuss the policy and procedures, followed by a third meeting to discuss any rule proposals from USA Swimming.

M/S (Kathy/Jason) to table the motion to approve the Policy on Transgender Swimmer Inclusion.
Motion passed, 9 in favor, 1 opposed.

The meeting was continued to a date and time to be set by the chair following a doodle poll on committee members' availability.

The meeting was recessed at 8:50 pm ET.