

Official's Committee Meeting, 12/14/21 @ 7:00 pm

Attendees: Omar de Armas, Leanne Colvin, Richard Davis, Patty Garcia, Paul Szuszkiewicz, Kyle Yacoben and Bettie Williams

Guests: Mitch Gold, Maria Kageyama, Kent Li, Ted Oliveri, Cheryl Pearson, Mary Jo Swalley and Jason Rothlein

Absent: None

Omar called the meeting to order at 7:03 pm, and he mentioned that there is a bid meeting at 8:00 pm so we need to be done by then.

Omar mentioned that hopefully everyone had a chance to look at the agenda and meeting minutes (he asked if anyone had any corrections to the minutes of the November 9, 2021 meeting and no one had any corrections or comments). Omar asked if there were any objections to the minutes. There were no objections, so, the minutes are approved.

Omar asked if there were any additions to the agenda or any changes (none were mentioned so the agenda was accepted as sent out).

Meet Marshals (Omar): This is a hot topic of the moment since we have a U.S.A. Swimming mandate that has come down as of January 1st, all Meet Marshals must be members of U.S.A. Swimming (they also must take the APT, must go through a background check, and be trained as a Meet Marshal). There is a meeting tomorrow, 12/15/21 (it's on the U.S.A. website where they will be discussing Meet Marshals). So, anyone that could log into that meeting it would be beneficial. There is a lot of work to be done in a very short period of time.

Paul: There was some discussion at St. George this weekend and teams are questioning the reasoning behind it (one - the expense; two – teams not receiving a sanction unless they have a certain number of Deck Marshals).

Mary Jo: She serves on Operational Risk Nationally and there is a whole proposed course that she will send to Omar and Leanne at the end of this or anyone else that is interested. This is coming from Safe Sport (from the Independent Safe Sport) is requiring this that anyone being in these positions that they rate as having control of an athlete must be a member. At the National level they are actually auditing the National meets now on how many Marshals etc. In the Rule Book as you read through the list of required officials for a swim meet, Meet Marshals, is included in that list.

The recommendation is for a minimum of two (preferably male and female), but then you're also suppose to be monitoring the locker rooms, restrooms and you must have

another adult with you who does not have to be another Meet Marshal (but must be the same gender adult when you monitor). Basically, Operational Risks position is they are rushing this while we've been working through this Meet Marshal type things. We're stuck right now with what's being handed to us. So don't think it's U.S.A. Swimming (it is not). It is coming from Safe Sport.

Ted: About two or three years ago Stacy made a proposal at the House of Delegates that we train our Meet Marshals, and they were going to put together an agenda and training program.

Paul: So, does this mean if the meets that have been sanctioned will be unsanctioned if they don't meet the minimum of two certified Deck Marshals that have passed all this?

Mary Jo: Right now, there is nothing to pass. U.S.A. Swimming is on this January 1st deadline. The Operational Risk meeting where this will be discussed is this Thursday at 1:00 pm. U.S.A. Swimming because of Safe Sport's mandates, made the January 1st deadline. This is something we've managed over the years to sort of keep the Marshals on the edge of this so that we didn't have to make them all be members, etc. The committee is working to put forward the whole set of standards (she can send it, it's a 35-page PowerPoint slide if you'd like to see it).

Mitch: He thinks that we're all waiting anxiously for the meeting on Thursday. The meeting tomorrow as he understands it, really deals exclusively with this new membership category. He doesn't really think they are going to get into the nuances of the Meet Marshal and the requirements. In September, U.S.A. Swimming will launch a new category of memberships that will allow volunteers to join at a lower rate (he believes it's \$30 or \$32). He sees this Meet Marshal moving forward in two paths (one – we are all anxiously waiting to hear the details so that we can create an LCS policy for the Meet Marshals requirements). What essentially happens on January 1st is anyone acting in the Meet Marshal capacity is now required to be a Non-Athlete Member. Part two – what exactly are the Meet Marshal requirements (we do have an idea, but we really don't know what it is).

Mary Jo: There is a Meet Marshals card that you can pull from the U.S.A. Swimming website that you can hand to people to be a Meet Marshal (it's a summarized list). The biggest arguments that are going on with Operational Risks is who is responsible, the Meet Referee or the Meet Director. This is something that should be the Host's responsibility to recruit and make sure they are members, etc., but once the meet starts, their direction comes from the Meet Referee. There's a lot of polishing that needs to go in to on that side of the slide presentation. This is not just about Meet Marshals, this about your Web Master, etc. There is a whole list that came out today that includes everyone that must be members as of January 1st (it's fairly extensive).

Cheryl: About 20 some years ago Marshals use to have to be registered. All team charters currently and before this mandate came out are supposed to have all of their board members registered. They are thinking of creating a poll and finding out if some of the board members can be Meet Marshals since they are already required to be registered, background checked and APT.

Mary Jo: One hang-up is for them to put something in effect on January 1st and not offer the reduced membership (\$30) for the category until September 1st. Everyone under this ruling is paying \$74 (instead of \$30). It's also laid out clearly in the statements that Lifeguards, Coaches, and Officials are not Meet Marshals. These are supposed to be independent people that are Meet Marshals. They supervise warm-up and if they have a warm-up pool/area, they supervise that. What she is sending is only a draft and is not the final version (please do not go out and send this to people as the final version).

Training for Meet Marshals (Leann): She remembers being in a committee meeting a while ago with Stacy and others and there was some push back from some of the coaches because it's just more parents that have to get involved. We also talked as a committee, the Meet Marshal card that Mary Jo referred to, what kind of training are we going to look at. It would seem that if we're putting these responsibilities on them that at some point, who's training them or is that something that we don't need to concern ourselves with.

Cheryl: She spoke with Mike Seip who's on the National Committee and Mid-Atlantic does have a Marshals test and she's going to be taking it. Part of the working group for Operations Risk is with Mid-Western and Mid-Atlantic is putting that together. She doesn't know what's in the test yet and what will need to be adjusted for our LSC.

Transgender Athletes (Omar): We've had a couple of instances where this issue has come up. We have some swimmers that have identified transgender. Per the inclusion document that is published by U.S.A. Swimming, is that if they identify as a different gender that they swim in that event. So, if you have a female who identifies as male then you swim male events. The incident that occurred was, that this is a 13 & over athlete and wore a girl's suit in a boy's event. They were disqualified for an illegal suit.

Omar contacted Kathleen with DEI (she consulted the Zone DEI) and she did more research. The document that is out there and we can post that too (attachment number 2), transgender people and the recommendation that they have for inclusion of minor transgender athletes. There is a provision in the USA rule book (205) that allows a swimmer to wear a separate suit for modesty purposes, which would solve this situation.

Jason: He had a situation with a male transitioning to a female. He got ahold of Sarah Dawson and she indicated that there is a process that the athlete has to go through with

U.S.A. Swimming in order to change their gender prior to the meet and that it isn't something they can do on deck. Once their gender is changed, then whatever they identify as is the suit they get to wear.

Omar: The document that is on the USA Swimming website ([attachment #1](#)), when they've gone through the medical procedure, then they can actually change their gender in SWIMS. Up to that point, they can swim in the other gender (up to that point it does not seem like the case). Omar will send out the document for transgender athletes. Omar asked Leann to reach out to Kathleen since she was going to explore it further as to what exactly was the final ruling.

The suit is not mentioned in the document at all except for showing the language that is in the rule, in order to have a different suit they have to have a waiver from the Rules and Regulations Chair. Bringing in the modesty rule where they can wear the other suit, going from female to male, would then take care of that situation. Going the other way, from male to female, it's not a concern. The document is a recommendation from U.S.A. Swimming DEI, and it has a lot of "shoulds" in there and it makes it a lot more difficult to deal with, but we should also use common sense. They still have to go through the registration process. The main thing that it is saying is that we have to be inclusive. Also, at the Elite level, they have to test testosterone levels.

Positive Check-in (Omar): James contacted USA Swimming, because of COVID protocols, positive check-in and check-in tables should not be done at meets (the meets should be pre-seeded). James did some further research and he got some information from the U.S.A. Swimming Lawyer and everybody that check-in is allowed, but we have to follow what the County/City or Facility requirements are. There were already check-in happening in some of the meets before the ruling came out.

Omar shared the attached document: [Attachment #2](#) - Covid-Related Precautions (extended to August 31, 2022); We should post this information on the posting board (it's been included in meet forms, but now it needs to get included on the posting board; it does not get included on Meet Mobile or it does not need to get posted on each event heat sheet).

COVID Protocol (Omar): An email should be coming out soon and will also include the check-in part of it. The previous one on the website was the one that said you couldn't have check in.

Omar: What happens if we get notified that someone tests positive after a swim meet (swimmer, official, etc.). A swimmer tested positive the next morning and was at the meet the day before and what is it that we do. The host team then has to notify all the teams involved and let them know that there was a positive test afterwards and possible contact. Also, the Meet Referee will notify all the officials. Other than that, there really

isn't anything else. As far as LA City or LA County (not sure which) they stipulate for youth sports is that if there is a positive test that the report must also be filed with the Health Department. Cheryl put together a document that includes all of the different agencies, Counties and Cities in California and Nevada that correspond with Southern California Swimming (there are specific links so that we can look and see what the requirements are). It mostly falls on the Host team to make those notifications.

Cheryl: As an independent contractor we should not go to the next meet if you think you've been exposed (personal responsibility and common sense comes into the scenario).

We have a lot of agenda items remaining, so we are going to have one additional meeting before 1/11/22 (on 1/4/22).

Meeting Ended: 7:59 pm

Next Meeting: Tuesday, January 4, 2022 @ 7:00 pm

Submitted by,

Patti Garcia

Attachment #1:

RECOMMENDED PRACTICES FOR GENDER DIVERSE MINOR ATHLETES

The following are recommended practices to assist USA Swimming member clubs who wish to develop a club policy for the inclusion of gender diverse minor athletes. These recommendations are consistent with USA Swimming values of equal opportunity and the right for all members to participate. USA Swimming strongly encourages the use of this resource and offers assistance to teams that need guidance in its implementation.

**Athletes qualifying for or competing in Elite level or senior competitions (with time qualifications) must follow current USA Swimming Policies and Procedures for selection, which also fall under the current IOC guidelines. **

DEFINITIONS (taken from transequality.org)

Transgender: a broad term that can be used to describe people whose gender identity is different from the gender they were thought to be when they were born

Gender identity: a person's internal knowledge of their gender

Gender expression: how a person presents their gender on the outside, often through behavior, clothing, hairstyle, voice or body characteristic

Sex: The classification of a person as male or female based on what our bodies look like at birth.

Gender Diverse: equitable or fair representation between genders, most commonly the ratio of men and women and may also include non-binary gender categories.

RECOMMENDED POLICY FOR PARTICIPATION

A minor transgender athlete member of a swim club should be allowed to participate in accordance with his/her/their gender identity, irrespective of the sex listed on the athlete's birth certificate or other records and regardless of whether the athlete has undergone any medical procedure.

This means an athlete who is biologically female but identifies as a boy/man should be allowed to participate in men's events and an athlete who is biologically male but identifies as a girl/woman should be allowed to participate in women's events.

RECOMMENDED PRACTICES FOR CLUBS AND MEETS

1. When a current minor member athlete transitions and wishes to compete in his/her/their gender identity, the athlete or his/her/their designee should request a change of the athlete's gender in SWIMS by contacting Diversity & Inclusion staff at USA Swimming at inclusion@usaswimming.org. Once this process is completed, the athlete will be able to be entered and compete in events that match his/her/their gender identity.

2. At all times, teammates, coaches, and all others should respect the confidentiality of an athlete. Discussion or disclosure of an individual's gender identity should only take place after expressed permission is given by the individual or the individual's parent or another designee.

3. In all cases, teammates, coaches, and all others should refer to an athlete by the name and pronoun they go by.

4. An athlete should be able to use the locker rooms, changing facility, and restroom that is consistent with his/her/their gender identity. When requested and/or where available, an athlete should be provided access to a gender-neutral bathroom or changing facility (i.e., family restroom, gender neutral bathroom).

5. When overnight travel is involved, an athlete should be assigned to share a hotel room based on his/her/their gender identity. An athlete who requests extra privacy should be accommodated whenever possible.

6. An athlete should be permitted to dress consistently with his/her/their gender identity, including warm-ups and team gear.

7. Per USA Swimming's Rule Book in article 102.8.1 B "In swimming competitions, the swimmer must wear only one swimsuit in one or two pieces, except as provided in 205.10.1. All swimsuits shall be made from textile materials. For men, the swimsuit shall not extend above the navel nor below the knees, and for women, shall not cover the neck, extend past the shoulder, nor extend below the knee" Any athlete requesting a deviation from this policy must submit a swimsuit waiver to the Chair of Rules and Regulations Committee. The current Chair is Clark Hammond (ruleregs@gmail.com). No exemption to the swimsuit rule will be made that gives a swimmer a competitive advantage (i.e. tech suits). It is important for all members to be aware of relevant state laws with regards to appropriate coverage.

8. Meet Directors and Club Leadership should identify and publicize available gender-neutral bathroom and changing room options at the host facility for meets and practice. Where possible, include information about availability and location of gender-neutral facilities in meet information and on the club's website.

9. Meet Directors and Club Leadership should be aware of and abide by the relevant state and local laws and the rules of the host facility for meets and practice.

10. Clubs should provide training to their staff and regular volunteers regarding their responsibilities to prevent, identify, and respond to bullying, harassment, and discrimination. Such topics should include terms and concepts of gender identity and expression and bystander intervention strategies related to bullying. Contact USA Swimming Diversity & Inclusion staff for training program recommendations.

The US Center for Safe Sport and USA Swimming prohibit discrimination against any member or participant on the basis of gender, sexual orientation, gender expression and gender identity is prohibited (304.3.3). In the event that a question should arise about whether an athlete's request to participate in a manner consistent with his/her/their gender identity is bona fide, USA Swimming will refer to the Code of Conduct and follow its standard procedures of enforcement.

ADDITIONAL RESOURCES

Trans*Athlete: a resource for students, athletes, coaches, and administrators to find information about transgender inclusion in athletics at various levels of play.

www.transathlete.com

NCAA Inclusion of Transgender Student-Athletes:

<http://www.ncaa.org/about/resources/inclusion/lesbian-gay-bisexual-transgender-and-questioning-lgbtq>

National Center for Transgender Equality:

<https://transequality.org/>

GLAAD Reference Guide (updated 2016):

<https://www.glaad.org/reference>

Attachment #2:

202.6.6

[A-G No change]

H The following statement:

An inherent risk of exposure to COVID-19 exists in any public place where people are present. COVID-19 is an extremely contagious disease that can lead to severe illness and death. According to the Centers for Disease Control and Prevention, senior citizens and individuals with underlying medical conditions are especially vulnerable.

USA Swimming, Inc., cannot prevent you (or your child(ren)) from becoming exposed to, contracting, or spreading COVID-19 while participating in USA Swimming sanctioned events. It is not possible to prevent against the presence of the disease. Therefore, if you choose to participate in a USA Swimming sanctioned event, you may be exposing yourself to and/or increasing your risk of contracting or spreading COVID-19.

BY ATTENDING OR PARTICIPATING IN THIS COMPETITION, YOU VOLUNTARILY ASSUME ALL RISKS ASSOCIATED WITH EXPOSURE TO COVID-19 AND FOREVER RELEASE AND HOLD HARMLESS USA SWIMMING AND [THE LSC] AND EACH OF THEIR OFFICERS, DIRECTORS, AGENTS, EMPLOYEES OR OTHER REPRESENTATIVES FROM ANY LIABILITY OR CLAIMS INCLUDING FOR PERSONAL INJURIES, DEATH, DISEASE OR PROPERTY LOSSES, OR ANY OTHER LOSS, INCLUDING BUT NOT LIMITED TO CLAIMS OF NEGLIGENCE AND GIVE UP ANY CLAIMS YOU MAY HAVE TO SEEK DAMAGES, WHETHER KNOWN OR UNKNOWN, FORESEEN OR UNFORESEEN, IN CONNECTION THEREWITH.

This statement shall also be included in heat sheets.