

Committee Name:	Rules Committee	Session #:	N/A
Committee Chair:	Mollie Grover		
Minutes recorded by:	Christina Fox	Date/time of meeting:	May 16, 2024 / 7:00PM ET

Actions Taken:

- 1. none

<p>Number of committee members present: 10 Absent: 2 Guests: 0 Committee members present (list all, including chair and vice chair): Kathy Casey, Christina Fox (Vice-Chair), Judy Gillies, Mollie Grover (Chair), Susan Nolte, Barbara Protzman, Kris Wingenroth, Jason Weiss, Patrick Weiss, Ben Wyckoff</p> <p>Not present: David Benjamin, Claire Letendre</p> <p>Ex Officio present: Julie Dusliere (USMS Vice-President of Administration),</p> <p>Ex Officio absent Mike Abegg (USMS Officials Committee Chair), Stephanie Gauzens (USMS Legislation Committee Chair), Onshalee Promchitmart (USMS National Office)</p> <p>Guests: none</p>

Minutes

The meeting was called to order at 7:10 pm ET.

Mollie asked if all voting members present had been able to review the letter concerning the protest.

Mollie noted the need to be mindful in the resolution of this issue and any precedent it might set for future protest issues.

Discussion on standing

Mollie noted that the initial topic to discuss was regarding whether the person who submitted the protest had standing to submit a protest and asked for discussion.

Ben asked whether who has “standing” is defined in the rule book. Mollie noted that it was not and that adding this would probably come under Legislation committee jurisdiction unless Rules added this as a policy.

Julie D. reminded the committee that any action/decision was going to be precedent setting and noted that the individual was not a participant or entry in the meet.

Kris thought that probably anyone had standing to submit a protest but not necessarily to have protest considered depending on circumstances (e.g., not participant in meet). Susan agreed.

Mollie summarized this as follows: anybody has right to submit a protest but not everyone has the right to have that protest considered/dealt with unless certain conditions are met (with such conditions to be determined).

Ben noted that as “standing” is not defined and the submission was on behalf of participants in the meet, this could be considered standing by proxy and so no issue on standing and the protest was timely. There is a gap in the rules and the question is whether there was a violation of the current rules. The incident may suggest future improvements but, as of now, the protest cannot be denied due to lack of standing. It is very relevant and good to set precedent. Judy agreed in general, but noted that it is our obligation to ask the referee for clarification on the operation of the meet.

Kathy noted that who can file a protest is open ended in article 102.14 because of the different types of protest and each has to be considered on own merits. Most need to be filed within 30 mins to the referee. Kathy also described the actions that could be taken and the hierarchy of protest resolution; referee, then LMSC, and then national committee.

There was some further discussion and clarification (from Partick) on this situation where the LMSC board (3 members) was running the meet and all proceeds went to the LMSC.

Patrick clarified that the submitter was never registered for the meet. He also noted that the information in the protest letter may not be correct and that if anyone could file a protest this could include anyone in the building (e.g., spectators etc.).

Jason suggested a follow up to get clarity on how many people shared the same sentiment and/or evidence to support the description in the letter. He agreed with Mollie that we should not allow anyone to file this type of protest.

Mollie noted that there was no consensus on the standing issue at this time and asked for discussion on how to adjudicate the situation.

Discussion on adjudication

There was discussion on the minimum number of officials required versus best practices in regards to the videos and discrepancies cited in the protest letter.

Mollie noted that only 2 officials are required. The shared videos showed 2 officials on deck, although whether they were in the correct positions (best practices) or roles (discussed later) is not known. The items cited in the protest are best practices and technically not required and not following best practices does not constitute nonconformance.

Regarding the low number of infractions cited, Mollie shared that Mike Abegg (Officials chair) acknowledged (via email) that there will be a low number of infractions with a “slim” deck (minimal officials)

Ben and Judy noted that it is not just the number of officials but roles performed. Per article 103.2., minimum personnel required are one referee and one starter; both can serve as S/T judge but the referee cannot serve as starter.

There was discussion on whether 2 officials were present, on the separate roles required if only 2 officials, and information/evidence available that these separate roles were fulfilled.

It was noted that it was not clear that there were 2 officials at all times or that there was a separate starter and referee (Judy), and that from the videos it appears that the starter and referee and the same (Ben). Mollie noted that there was no evidence based on the videos and/or the protest letter that the person fulfilling the starter role for the whole time was also performing the duties of the referee.

Kris suggested that the committee not just rely on the videos but get clarification/more information from the officials directly on the roles played. Kris agreed with Mollie that not following best practices and potential poor officiating is not a nonconformance.

Judy proposed that the next step should be to get clarification from the referee/officials themselves on the situation and roles performed. Ben, Kathy, and Kris agreed.

Discussion on possible actions

There was discussion on possible actions and proposed invalidation of the meet results by the submitter of the protest.

Mollie noted that invalidation of the meet would discount 1,419 splashes and no times would be eligible for Top 10 and that, in her opinion, invalidating the meet was not the only option.

Ben noted that if it is determined that the meet was not valid due to nonconformance, then times should not be included. Judy agreed and noted that, as this is a first-time protest on officiating, this should not be overlooked and that there are rules that we stand by.

Kathy noted that any action decided by the committee needs to be appropriate rather than penalize all swimmers who swam legally. Barb agreed that if the rules were not followed, then look at options to penalize/remediate the organizers. Both Kathy and Barb noted that, if it is considered that sanction requirements were not met, then a sanction can be denied

in the future although, in this situation, there could be a conflict of interest as the LMSC leadership is responsible for both sanctioning and running the meet.

Ben noted that this meet would not be the only meet where officiating is less than optimal, and that any corrective action will need to be communicated to all LMSCs.

Christina agreed that more information was needed as a first step and, as this is the first instance of potential issues with officiating in the LMSC, that other options rather than invalidation be considered. A suggestion would be to work with the LMSC to remediate the situation to prevent future issues. Kathy suggested that the situation could be referred to the LMSC Development Committee for remediation.

Partrick shared that the LMSC sanction chair is already working with Mike Abegg and the Officials Committee to improve the officiating situation in the LMSC. He also questioned why, if concerns/issues were noted on day 1 of a 3-day meet, that these were not communicated to the organizers for resolution at the time, knowing what the potential outcome could be (e.g., meet/times not valid).

Mollie asked whether, if the response from the officials on a follow up was that everything was done by the rules, that this would be sufficient information for the committee to adjudicate for the officials/officiating over the submitter of the protest. Judy noted that she would like to see how different accounts from the meet matched up first. Kris noted that she would lean towards the officials over the submitter unless there was firm evidence otherwise.

Next Steps

Mollie will reach out to the officials involved for clarification and communicate information to the committee and schedule another meeting if necessary.

The meeting was adjourned at 8:33pm ET.