

AZLMSC Board Meeting Minutes

These minutes were approved at the October 18, 2022 board meeting.

May 25, 2022 (via Zoom)

Meeting called to order at 6:04 pm

Board Members Present: Katy James-Chairman, Liz Hobbs-Vice Chair, Judy Gillies-Past Chair, Susan Foster-At Large, Kathy Gallagher-Secretary, Lindsey Urbatchka-At Large, Dorothy Brelh-At Large

Absent: Marianne Rexer-Treasurer, Terry DeBiase-At Large

Others present: Marnie Whitley, Open Water Committee Chair, Michael Heather, AZLMSC member

Quorum present: Yes

MOTIONS PASSED

1. Minutes from April 9 meeting approved.
Motion by Judy, second by Susan, vote taken, all in favor.
 2. Approval for AZLMSC to serve as host for LCM State Meet at Goodyear (start sanction process and commit funds).
Motion by Judy, second by Lindsey, vote taken, all in favor. See notes for details.
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ACTIONS AND FOLLOW-UP

1. Katy, Judy, Dorothy, Susan to attend May 31 USMS Visions for the Future Zoom webinar.
 2. Please send Katy suggestions for a competition committee chair. Katy has a job description.
 3. Marnie will contact Simon and Suzanne Percy regarding open water competition.
 4. Katy will initiate the sanction process for the LCM State Meet
 5. Jeff Commings will coordinate board officer voting in late August or early September.
 6. Kathy will review bylaws to determine if Treasurer is exempt from two-year term limit.
 7. Katy, Liz, and Marianne: Please let Katy know if you plan to run for re-election.
 8. Secure 3 AZ delegates to Annual USMS meeting.
 9. Gruender Award voting: Katy will send voting request to board members.
 10. If anyone knows or can research a way to allow members to join our board meetings without divulging all the Zoom details, please bring it to the board's attention.
 11. Please share ideas for a volunteer to coordinate annual meeting.
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IMPORTANT DATES & HIGHLIGHTS

1. LCM State Meet – August 20 & 21, Westside Y in Goodyear
2. May 31 – USMS Visions for the Future webinar
3. Gruender Award voting (by email)

4. Board officer voting – late August or early September
5. USMS Annual Meeting - September 16-18

OLD BUSINESS

1. Treasurer's Report

Kathy reported on behalf of Marianne to let the board know she is in the process of providing reimbursements for clinics and meet awards to the group in Sun City. She has contacted Doug Springer to request his reimbursement request for expenses for the State Meet.

2. Webmaster Update

The phone display issue was fixed, and the theme was changed so the display shows black on white for more contrast, making it easier to read. The website isn't linked to Facebook, so Susan cross posts important and relevant items to both platforms. It appears we are receiving more Facebook page members, and most, if not all recently, appear to be actual swimmers, not bots/trolls. Susan said she will err on the side of letting people in and she, or others, can always report any sketchy activity. Susan will see it and remove it if need be.

3. Registrar Update

Katy reported the current registration: 478 men, 492 women, 970 total registered.

4. Open Water Committee Update

Several months ago, there was a meeting of interested individuals interested in putting on open water events. The group was trying to figure out how to collaborate on hosting somehow, because no single person has the resources. They plan to get together again in July and discuss ideas about different formats that might attract beginner level swimmers, especially at shorter distances.

The Phoenix-area Facebook open water group posts regularly. Can we put these posts on the website? There is not much being posted for southern or northern Arizona. People are looking for swims but not a lot of people organizing them. Susan will investigate this and link if possible.

(See # 3 new business for remainder of notes.)

5. Competition Committee Chair Search Update

Katy is still looking for volunteer. She asked Mark Modjewski, but he took on something else so cannot do it.

Action Item:

Please send Katy suggestions for a competition committee chair. Katy has a job description.

NEW BUSINESS

1. Rule change proposal discussion – Michael Heather’s proposals

AZLMSC member Michael Heather asked the AZLMSC board to consider support (propose) rule changes to four USMS rules. The proposed changes that he submitted for the AZLMSC to consider are outlined below. The rules he is asking AZLMSC to consider supporting changes to all appear in Part 4 of the USMS Rule Book (Participation, Conduct, Participation and Hearings). The USMS Rule book is available here: <https://www.usms.org/volunteer-central/us-masters-swimming-rule-book>.

The board asked Michael to join the meeting so they could hear his rationale for the requested changes and give him and board members a chance to ask questions and discuss. The board intended to have a discussion, table a vote, revisit the discussion at a later time if needed by phone or email, and conduct a vote by email. There was some urgency to consider this request and the changes themselves, as proposals for rule changes are due to USMS by June 10, 2022, in order to be considered during this year’s annual meeting. So, the board discussed the proposals at the meeting, and determined to vote by email a few days later, before May 27. This would give board members time to do additional research and think more deeply about the suggested changes and their impact.

For further details on the proposals, discussion, and voting results, please see the addendum.

2. USMS Visions for the Future Zoom Meeting May 31

USMS invited all LMSCs (and perhaps other volunteers) to the “Visions for the Future” Zoom presentation on May 31. Katy, Judy, Dorothy, Susan said they intended to attend. USMS described the presentation this way:

This webinar will go over the board’s new strategic priority of placing greater emphasis on the local experience of our members as well as the structural changes we hope the House of Delegates will consider this year and next. (If you’re unable to attend, a recording will be made available.)

Action Item:

Katy, Judy, Dorothy, Susan to attend May 31 USMS Visions for the Future Zoom webinar.

3. Open Water follow-up (discussion happened during the Open Water Committee report)

Katy contacted Simon and Suzanne Percy. They are interested in hosting events but need employees. As clarification, the Open Water’s role is to help get a sanction when required/requested. Susan can post the need for employees on the AZLMSC Facebook page too. Generally, there are Saturday swims at Lake Pleasant and Sunday swims at Canyon. These are coordinated by Arlo, who alternates the location. He has been gone for a while but is expected back soon.

Judy reminded the group that in order to get a sanction, you need a certified open water official. There is one in AZ. Marnie will probably get certified later. She also reminded the group that you also need a safety person for an open water sanction.

Action Items:

Marnie will contact Simon and Suzanne Percy to learn about their plans for hosting competitions. (If Simon and Suzanne are interested, Susan can post the need for employees on the AZLMSC Facebook page.)

4. 2022 LCM state meet – August 20-21 at Westside Y in Goodyear

Katy reported her conversation with Westside Y about hosting the LCM State Meet. A collaboration between Westside and the AZLMSC to host/run the meet seemed possible, and the board discussed and voted on it.

Westside will provide people to run timing and provide results using their own Hy Tek equipment and C6 operators. In return, the AZLMSC would provide a donation to their club. AZLMSC will also front money to rent the pool, get a sanction, and get the officials.

Motion: A motion was made to start the sanction process and provide the necessary funds for the joint meet hosting. Judy motioned, Lindsey seconded, vote taken, all in favor.

Action Items:

Katy will do the sanction.

Liz offered to be at the scorer's table if needed.

5. Gruender Award nominations

Nominations were sent to board members for review. Nominees include Sandy Whitmeyer, Judy Gillies, Katy James, Bill Nolan, Barb Sloan, and Jim Stites. Katy removed herself from the nomination pool.

The board discussed whether to allow members to vote or to have the board choose a winner. Although there is interest in making the process transparent and engaging members, the board acknowledged that having members vote could result in the winner being chosen based on popularity rather than merit, as is the award's intent (e.g., a team with many members would have enough votes to select a teammate).

Judy and Katy acknowledged that there is a guiding principle (but not a rule) that once someone has received the award, they will not receive it again, though there can be exceptions under certain circumstances the board deems appropriate.

Action Item:

The board discussed the written nominations and decided to vote by email.

Katy to send board members a request for their votes for the Gruender Award winner.

6. Annual Meeting (AZLMSC)

Katy is still looking for volunteer for this role. It was mentioned that there could be someone on Sun Devil Masters who would be interested, as more of a party planner role.

Action Item:

Katy will continue looking and reaching out.

7. 2022 Elections – Officer Positions

Jeff Commings will handle the voting again. Board members can nominate themselves. Kathy Gallagher said she is planning on running for Secretary. We haven't received notification from other officers. The request for nominations will go out in late August or early September. Jeff will send results to the Secretary who certifies the results and notifies the winners.

Action Item:

Be sure Jeff has the nominee blurbs and includes them with the voting forms.

8. Annual Meeting (USMS) - September

AZLMSC can send 3 delegates to the annual meeting and needs to select them. Judy Gillies is an automatic attendee as a member of the USMS Officials Committee and does not count as one of Arizona's three delegates. Jeff Commings (AZLMSC member) will attend as Chair of the USMS Diversity & Inclusion Committee, also not as an AZ delegate. The board expressed interest in having board members attend, as the meeting will be business focused, and relates to legislation, rules, competition and other topics the AZLMSC board regularly discusses.

Action Item:

Ask board members who else might be willing to attend.

9. Relay 2022 discussion, implementation and follow-up.

No discussion needed. Katy will send Dorothy a list of AZ pools.

10. Officials Shirts

Judy has a list of USMS certified officials' names and sizes for some folks but needs to complete the list in order to purchase. She won't be buying shirts "in bulk" because the sizes must be appropriate to the official.

11. Making meetings accessible to members, but not publicly advertising the links

Susan raised the point that we want our board meetings to be open to members, but don't want to post a link to the web meeting publicly. She suggested we investigate how to manage this, e.g., perhaps by sending members a link upon request or registration, so we don't have to post the details a public site or Facebook.

Action Item:

If anyone knows or can research a way to allow members to join our board meetings without divulging all the Zoom details, please bring it to the board's attention.

Motion to adjourn

Motion by Judy, second by Lindsey, vote take, all in favor.

Meeting adjourned @ 7:35 pm.

ADDENDUM TO MAY 25, 2022 BOARD MINUTES

AZLMSC member Michael Heather asked the AZLMSC board to consider support (propose) rule changes to four USMS rules. The proposed changes that submitted for the AZLMSC to consider are outlined below. The rules he asked the AZLMSC to consider supporting changes to all appear in Part 4 of the USMS Rule Book (Participation, Conduct, Participation and Hearings). The USMS Rule book is available here: <https://www.usms.org/volunteer-central/us-masters-swimming-rule-book>.

The board asked Michael to join the meeting so they could hear his rationale for the requested changes and give him and board members a chance to ask questions and discuss. The board intended to have a discussion, table a vote, revisit the discussion at a later time if needed by phone or email, and conduct a vote by email. There was some urgency to consider this request and the changes themselves, as proposals for rule changes are due to USMS by June 10, 2022, in order to be considered during this year's annual meeting. So, the board discussed the proposals at the meeting, and determined to vote by email a few days later, before May 27. This gave board members time to do additional research and think more deeply about the suggested changes and their impact.

Discussion summary:

The board reviewed each proposal individually. We asked Michael to give a brief preview/summary, including his rationale for requesting each change (which he had also written in the proposal document), and to answer board questions. The board asked questions and expressed some concerns.

Proposal #1: Strike this section from the rule book

Rule Book Section: 402.4.7 Any nonconsensual sexual conduct, pattern of unwelcome sexual advances, or other inappropriate sexually oriented behavior or action by a USMS member toward a member or any other person participating in any capacity whatsoever in the affairs or activities of USMS.

Rationale: *This section establishes USMS and the NBR as illegal law enforcement agencies. This type of behavior – anywhere – is rightly handled by local law enforcement.*

Discussion/Questions:

This rule was added over ten years ago, when USA swimming was experiencing a lot of issues related to inappropriate relations with underage swimmers. There is another section in the USMS rulebook that covers physical conduct. You don't need two pieces saying the same thing. The other section is 402.4.5, which reads "Any intentional nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward members, volunteers, staff, or bystanders in connection with USMS administrative activities, events, or workouts." (as Unsupported Conduct in the Rule Book).

AZLMSC board: This section we are being asked to suggest that USMS remove from the Rule Book includes references to unwanted sexual advances and the rationale for removing it suggests that USMS cannot enforce such a policy because USMS is not a law enforcement agency. The board discussed that there are situations where sexual advances are unwanted but might not rise to the level of being illegal. That does not mean that kind of behavior cannot be curtailed by an entity like USMS. Several board members expressed a desire for this sort of policy to exist. Members also suggested that perhaps the language could be more robust and suggested that it would be appropriate to engage legal counsel for advice on how to strengthen or better align such language. Board members thought that getting rid of a sexual harassment policy without replacing it with something equally protective is dangerous. If it is deleted, it should be replaced with something more comprehensive, with guidelines of what to do. Board members asked for clarification about why USMS could not enforce a rule disallowing things mentioned in the rule. It was pointed out that many entities have policies against inappropriate or unwanted sexual misconduct that doesn't rise to the level of being illegal and enforce their policies disallowing it. This creates a safe, functional environment. One board member gave a personal example of using a sexual harassment policy to stop unwanted, but not illegal, behavior that was gross, rude, sexual in nature and unwanted. Without the policy and a procedure in place, the board member could not have stopped the uncomfortable behavior on their own.

Proposal #2: Remove clause D from this section

Rule Book Section: 403.4.1 Because certain disputes are most appropriately heard at the national level, the National Board of Review has original and exclusive jurisdiction to hear:

A Any complaint from members of USMS where more than one LMSC is involved.

B Any complaint of violation of article 402.4.4, providing false information, or article 402.4.8, causing a credible and material risk to safety.

C Any complaint initiated by USMS.

~~**D** Any complaint in which LMSC bylaws, rules, policies, or procedures preclude filing of a grievance by a USMS member.~~

E D Upon a majority vote of the Executive Committee, the National Board of Review may be assigned exclusive and immediate jurisdiction at any stage of any matter within the purview of this article 403 to serve the best interests of Masters Swimming.

Rationale: *This section is unsupportable by fact or source. USMS members are provided status merely by being members.*

Discussion/Questions:

There were confusing and conflicting views on what was meant by section D of the rule. Generally, the board thought that the circumstances whereby the NBR could hear a grievance wouldn't change much whether the language remained or was removed. But, members expressed awareness that the clause was put in there for a reason and thought it would be helpful to hear from other USMS members, who might have additional insight or context for

the rationale for having this clause. Without additional context, the board didn't think it was appropriate to submit a proposal to remove this language.

Proposal #3: Add underlined language

Rule Book Section: 403.4 National Board of Review Procedures

The Board of Directors shall adopt and maintain National Board of Review procedures. These procedures shall set forth the process that will be used for matters filed with the National Board of Review including how disputes and appeals shall be filed, timing for each aspect of the National Board of Review hearing and appeal process, fees, structure of hearing panels, conduct of panel hearings, and notifications to the parties. The National Board of review shall have 30 days from filing to act upon any initial grievance. If no action is taken within 30 days, the grievance is void and double jeopardy shall not be allowed. The National Board of Review procedures shall be made publicly available and shall be updated on a periodic basis. The National Board of Review shall not hear or consider any complaint brought by third parties.

Rationale: *Anyone being charged has the right to a speedy hearing and the NBR has a history of very slow process.*

Allowing proxy or third party complaints removes the right of the accused to face their accusers and permits the NBR to be used as a weapon of spite rather than a solution to actual problems.

Discussion/Questions:

Michael explained that the NBR has received grievances which it did not act on for at least 60 days, leaving the parties involved without communication about the situation. This seems unfair. A party facing a grievance procedure should get information more quickly. The NBR has also considered complaints brought by 3rd parties, e.g., a person saw something and reported it to the NBR but wasn't impacted by the situation. Michael called this filing complaints on hearsay.

Michael explained that the NBR was instituted to handle liars and cheats who didn't want to swim in their age group. NBR is supposed to review, not take action. They could say, "we aren't going to do anything", and it could take years for them to come to a conclusion.

AZLMSC board: There was discussion about whether the proposed language would actually achieve the intended result. For example, to get action within 30 days, the language should read "must act". Otherwise, the NBR could still manage the process to favor one side by not taking action. For example, under the proposed language if it didn't act within 30 days, the grievance would simply go away. In this way they could select an outcome to favor one party. There was also discussion about unintended consequences for certain swimmers who might need a 3rd party to advocate for someone, e.g., if they have an informal caregiver, or are intimidated, or have a disability that might put them in a vulnerable position that could be mitigated by allowing another person to submit a grievance. The board was cautious about supporting the wording. Michael noted that any proposed rules changes are word smithed very

thoughtfully and carefully by the USMS Rules Committee before the proposal goes to membership for a vote (at the annual meeting). Stronger or more precise language could be developed by the Rules Committee. Many board members expressed strong desire to ensure more vulnerable swimmers remain protected and can participate fully and equally in the process.

Proposal #4: Replace “must” with “shall”

Rule Book Section: 403.6 Authority of the National Board of Review Chair

With regard to matters within the original or appellate jurisdiction of the National Board of Review, the National Board of Review chair ~~must~~ shall take one or more of the following actions when reviewing a matter:

Rationale: *This change follows and agrees with established rule book procedure.*

Michael informed the board that throughout the USMS Rule Book, shall is used rather than must. This proposal is simply to change must to shall within this section. Michael reviewed the Rule Book and shall appears more often than must. So, this is housekeeping to tidy the Rule Book.

AZLMSC board: A board member contacted Kathy Casey, who has been involved in USMS rulemaking and interpretation for decades. She noted that shall and must appear in the Rule Book glossary and are interchangeable. Board members felt this proposed change was appropriate but didn't feel a need to initiate the proposal change. It could be initiated by the Rules Committee itself.

Voting Results:

402.4.7 – 9 no votes

403.4 – 9 no votes

403.4.1.D – 8 no votes

403.6 – 8 no votes, 1 yes vote