

Committee Name: Diversity and Inclusion Committee

Chair: Jeff Commings

Minutes recorded by: Chris Campbell

Session #3

Date of meeting: 6/4/2025

Time of meeting: 8 pm EST

Actions Taken:

1. None.

Number of Committee Members Present: 7 Absent: 2 Guests: 19
Present: Jeff Commings (Chair), Chris Campbell (Vice chair), Sharon Snyder, Vicki Shu, Laura Dennison, Mary Jurey, Megan Shovlin, Daniel Paulling (Ex Officio—National Office Staff), Dawson Hughes (Ex Officio—USMS CEO)
Guests: Fiona Atkinson, Justin Poteet, Laura Templin, Lynn Barnhart, Mindy Carpenter, Marianne Hassan, Russ Mathers, Sandi Rousseau, Wendy Enderle, Eric England, Sanford Hatcher, Angela Griffin, Cissy Cochran, Elizabeth de Herder
The following guests did not respond to requests for further identification: K. Morrison, Kari, Katie, Penny, FBI Van.
Absent: Lucila Davies, Kenny Brisbin (Ex Officio—USMS Vice President of Community Services)

Minutes

The meeting was called to order at 8:03 pm EST.

1. The meeting minutes from the previous Committee meeting, held April 2, 2025, were approved by the Committee by an email vote prior to this meeting.
2. Given the large number of guests present online, and the scope of the following topic, Chair Jeff Commings reviewed the ground rules for discussion, per Roberts Rules of Order. Specifically, guests were not allowed to speak unless formally recognized by the Committee Chair. USMS CEO Dawson Hughes and USMS National Staff Member Daniel Paulling were both granted permission to address the group. Otherwise, discussion was limited to the members of the Committee.
3. Dawson Hughes provided an update to the ongoing Transgender competition eligibility review, Transgender competition policy review, and legal ramifications resulting from the participation of more than one Transgender USMS Member at the 2025 USMS Spring Short Course Yards Championship, held in April in San Antonio, Texas. He reminded the meeting attendees that the role of the D&I Committee is primarily advisory to the USMS Board of Directors. The D&I Committee does not have final say on policy. Ultimately, USMS policies are owned and adjudicated by the Board of Directors, of which D&I Committee Chair Jeff Commings and USMS VP of Community

Services Kenny Brisbin are members. Given the scope and nature of the relevant policies, the primary source of technical expertise and advice is the USMS Rules Committee. There are three items currently in the works:

1. There were multiple requests to confirm the competition eligibility of the USMS members noted above. Dawson Hughes pointed out that there is already an established USMS Transgender Competition Eligibility Review process. It follows a thorough and very deliberate approach, often perceived in contrast to the fast moving and ever changing dynamics of this issue on the world stage. This process is currently underway.
2. Concurrently, USMS is conducting a review of the USMS Transgender Competition Eligibility policy. Dawson Hughes noted that the current policy has been in place since the end of 2024. This policy has been under review and amendment for two and a half years. Again, this is a dynamic and rapidly evolving situation, and addressing it requires a thoughtful and deliberate approach.
3. The Office of the Texas Attorney General is conducting an investigation into this matter, and USMS is cooperating fully with it, providing any and all documentation requested. The questions center around Texas State Laws regarding deceptive business practices, and around concerns and comments about USMS Policies.

Dawson Hughes noted that the National Office has received a great deal of feedback on this matter from many USMS members and some from non-Members. The majority of the member comments cited the importance of inclusivity as a core value of USMS. This is not surprising. Over 70% of USMS Membership does not compete in events. The majority of the member comments cited the importance of inclusivity as a core value of USMS but nearly all asked for a change to the policy as it relates to competition. At this time, the floor was opened to the Committee members for Questions to and responses from Dawson Hughes.

4. Vicki Shu read a prepared statement, asking how USMS as an organization support the published Core Values of USMS. She noted that no one transitions from Male to Female in order to win or achieve Top Ten standing in competition. The trade off to win, and, as a result, endure living in a hostile and sometimes life threatening environment, makes no sense. Fear is a very real issue in the LGBTQ+ community, perhaps now more so than ever. She offered a link to survey data indicating an marked increase in reported anti-LGBTQ+ hate crimes to support her point. In addition, she provided some personal perspective about growing up as an “outsider” in a new and different community. When she and her family moved to the Midwest, she had a difficult time integrating into her new school community. That is, until she joined the local swim team. While being a member of the swimming community didn’t entirely eliminate the discrimination she felt, it did greatly ease it and allow her to fit better into her new environment. She rightfully points out that inclusion in sports, specifically swimming in this case, is a hugely important gateway into community acceptance. She asked how do we, as a National Organization, create and maintain a safe, inclusive and welcoming environment for our membership.

1. Dawson Hughes reiterated that most USMS members consider inclusivity to be a vital core value of the organization, and that very few members will have legitimate shots for winning or making Top Tens at the National level. Hence, inclusivity is to them more important than competition. Additionally, World Aquatics focuses its efforts on elite levels of competition, emphasizing fairness of competition, rather than mere participation. Their policies (and consequently ours) will not make everyone happy. USMS is not a political organization. Its mandate is to get people into the water and swimming. No more or less than that.
5. Megan Shovlin considers herself currently noncompetitive. However, she asked why it seems as though USMS didn't immediately engage on this issue. As she wasn't competing at the meet in Texas, she asked for some context.
 1. Dawson Hughes noted that response to received feedback was immediate, but acknowledged that USMS has been in chase mode on this issue from the start. The organization is doing its best, given the tidal wave of information, inputs and questions that have been coming in since the actual event occurred. USMS simply does not have the resources to address everything instantaneously, especially in an environment that is as dynamic and fast evolving as this. The organization is trying to keep up with events in a thoughtful, well intentioned, and deliberate fashion, while at the same time trying to keep our pool of over 600 active volunteers up to date on this situation.
6. Mary Jurey asked if there had been an eligibility review conducted prior to the meet, or if the swimmer's eligibility was questioned after the event.
 1. Dawson Hughes replied that no review or predetermination had been done prior to the meet, noting that the current USMS policy does encourage Transgender Competition Eligibility predetermination prior to an event. However, such predetermination is not required and is left up to the swimmer. He further noted that who has the right to question competition eligibility in cases such as this is defined in the policy. Specifically, in order to question the eligibility of a swimmer in an event, the individual calling for a review must be in the same age group, gender, and have competed in the same event at some point during that specific season. He again pointed out that USMS is obliged to follow the law.
7. Megan Shovlin asked about the process of policy review, and who has input to the process result in this case. In addition, Laura Dennison asked how quickly a determination in this case needs to be made.
 1. Dawson Hughes stated that the USMS Board of Directors determines policy, and that the USMS Rules Committee shares technical responsibility in this case, noting that the Rule Committee is responsible for the rules of competition, and that Transgender competition falls under this aegis. The D&I Committee has indirect input to the process in this case, as D&I Committee Chair Jeff Commings, and VP of Community Services Kenny Brisbin, who oversees and liaises for this Committee to the Board, are both current members of the USMS Board of Directors.

2. Jeff Commings noted that a quicker than normal determination is needed in this case, although he was unable to determine exactly how quick this turn around may be. Dawson Hughes added that the fast evolving and dynamic circumstances here make such an estimate difficult. Inputs from the D&I Committee and other USMS members are being requested and are welcome.
8. Laura Dennison echoed earlier comments and cautioned against hasty oversimplifications of solutions. Her perspective is that of a Para-swimmer, and she understands and appreciates the complexities and subtleties of this sort of situation. She suggested the involvement of stakeholders in other systems facing similar situations in order to determine best practices.
9. Megan Shovlin asked about the nature of the feedback received thus far.
 1. Dawson Hughes noted that the majority of the feedback received from within USMS stresses the importance of inclusivity while also asking for change to the eligibility policy.

At this point, discussion on this subject ended, after taking nearly an hour of the meeting. It is noted that the discussion and review of competition eligibility and of USMS policy is ongoing and continues to evolve.

4. The upcoming Peer to Peer Webinar for LMSC Chairs was tabled. This effort is headed by Vicki Shu, but other obligations had pulled her out of the meeting by this point.
5. The next D&I Committee meeting is scheduled for July 30. This meeting nominally serves as the Committee meeting leading into the USMS Annual Meeting in September. Hence, it would normally be primarily a review of the year's activities. However, given the ongoing state of affairs vis a vis the Transgender Competition Eligibility Review, the USMS Policy Review and the ongoing investigation by the Texas Attorney General's Office, there is a possibility that there may be an off-schedule meeting before or after this date as events warrant.
6. As Kenny Brisbin was not present, there was no VP Community Services update.

The meeting was adjourned at 9:07 pm EST.