



Del Sur®

Del Sur Community Association

SWIM LESSON POLICY

Effective January 1, 2022

Del Sur Community Association (“Community Association”) has and continues to receive frequent requests from Del Sur owners and residents seeking to use the Community Association pools for swimming lessons for themselves and/or their family members. Because the Board of Directors recognizes that learning to swim facilitates the use and enjoyment of the Community Association’s pools and reduces the risk of injury by pool users, the Board has determined that it is in the best interest of the membership to allow limited swimming lessons to be conducted, subject to this Swimming Lesson Policy (“Policy”).

This Policy has been established to enable owners and residents to receive swimming lessons within the community while protecting the right of all owners and residents to use the Community Association pools and minimizing the risk of liability for the Community Association.

In the event any owner or resident is found to have violated this Policy, they may, after notice and hearing, be prohibited from participating in any future swimming lessons within the Community Association. They may also be subject to other disciplinary action as discussed below.

In the event any person is found teaching swimming lessons in violation of this Policy, they may be permanently prohibited from providing swimming lessons at the Community Association’s pools.

1. Swimming lessons shall only be permitted at the following Community Association pools: **Beltaire, Reagan Glen, Old Stonefield, Jacqueline, and Trent (“Designated Pools”).** Under no circumstances shall a Community Association pool other than a Designated Pool be used for swimming lessons.
2. **Swimming lessons shall only be permitted at Designated Pools between April 15th through October 15th (“Swim Season”).** No swimming lessons shall take place outside of the Swim Season (i.e., between October 16th and April 14th). This restriction is imposed because six (6) of the Community Association’s eleven (11) pools are not heated during this period, resulting in greater usage of the other five (5) pools.
3. **Swimming lessons shall only take place at Designated Pools during the following hours:**
 - a. **Monday through Friday, excepting national holidays: 6:00 a.m. to 6:30 p.m.**
 - b. **Saturdays and Sundays, excepting national holidays: 8:00 a.m. to 12:00 p.m.**
 - c. **National holidays: No swimming lessons permitted.**
4. The Community Association will authorize no more than seven (7) swimming instructors to teach swimming lessons at the Designated Pools each Swim Season (“Authorized Swim Instructors”). Only Authorized Swim Instructors shall provide swimming lessons at



the Designated Pools. In the event a swimming instructor ceases to be an Authorized Swim Instructor during a Swim Season, as discussed in Provision 8, below, the Community Association may authorize another swimming instructor to take his or her place for the remainder of the Swim Season.

5. To prevent swimming lessons from unreasonably interfering with the use of the Designated Pools by other owners and residents, as well as for safety reasons:
 - a. Only one Authorized Swim Instructor shall be permitted to use a Designated Pool for swimming lessons at a time.
 - b. An Authorized Swim Instructor must reserve in advance a Designated Pool for any time that Authorized Swim Instructor proposes to provide a swimming lesson ("Scheduled Lesson"). A reservation is made by contacting the Community Association's management office and receiving confirmation from the management office that the Designated pool is booked for his or her use on a specific date and time.
 - c. An Authorized Swim Instructor may schedule the use of a Designated Pool for swim instructions during the Swim Season for a maximum of four (4) hours per day, subject to d, below.
 - d. An Authorized Swim Instructor may schedule the use of a Designated Pool for swim instructions during the Swim Season for a maximum of four (4) days per calendar week.
 - e. Notwithstanding c and d above, in the event there are fewer than seven (7) Authorized Swim Instructors during any portion of the Swim Season, the Community Association may permit the other Authorized Swim Instructors to schedule additional swim lessons to compensate for the reduced number of Authorized Swim Instructors. The total additional Scheduled Lessons the Authorized Swim Instructors may collectively give shall not exceed sixteen (16) hours per calendar week for each vacant Authorized Swim Instructor position. Additional Scheduled Lessons shall be authorized on a first come, first serve basis.
 - f. An Authorized Swim Instructor shall only provide instruction to one student at a time. Multi-student lessons are prohibited.
 - g. An Authorized Swim Instructor must notify both the Community Association management office and his or her student if he or she cancels a Scheduled Lesson. The Community Association shall not be responsible for providing this notice.
 - h. A student must notify his or her Authorized Swim Instructor if he or she cancels a Scheduled Lesson. The Community Association shall not be responsible for providing this notice.



- i. An Authorized Swim Instructor shall only provide swimming instruction to Community Association owners and residents. At no time shall any Community Association pool be used to provide swimming instruction to persons other than Del Sur owners and residents.
 - j. Only one lane at the Jaqueline pool shall be used for swimming lessons at any time.
 - k. In the event a Designated Pool is closed unexpectedly for maintenance or for any other reason at the time of a Scheduled Lesson, the Authorized Swim Instructor shall reschedule that lesson.
 - l. Under no circumstances shall an Authorized Swim Instructor provide swimming instruction outside of a Scheduled Lesson.
 - m. Under no circumstances excepting an emergency shall an Authorized Swim Instructor use a cellphone while providing a swim lesson at a Designated Pool. For the purpose of this Policy, an emergency is a situation that poses an imminent threat to the health or safety of any person(s) or an imminent threat of property damage.
 - n. Under no circumstances, excepting an emergency necessitating all persons to leave the water (e.g. a chemical spill; fecal matter in the pool), shall an Authorized Swim Instructor attempt to keep other persons from using the pool during a Scheduled Lesson. A Designated Pool shall remain open for general use during a Scheduled Lesson.
6. Eligibility requirements for becoming an Authorized Swim Instructor are as follows:
- a. The swim instructor must notify the Community Association's management office of his or her interest in becoming an Authorized Swim Instructor.
 - b. The swim instructor must provide evidence to the Community Association that he or she has obtained and maintains liability insurance as required by the Community Association.
 - c. The swim instructor must enter into an agreement with the Community Association wherein he or she agrees, among other things, to at all times maintain the required insurance and comply with this Policy ("Swim Instructor Agreement").
 - d. The swim instructor must not have previously violated this Policy.

The Community Association is not qualified to evaluate the skill level of swim instructors and does not do so. Nor does the Community Association perform background checks. By authorizing a swim instructor, the Community Association only warrants that he or she has complied with a, b and c above, and that to the best of the Community Association's knowledge, he or she has not violated d above.



7. It shall be the responsibility of Del Sur owners and residents to:
 - a. Evaluate an Authorized Swim Instructor's qualifications and skill level.
 - b. Schedule their swim lessons with an Authorized Swim Instructor.
 - c. Negotiate any payment amounts and terms for their lessons.
 - d. Pay the Authorized Swim Instructor's fee when due.

Notwithstanding the foregoing, under no circumstances shall an owner or resident negotiate terms for a swimming lesson that are in violation of this Policy.

Owners and residents may obtain a list of Authorized Swim Instructors and their contact information from the Community Association's management office. This list is also available on the Community Association's website.

8. The Community Association may rescind a swimming instructor's designation as an Authorized Swim Instructor if that swim instructor violates any terms of the Swim Instructor Agreement or violates any provision of this Policy.
9. Any person found to be using an Unauthorized Swim Instructor or otherwise violating this Policy may be called to hearing whereat a fine may be imposed, the costs of addressing his or her violation, including any attorney's fees incurred, may be imposed, and/or his or her right, along with the right of all other persons associated with his or her property, to use the Community Association recreational facilities, including the pools, may be suspended. (Please see the Community Association's Enforcement Guidelines.)
10. Complaints regarding an Authorized Swim Instructor or violations of this Policy should be promptly reported, in writing, to the Community Association's management office for investigation.

The Del Sur Community Association Board of Directors adopted this Policy at its duly noticed December 21, 2021 Board Meeting. This Policy is now in effect.

Del Sur Community Association Board of Directors
12/21/2021