



Del Sur

# Del Sur Community Association

## SWIM LESSON POLICY

EFFECTIVE 3/1/2024

Del Sur Community Association ("Community Association") 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, Therefore the Board has determined that it is in the best interest of the membership to allow limited swim lessons to be conducted, subject to this Swim Lesson Policy ("Policy").

This Policy has been established to enable owners and residents to receive swim 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.

**\*\*\*The pool temperature will be set to 82°. Please note this temperature can and will fluctuate depending on weather conditions and time of day. If the water is too cold for lessons that day the swim instructor or participant/ guardian should reschedule the lesson for another day.\*\*\***

**The Board has decided to charge a usage fee and a security deposit for the use of Del Sur Pools for swim instruction each season.**

### **Usage Fees:**

- The Policy requires that each instructor be required to pay a non-refundable usage fee of \$250 before commencement of lessons each season to assist with the maintenance and operations of the pools the instructors use.
- Each instructor will also be required to pay a refundable\* \$250 security deposit before commencement of lessons each season. Security deposits will be refunded at the end of the season. **\*\*CONDITIONS APPLY see below\*\***

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 swim lessons within the Community Association. They may also be subject to other disciplinary action as discussed below.

1. In the event any person is found teaching swim lessons in violation of this Policy, they may be permanently prohibited from providing swim lessons at the Community Association's pools.
2. **In the event any instructor is found in violation of this Policy, the instructor shall forfeit his/her security deposit.**
3. Swim 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 swim lessons.
4. Swim lessons shall only be permitted at Designated Pools from:  
April 15<sup>th</sup>- October 15<sup>th</sup>
5. **Conducting swim lessons outside of the Swim Season is prohibited.**  
(i.e., April 15<sup>th</sup>- October 15<sup>th</sup>)



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6. **Swim 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 swim lessons permitted.**
  
7. The Community Association will authorize no more than seven (7) swim instructors to conduct swim lessons at the Designated Pools each Swim Season ("Authorized Swim Instructors"). Only Authorized Swim Instructors shall provide swim lessons at the Designated Pools. In the event a swim instructor ceases to be an Authorized Swim Instructor during a Swim Season, as discussed in Provision 8, below, the Community Association may authorize another swim instructor to take his or her place for the remainder of the Swim Season.
  
8. To prevent swim 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 swim 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 swim 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 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 swim instruction to persons other than Del Sur owners and residents.



- j. An Authorized Swim Instructor cannot be in the pool area except when providing a scheduled lesson.
  - k. Only one lane at the Jaqueline pool shall be used for swim lessons at any time.
  - l. 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.
  - m. Under no circumstances shall an Authorized Swim Instructor provide swim instruction outside of a Scheduled Lesson.
  - n. 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.
  - o. 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.
9. Eligibility requirements for becoming an Authorized Swim Instructor are as follows:
- a. The swim instructor must notify the Community Association's 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 submit a signed instructor waiver for themselves.**
  - e. **The swim instructor must submit a signed Student Waiver for each student they will be providing swim instruction to.**
  - f. The swim instructor must not have previously violated this Policy.

The Community Association/ Management team is not qualified to evaluate the skill level of swim instructors and does not do so. Nor does the Community Association/ Management team perform background checks. By authorizing a swim instructor, the Community Association/ Management team 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 f above.

10. 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 swim 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 office. This list is also available on the Community Association's website.**

11. The Community Association may rescind a swim 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.
12. 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.)
13. 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.
14. **The Community Association reserves the right to rescind the approval to allow swim instruction within Del Sur.**

The Del Sur Community Association Board of Directors adopted this Policy at its duly noticed February 28<sup>th</sup>, 2024 Board Meeting. This Policy is now in effect.

Del Sur Community Association Board of Directors