

**Florida Gold Coast
Special Board of Directors Meeting #4
May 5, 2020 via Video Conferencing**

I. Call to Order- Jennifer Gibson called meeting to order 6:00pm

II. Roll Call/Excused Absences

Chair-	Jennifer Gibson-P
Vice-Chair-	Alf Aguirre-P
Senior. Vice-Chair-	Chris Anderson-P
Age Gr Vice-Chair-	Liz Kershaw-P
Coaches Rep	Gordon Andrews-P
Treasurer/Registration Chair-	Richard Cavanah-P
Secretary-	Lori Bosco-P
Officials Rep	Steven Goldman-P
Finance Vice-Chair	Kathleen Prindle-P
D.E.I Chair	Rosemarie Knoll-P
Op Risk/Safe Sport Chair	Michael Averett-P
Athlete Sr. Rep	Kyle Kasztner-P
Athlete Jr. Rep	Chloe Hernandez-P
Athlete Rep	Benji Carey-Ex
Athlete Rep	Madelene Finks-P
At-Large-(1yr)	Bruno Darzi-P
At-Large-(1yr)	Christi Wathen-P
At-Large-(1yr)	David Hammond-A
At-Large-(1yr)	Allan Golding-P
Chair Advisor	Jim McCombs-P

(Technical planning committee members: Vice-Chair –Alf Aguirre, Senior Chair- Chris Anderson, Age Gr Chair-Liz Kershaw, Coaches Rep.-Gordon Andrews, Officials Rep-Steven Goldman, Athlete Reps: Kyle Kasztner, and Chloe Hernandez)

(Executive Board: General Chair-Jennifer Gibson, Administrative Vice-Chair-Alf Aguirre, Senior Chair-Chris Anderson, Age Group Vice Chair-Liz Kershaw, Finance Vice Chair-Kathleen Prindle, Coaches Rep-Gordon Andrews and Two Athlete Reps- Kyle Kasztner and Chloe Hernandez)

III. Purpose of Special Board Meeting #4

This meeting has been called to allow the FGC BOD to continue its discussions to organize going forward into LC Season with the ongoing disruption of the Coronavirus-COVID-19.

IV. Review/Vote Board Meeting minutes from April 21,2020 FGC Meeting

Motion: To approve meeting minutes April 21, 2020. Steven Goldman. **Second** Kathleen Prindle. **Passed.** *No Opposed.*

V. FGC Coach Mentoring Program Presentation-Coach Derek Gelber

A. 2019 Grant Recipient and Club Visit Report

1. Coach Derek Gelber (head coach Alper J Swim Team) shared his experience with his visit to Machine Aquatics in Potomac, WV.

Derek spoke of the following items he learned: 1. having a continuous enrollment in not only swim team, but swim lessons as well; 2. having progress reports and being super strict not to advance swimmers that haven't met those skills (making sure all your staff advances the same) 3. having group names-coming up with "cool" names not just level 1.; 4. Playing games-ie: reaction games before practice, stretching games and even incorporating games into the middle of a workout; and 5. a coach, can be effective without raising your voice.

VI. Review/Status of Old Business Presented

A. General updates from USA Swimming with COVID-19

1. Updates from Strategy Team, USA- Swimming
 - a. updated resources from USA Swimming-handout (attached)
2. USA Swimming Board Meeting Friday April 24
3. USA-Swimming Facility Re-opening Plan Guidelines
 - a. a great resource to use for different aquatic facilities (attached)
4. Return to Pools for FGC Strategy
 - a. email Jennifer if you would like a sample from other clubs

VII. Review of New Business Presented at April 21, 2020 Board Meeting

A. Status of Long Course Season 2020 Motion; 2021 Champ Season

B. Contact/Communications with the FGC Coaches/Athletes-Jennifer Gibson

C. FGC Website-(Dick Cavanah)

1. Updated website with the help from Don Henshaw (FL-Swimming)-this site is designed as a resource page on the LSC level, this is not a site for swimmers to go to versus going to their team's website.

VIII. Agenda (Discussion needed on each item)

A. Status of Long Course Season 2020 & 2021/2022 Meet Calendar

1. **Technical Planning Committee had their 2nd meeting April 23**
2. **Long Course 2020 thought-30/60/90**

Motion: To accept the following Return to Competition Plan as presented from Technical Planning Committee:

- 1. Day 1 of the Florida Gold Coast Return to Competition Plan shall be 30 days prior to the first day that the USA Swimming moratorium on sanctioned competition has expired AND one or more FGC teams have lawfully resumed training in their usual training facility for thirty days.***
- 2. From Day 1 until Day 30, Florida Gold Coast swimming will not sanction competition and will revoke existing sanctions for competition.***
- 3. From Day 31 until Day 60, Florida Gold Coast Swimming may grant sanction for limited timed finals competition. Limited competition refers to:***
 - a. Closed intra-squad meets and time trials.***
 - b. Dual meets.***
 - c. Virtual dual, double-dual, triangular, or invitational-style meets.***
- 4. From Day 61 until Day 90, Florida Gold Coast Swimming may grant sanction for unrestricted timed finals or prelims and finals invitational-style meets in addition to the meet types described in #3.***
- 5. After day 90, Florida Gold Coast Swimming may grant sanction for LSC Championship meets.***
- 6. All competition sanctioned by Florida Gold Coast Swimming must comply with all applicable federal, state, local and facility restrictions on public gatherings and social distancing requirements. Alf Aguirre. Second. Richard Cavanah. Passed. No Opposed.***

3. Technical Planning still looking at:

- a. Cancellation of LC 2020 Season vs leave posted as is
- b. Championship meet dates (2021/2022)

4. Re-naming of the Championship Meets

- a. recommendation was to wait one more year before re-naming

B. Contact/Communication with the FGC Coaches/Athletes-Jennifer

1. First FGC Athlete ZOOM-Alia Atkinson-April 30

- a. Alia did a great job. 291 athletes attended. The chat room did become an issue –next one will run as a webinar

2. FGC Town Hall ZOOM-Thursday, May 14-6:30-8pm (Jay Chambers with USA-Swimming)

- a. mostly to focus on parents

3. Thoughts/Ideas/Request-Scheduling of Future Thoughts

- a. working on getting some dynamic presenters for FGC and also to use on-line meetings for BOD and coaches.
- b. Coach Support Network committee will be looking into different ways to communicate with coaches- maybe a round table.

C. FGC Athlete Reps -Kyle/Chloe/Benjamin/Maddie

1. Presentation of new FGC Athlete Club Reps Proposal

Motion: To accept the following: CLUB REPRESENTATIVE PROPOSAL

Mission Statement- The purpose of having Club Representatives is to improve the quality of communication throughout the community and create a sense of involvement within each athlete of the Florida Gold Coast.

Club Representative- Two members from each club that represent gender diversity. Club Representatives will be representing their club for the Athlete Representatives. They will be the main form of communication between the Athlete Representatives and their club. The responsibilities of a Club Rep include relaying information from Athlete Reps to the members of their club, voicing the concerns from their athletes to the Athlete Reps, and helping connect all athletes in the FGC. Club Reps will not only improve communication between the FGC board and the athletes of the FGC but will also help create more of a community within the athletes.

Plan of action- In order to get two Club representatives from each team we propose that an email be sent to each head coach within our LSC the email is as follows

Hello Head Coaches of the FGC,

The Athlete Representatives of the FGC, Chloe Hernandez, Kyle Kasztner, and Madelene Finks, are interested in having Club Representatives in each club within the FGC. Club Representatives will be two members from each club that represent gender diversity. Club Representatives will be representing their club for the Athlete Representatives. They will be the main form of communication between the Athlete Representatives and their club. The responsibilities of a Club Rep include relaying information from Athlete Reps to the members of their club, voicing the concerns from their athletes to the Athlete Reps, and helping connect all athletes in the FGC. Club Reps will not only improve communication between the FGC board and the athletes of the FGC but will also help create more of a community within the athletes.

All of the athletes who meet the requirements are eligible to apply.

The requirements include:

- ***They are USA swimming registered***
- ***They are attached to a club***
- ***They are at least a freshman in high school***

- *They must be able to participate locally as a Club Rep for a minimum of one year*
- *They are able to participate in a minimum of three USA swimming sanctioned meets within a registration year*

We ask that you recommend a minimum of one swimmer from your club to be a club representative. The list below is your swimmers that expressed interest in this spot at 2020 BB champs or Sectionals. Please send your recommendations the following message

Hello athletes of the FGC!

We are your Athlete Representatives, Chloe Hernandez, Kyle Kasztner, and Madelene Finks. We are looking for Club Representatives! Club Representatives will be two members from each club that represent gender diversity. Club Representatives will be representing their club for the Athlete Representatives. They will be the main form of communication between the Athlete Representatives and their club. The responsibilities of a Club Rep include relaying information from Athlete Reps to the members of their club, voicing the concerns from their athletes to the Athlete Reps, and helping connect all athletes in the FGC. Club Reps will not only improve communication between the FGC board and the athletes of the FGC but will also help create more of a community within the athletes.

You must meet these requirements to apply:

- *You are USA swimming registered*
- *You are attached to a club*
- *You are at least a freshman in high school*
- *You must be able to participate locally as a Club Rep for a minimum of one year*
- *You are able to participate in a minimum of three USA swimming sanctioned meets within a registration year*

If you meet the requirements and are interested in applying you can apply here:

<https://forms.gle/nx5OYPVevgfRDXFm7>

We look forward to connecting with you guys!

Requirements- If a swimmer who applied does not meet these requirements their application will be disqualified.

- *Swimmer must be USA swimming registered*
- *Swimmer must be attached to a club*
- *Swimmer must be at least a freshman in high school*
- *Swimmer must be able to participate locally as a Club Rep for a minimum of one year*

- *Swimmer is able to participate in a minimum of three USA swimming sanctioned meets within a registration year*

The Application- the application will consist of essential information of what a club representative represents and inquiry to get a better understanding of an eligible swimmer applying for the position. The application can be found here:

<https://forms.gle/nx5OYPVvgfRDXFm7>

- *The application will be evaluated anonymously by all Athlete Representatives and Athlete mentor (Kathleen Prindle.) No names will be attached to the applications.*
- *Post application- after approved applicants have been determined all new Club Reps. will be notified along with their Head Coaches.*

Terms- Each Club Representative is able to serve two one-year terms, they are therefore eligible to serve for two consecutive years. If a Club Representative applies for a second term their application will still be anonymous upon review along with all of the other applicants.

- *If a current Club Rep no longer meets the requirements, they will be replaced with a recommendation from the Head Coach of the club. The recommended Club Rep will then continue being that team's Club Rep for the remainder of the term until the annual Club Rep re-election. Madelene Finks. **Second.** Steven Goldman. **Passed.** No Opposed.*

*Motion: With friendly amendment that each athlete must compete in a USA sanctioned swim meet at least 3 times per year. Chris Anderson. **Second.** Kathleen Prindle. **Passed.** No Opposed.*

D. Officials Report/Update-Steven

1. Release forms

- a. Attached—something to think about.

2. Reminder of Grant payback

- a. Task to Gordon to remind the grant recipients about getting officials

3. Apprentice Extensions

- a. All apprentices who are in the system and still want to get involved, contact Steven as soon as sanctions open up.

4. Clinics

- a. AO clinic- Saturday May 9: 9am-12pm and Stroke and Turn-May 16

E. 2020 MSD Scholarship Committee Update

1. **Update/Status of 2020 MSC Scholarship-3rd year**
 - a. New Chair of Committee-Hannan Molden-Mattin
2. **Online application process**
 - a. on google forms and to be opened for applicants on May 8 and will close either on the 5th or 12th of June.
 - b. Committee will meet to determine essay questions
 - c. Goal is 18 applications
3. **Members of committee**-Dick Cavanah, Chris Anderson, Lauren (AD from MSD), Hailey Jerew-2019 scholarship recipient, Lou Mangianello

F. Needed Committees-Ongoing

1. Athletes In Action=Kathleen, Kyle, Chloe, Benji, Maddie
 2. Coach Support Network=Gordon, Jennifer, Chris, Christi, Mike, *Derek
 3. FGC Coach Mentoring Program 2020 Grant=Bruno, Gordon, Jennifer
 4. FGC Meet Committee=Liz, Allan, Bruno, Christi, Alf
 5. MSD Scholarship 2020 Committee=*Hannah Molden-Mattin, Dick, Chris, *Hailey Jerow (2019 recipient) or Coach=*Lou Mangianello, *MSD AD (or Rep)
 6. Relief Grant Committee=Kathleen, Dick, Liz, Bruno, Steven, Chloe, Kyle, *Kathy F.
 7. Technical Planning Committee=Alf, Chris, Liz, Allan, Gordon, Steven, Bruno, Kyle, Chloe
 8. Swimposium=Lori, Jennifer, Mike, Rosemarie, Athlete, *2019 Mentor Coaches (4)
 9. Website Upgrade/Upkeep=Dick, *Terrell Woods, Jim McComb
- *=Denotes Non-Board Members

G. New Business by 7:40pm-No new Business.

IX. FGC B.O.D 2020 Meeting Schedule

A. Meeting Dates

1. Tuesday, May 5-FGC Board Meeting time-TBA
2. Thursday, May 14-FGC Town Hall for Parents-6:30pm-8:00pm
4. Tuesday, May 19-FGC Board Meeting time-6pm-8pm
5. Tuesday, May 26-FGC Coach/Athlete speaker
6. Tuesday, June 2-FGC Board Meeting time-TBA
7. Oct 24 & 25-FGC weekend (HOD and Swimposium)

IX. Adjournment -8: 10pm

Motion: To adjourn. Richard Cavanah. **Second.** Liz Kershaw **Passed.** No Opposed.

UPDATED RESOURCES FROM USA SWIMMING

As of April 30, 2020

[USA Swimming Community Quarantine Resource Page](#)

Check this page often as resources are updated regularly.

WEBINAR: THE THEN & NOW OF POOL OPERATION & PROGRAMMING ADAPTATIONS

Monday May 4 – Noon Eastern/11am Central/10am Mountain/9am Pacific

Topics:

- Pools and viruses
- Dry land supporting areas and how we will need to treat them going forward.
- Cleaning options
- Social distancing compliance
- Policies and Protocols

[Registration Link](#)

WEBINAR: TECHNIQUE TUESDAYS WITH RUSSELL MARK STARTING MAY 5TH

[Link to Register](#)

<u>5/5/20*</u> *11:00am-11:30am MT	Technique Tuesdays	Fly Stroke technique review and Q&A
<u>5/12/20*</u> *11:00am-11:30am MT	Technique Tuesday	Back Stroke technique review and Q&A
<u>5/19/20*</u> *11:00am-11:30am MT	Technique Tuesday	Breast Stroke technique review and Q&A
<u>5/26/20*</u> *11:00am-11:30am MT	Technique Tuesday	Free Stroke technique review and Q&A

USA SWIMMING COVID-19 RELIEF PROGRAM FOR TEAMS

USA Swimming has initially pledged \$1M in grants, funded by the USA Swimming Foundation, to support clubs and members impacted economically by the COVID-19 pandemic. Teams are eligible to be considered for a relief grant of up to \$5,000. Information for applying can be found [here](#).

Eligibility

To be eligible to apply for a USA Swimming COVID-19 Relief Program Grant, a team must have:

- Suffered demonstrable financial losses as a result of the economic effects of COVID-19;
- Applied for local, state, and federal assistance available (e.g., Small Business Administration COVID-19 Economic Injury Disaster Loan program, Payroll Protection Program, etc.);
- Incurred continued operating expenses, not including payroll; and
- Developed a comprehensive return to viability plan through use of the grant and other resources.

Financial support for clubs would not be possible without the work that many LSCs have done to create their support programs, which will allow us to focus on clubs in the LSCs with fewer resources to help their teams.

BOARD-APPROVED MEMBERSHIP CHANGES

At the April 24 USA Swimming Board of Directors Meeting, the board approved the following changes regarding membership:

1. The changes to the Flex membership approved in January for implementation in September 2020 for the 2021 Membership Year, will now begin in the 2022 Membership Year.
2. For 2020, individuals applying for calendar year membership on or after June 1, 2020 will receive membership valid through December 31, 2021.
3. Seasonal Membership Extension: Seasonal memberships (Season 1, Season 2, and Individual Season) that expired on or after March 16, 2020, are permitted to be extended to August 30, 2020. LSCs registering or renewing any seasonal memberships may set the athlete's expiration date to no earlier than August 30, 2020, but no later than December 31, 2020, as long as the membership does not exceed 150 days after USA Swimming lifts the national moratorium on meet sanctions

Please contact Cathy Durance (cdurance@usaswimming.org) with any questions.

VIRTUAL SWIMBIZ PROGRAM

Traditionally, #Swimbiz is an annual marketing conference that emphasizes social media, advertising, branding, communications, sponsorship and local promotions for teams.

Subject matter experts are now being scheduled to deliver free live webinars and taped content for club leaders and coaches. Beginning May 5, these presentations will be offered every Tuesday and Thursday for 2 weeks. Check the Coronavirus Resource page for more info <https://www.usaswimming.org/utility/swimming-community-coronavirus-resources>.

SWIMATHON

We will continue to invest and support Swim-a-Thon as a major national campaign this Fall. Fingers crossed that we are all back in the pool by then, which would make this initiative a significant call to action for swimmers to help their own local clubs financially. USA Swimming commits to not only delivering the same level of national marketing support, promotion and prizes, **but will also defer our 5% share in 2020 and 2021 back to our local participating clubs.** [Click here to learn more about hosting a Swimathon](#)

COACHING CONNECTION NEWSLETTER

E-mailed to coaches approximately every two weeks – latest issue was sent last night. If you are not receiving please e-mail me – bhansen@usaswimming.org

SAFESPORT ZOOM TRAININGS

Athletes, parents and coaches can now attend a training session conducted by the USA Swimming Safe Sport staff via Zoom. The parent and athlete meetings will count toward the requirements to become a SafeSport Recognized Club. USA Swimming Safe Sport staff will record attendance and manually update the Club Portal. Attendance at these sessions is limited to 300 participants. The training session will be secured five minutes after starting.

- Parents: Every Wednesday 3:00-4:00pm EST

<https://zoom.us/j/93724361466?pwd=OVF4RFINZFpaMHhqSEVVRGwzbmpQUT09>

- Athletes (age 12-18): Every Thursday 3:00-4:00pm EST

<https://zoom.us/j/97633664936?pwd=YnpXZmljME5PcldacW9ZQ0w5YTFIZz09>

- Coaches: Every Friday 3:00-4:00pm EST

<https://zoom.us/j/98698656108?pwd=NzQ5TGdjWkRDc0lrcck9tWHpJL1hkQT09>

(The coaches training is not a requirement for Safe Sport Club Recognition and will focus on how to engage you athletes and parents in SafeSport. You can use your attendance to obtain the optional points for educational events for coaches. To do so, list the coaches who attended along with attendance date in the club application under the corresponding measure.)

UPCOMING USA SWIMMING WEBINARS

Date	Topic/Series	Title & Description	Speaker
4/28/20	Work From Home Mini-	Coaches Wellness	Jaime Lewis, Performance Development

Date	Topic/Series	Title & Description	Speaker
	Series, Coach Wellness		Manager, USA Swimming
5/1/20	Work From Home Mini-Series	Think like a Gardner, Work like a Carpenter The “Ins and Outs” of Skill Acquisition	Scott Colby , Performance Development Manager, USA Swimming
5/6/20	Work From Home Mini-Series	You and the Board – How to Make the Marriage last Review “Best Practices” for Board operations, communication and coaching tactics.	Tom Avischious , Senior Director of Team Services, USA Swimming
5/9/20* *9:00am-11:30am MT	Virtual She LEADS This will be a FREE virtual She LEADS Summit for USA Swimming member athletes. The summit will be open to high school aged female athletes (9th-12th grade). The event will be open to the first 60 individuals who register. We will notify you if you have been confirmed for the session. This event is free of charge. Attendees will be expected to attend the entire duration of the virtual event. No more than five athletes per team will be allowed to register for the same event.		Cathy Wright-Eger , Leadership Advisor, Purdue University & Roberta Kraus , President, Center for Sports Psychology
5/16/20* *9:00am-11:30am MT	Virtual We LEAD This will be a virtual We LEAD Summit for USA Swimming member athletes. The summit will be open to high school aged athletes (9th-12th grade). The event will be open to the first 60 individuals (30 male; 30 female) who register. We will notify you if you have been confirmed for the session. This event is free of charge. Attendees will be expected to attend the entire duration of the virtual event. No more than five athletes per team will be allowed to register for the same event.		Cathy Wright-Eger , Leadership Advisor, Purdue University & Roberta Kraus , President, Center for Sports Psychology
5/27/20	Club Excellence Spotlight	Club Excellence Spotlight with SwimMAC	Terry Fritch , Head Coach, SwimMAC Carolina

COACH’S CERTIFICATION EXTENSIONS

As a result of the closures of many facilities due to COVID-19, coaches may find it difficult to renew some certifications. Read more [here](#).

120-Day Extension ARC Coaches Safety Training, Lifeguarding & CPR Certifications

[The 120 Day Certification](#) enables an existing enrollee to extend their current American Red Cross certification by 120 days from the original certification expiration date. This extension certificate is for student or base level certificates from instructor led and blended learning courses ONLY and DOES NOT apply to instructor, instructor trainer or online only certifications. The extension certificate must be presented with a certificate that has expired.

ZOOM

Zoom (<https://www.zoom.us/>), an enterprise video conferencing with real-time messaging and content, has become one of the most prominent virtual tools during the Coronavirus crisis. For many members, the program has helped facilitate continued athlete engagement, virtual training and business continuity.

We have secured 'Enterprise' licenses, which provide the greatest number of features, for USA Swimming clubs for a 90-day period. Access requests should be sent to Paula D'Amico at pdamico@usaswimming.org. Please include your team name and the e-mail address you would like associated with this Zoom account when you contact Paula

In addition to the one Enterprise license per club, we also encourage you to register for free Basic accounts as needed.

[Guidelines for protecting your Zoom Meetings](#)

USA SWIMMING EMPLOYEE ASSISTANCE PROGRAM (EAP) MENTAL HEALTH SERVICES FOR COACHES

During the COVID-19 pandemic coaches can now utilize the online/phone USA Swimming Employee Assistance Program (EAP) mental health services. The program provides health and wellness information as well as online resources and assistance for concerns such as: coping with Stress and Anxiety, Financial Fitness, Managing Work and Career, Parenting Resources, Older Adult Resources, Mental Health Conditions, Overcoming Depression and Grief, Relationship Resources and more.

Further information can be accessed here: <https://www.usaswimming.org/news-landing-page/2020/04/08/usa-swimming-employee-assistance-program>

THE LAST GOLD MOVIE

USA Swimming members can now watch The Last Gold **free of charge**. This documentary film was produced by USA Swimming in 2016.

Narrated by Emmy-winner Julianna Margulies, The Last Gold is a feature-length documentary film that reveals one of the greatest untold stories in Olympic swimming history. Forty years ago, at the 1976 Montreal Games, a team of doped East German athletes thrashed their rivals from the United States, until a remarkable final race.

The central player was a transcendent American athlete denied her due and since lost in time: Shirley Babashoff. Babashoff and her teammates were surrogates in a Cold War struggle, who battled a tragic conspiracy with a blazing honesty and a ferocious, endless tenacity. In 1976, the U.S. Olympic swim team entered the Games in Montreal looking forward to its usual dominance. The men did not disappoint, delivering the most dominant performance in Olympic swimming history. They won every race but one, and in that race won the silver and bronze medals.

For the women, it was a completely different story. They were overwhelmed by an East German machine that had emerged on the world stage leading up to the Games with frighteningly fast performances. In a competition where 15 American records were set, the U.S. women had only four silver medals and one bronze medal to show for it. After an entire competition of disappointing results, winning no races and facing a critical media that heaped on additional pressure, the U.S. women finally came together to do as a team what they could not do individually. It was the final race when four women stepped to the blocks attempting to do what nobody thought possible... win The Last Gold.

The movie can be viewed by visiting: <https://vimeo.com/155310924> password: lastgold2016

ONE AMERICA INFORMATIONAL SESSIONS

We have worked with OneAmerica, one of USA Swimming's financial services providers, to offer education and resources to help you navigate the days ahead. Whether you are looking for more information on budgeting, dealing with market volatility, or if you would be interested in connecting with a financial advisor, please visit: <https://www.usaswimming.org/news-landing-page/2020/04/17/oneamerica-financial-resources>



FACILITY RE-OPENING MESSAGING AND PLANNING

The following is being provided to assist in the development of your 'Facility Use Plan', to be shared with local public health officials and facility operators. It is important to remember that all plans must comply with local, state and federal public health guidelines.

MESSAGING

We believe swimming, like walking, hiking, running, and cycling, is a critical healthy activity within our communities. Swimming does not require direct contact between teammates or coaches and social distancing can be maintained throughout practice. As with all exercise and activity at this time, swimming must comply with standards for social distancing and safety within aquatic facilities. We know, with collaboration between USA Swimming coaches, public health officials, and facility operators we can create safe plans for using aquatic facilities to promote physical and mental health opportunities compliant with public health directives. The CDC has indicated that there is no evidence the disease spreads through treated water. Proper operation and maintenance (including disinfection with chlorine and bromine) of these facilities should inactivate the virus in the water.

FACILITY, LOCAL, STATE, AND FEDERAL REQUIREMENTS

Recommendations:

- Each team/club should have a COVID-19 liaison responsible for staying up to date on community and state recommendations and any associated changes.

Plan building considerations:

1. What limits and phases has your state/municipality outlined for gatherings in the coming weeks/months?
 - a. Is the transmission rate in your region low to zero?

- b. Does your local health care system have capacity, or is it over-extended due to COVID-19 cases?
2. Who will make the decision about access to your facility?
 3. For a facility of your size, what is the capacity for that space within those guidelines?
 4. Have you reviewed/complied with the OSHA COVID-19 return to work guidelines? (attached)
 5. Have you reviewed/complied with the White House guidelines? (attached)

MITIGATING HAZARDS

Recommendations:

- Eliminate use of low ventilated spaces and rooms that prevent social distancing, such as locker rooms and small dryland rooms.
- Increase water sanitation level - As example keep chlorine closer to 2.0 PPM
- Create visible markers on the floor to indicate appropriate spacing on the pool deck, entrances, etc.

Plan building considerations:

1. How will you manage/sanitize bathroom use?
2. What is your plan/checklist for cleaning and disinfecting surfaces?
3. How will you control access/egress of the facility?
4. How will you limit contact points in the facility (e.g., open doors, water bottles, equipment, etc.)?
5. What is your plan should a coach, athlete, etc. become sick?

SAFE PRACTICES/ PPE

Recommendations:

- A coach or staff member should ask athletes, as they come into practice, if they feel ill in any way, specifically listing certain symptoms, and send home those athletes reporting feeling ill or experiencing symptoms.
 - o Symptoms include mild to severe respiratory illness with fever, cough and difficulty breathing, or other symptoms identified by the CDC.
- Athletes/coaches who begin to cough/sneeze for any reason, must move away from others until coughing/sneezing dissipates.
- Athletes should change clothes and shower at home.

Plan building considerations:

1. What is your staffing plan: coaching, lifeguards, a person to control flow of athletes in and out of the facility, and other programmatic considerations?
2. What will be the structure of your practice time, time between sessions, numbers of workouts per week for each group, dryland, etc.?
3. How will you maintain spacing in the pool during workouts?
 - a. Examples: staggered starts, opposite ends, numbers per lane, communication with athletes, stations, markers visible to athletes for start and stop points, (e.g., visible spacing marks on pool deck, on lane lines, etc.) coaches on both end of the pool?
4. What is your plan for staff/coaches protective measures?



FACILITY RE-OPENING MESSAGING AND PLANNING

- a. Personal Protective Equipment (PPE) such as masks
- b. Spacing
- c. Equipment to wear during cleaning
5. What is your plan for ensuring all standards for Safe Sport are maintained?
6. What is your plan for increasing air flow?
 - a. Open doors, outdoor pools, move dryland outside, increase air turnover rate

COMMUNICATION

Recommendations:

- Athletes must see a physician and be cleared for training after being diagnosed or suspected to have COVID-19.
- Make it clear that there is no penalty for missing practice and that if an athlete, or any member of their family does not feel well, they should stay home.

Plan building considerations:

1. Have you approached other user groups about how to best work together to return to the facility?
2. What is your communication plan for parents?
 - a. Include practice health and safety expectations, drop-off and pick-up patterns, lane groupings by family instead of age-groups, etc.
3. Have you produced visual aids to explain to parents and athletes spacing protocols? (samples attached)

PROGRAMMATIC CONSIDERATIONS

Recommendations:

- Be clear and consistent about expectations and enforce policies.
- Move dryland outside where possible.
- Utilize a staff member to help athletes move from one area of the facility to another.

Plan building considerations:

1. Have you created a financial model for different numbers of athletes allowed per/hour?
2. What is your plan for coaches with health vulnerabilities?
 - a. For example, keep them actively involved in your program by continuing remote dryland, zoom team meetings etc.
 - b. Anything that helps reduce load at pool, but keeps families engaged.
3. How will you model proper practice requirements?
 - a. As example, bring older swimmers back first, let them learn the system so they can serve to model behavior for younger athletes.

OTHER CONSIDERATIONS AND COMMUNICATION TO SHARE WITH STAFF, ATHLETES, PARENTS, ETC.:

Recommendations:

- Risk factors for consideration to participate include autoimmune disease, diabetes, asthma, cardiovascular disease, etc.
- Athletes and families who travel during phase one and two will need to self-isolate for 14 days before returning to practice.
- Make sure that your state and region satisfy the Federal government's gating criteria (as outlined in the "Opening Up America Again" guidelines) and have entered Phase One of the Phased Comeback.
- States and regions with no evidence of a rebound and satisfy the gating criteria a second time may proceed to Phase Two of the Phased Comeback, in which all individuals, when in public recreation areas, should maximize physical distance from others.
- Be aware that although restrictions are eased when your state and region move from Phase One to Phase Two or Phase Three of the Phased Comeback, safety precautions must remain in place in accordance with state requirements relative to availability of vaccinations or effective treatment for the coronavirus.
- make sure to communicate with all staff, athletes, parents and participants that they should not swim if they or anyone with whom they reside:
 - > Are exhibiting any symptoms of the coronavirus: mild to severe respiratory illness with fever, cough and difficulty breathing, or other symptoms identified by the CDC.
 - > Have been in contact with someone who has tested



FACILITY RE-OPENING MESSAGING AND PLANNING

positive for COVID-19 in the last 14 days.

- > Are a vulnerable individual and your state and region is in Phase One or Phase Two.
- > A vulnerable individual is a person with underlying conditions or considered to be at a higher risk demographic as outlined by jurisdictional, state or federal guidelines.

SWIMMING SAFELY

Recommendations:

PREPARING TO SWIM - Protect against infections:

- Wash your hands with a disinfectant soap and water (for 20 seconds or longer) or use a hand sanitizer if soap and water are not readily available, before going to the pool.
- Do not share equipment.
- Bring a full water bottle to avoid touching a tap or water fountain handle.
- If you need to sneeze or cough, do so into a tissue or upper sleeve/arm area.
- Arrive as close as possible to when activity begins.
- Avoid touching gates, fences, benches, etc. if you can.
- Do not attend practice if you, or a member of your household does not feel well.

WHEN SWIMMING

- Follow directions for spacing and stay at least six feet apart from others.
- Do not make physical contact with others, such as shaking hands or giving a high five.
- Avoid touching your face.
- Avoid sharing food, drinks, or towels.
- Maintain appropriate social distancing from other athletes when taking a break.
- Wear your suit to and from practice.

AFTER SWIMMING

- Leave the facility as soon as reasonably possible after practice.
- Wash your hands thoroughly or use a hand sanitizer after leaving the pool.
- Do not use the locker room or changing area.
 - > Shower at home, wear your suit to and from practice
- No extra-curricular or social activity should take place.
 - > No congregation after swimming.

EXPECTATIONS FOR TRAINING AND COMPETING

Recommendations:

- Children should still be active for at least 60 minutes per day, even though they can't gather.
- As we return to action, we must consider injury and progressive return.
- At-home workouts must be simple, low impact and low risk. Return to the pool should build off of the at home dryland workouts.

- Must emphasize movement quality, not the quantity of exercise; proper movement is key.
- Coaches should use downtime to ensure all safety skills are up to date: complete sport safety, concussion training, etc.
- Social distancing will need to be accounted for in practice planning.
- Limit group sizes and staggered sessions.
- Most injuries occur early in the season, so do not rush deconditioned athletes back to full practice, or competition.
- Increase activities by 10% each week when we return.
- Focus should be on a healthy environment, quality experience, progressive training, and safety.
- No expectations for competing.

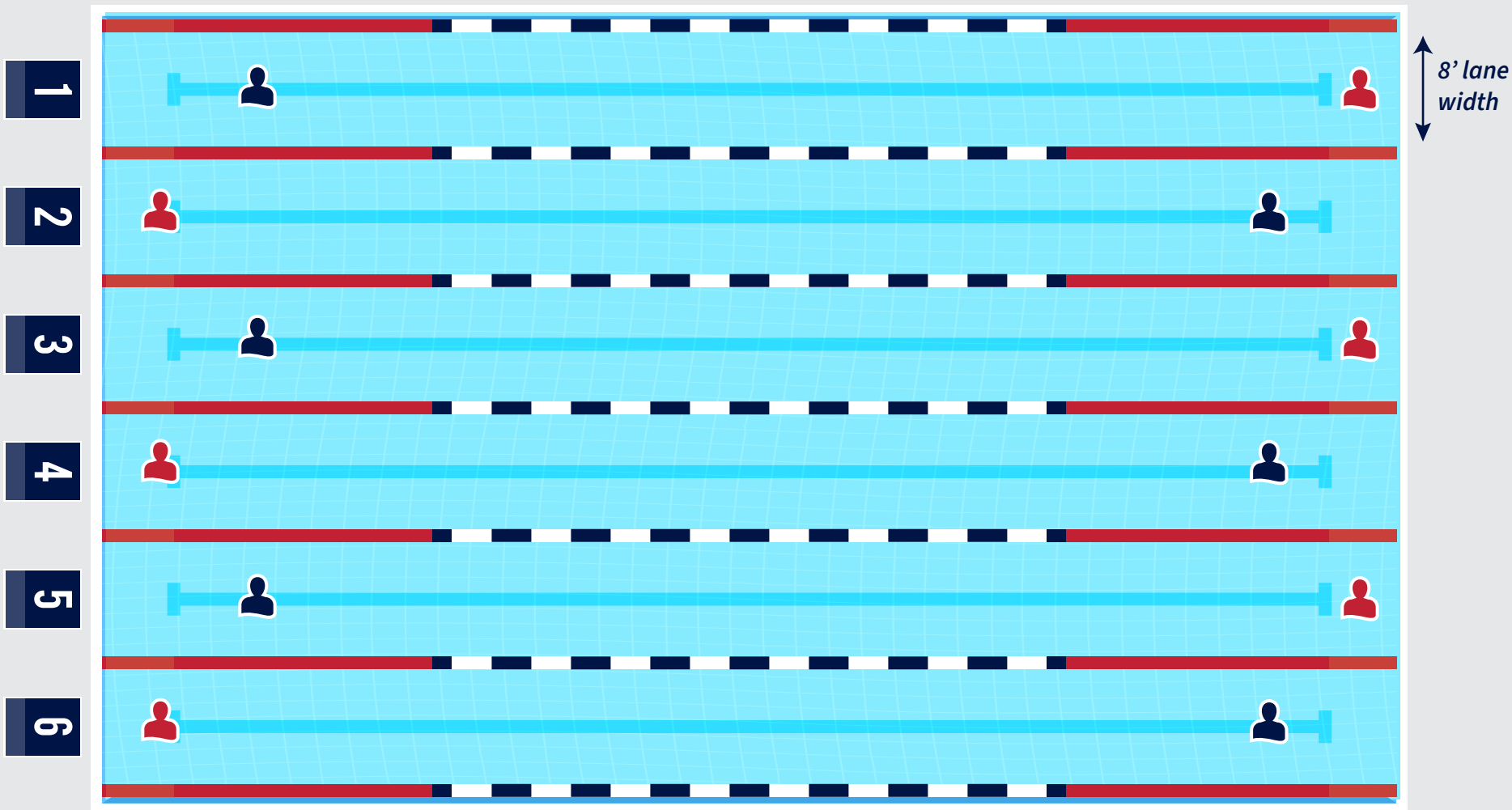
FACILITY SAMPLE DIAGRAMS

The following pages display programming model layouts that promote "social distancing".

Examples are set starting and ending places in pool and maintain spacing during rest intervals (assuming minimum eight-foot wide lanes).



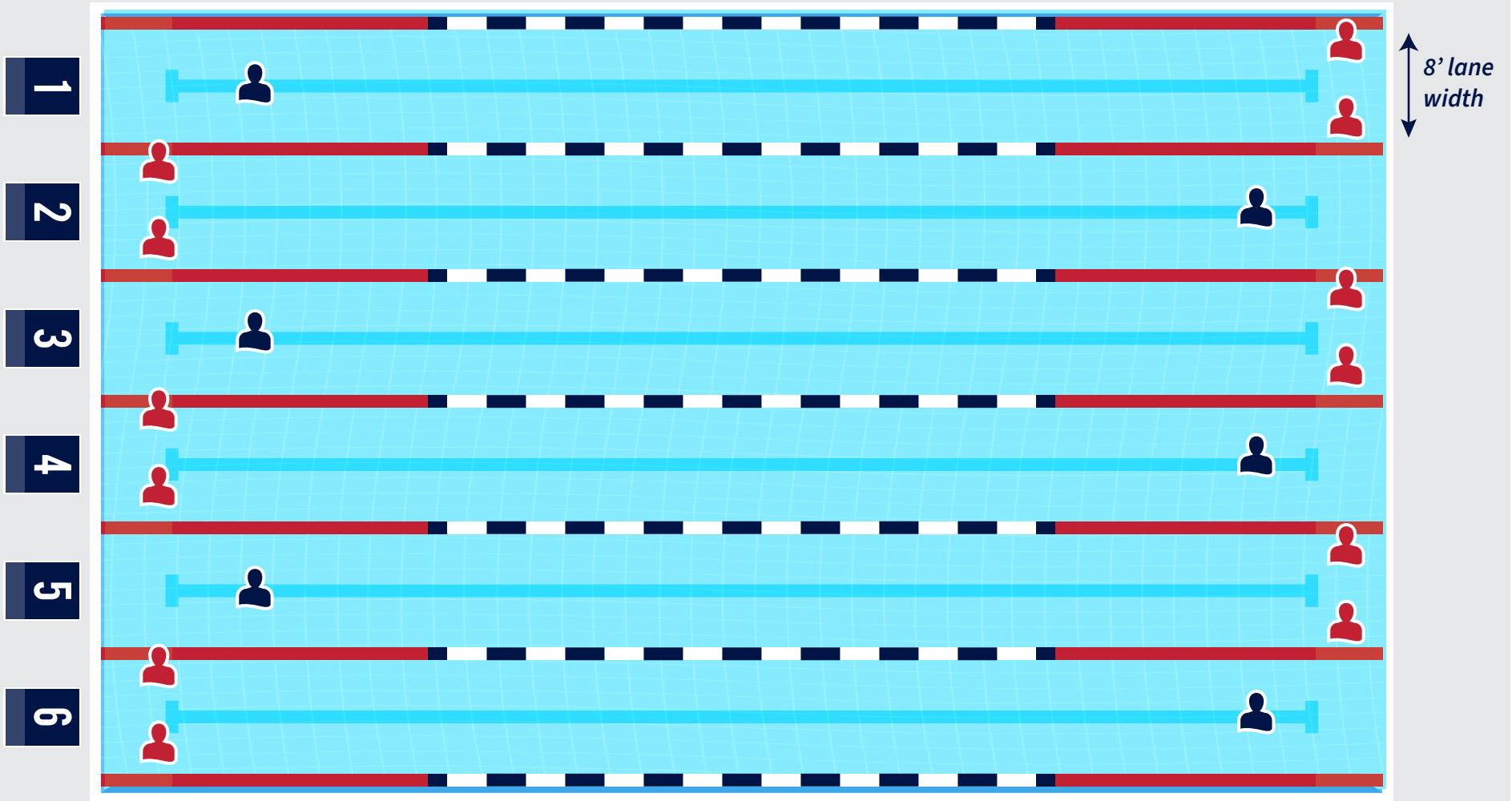
SOCIAL DISTANCING PRACTICE LAYOUT 25-YARD, 6-LANE POOL



12 SWIMMERS



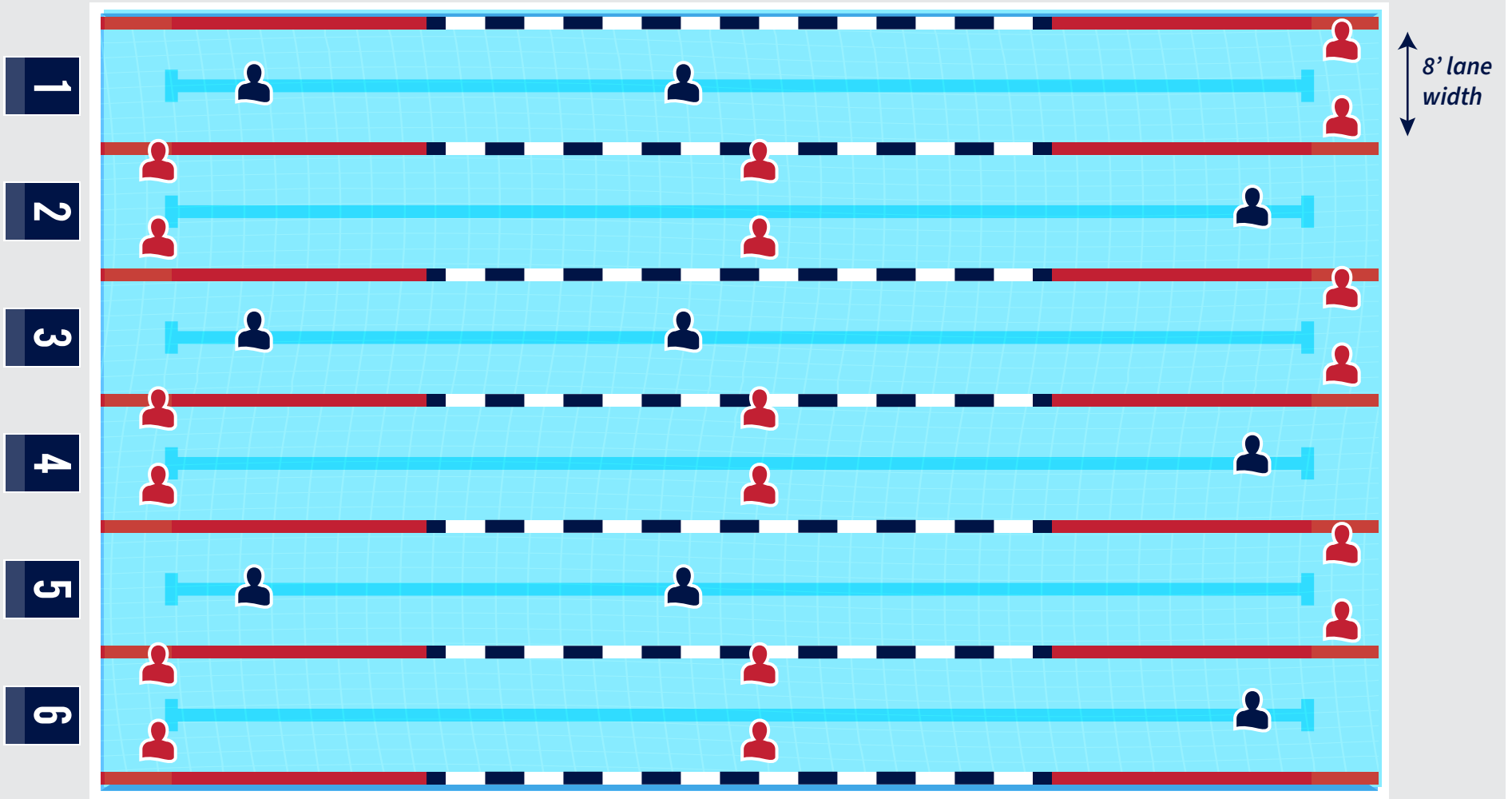
SOCIAL DISTANCING PRACTICE LAYOUT 25-YARD, 6-LANE POOL



18 SWIMMERS



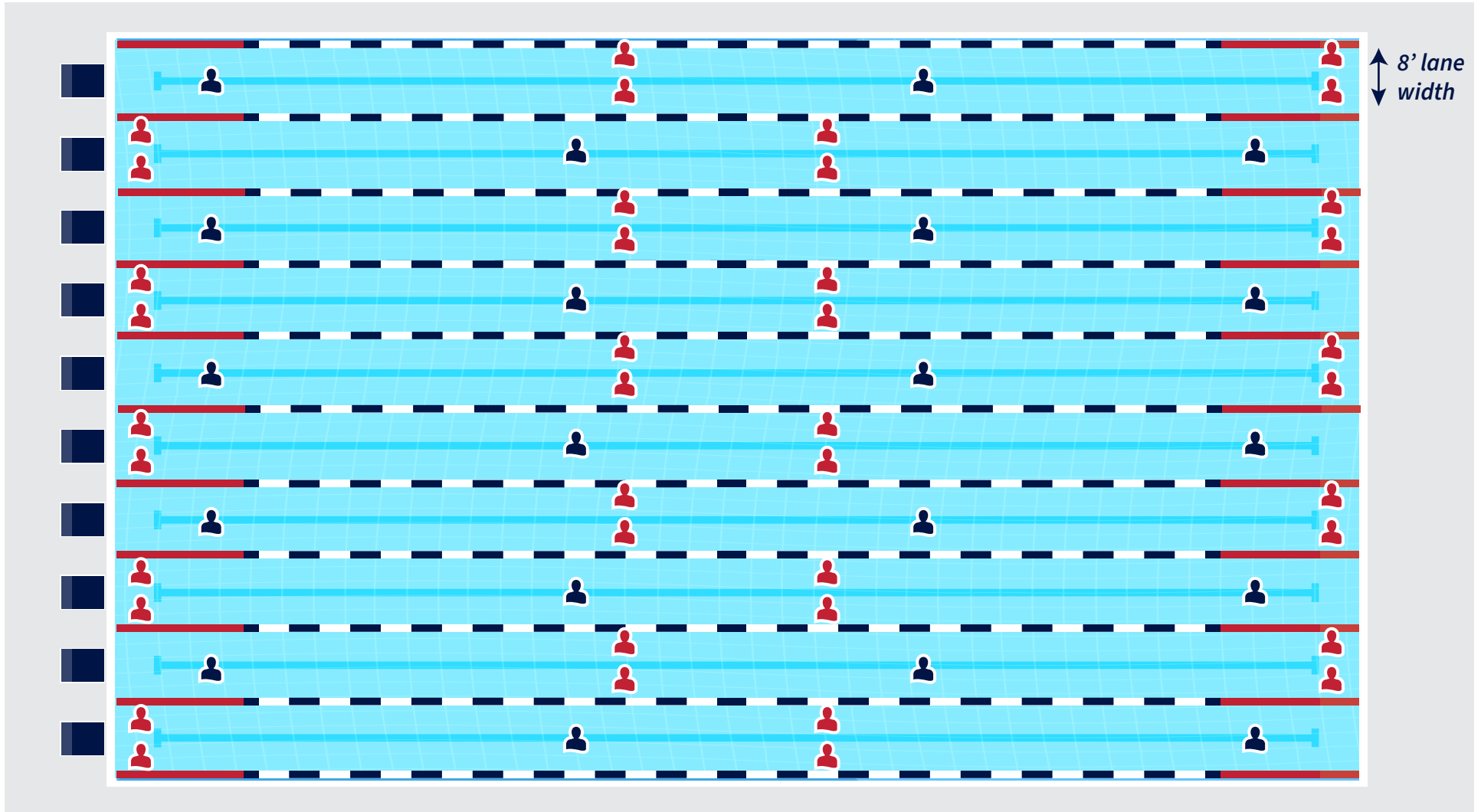
SOCIAL DISTANCING PRACTICE LAYOUT 25-YARD, 6-LANE POOL



27 SWIMMERS



SOCIAL DISTANCING PRACTICE LAYOUT 50-METER, 10-LANE POOL



60 SWIMMERS



SOCIAL DISTANCING PRACTICE LAYOUT

25-YARD, ON-DECK, SIT DOWN SLIDE SETS IN CIRCLES

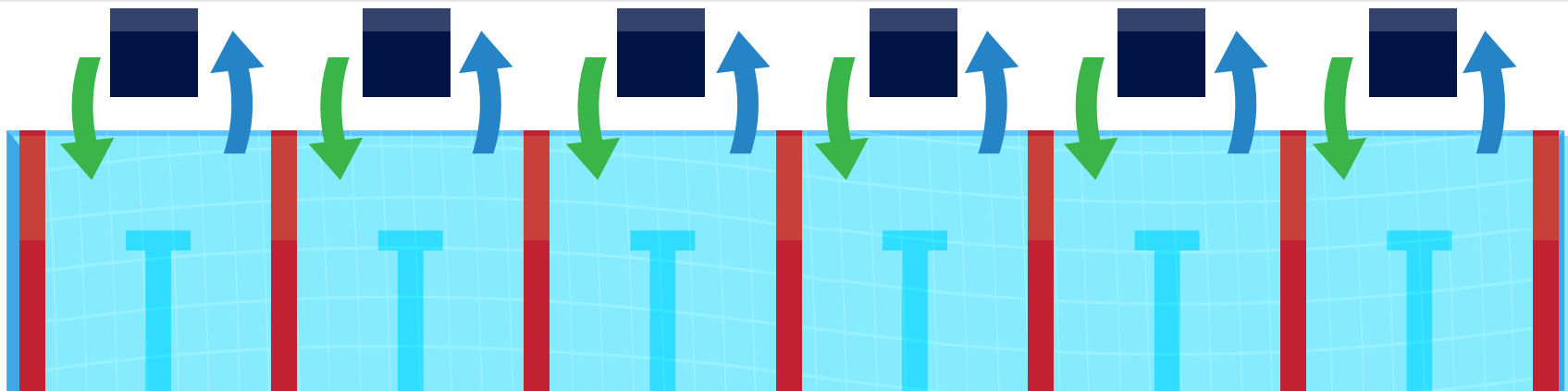
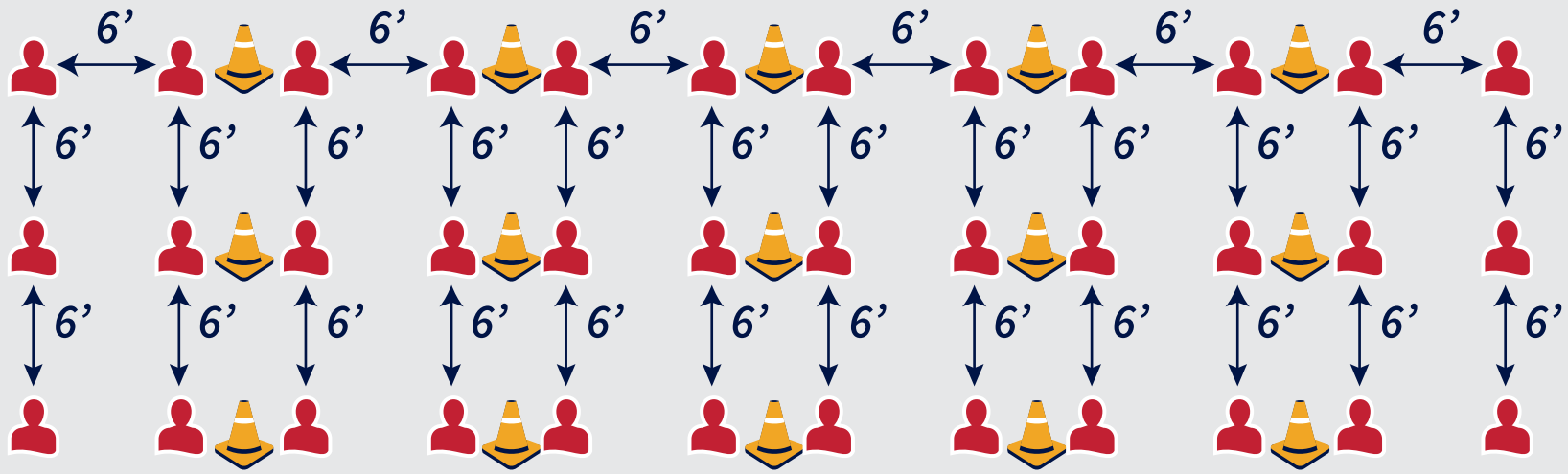
Swimmers maintain 6 feet apart. Mark deck with 2-inch wide colored duct tape.

Sit down/slide in to enter water.

End of set climb out and go to assigned spot.

The more "eyes" on deck the better.

Use cones or other barriers to help with separation – deck needs to be wide enough to accommodate 6' of social distance.



Waivers of Liability in the COVID-19 Era: Proactive Steps Businesses Should Consider to Protect Against Possible Future Liability

RELATED PROFESSIONAL(S):

Sarah Smyth O'Brien , Jorge A. Solis

April 6, 2020

The current coronavirus (also known as “COVID-19”) pandemic has changed how industries across the United States and the world are conducting business. It has cast uncertainty and apprehension into even the most routine commercial interactions. Despite these circumstances, many industries continue to provide their customers with essential services necessary for continued economic stability and public safety. On one hand, continuing operations means businesses are supplying integral services and helping prop up the American economy during a time of economic downturn. On the other hand, these businesses are operating in uncharted territory, which carries costs and risks of its own.

In the ever-changing landscape of this pandemic, businesses continuing operations should be proactive in trying to limit these risks. They should monitor and comply with government rules and guidelines. These businesses—particularly those in the services industries whose very nature requires physical interaction with their customers—should also consider taking steps to protect against possible future liability for coronavirus exposure claims (i.e., claims that a customer contracted coronavirus while on their premises or while an employee performed services at a customer’s home or business and—inadvertently—exposed customers). Even in uncertain times like these, sound legal principles can provide guidance to businesses and industries committed to continuing essential operations.

A liability waiver is a simple, familiar, and cost-effective first step that businesses can take to protect against potential liability for exposure claims. Most individuals are familiar with liability waivers, and you probably signed one prior to opening a gym membership or going skiing, sending your kids on a school field-trip, or after calling the plumber to fix a broken pipe at home. A waiver is simply a voluntary relinquishment or abandonment of a legal right. Waiver, Black’s Law Dictionary (11th ed. 2019). A liability waiver—sometimes also called an exculpatory agreement—is a written contract between two or more parties in which one party (generally the customer) acknowledges the risks of participating in an activity or of accepting the services of another party (generally the provider). Most importantly, the customer also agrees to prospectively waive the right to sue the provider for injuries or damages arising out of the activity or services. The waiver may be as simple as a clause in a services contract or a separate form of its own, and the parties will typically execute it prior to or immediately following performance of the subject services.

Even though liability waivers are routine and well-known, it is unclear whether a COVID-19 waiver relieving a service provider of liability for exposure claims would be enforceable. This is due, in part, to the practical reality that no court in the country has yet analyzed such waiver in this context. But basic legal principles should guide any such analysis, and those seeking to execute liability waivers should consider the following general principles.

In most jurisdictions across the United States, courts will enforce liability waivers that insulate a party from liability arising out of that party's negligent conduct. For example, courts have enforced waivers for negligence claims arising out of horseback riding and skiing accidents, slip and falls, and even accidental data breaches. *Harris v. Walker*, 119 Ill. 2d 542 (1988); *Raup v. Vail Summit Resorts, Inc.*, 233 F. Supp. 3d 934 (D. Colo. 2017), *aff'd*, 734 F. App'x 543 (10th Cir. 2018); *Cornell v. Council of Unit Owners Hawaiian Vill. Condominiums, Inc.*, 983 F. Supp. 640 (D. Md. 1997); *Standifer v. Best Buy Stores, L.P.*, 364 F. Supp. 3d 1286 (N.D. Ala. 2019). Most jurisdictions require that such waivers are clear and unambiguous, and that they be fairly bargained for between the parties. *Mero v. City Segway Tours of Washington DC, LLC*, 962 F. Supp. 2d 92, 100 (D.D.C. 2013) ("Accordingly, and for all of the reasons stated above, the Court finds that the liability waiver that plaintiff signed was sufficiently clear and unambiguous in expressing the parties' mutual intent to relieve defendant of liability for the negligence that plaintiff has alleged"); *Natchez Reg'l Med. Ctr. v. Quorum Health Res., LLC*, 879 F. Supp. 2d 556, 562–63 (S.D. Miss. 2012) (stating that waivers must be "fairly and honestly negotiated and understandingly entered into.") (internal quotations omitted); *Wright v. Sony Pictures Entm't, Inc.*, 394 F. Supp. 2d 27, 33 (D.D.C. 2005); *Cobb v. Aramark Sports & Entm't Servs., LLC*, 933 F. Supp. 2d 1295, 1298–99 (D. Nev. 2013). Like other contracts, liability waivers are strictly construed against the party that drafted them. *Harris v. Walker*, 119 Ill. 2d 542, 548 (1988).

It is crucial that waivers are drafted in a manner that guarantees customers will understand the risks associated with the services, as well as the rights they intend to waive. A clear intention to waive specific rights is paramount. Some waivers may already protect against liability for physical injury, illness, or bodily harm, but there is no precedent to definitely conclude that the coronavirus would be covered under those terms. Because courts require waivers to be clear and unambiguous, industries may consider expressly including exposure to the coronavirus as a potential risk.

How courts interpret and apply waivers of liability varies by state. Some states favor enforceability of waivers on the basis of freedom of contract, while others will more strictly scrutinize such waivers. Compare *Standifer*, 364 F. Supp. 3d at 1295 ("Alabama law recognizes the freedom to contract and upholds clearly manifested limitations in a contract") (internal quotations omitted), with *Natchez Reg'l Med. Ctr.*, 879 F. Supp. 2d at 562–63 ("Clauses limiting liability are given rigid scrutiny by the courts")

(internal quotations omitted). A majority of states will enforce valid waivers, and only three states—Connecticut, Montana, and Virginia—have categorically refused to enforce liability waivers. *Hanks v. Powder Ridge Restaurant Corp.*, 276 Conn. 314, 326 (2005); Mont. Stat. § 28-2-702; *Hiett v. Lake Barcroft Cmty. Ass'n, Inc.*, 244 Va. 191, 195 (1992).

Despite their perennial use, liability waivers have some limitations. Most jurisdictions will not enforce waivers of liability that purport to prospectively waive liability arising from intentional, reckless, or grossly negligent conduct. See *Mero*, 962 F. Supp. 2d at 100 (“Because District of Columbia law prohibits release from liability for grossly negligent, reckless, or intentional acts, the Agreement will not be held to indemnify defendant with respect to such conduct.”); *Houston Expl. Co. v. Halliburton Energy Servs., Inc.*, 269 F.3d 528, 531–32 (5th Cir. 2001); *Simmonds Equip., LLC v. GGR Int’l, Inc.*, 126 F. Supp. 3d 855, 867 (S.D. Tex. 2015). This means a party cannot claim immunity from suit if it engaged intentionally or recklessly in conduct that caused the harm. For example, because fraud is an intentional tort, a waiver would not immunize a party against a claim of fraud. See generally *Simmonds Equip.*, 126 F. Supp. 3d at 867. Similarly, because courts define gross negligence as an extreme deviation from the ordinary standard of care or a conscious disregard for the rights and safety of others, *Mero*, 962 F. Supp. 2d at 100, a service provider that visited a customer’s home while exhibiting coronavirus symptoms or being aware of a positive diagnosis would not be contractually immune from liability to an exposure claim. This is because exposing a customer to a known risk of contracting coronavirus may be considered reckless or grossly negligent conduct. For more information of what to do if you suspect you or an employee have been exposed to or contracted coronavirus, please visit the Labor and Employment section of our Coronavirus Hub.

A second limitation of liability waivers is that courts will not enforce waivers that are contrary to public policy. In some states, a waiver implicates public policy if it involves a matter of interest to the public, like contracts for employment, public utilities, or common carriers. For example, in *Brown v. Soh*, the court found that a waiver purporting to release an employer from liability for negligence to its employees violated public policy. *Brown v. Soh*, 280 Conn. 494, 503 (2006). This was, in part, because workplace safety and the employee-employer relationship are subject to numerous public statutes and regulations, and the employer generally will have superior bargaining power that makes a waiver inherently unfair. *Id.* at 503–04. Because the novel coronavirus affects the public generally, it is unclear whether liability waivers for exposure claims will be considered contrary to public policy, and therefore void and unenforceable. Our team will continue to monitor the direction of the current pandemic, and the remedial response by various local, state, and federal governments that may affect the enforceability of these waivers.

Even with these limitations, liability waivers provide businesses a significant first step to proactively protect against possible future liability for exposure claims. It is no surprise many in the service industry

have started integrating coronavirus waivers into their contracts or have amended existing clauses to specifically include the risk of contracting the virus. We anticipate these waivers will become more popular, and we will continue to monitor courts' responses to such waivers.

Finally, as part of their continued operations, some industries may move to alternative methods for providing their services. For example, fitness trainers may begin training and supervising their customers remotely. Some sports teams or leagues may also conduct practices remotely and without a coach physically present. These and similar industries, too, should reconsider their existing agreements with their customers and may need to modify existing waivers—or execute new waivers—to account for new risks attendant with the changed activities and delivery of services.

Whether a liability waiver is appropriate will depend on a number of factors, and the complexity and breadth of these waivers will vary by industry and jurisdiction on a case-by-case basis. Members of our Tort, Transportation, and Specialized Litigation Group are prepared to guide and assist you if you believe a waiver is appropriate for your business or industry during this time.

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