

# **Liability Waiver and Release Safety Plan Say Yes to Life Swims LLC**

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All swimmers must pre-register, be over the age of 16 (unless additionally insured), and read and agree to this Liability Waiver and Safety Plan.

ACCIDENT WAIVER AND RELEASE OF LIABILITY: I acknowledge that any swimming activity tests a person's physical and mental limits and carries with it the potential for death, injury and property loss. The risks include, but are not limited to, those caused by terrain, facilities, temperature, weather, condition of athletes, equipment, vehicular and boat traffic, and the actions of other people including, but not limited to, organizers, participants, volunteers, and spectators.

I hereby assume all of the risks of participating and/or volunteering in open-water swim events sponsored by Say Yes to Life Swims LLC. These events include escorted open water swims, swim lessons of any type, clinics and educational events, and all other activities. I realize that liability may arise from negligence or carelessness on the part of the persons or entities being released, from dangerous or defective equipment or property owned, maintained or controlled by them or because of their possible liability without fault.

I certify that I am physically fit, have sufficiently trained, and am prepared for participation in the events I register for, and have not been advised otherwise by a qualified medical professional.

## **COVID-19 AND ILLNESS**

I acknowledge the contagious nature of the Coronavirus disease (COVID-19).

I further acknowledge that Say Yes to Life Swims LLC has put in place preventative measures to reduce the spread of COVID-19.

I further acknowledge that Say Yes to Life Swims LLC cannot guarantee that I will not become infected with COVID-19. I understand that the risk of becoming exposed to and/or infected by COVID-19 may result from the actions, omissions, or negligence of myself and others, including, but not limited to, swim organizers, teachers, their directors, officers, employees, volunteers, representatives, and agents, the event holders, event sponsors, or event volunteers.

I attest that:

- I do not have COVID-19 *or any other illness* on the day of my event or swim lesson.
- I have not been recently exposed to someone with a suspected and/or confirmed case of COVID-19 or any other illness.
- I have not returned from international travel within the last 10 days.

## **APPLICABILITY**

I acknowledge that the event holders, sponsors and organizers of the events in which I participate will use this Waiver and Release of Liability form and Safety Plan. These documents govern my actions and responsibilities at said events. In consideration of my application and permitting me to participate in this event, I hereby take action for myself, my executors, administrators, heirs, next of kin, successors, and assigns as follows:

(A) Waive, Release and Discharge from any and all liability for my death, disability, illness or infection, personal injury, property damage, property theft or actions of any kind which may hereafter accrue to me including my traveling to and from this event, **THE FOLLOWING ENTITIES OR PERSONS:** swim organizers, teachers, their directors, officers, employees, volunteers, representatives, and agents, the event holders, event sponsors, event volunteers;

(B) Indemnify and hold harmless the entities or persons mentioned in paragraph A above from any and all liabilities or claims made as a result of participation in this event,

(C) I hereby consent to receive medical treatment which may be deemed advisable in the event of injury, accident and/or illness during this event.

This Waiver and Release of Liability shall be construed broadly to provide a release and waiver to the maximum extent permissible under applicable law.

*Note: If you registered online, you have already affirmed that you read and agreed to this liability waiver. That affirmation is your attestation of record, and there is no need to sign here.*

**I have read and agree to this liability waiver and safety plan.**

**DATE:**

**Your signature**

**Your cell phone number**

**Emergency contact name**

**Emergency contact phone**

# Safety Plan

## Say Yes to Life Swims

### Escorted Open Water Swims & Lessons

All swimmers must pre-register, be over the age of 16 (unless additionally insured), and read and agree to this Safety Plan.

#### **Description**

Say Yes to Life Swims LLC (SYTLS) provides Escorted Open Water Swim events and swim lessons. Unless otherwise noted, the Escorted Open Water Swims are for intermediate swimmers and above. Swim lesson participants must be able to float comfortably both on their stomachs and backs before registering.

Most events place in Lake Washington, Seattle, although some occur in other bodies of water.

#### **SYTLS Responsibilities**

##### Lessons

Provide empathetic, expert input on all aspects of swim mechanics and open water safety.

##### Lessons and Escorted Open Water Swim Events

- Provide an organized, fun and safe experience.
- Help keep swimmers on course.
- Make swimmers more visible to boat traffic.
- Determine if a swimmer is distressed.
- If necessary, allow a swimmer to rest briefly while holding on to the front or back of the water safety escort craft.
- Order any distressed swimmer to abandon the water. Help transport that swimmer to an exit from the water.
- Take appropriate action in case of a medical emergency (see below).

SYTLS provides volunteer water safety escorts. These may include kayakers, paddleboarders, jet skiers, or small boats. Each water safety escort will oversee a maximum of six swimmers.

##### Escorted Open Water Swim Events

Water safety escorts are equipped with:

- Minimum one swimmer PFD.
- One whistle.

A minimum of four water safety escorts will be supplied with walkie-talkies. The Safety Officer carries an air horn. At least one on-land support person carries a walkie-talkie and cell phone, and is accessible by radio at all times. At least one water safety escort holds up-to-date Red Cross certification in CPR.

SYTLS provides a safety briefing and route overview before each event. **Water safety escorts must be present at this meeting to participate in the event.**

All water safety escorts shall enter the water before the swimmers. They will observe and hear the swimmer count-off.

## **In Case of a Medical Emergency in the Water**

The water safety escort nearest to the distressed swimmer shall:

- Determine if swimmer is conscious, and ask the swimmer if he or she needs help.
- Call on-land support person and instruct him or her to call 911. (Land support person immediately calls 911.)
- Do their best to pull the swimmer onto the water safety craft, and/or use PFD to support swimmer.
- If possible, paddle the swimmer to land.
- Lay the swimmer on a flat surface. If necessary, begin CPR (or instruct another escort to do so) until emergency help arrives.

## **Swimmer Responsibilities**

### Before Lessons and/or Events

Swimmers must assess their levels of fitness, comfort and swimming skill before registering for swim lessons or events. They must be physically fit, have sufficiently trained, and be prepared for participation in the events they register for, and have not been advised otherwise by a qualified medical professional.

Swimmers should register *only* if they are adequately prepared to swim the distance of the Escorted Open Water Swim they wish to join. For the safety of all, swimmers will NOT be allowed to leave the course during the swim unless they have a medical emergency or are too fatigued to continue.

SYTLS provides a safety briefing for swimmers before each event, either on-site or online. Each swimmer is required to attend this meeting, which includes information about the route, what to do if emergencies or distress occur, and other essential information. **If a swimmer misses the safety meeting, that swimmer may not participate in the event.**

Immediately before entering the water, SYTLS will conduct a swimmer count. Swimmers will line up and enter the water as their number is called. **If a swimmer is not present when the swimmer count-off occurs, that swimmer may not participate in the event.**

SYTLS events will start at the stated time. Late arrivals will forfeit the event and are not covered by our insurance, our water safety escorts, or this waiver/safety plan. SYTLS does not provide refunds.

### During the Event

Swimmers must:

- Keep at least one other swimmer within their vision at all times.
- Keep at least one water safety escort within their vision at all times.
- **Stop** if they hear a whistle or air horn. Swim to the nearest water safety craft for further instructions.
- Obey all directives given by water safety escorts, INCLUDING a halt to the swim. These directives may initiate from an on-land support person and be passed to the water safety escorts.
- Communicate with water safety escorts in the following ways:

- If water safety escort asks “*Are you OK?*” (pats own head while looking at swimmer,) swimmer should respond:
- “*I’m OK.*” (Swimmer pats own head) or “*I’m not OK.*” (Swimmer does not pat own head.)
- If water safety escort asks swimmer questions to determine swimmer’s mental state, swimmer must answer to the best of his/her ability.

SYTLS monitors the weather, water and surrounding conditions constantly to protect swimmers. Any Escorted Open Water Swim or swim lesson may be cancelled or rescheduled at any time if conditions warrant it.

SYTLS personnel will ensure all swimmers exit the water when they have completed their swim. A designated on-land support person will check each swimmer off the event registration list as they exit the water.

#### After the Event

Each swimmer will check out with Guila Muir or another designated on-land support person before leaving the event location. Checking out consists of telling Guila Muir or the designated on-land support person that the swimmer is now exiting the premises.

Unless an individual swimmer requests that their photo or video not be used, SYTLS reserves the right to use all photographs and videos taken at events for promotional purposes.