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INTRODUCTION

In connection with USMS sanctioned events and approved activities, USMS provides Participant Accident, General Liability and Excess Liability coverage for the protection and benefit of its LMSC's, registered members, member clubs, club chapters, workout groups, event hosts, employees and volunteers.

TYPES OF INSURANCE PROVIDED**Participant Accident Insurance**

The USMS Participant Accident policy provides excess Accident Medical insurance coverage for USMS registered members (including guest members) and volunteers during USMS sanctioned or approved activities, including sanctioned meets, supervised practices, and pre-approved events. The policy also provides Accidental Death & Dismemberment (AD&D), and Temporary Total Disability benefits to USMS members and event volunteers who are injured in connection with USMS sanctioned or approved activities.

General Liability and Excess Liability Insurance

USMS also provides General Liability (and Excess Liability) coverage for liability claims brought by third parties alleging bodily injury, property damage, personal or advertising injury arising out of USMS sanctioned events or approved activities. Named Insureds under the USMS liability policies include the LMSC's, registered members, clubs, club chapters, workout groups, event hosts, employees and volunteers

For more details regarding the USMS insurance programs, please refer to the USMS Guide to Operations, Insurance section: www.usms.org/admin/lmschb/gto_ins_general.pdf

DEFINITIONS

1. **United States Masters Swimming, Inc. Member Clubs or Member Workout Groups** are clubs or workout groups that are members in good standing with United States Masters Swimming, Inc. and whose athletes and coaches are members of United States Masters Swimming, Inc.
2. **Sanction** as defined by United States Masters Swimming, Inc. Rules and Regulations.

MEMBERSHIP REQUIREMENTS FOR USMS-SANCTIONED EVENTS AND APPROVED ACTIVITIES

All USMS Sanctioned Events and Approved Activities must be conducted in accordance with USMS rules and regulations. **If an event or activity is NOT conducted in accordance with USMS rules and regulations (including the membership requirements as outlined below), the event or activity will NOT be sanctioned or approved by USMS and the USMS insurance will NOT apply.** Here are the membership requirements for various types of USMS Sanctioned Events and Approved Activities:

A. Swim Workouts and Practices

1. Pool or Open Water Workouts:

- All participants must be:
 - USMS registered members, or
 - Guest members in their 30-day tryout period, or
 - Foreign Guest members
- There must be a person on deck directly supervising the workout who is:
 - A USMS registered member

2. Pool or Open Water Workouts (USMS-USAS combined):

- All participants must be:
 - USMS registered members, or
 - Guest members in their 30-day tryout period, or
 - Foreign Guest members, or
 - USA Swimming members
- There must be a person on deck directly supervising the workout who is:
 - A USMS registered member AND a USA Swimming certified coach

3. USMS Members Clinics (non-sanctioned, but USMS approved):

- All participants must be:
 - USMS registered members, or
 - Guest members in their 30-day tryout period, or
 - Foreign Guest members
- There must be a person on deck directly supervising the workout who is:
 - A USMS registered member

B. Sanctioned Events

1. USMS-Sanctioned Pool Swim Meets or Open Water Events:

- All participants must be:
 - USMS registered members, or
 - USMS One-Event Members, or
 - Foreign Guest Members who are members of another country's NGB

2. USMS-Sanctioned Clinics:

- All participants must be:
 - USMS registered members, or
 - USMS One-Event Members, or
 - Foreign Guest Members who are members of another country's NGB

3. Dual-Sanctioned Pool Swim Meets (USMS-USAS):

- Sanctions must be obtained from both USMS and USA Swimming, and
- All participants must be:
 - USMS registered members, or
 - USMS One-Event Members, or
 - USA Swimming Athlete Members

4. Dual-Sanctioned Open Water Events (USMS-USAS):

- Sanctions must be obtained from both USMS and USA Swimming, and
- All participants must be:
 - USMS registered members, or
 - USMS One-Event Members, or
 - USA Swimming Athlete Members, or
 - USA Swimming One-Event Members

C. Adult Learn-to-Swim Programs

1. Adult Learn-to-Swim Programs held as part of a registered USMS club's or workout group's activities:

- All participants must be:
 - USMS registered members, or
 - Guest members in their 30-day tryout period
- The instructor must directly supervise the activity and be a USMS-registered member
- Each instructor may directly supervise no more than three students

D. Other Approved Activities

1. **Pre-approved social events.** Written approval must be obtained from USMS prior to the beginning of the event.
2. **Pre-approved fund raising activities.** Written approval must be obtained from USMS prior to the beginning of the fund raising activity.

NOTE: If a USMS member club is conducting an activity that has not been submitted and approved by USMS, it is imperative that the club obtain its own insurance coverage for the event or activity.

NON-COVERED ACTIVITIES

1. **USMS-recognized swim meets.** Swim meets which have been issued a recognition number, per rule book Article 202.2, are not covered by USMS insurance (neither general liability insurance nor excess personal accident insurance).

INCIDENT REPORTING

It is **imperative** that all incidents, no matter how minor, be reported to the USMS National Office as soon as practicable. The "Incident Report Form" should be used to report incidents.

The USMS Incident Reporting form and instructions may be found in the USMS Guide to Operations, Insurance section: www.usms.org/admin/lmschb/gto_ins_report_of_occurrence.pdf

CERTIFICATES OF INSURANCE

Certificates of Insurance (Evidence Only or Additional Insured versions) are frequently required to be provided to third parties.

For example, USMS clubs and workout groups are often required to provide certificates of insurance to a facility owner/operator where the club or workout group holds its practices, workouts, meets, etc.

In some cases, the facility owner/operator will simply want "proof of insurance" (i.e. an evidence only certificate) showing that the club/workout group has appropriate insurance.

In other cases, the facility owner/operator will want to be included as Additional Insureds under the USMS General Liability policy. As an Additional Insured, the facility owner/operator will be protected against claims brought against them arising out of the acts or omissions of the club/workout group in connection with a USMS sanctioned or approved activity.

To request a certificate of insurance from the USMS National Office, please follow these instructions: www.usms.org/admin/lmschb/gto_ins_online_certificate.pdf

FREQUENTLY-ASKED QUESTIONS

- 1. What happens to my club or practice group's liability insurance if non-USMS members are in the water at the same time as USMS members during a swim practice?**

General liability coverage is voided if the swimmers are intermingled **unless**:

- There is a lane separation (USMS members are in lanes 1–3 and non-USMS members are in lanes 4–6), the swimmers in lanes 4-6 are not participating in the practice, and there is a USMS member directly supervising the USMS practice only (lanes 1-3 in this example).
- An individual(s) is involved in the USMS Guest member 30-day tryout period.
- The non-USMS members are USA Swimming members, and the coach on deck is both a USA Swimming coach AND a USMS member. However, USMS insurance coverage will not apply for the USA Swimming members (they are covered by USA Swimming's insurance).

- 2. For many of the activities listed above, there is a requirement that a person be "directly supervising" the activity. How do you define "directly supervising"?**

"Direct Supervision" is defined as "line of sight". The participants must be in the supervisor's direct line of sight. This means the supervisor of a workout **cannot** be in the water practicing with the group, in the office doing paper work, etc. An ALTS (Adult Learn to Swim) instructor must be either on the pool deck or in the water, directly supervising no more than three students.

- 3. I am a USMS member in good standing. I frequently work out by myself. Does my USMS insurance provide coverage for this activity?**

No. In order for either the USMS General Liability and Participant Accident coverage to apply, a USMS registered member must be supervising the practice or organized workout.

- 4. Dry land training—Does the current USMS insurance cover swimmers and coaches during supervised dry land exercises out of the pool area (i.e., Nautilus, free weights, running, or strength training)?**

Insurance would cover swimmers and coaches during supervised dry land exercises out of the pool area. The key word is "supervised." The same requirements of supervision must be observed whether the swimmers are in or out of the pool during training periods, whatever the nature.

- 5. Foreign Athletes**

A. Practices/Workouts: If an individual from a foreign country wishes to work out with a USMS member club, they are allowed to do so for up to 30 days under a USMS Foreign Guest Membership. If they wish to continue for a period longer than the 30 days, they must join USMS as a full, registered member.

B. Events: As long as the individual is a member of their country's FINA swimming federation, they are allowed to participate in USMS-sanctioned events as a USMS Foreign Guest Member. The foreign athlete should fill out and sign the USMS Foreign Guest Membership, which will provide participant accident insurance to the foreign athlete during the USMS-sanctioned event.

- 6. Can USMS events include both USMS and USA Swimming members?**

Yes, a USMS-sanctioned swim meet or open water event can include USA Swimming members IF the event is dual-sanctioned. This means that sanctions must be obtained from both organizations, and the rules and regulations of both organizations must be followed. Insurance coverage is provided to each organization's respective members.

Participants must declare their affiliation prior to participating, as Participant Accident coverage will only be provided by one organization's insurance.

7. Are swim clinics covered by insurance?

Yes. There are two types of swim clinics. The requirements for insurance coverage to be in effect are as follows.

- A. Sanctioned Clinics are those clinics that obtain a sanction number through an LMSC. Sanctioned events are covered by USMS insurance provided that:
- All participants are either full USMS registered members, OR have paid for a One-Event USMS membership; and
 - There is a supervisor on deck, within line of sight of the participants, who is also a USMS member.
- B. Non-Sanctioned Clinics are those clinics that are generally held by a club during or in conjunction with the club's practices. This type of clinic is covered by USMS insurance provided that:
- All participants are either full USMS registered members, OR are USMS Guest members in a 30-Day tryout period; and
 - There is a supervisor on deck, within line of sight of the participants, who is also a USMS member.

8. A swimmer in my practice (or swim meet) suffered an injury. Do I need to report this? How?

Yes, all incidents (even if they involve only minor injuries) should be reported to USMS using the USMS Incident Report Form: www.usms.org/admin/lmschb/gto_ins_report_of_occurrence.pdf

Instructions for mailing are on the form.

9. I am renting a pool for my club or workout group's activity and the facility is asking me to sign a "hold harmless" agreement. What do I do?

Many USMS clubs/practice groups are a party to a contract with an owner of a swimming pool facility, public or private. Almost all clubs, LMSCs and the national organization itself, will, at one time or another, enter into a contract for the use of a swimming venue for a meet or other authorized aquatic activity. Such contracts will include standard language as to time of use, compensation, maintenance and the like. Additionally, these contracts will also contain language with regard to the tort liability of both parties during the use of the facility. The facility owner will usually include indemnification and hold harmless clauses for itself with respect to liability for bodily injury and property damage resulting from the negligence of the USMS member entity, its officers, agents and employees. While it is impossible to avoid such releases or waivers couched in general language it is extremely important that USMS entities NOT sign contracts containing language which indemnifies or exculpates (clears from alleged fault or guilt) the facility owner from liability for damages resulting from the "sole negligence of the owner, or its agents and employees". Such language may or may not be valid in your particular state. If it is, it is usually subject to strict interpretation. If you are in doubt about contract wording, consult an attorney in your own state.

10. Are other sports, such as water polo, covered by USMS insurance?

No. Sports such as competitive water polo, synchronized swimming, underwater hockey, springboard diving, or platform diving are not covered. (The only diving that is allowed is from a USMS-approved starting platform, or from the side of the pool.) Contact the USMS National Office for a more complete list.

11. A USA Swimming member acts as an official or in another volunteer capacity at a USMS event. How is the USA Swimming member insured for this USMS activity?

Coverage for the volunteer would be provided under the USMS insurance programs, since volunteers are insureds under the USMS insurance programs and USMS membership is NOT required to serve as a volunteer at a USMS sanctioned event

12. Do the USMS insurance programs provide Workers' Compensation, Health insurance, or Disability income insurance benefits to USMS coaches or ALTS (Adult Learn to Swim) instructors?

No. The USMS insurance programs do NOT provide these coverages to USMS coaches or instructors.

13. Does USMS provide any type of auto liability or physical damage insurance for the USMS local member clubs or USMS members?

No. Auto insurance is not provided under any of the USMS insurance programs.

14. Does USMS provide insurance coverage for "recognized" swim meets?

No. The USMS insurance programs only provide coverage for swim meets that have been issued a USMS sanction number, not a USMS recognition number.