



2022 – 2023 Team W4K PROGRAM WAIVER on the campus of the NATIONAL WINTER ACTIVITIES CENTER.
(HEREINAFTER “Winter4Kids”) PROGRAM FULL AND COMPLETE RELEASE OF LIABILITY AND INDEMNITY
AGREEMENT

WINTER4KIDS requires wearing helmets for skiing and riding. Skiers and snowboarders are encouraged to educate themselves on the benefits of helmet usage. The primary safety consideration, and obligation under Your Responsibility Code, is to ski and ride in a controlled and responsible manner.

Acknowledge Read

THIS AGREEMENT is made between WINTER4KIDS, its representatives, agents, officers, directors, servants and employees (collectively referred to as “WINTER4KIDS”), and the undersigned (referred to as “I”). WINTER4KIDS AND I agree as follows:

1. The use of the ski area is subject to the posted rules, warnings, Your Responsibility Code and New Jersey law. These rules are defined for the safety, welfare and enjoyment of all persons participating in any program or otherwise using the ski area.

Acknowledge Read 2

2. WARNINGS. For myself and for the child, the undersigned agrees and understands that skiing, ski racing and snowboarding are EXTREMELY HAZARDOUS ACTIVITIES which may result in INJURY or DEATH to my child DURING his/her participation in WINTER4KIDS’s programs. I recognize that there are EXTREME DANGERS associated with participating in skiing and ski racing in a competitive event, including, but not limited to, the fact that the child will be traveling at high speed, that collisions and falls are a high probability, that any netting, fencing or other devices erected are designed ONLY TO PROTECT SPECTATORS and are NOT DESIGNED TO PROTECT ATHLETES, that it is possible that the minor might leave the course or trail, collide with other persons or structures on the course or trail or lose control and fall on the course or trail, etc. I understand and acknowledge that this list is not complete or exhaustive and that other risks, known or unknown, identified or unidentified, may also result in injury, death, illness, or damage to my property.

Acknowledge Read 3

Accordingly, I understand that the child must control him or herself at all times and anticipate the unexpected. I also understand that my child will be using SKI LIFTS WITHOUT A COACH OR OTHER ADULT PRESENT. Trail conditions vary constantly because of weather changes and skier use and even the best equipment and coaching cannot prevent injury. Natural and manmade obstacles, including other skiers, may exist and collisions do occur. PARTICIPATION IN PROGRAMS OR LESSONS SHALL NOT IN ANY WAY ELIMINATE THE INHERENT RISKS IN SNOW SKIING OR RIDING SKI LIFTS.

Acknowledge Read 4

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3. WARNINGS RELATED TO SKI RESORT OPERATION. I acknowledge that operating a ski resort in New Jersey requires the use of snowmobiles, grooming machines, and snowmaking equipment. I acknowledge that CONTACT WITH SNOWMOBILES, SNOWMAKING EQUIPMENT OR GROOMING MACHINES MAY RESULT IN SERIOUS INJURY OR DEATH. Snowmaking equipment can be located off-trail, on the edges and sides of trails, and sometimes even in designated places on-trail.

Acknowledge Read 5

I further acknowledge that by skiing on the edge of trails or skiing off-trail may cause me to come into contact with SNOWMAKING EQUIPMENT, LIGHTING OR GROOMING MACHINES. I AGREE TO MAINTAIN A SAFE DISTANCE AT ALL TIMES AWAY FROM THE EDGE OF TRAILS, OFF TRAIL AREAS, SNOWMAKING EQUIPMENT, LIGHTING OR GROOMING MACHINES. I acknowledge that snowmobiles and grooming machines are necessary for the operation of the mountain and that they can be encountered at any time on any trail. I agree to look and listen for the headlights, warning lights, visible flags, back-up sirens and/or motor sounds associated with snowmobiles or grooming machines. I understand that fencing and padding is primarily used throughout the mountain as visual warnings but that I RECOGNIZE THAT SERIOUS INJURY OR DEATH CAN RESULT FROM BOTH LOW AND HIGH ENERGY IMPACTS OR CONTACT WITH FENCES OR PADDED EQUIPMENT OR GROOMING MACHINES. I agree to maintain control of my speed, course and direction at all times.

Acknowledge Read 6

4. ON BEHALF OF MINORS. The undersigned further AUTHORIZES anyone working at WINTER4KIDS to call for such medical care for the child or to transport the child to the appropriate clinic or hospital if, in the opinion of anyone working at WINTER4KIDS, medical attention is needed for the child. The undersigned agrees that upon turning the child over to the undersigned or their designees or to any ambulance or other medical transport, medical facility, clinic or hospital that the responsibility of WINTER4KIDS shall be totally fulfilled and WINTER4KIDS shall not have any further responsibility for the child. The undersigned AGREES TO PAY all costs associated with such medical care and related transportation for the child and INDEMNIFY and hold WINTER4KIDS, its representatives, agents, affiliates, directors, servants and employees harmless from any costs incurred therein, or any claims arising therefrom.

Acknowledge Read 7

I have signed this agreement on behalf of the minor listed below. I represent to WINTER4KIDS that I have the authority to enter into this contract on behalf of said MINOR and on behalf of any other parent or guardian of said MINOR. To the fullest extent permitted by law, I agree to DEFEND, INDEMNIFY AND HOLD HARMLESS WINTER4KIDS from any and all claims, suits, costs and expenses including attorneys' fees for personal injury, death or property damage from and/or on behalf of said minor, even after the minor has attained majority, and/or claims from injured third parties arising out of or resulting from said minor's conduct or related to the use of the ski area premises including the parking lots and related facilities.

Acknowledge Read 8

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5. RELEASE, INDEMNITY AND ASSUMPTION OF RISKS OF SPORT. I understand and EXPRESSLY AGREE that skiing in its various forms is an inherently hazardous sport that has many dangers and risks. I realize that injuries are a common and ordinary occurrence of this sport. As a condition of being permitted to use any and all of the facilities of the ski area, I FULLY RELEASE WINTER4KIDS AND AGREE TO EXPRESSLY ASSUME ALL RISKS of personal injury, death or loss or damage to any of my property. I release WINTER4KIDS from any and all claims related to (1) the inherent risks of the sport; (2) abrupt changes in weather conditions;(3) hazards normally associated with the varying conditions of snow or undercover, including skier use; and (4) the location of man-made facilities and equipment necessary for the ordinary operation of the ski area, such as transportation or grooming vehicles, towers, fencing of any type, or any other object or piece of equipment utilized in connection with the maintenance of trails, buildings or other facilities used in connection with skiing, snowboarding or snowmaking.

Acknowledge Read 9

6. CHOICE OF VENUE-SUSSEX COUNTY. I AGREE that any and all disputes between myself and WINTER4KIDS arising from my participation in the sport of skiing, and/or from my use of the ski area premises including the parking lots and related facilities, shall be GOVERNED BY THE LAWS OF THE STATE OF NEW JERSEY and the EXCLUSIVE JURISDICTION thereof will be in the state or federal courts of the STATE OF NEW JERSEY and venue in the state Court shall be SUSSEX COUNTY, NEW JERSEY.

Acknowledge Read 10

7. Code of Conduct – refer to Addendum A

Acknowledge Read

I agree that this contract will apply to each and every occasion my child uses the WINTER4KIDS facilities and/or equipment during the entire season. If any part of this agreement is deemed unenforceable, the remainder shall be an enforceable contract between the parties. I AM AWARE THAT THIS CONTRACT IS LEGALLY BINDING AND THAT I AM RELEASING LEGAL RIGHTS BY SIGNING IT.

Participant Name:	
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Parent's/Guardian's Name (if under 18)	Parent's/Guardian's Signature (if under 18) or Participant Signature	Date
Parent/Guardian Email:	Parent/Guardian Number:	
Emergency Contact Name:	Emergency Contact Number:	

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Code of Conduct – Addendum A

GUIDING PRINCIPLES

1 Purpose

These principles are written to ensure a balanced blend of sportsmanship, recreation, skill development, and competitive activity in keeping with the Winter4Kids Mission Statement.

2. Principles

- a. All athletes, coaches, officials, parents, and spectators will be treated fairly and with respect.
- b. Retention of athletes is a key measure of success.
- c. Athletes will be provided with the highest quality training and coaching that Winter4Kids can supply.
- d. Input from Coaches at the next level is critical in developing a progressive schedule of age appropriate fundamental skills.
- e. Athletes should be evaluated periodically to gauge our success in meeting targets for skills development. The results of these evaluations will be shared with both the player and the parent.
- f. Parents play an extremely important role in the development of young athletes.
- g. All activities and actions sanctioned by Winter4Kids will be conducted in an open and transparent manner.
- h. Winter4Kids will openly accept criticism and complaints, and will effectively and fairly resolve these issues consistent with our Mission Statement.
- i. Winter4Kids has a goal of continuous improvement. As deviations from our mission are noted, we will look for the underlying problem and make the necessary adjustments to ensure that we are living up to the standards and goals of our Mission Statement.

Code of Conduct

1. Purpose

Winter4Kids values sportsmanship, fair play, skill development, and mutual respect among all athletes, coaches, officials and spectators. This Code of Conduct has been established and adopted to ensure the guiding principles of Winter4Kids are understood and met by all individuals associated with this organization.

This Code of Conduct applies to all sports and activities associated with Winter4Kids. These activities include any activities, attended under the Winter4Kids banner, **or run** by other programs.

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The Code of Conduct for coaches, athletes, parents, and spectators will be thoroughly discussed at the parents, coaches, and athlete meetings. In addition, this Guiding Principles, Code of Conduct, and Disciplinary Procedures will be available on the Winter4Kids website for review.

The following codes of conduct will be strictly enforced.

Athletes Code of Conduct

Each athlete will ensure that their playing conduct is that of a young individual fairly competing to the limit of their ability. To satisfactorily meet these responsibilities, the athlete is expected to:

- a. Know the rules and abide by them.
- b. Respect the officials and refrain from addressing them or commenting on their decisions during the play of the game.
- c. Maintain control of their emotions, avoiding the use of abusive language or profanity, humiliating remarks, gestures of ill temper, and physical assault upon another player at any time.
- d. Respect all coaches and athletes and demonstrate appropriate gestures of sportsmanship. Be humble and generous in victory and proud and courteous in defeat.
- e. Respect all Winter4Kids staff and volunteers.
- f. Follow all building rules and regulations, respecting at all times the property of others.

Coaches Code of Conduct

All coaches will be provided with copies of the Code of Conduct prior to the start of the season. Each Coach is responsible to see that their assistant coaches, athletes, and spectators abide by the respective Code of Conduct. It is also the coach's responsibility to review the Codes of Conduct with their assistant coaches and athletes.

The coach is expected to:

- a. Know the rules and abide by them.
- b. Instruct athletes in the rules and coach their team in such a way as to motivate each player to compete according to the rules at all times.
- c. Place the emotional and physical well-being of the athletes ahead of any personal desire to win.
- d. Respect the officials and refrain from questioning their decisions in a disrespectful or abusive manner.
- e. Ensure that all building rules and regulations are followed by the athletes and spectators.
- f. Ensure that fans conduct themselves with sportsmanship and maturity at all times while in attendance at race sites, and assist the organizers in maintaining control of spectators during the games.
- h. Respect all Winter4Kids staff and volunteers.

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- i. Teach each athlete, especially through personal example, to be humble and generous in victory and proud and courteous in defeat.
- j. Maintain control of their emotions and avoid actions, language, and/or gestures that may be interpreted as hostile and humiliating.
- k. Instruct team support personnel in their responsibilities in accordance with established rules and procedures.
- l. Realize, accept, and practice the principle that a team's reputation is built not only on its playing ability, but also on its sportsmanship, courtesy, and manner.

4. Parents and Spectators Code of Conduct

Each parent and spectator will ensure that their conduct is that of a responsible adult or youth who are positively encouraging all participants to the limit of their ability. To satisfactorily meet these responsibilities, each parent and spectator is expected to:

- a. Respect the rules of the training and competition.
- b. Respect the officials and refrain from questioning their decisions or from addressing them in a loud, disrespectful, or abusive manner.
- c. Cheer for their team in a positive, supportive manner.
- d. Place the emotional and physical well being of the athletes ahead of any personal desire to win.
- e. Maintain control of their emotions, avoid the use of abusive language, profanity, and gestures of ill temper, and refrain at all times from making hostile or negative remarks about the opposing team.
- f. Respect all Winter4Kids staff and volunteers.
- g. Follow all building rules and regulations, respecting at all times the property of others.
- h. Leave grounds in a timely fashion after the conclusion of a game.
- i. Demonstrate appropriate gestures of sportsmanship at the conclusion of a race, win or lose. Do not interact in a negative fashion with fans, athletes or coaches of the opposing team or game officials.
- j. Realize, accept, and practice the principle that a team's reputation is built not only on its playing ability, but also on the sportsmanship, courtesy, and citizenship of its fans.

5. Offensive Actions

Any individual violating the Code of Conduct set forth above shall be subject to penalties and sanctions below. In addition to conforming to the requirements of the Code of Conduct above, the following actions are specifically prohibited

("Offensive Actions"):

- a. Refusing to abide by an official's decision.
- b. Verbally abusing or assaulting any player, coach, official, parent, spectator, or Winter4Kids staff.
- c. Physically assaulting, abusing, or threatening any player, coach, official, parent, spectator, or Winter4Kids staff.

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- d. Stalking, tailing, or attempting to intimidate any player, coach, official, parent, spectator, or Winter4Kids staff.
- e. Engaging in any other type of violent behavior, such as throwing equipment or other objects.
- f. Engaging in any lewd or sexual behavior, physically abusing a player, or engaging in any inappropriate physical contact with a player.
- g. Unless specifically allowed by the rules of the sport, pushing, shoving, or striking any player.
- h. Using drugs or alcohol while coaching, attending, or participating in any Winter4Kids sport or other Winter4Kids event.

DISCIPLINARY PROCEDURES

1. Reporting Improper Conduct

Winter4Kids provides a process to allow coaches, athletes, parents, spectators, and officials to report to Winter4Kids any issues they observe before, during, or after practices and events. The link to report Code of Conduct violations and Offensive Actions can be found under “Contact Us” on the Winter4Kids website.

a. Reporting By Coaches

- i. It is the responsibility of every coach to address improper conduct observed by the coach or brought to the coach’s attention in a timely and respectful manner.
- ii. In the event any coach feels that the Winter4Kids should be involved in addressing any improper conduct, the coach is encouraged to contact Winter4Kids through the Winter4Kids website.
- iii. Coaches must report any Offensive Actions to Winter4Kids, including, without limitation:
 - 1) Any report or allegation of inappropriate physical contact, violence, or threatened violence against any player, coach, official, parent, spectator, or Winter4Kids staff.
 - 2) Any observed or reported use of drugs or alcohol by any player, coach, official, parent, or spectator during any Winter4Kids event.
 - 3) Any situation where a player, coach, parent, or spectator is ejected from a game or removed from the premises.
- iv. Coaches are encouraged to keep Winter4Kids informed of any improper conduct and the steps taken by the coach to address the misconduct, even if the coach is not required to report the misconduct to Winter4Kids.
- v. Coaches shall promptly respond to any request by Winter4Kids for information relating to any incident or violation of the Code of Conduct.

b. Reporting by Parents and Spectators

- i. Parents and spectators are encouraged to report any improper conduct to the coach and/or Winter4Kids .

Commented [JS1]: do we use an email to report to or create a form somewhere?

Commented [JS2]: ? or an email

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ii. If a parent or spectator reports misconduct to the coach and feels that the misconduct is not appropriately addressed, the parent or spectator is encouraged to contact the Winter4Kids through the Winter4Kids website or email

2. Procedures for Addressing Improper Conduct

a. Coaches and Officials

- i. Coaches and officials shall promptly address any misconduct that is observed or brought to the attention of the coach or official during an Winter4Kids event.
- ii. Coaches, officials or Winter4Kids staff members has the absolute authority, in their sole discretion, to issue verbal warnings and/or eject any player, parent, or spectator from any game or match if the player, parent, or spectator violates the Code of Conduct or engages in any Offensive Action.
- iii. Officials have the absolute authority to issue verbal warnings and/or eject any coach from any game or match if the coach violates the Code of Conduct or engages in any Offensive Action.

b. Winter4Kids Review Process

- i. Winter4Kids will conduct a timely and reasonable investigation into any misconduct reported. The scope of any investigation will be determined by Winter4Kids in its sole discretion, provided, however, any person accused of misconduct will have a reasonable opportunity to be heard.
- ii. After a reasonable investigation, the Winter4Kids will determine the appropriate penalty for any violation of this Code of Conduct and any Offensive Action.
 - 1) Penalties will be based on the nature and severity of the violation.
 - 2) Winter4Kids will strive to treat all similar offenses in a similar manner, while considering the individual facts and circumstances of each violation.
 - 3) Winter4Kids will not discriminate in any manner in determining whether to impose a penalty or in determining which penalty to impose.
- iii. Winter4Kids will keep reasonable and appropriate records of each reported violation, and shall document each penalty and the reasons for imposing the penalty.

All decisions of Winter4Kids are final and cannot be appealed.

1. Penalties

Winter4Kids shall determine the appropriate penalty for any violation of the Code of Conduct and any Offensive Actions. Penalties may include any one or more of the following:

- a. Verbal Warning
- b. Written Warning
- c. Suspension

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2. Additional Considerations

- a. If a coach or parent is suspended from the Campus , any child associated with that person is also suspended from the Winter4Kids.
- b. If an athlete is suspended from the Winter4Kids, they cannot participate in Winter4Kids for the duration of their suspension. If an athlete is suspended from Winter4Kids, they cannot participate at Winter4Kids.
- c. Behavior of athletes may also subject them to discipline under the Winter4Kids code of conduct.
- d. There are no refunds as a result of any person being removed from the Winter4Kids.

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