

# Right of Refusal Policy

## 1. Purpose

The purpose of this Right of Refusal Policy is to outline the conditions under which W. Rieder Enterprises, dba Culebra Divers [hereafter referred to as Culebra Divers] reserves the right to refuse service to tour participants. This policy ensures the safety and well-being of all participants and maintains the high standards of Culebra Divers.

## 2. Scope

This policy applies to all participants, clients, and customers of Culebra Divers involved in all boat tours including but not limited to snorkeling, recreational diving, introductory experiences, and training.

## 3. Grounds for Refusal

Culebra Divers reserves the right to refuse service based on any of the following grounds:

1. **Safety Concerns:** If there are any concerns regarding the participant's safety or the safety of others, including but not limited to health conditions, lack of experience, or inappropriate behavior, service may be refused.
2. **Non-compliance:** Participants who do not adhere to the established guidelines, rules, and regulations of Culebra Divers or who fail to follow safety protocols may be refused service.
3. **Medical Conditions:** Individuals who present with medical conditions that may pose a risk to their health or the health of others may be refused service. This includes, but is not limited to:
  - Clearly unfit to dive, exhibits breathlessness, or deemed beyond our ability to manage if in medical distress
  - Unable to manage gear or out of breath when performing basic functions
  - Suspected to be under the influence of alcohol, drugs, or other substances
  - Medically unfit to dive (requires clearance from a dive medicine physician for preexisting conditions, or use of a systematic instrument such as the Recreational Scuba Training Council medical statement for all clients; in extreme circumstances, service may still be refused even if a medical fitness-to-dive certificate is presented)
  - Physical infirmity due to advanced age
  - Medical conditions such as a cold, congestion, difficulty breathing, lack of balance, confusion, physical injuries, or other issues that may jeopardize the client's health and safety
4. **Behavioral Issues:** Participants displaying behavior deemed disruptive, aggressive, or otherwise unacceptable will be refused service to ensure a safe and respectful environment for all. This includes, but is not limited to:
  - Aggression, recklessness, not following briefings, or refusing to follow instructions from the dive professional or the boat captain

5. **Certification and Competence:** Service may be refused if participants do not meet the necessary certification, experience levels, or competence required for the dives. This includes:
  - Inadequate certification, experience levels, or apparent competence for the specific dives
  - In-water skills showing a lack of ability to undertake a specific dive activity
6. **Equipment Issues:** Participants who do not have or use the required equipment properly, or whose equipment does not meet safety standards, may be refused service. This includes, but is not limited to:
  - Dive equipment that is clearly compromised or damaged
  - Lack of knowledge of the equipment, especially on a demanding dive
7. **Safety Compliance:** Service may be refused due to failure to follow safety requirements. This includes:
  - Difficulty following safety requirements
  - A disability that precludes our ability to safely manage them or that cannot reasonably be accommodated

#### **4. Procedure for Refusal**

1. **Assessment:** The decision to refuse service will be made based on a thorough assessment by a qualified representative of Culebra Divers.
2. **Communication:** The refusal will be communicated to the participant in a clear, respectful manner. The reason for the refusal will be provided, and any immediate concerns will be addressed.
3. **Documentation:** The refusal will be documented, including the reason for refusal and any relevant details. This documentation will be kept on file for future reference.

**Effective Date:** July 30, 2024

**Reviewed by:** Heather and Trevor Cooke, President and Secretary/Treasurer of Culebra Divers