

Approval Date: February 2, 2007

Parent Policy: [Risk Management Policy](#)

## Waiver and Release of Liability Procedure and Informed Consent Procedure

<b>Office of Administrative Responsibility:</b>	Insurance and Risk Assessment
<b>Approver:</b>	Associate Vice President, Risk Management Services
<b>Scope:</b>	Compliance with University procedure extends to all members of the University community.

### Overview

The University has a liability insurance program to protect staff, students and volunteers taking part in sanctioned activities such as field trips associated with teaching or research activities or recreational activities undertaken by student groups. The University seeks to limit its exposure to legal claims for bodily injury or property damage to third parties during institutional operations and related activities.

Participating in an activity can often be taken as voluntarily assuming the inherent and obvious physical risks of the activity. Accidents can happen that are not caused by a negligent act of anyone associated with the University. The main purpose of a waiver or informed consent form is to inform participants of the potential risks associated with the activity and that the participant (or parent/guardians of minor participants) understands the risks and agree to assume the possible foreseen or unforeseen risks. Risk Management believes a properly worded and executed waiver or informed consent form can also serve as a reliable and valid legal tool that can limit the University's liability and reduce the exposure to claims by third parties.

### Purpose

To identify the proper procedure to follow when requiring participants in university sanctioned activities to sign waivers or informed consent forms.

To identify what information must be included in waivers or informed consent forms, when they can be signed and by who, and who can witness a waiver.

To identify proper procedures for storing signed waivers and informed consent forms.

## PROCEDURE

It is important to note that any activity involving minors (under the age of 18) requires the use of an **informed consent** form. Minors cannot sign a **waiver**.

### 1. Requirements of a Waiver or Informed Consent Form

Participants in any activity must be notified they will be required to sign a waiver or informed consent form well in advance of the event (on/off campus). Both waivers and informed consent forms must be signed in the presence of a witness.

Waivers and informed consent forms must identify the activity and the possible risks arising from the activity. Waivers and informed consent forms can be customized for each activity and must clearly identify the group organizing the activity; the name, address, telephone number, birth date and student ID number of the participant; a description of the risks of the activity; an indemnification and release of liability statement; and *FOIPP* information. Sample waivers and informed consent forms are available in the Financial Services Forms Cabinet (this can be a hot link). Advice and

support on the customization of waivers and/or informed consent forms is available from Risk Management.

Waivers and informed consent forms cannot be signed when or where alcohol is being served.

For minors (persons under the age of 18) an informed consent form must be used.

## 2. Execution of Waivers and Informed Consent Forms

Waivers and informed consent forms must be witnessed by specifically designated personnel of the Faculty or Department or an executive member or designated volunteer of a registered student group.

All the waivers for each event/activity should be witnessed by the same person. If this is not possible, try not to use more than three individuals as witnesses.

Witnesses to waivers and informed consent forms must:

- Verify that the participant or the parents/guardians of minors have read the form
- Ensure the participant or the parents/guardians are of sound mind and body
- Check picture identification to ensure the person signing waiver or informed consent form is over the age of 18.
- Ensure the person signing the form has not changed or crossed out any of the wording on the form
- Ask each person signing the form: "Have you read and do you understand the waiver or informed consent form?"
- Ensure the person signing the form has responded in the affirmative and say "YES"
- Then have the person sign and date the waiver or informed consent form

## 3. Storage of Waivers and Informed Consent Forms

Executed waivers and informed consent forms should be filed and safeguard with the Faculty/Department for 5 years. Informed consent forms for minors must be kept for a further five years after the minor reaches the age of 18.

Student Groups' executed waivers should be filed and safeguard with the Directors of the Student Group Services for 5 years. After the waivers are executed the student group must prepare an alphabetical list of all participants indicating the club name, the event and the date.

## **DEFINITIONS**

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [\[▲Top\]](#)

<b>Informed Consent</b>	An agreement whereby the parent/guardian of a minor acknowledges and assumes the possible risks associated with the activity and gives consent for a minor to participate.
<b>Waiver</b>	A contract between two parties. The person signing the waiver (participant in an activity) agrees to give up the right to sue.

## **FORMS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [\[▲Top\]](#)

The links below are to commonly used waiver or informed consent forms for University sanctioned activities. Some may not be appropriate to apply to specific events, but forms can be customized as necessary. Please contact your immediate supervisor or consult with Insurance & Risk Management for further assistance.

[Waivers](#)

## **RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Alcohol Procedures and Regulations](#) (University of Alberta)

[Insurance and Risk Management](#) (University of Alberta)